Translation, interpreting and institutional routines

The case of Slovakia

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Abstract
Public service translation and interpreting (PSIT) is crucial for the interaction between a government and citizens belonging to national minorities, non-natives and citizens with special needs. Through these language services, such citizens gain improved access to information about legal proceedings, social security applications and inclusion rights. This chapter focuses on two aspects of the provision of institutional translation and public service interpreting in Slovakia: (1) the translation policy towards target groups of institutional translation: labor migrants, asylum applicants, refugees and members of language minorities; (2) the quality of the translation and interpreting services provided. We describe the way in which language services are provided in the institutional sector, by defining the target groups and the legal framework for the provision of PSIT. We outline the historical development of the provision of language services to non-native populations in the framework of language rights and the provision of PSIT for labor migrants. The chapter also considers the most recent target group of public service translation and interpreting: asylum applicants and refugees. In conclusion, we make recommendations for the introduction of systematic and standardized measures of institutional translation and interpreting in Slovakia.

1 Introduction

Institutional interpreting and translation are crucial for the interaction between a government and citizens belonging to national minorities, non-natives and citizens with special needs. Through these language services, such citizens have access to information on areas of law, social security and integration. This access gives them the opportunity to express themselves fully in a range of critical situations, such as court cases, in connection with the
public prosecution office, and when dealing with the police and the migration office. In this context, this chapter focuses on two aspects of the provision of institutional translation and public service interpreting in Slovakia: (1) the translation policy towards three target groups of institutional translation: labor migrants, asylum applicants and refugees and language minorities; (2) the quality of the translation and interpreting services provided.

We analyze the translation and interpreting services provided by institutions against Koskinen’s definition (2014, 479): “the core function of institutions as regulatory organizational systems is to govern, and in a multilingual environment they can and often do employ translation in performing their governing function. In that case, they govern by translation.”

We understand translation policy as defined by Meylaerts (2011), that is, as legal rules that regulate translation in the public domain. As Meylaerts (2011, 165) states: “By means of its translation policy, a government thus regulates people’s access to or exclusion from public life and services (…) Translation policies are instrumental in furthering (or hindering) the right to communicate with the authorities (…) They are an integral part of languages policies, which regulate language use in the public domain.” This definition of institutional translation and interpreting partly overlaps with parallel concepts such as community, social, liaison and public service translation and interpreting (PSIT). The specific delineation of these concepts depends on the differences in translation and interpreting policy and legislation in particular countries. Since the 1990s, community interpreting has been established as an independent sub-discipline within translation studies and has focused on a range of research domains: interpreting for the police, in hospitals, in asylum procedures, as well as sign-language interpreting.

As a follow-up to this, several governmental and professional organizations developed strategies for the professionalization and standardization of the provision of language services to non-native speakers. In Canada, based on the initiatives of professional organizations, the National Standard Guide for Community Interpreting Services\(^1\) was developed. Similar programs have also been created in Australia, the United States and later on in some European countries among a variety of groups of labor immigrants and asylum seekers. An important step in the standardization of community and public service interpreting was ISO 13611: 2014 Interpreting – Guidelines for Community Interpreting.\(^2\)

\(^2\) https://www.iso.org/standard/54082.html.
The high demand for interpreting and translation in criminal proceedings in the European Union (EU) with a wide variety of standards and quality of service, and the need to support the interests and concerns of national associations, led to the foundation of the European Legal Interpreters and Translators Association (EULITA) in 2007. In 2010, this association was involved in the formulation of a directive of the European Parliament and the Council on the right to interpreting and translation in criminal proceedings.\(^3\) The directive encompasses key recommendations regarding the right to interpreting and translation of essential documents and regarding the quality of that interpreting and translation. Those recommendations are very relevant and influential for other legal and institutional settings where translation and interpreting are required. One of the initiatives of EULITA is the formulation of a new ISO-norm on legal translation and interpreting which will clearly establish and delineate legal and community translators and interpreters.\(^4\) Following these developments in the field, it was a logical next step to start formulating recommendations for the European Commission concerning a common European legislation and financing policy for translation and interpreting in the public service sector. Therefore, in 2014, the Belgian organization Junction Migration-Integration initiated the establishment of the European network for Public Service and Translation (ENPSIT).\(^5\) ENPSIT encourages relevant stakeholders to work towards a unified European framework of institutional interpreting and translation.

The guarantee of language services for diverse groups in society speaking a language other than the official state language is the subject of a broad spectrum of interdisciplinary research. It moves from the examination of language rights of citizens in the public sector, to the scope, manner and quality of the provision of translation and interpreting services in the individual sectors of public services, through to the analysis of completed translations. Attention is also paid to the asymmetry of power, the person of the interpreter and translator, the method and opportunities for lifelong learning of interpreters and translators, and the extent and effectiveness of the use of accessible language technology in this communication sector. Also crucial are the ethical aspects of this type of communication.\(^6\)

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5. See the ENPSIT website to consult the history at http://www.enpsit.org/.

In what follows, and in line with D’hulst, O’Sullivan, and Schreiber (2016, 15), we outline translation policy in the institutional environments in Slovakia by explaining two aspects of translation policy: (1) the objectives, principles and procedures established by the state entities to regulate the translation practices of the language communities in Slovakia and (2) the actual translation practice.

2 Translation policy and the target groups of institutional translation and interpreting in Slovakia

Slovakia, as a small and traditionally multilingual country, has conducted wide-ranging discussions regarding language policy, the use of state languages, of languages of national minorities and of the languages of labor migrants and refugees. The concept of public service translation and interpreting is relatively unknown and underdeveloped in Slovakia. In the practical provision of translation and interpreting services by state authorities, only translators and interpreters registered by the Ministry of Justice are employed. The commonly used term for this language service provider is ‘court translator/interpreter’. However, the contexts in which the registered interpreters and translators are employed fall within the legal, social and community sectors.

In the next section, we describe the way in which language services are provided in the institutional sector, mainly for state institutions, by defining the target groups and the legal framework for the provision of institutional translation and interpreting. We also mention the historical development of the provision of language services to non-native populations. We briefly outline the evolution of language rights and language services for minorities and subsequently compare the position of three national minorities in Slovakia, that is, the Czechs, Hungarians and Roma. We describe the provision of translation and interpreting for labor migrants and the most recent target group of public service translation and interpreting: asylum applicants and refugees in Slovakia.

2.1 Target groups

Slovakia is one of the smallest countries in the EU with an estimated 5.5 million inhabitants. Due to its geographical location and history, Slovakia has always been a multilingual country, where nine recognized national minorities are currently living. Originally, the territories of the Slovak Republic belonged to and were ruled by the Dual Monarchy of Austria-Hungary. After
its dissolution and after the Second World War, the second Czechoslovak Republic came into being, establishing Slovak as the official language of the Slovak part and Czech as that of the Czech part of the Republic (the former kingdom of Bohemia and Moravia). The Czech and Slovak languages were mutually comprehensible to the citizens of the Czechoslovak Republic because of their similarity and the intensive contact between the two language groups. Since the division of Czechoslovakia and the creation of the independent Slovak Republic in 1993, the use of languages in the Slovak Republic has been regulated by legislation on the state language of the Slovak Republic. This law is the primary text establishing the use of languages within the territory of the Slovak Republic and stipulating the use of the state language, as well as the rules for the use of national minority languages.

Based on legislation on the use of languages of national minorities, there are nine national minority languages: Bulgarian, Czech, Croatian, Hungarian, German, Polish, Romani, Ruthenian and Ukrainian. This law allows citizens of the Slovak Republic belonging to national minorities to use their language in contacts with the official state authorities. It also sets the rules for the use of the minority language in municipalities, where the proportion of citizens belonging to a national minority reaches 20%.

These national minorities are guaranteed the right to disseminate and receive information in their native language, the right to education in their language, and the right to use their language in official contacts, as a result of international provisions (such as the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages). Therefore, state institutions are obliged to provide translation and interpreting for these citizens. As an example, the Slovak Republic recently published translations of some relevant laws in Ukrainian, Ruthenian, German and Romani. The report on the use of national minority languages (2014) states that there are significant differences in the use of minority languages in connection with public authorities. The report mentions for example that in 56% of the municipalities with a Hungarian national minority, citizens communicate with the local institutions in Hungarian. However, in municipalities with other national minorities, inquiries into

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International legal framework for use of languages of national minorities is contained in the European Charter of Regional or Minority Languages, Framework Convention for the Protection of National Minorities.


9 The full text of the translated legislation can be found at www.slov-lex.sk
communication in the language of the national minority are limited or do not appear at all.\textsuperscript{10}

In our research, similar discrepancies in the use of minority languages were also noted in the number of translation and interpreting tasks carried out by the translators and interpreters registered by the Ministry of Justice in Slovakia between 2010 and 2014.\textsuperscript{11} It pointed out that the extent of interpreting in the Hungarian language in the legal and institutional context is many times higher than the number of interpreting tasks in other languages. Figure 1 shows that from among the official national minority languages in Slovakia, Hungarian is the most frequent used language in the interpreting tasks, occurring more frequently than Russian, German and English.

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{figure1.png}
\caption{The ten most frequent languages regarding the number of interpreting tasks provided by interpreters registered by the Ministry of Justice in Slovakia in 2010 (Rakšányiová et al. 2015)}
\end{figure}

\textsuperscript{10} The English version of the report which includes results of a survey on the situation of the use of languages of national minorities on the level of territorial self-government authorities: https://www.narodnostnemensiny.gov.sk/data/files/5422_sprava_en.pdf.

\textsuperscript{11} As part of the research for the TRANSIUS scientific project (“From conventions to norms in the legal discourse”, 2014–2017), we have carried out a thorough, practice-oriented analysis of public service translation and interpreting focusing among other things on the scope of translation and interpreting assignments for the individual languages, the number of translators per language, clients, use of translation processes, interpreting techniques, computer assisted translation tools, LL of translators and interpreters and the degree of standardization and conventionalization of the translation and interpreting process. (Project number: APVV-0226-12, https://fphil.uniba.sk/Transius).
Regarding the number of official translations and interpreting assignments, the situation with the Czech language is quite different. The reasons are the affinity between the Czech and Slovak languages, the traditionally positive relations between these linguistic communities, and the fact that translations of official documents from Czech to Slovak are not required, because the Slovak government institutions accept documents in Czech. Only in 2018 was the Roma language included in the list of languages in which translators or interpreters can be accredited by the Ministry of Justice. To date, no registered interpreter or translator for this language has been registered on the list. An unofficial statement from the Ministry said that no state institution had reported a need for a certified interpreter in the Roma language. We assume that the demand for translation and interpreting services on the part of minorities has a direct impact on the provision of translation and interpreting services by the state, based on the fact that for the smallest minority language, Ruthenian, there is no actual possibility to be certified as a court translator and interpreter.

In addition to national minorities, public service interpreting and translation are provided in Slovakia to migrants, asylum seekers and refugees. The most notable groups of immigrants that arrived after World War II are the now already mostly integrated Vietnamese and Chinese communities, who were invited and settled in the era of socialism. The fact that the provision of translation services to these two language groups of migrants was and is underdeveloped is highlighted by the fact that there are only five certified interpreters for these languages registered at the Ministry of Justice.

Since Slovakia’s accession to the EU, the number of labor migrants from EU Member States has grown due to the strong development of the automotive industry. An intensive migration of laborers has taken place from beyond the borders of the EU, mainly from Ukraine (more than 20%), Serbia, Russia, China and Korea. The number of migrants with resident permits in Slovakia is 150,012 (2020). In 2020, Slovakia registered 1,295 irregular migrants and 282 asylum applications but only granted asylum to 11 persons.

12 See the list of languages in which the interpreters and translators can be accredited on: https://www.justice.gov.sk/Stranky/Nase-sluzby/Civilne-pravo/Tlmocnici-a-prekladatelia/Zoznam-tlmocnich-a-prekladate%EDsk%EDch-odborov-pod%EDjazykov.aspx.

The state institutions are not developing a systematic translation policy that could respond to the growing numbers of migrants. Slovakia has not yet developed an institutionalized and functioning model of PSIT that would be inclusive. The right to use their language only relates to these communities for communication in some legal settings such as criminal proceedings and, in the case of refugees, in asylum procedures. Compulsory language services are provided in schools to a limited extent, but PSIT in hospitals remains at a preliminary stage.

2.2 Certification and registration of translators and interpreters

Interpreting and translation services for foreign-speaking citizens in the Slovak Republic are officially provided by the State through interpreters and translators registered on the list of the Ministry of Justice. These translators and interpreters are registered under the current legislation after passing an exam organized by the Interpreting Institutes and the Ministry after meeting the administrative conditions prescribed by law.\(^\text{14}\)

The register listing the current information about interpreters and translators is publicly accessible on the Ministry’s web page.\(^\text{15}\) The Register lists some 250 interpreters and 850 translators of thirty-six languages. In some countries of Central Europe, such as the Czech Republic, sworn translation and interpreting is united under one concept. However, in the Slovak Republic, interpreting and translation are separated. In practice, the professions of sworn interpreter and translator are complementary. Depending on the procedural circumstances, the interpreter is asked to provide, in addition to interpreting or translation, a written or oral summary of the source communication or to prepare an assessment report on the performance of a colleague.

As a result of previously mentioned labor migration, widening of business activities and development of cooperation, the demand for translation from and into languages such as Dutch, Chinese, Turkish, Finnish, Vietnamese, Hebrew, Japanese and other non-Central European languages is increasing. Market research concerning translation services in Central


\(^{15}\) See: https://obcan.justice.sk/infosud-registre/-/isu-registre/zoznam/tlmocnik.
Europe, specifically in the Czech and Slovak Republics, has shown that the intensification of trade contacts and labor migration within the EU has led to the highest demand for translation and interpreting services, particularly in the field of institutional and legal interpreting. This tendency may not be reflected in the number of qualified translators and interpreters. There is only a very limited number of qualified interpreters and trained language specialists available on the market in this field. The lack of qualified sworn interpreters and translators has a direct impact on the actions of investigative bodies, the public prosecutor’s office, the courts, social services, as well as on the quality of healthcare, where no translation or interpreting services are provided. This significantly complicates the working and living conditions of labor workers and migrants (Rakšányiová et al. 2015).

The lack of professional interpreters for the above-mentioned languages is also due to the fact that no educational institution in Slovakia offers specialized courses for legal or community interpreters, namely, for those who have not studied translation and interpreting but specialize in a different discipline and at the same time have a good knowledge of a foreign language. Interpreting for government bodies, such as courts, the police and the migration office, is carried out under specific conditions, which, apart from consecutive interpreting, require the use of other interpreting techniques. These include chuchotage, sight-reading, interpreting and summarizing the contents of a document, interpreting via a third language, videoconference interpreting and interpreting by telephone.

The special circumstances of interpreting for asylum seekers and migrants is given insufficient state attention. Interpreters do not receive special training or guidance, and they often work ad hoc. Some governmental authorities provide interpreting within the framework of project cooperation with partner institutions abroad via videoconferences and in a third language. Existing legislation needs to be amended in order to meet the needs of the present situation in the public sector and to improve the quality of the performance of individual translators and interpreters. Moreover, there is a lack of lifelong education, insufficient supervision of the performance of translators and interpreters and a shortfall in the commissioning of translators and interpreters who are not listed in the register.

Relevant results from field research on interpreting in asylum procedures in Slovakia can be found in Tužinská (2011, 2017, 2020).
3 Quality of the services provided – observations from the asylum procedure

This study integrates analytical insights from anthropological and sociolinguistic studies on communication in legal settings (Wadensjö 1996; Pöllabauer 2004; Maryns 2006; Good 2007; Eades 2008; Gill and Good 2019). Research data come from first-hand participant observation of the asylum hearings at the Regional Court in Bratislava and from ethnographic interviews conducted in 2006–2008 and 2016–2019 with asylum applicants, their legal representatives, interpreters, as well as with decision makers from the Migration Office of the Ministry of Interior of the Slovak Republic. The interviews were semi-structured, focusing on the context of communication, specifically on the role of interpreters in the asylum process. Standards of interpreting were observed in three main state entities dealing with asylum applicants: the foreign police, the migration office and the regional courts.

Regarding the complexity of problems with interpreting in the asylum field, we discuss the observed routines in three areas: (1) availability of interpreters, (2) the process of language identification, (3) communicating rights to asylum applicants.

3.1 Availability of interpreters

Institutions dealing with asylum applicants have a range of attitudes towards interpreting standards, dependent on their executive power and their role in the civil service. The lack of qualified interpreters in civic/legal proceedings and constraints resulting from this unavailability pose a double challenge: overcoming linguistic and cultural challenges are not given sufficient priority. All stakeholders are under pressure to accept “at least someone willing to arrive”. This contributes to an applicant’s vulnerability and increases his or her possible dependency on the interpreter.

17 This study also refers to data from interviews with legal representatives of asylum applicants from nongovernmental organizations in the Central European region in the project “Communication with Foreigners: Legal Implications of Interpreting. A Comparison of Practices in the V4 Countries (Poland, Hungary, Czech Republic and Slovakia) and the Ukraine” in 2010–2011. The project was initiated by the Human Rights League in association with the Polish Helsinki Foundation for Human Rights, the Hungarian Helsinki Committee, the Czech Organization for Aid to Refugees and the Ukrainian Caritas. The repeated semi-structured qualitative interviews were carried out individually and in focus groups during project meetings with legal representatives of each above-mentioned country and with sworn interpreters in Slovakia.
Although there is a publicly available list of court interpreters, passing the exams and paying the compulsory fees represent an additional administrative burden. The state entities are not required to exclusively contract court interpreters and may appoint an interpreter ad hoc. People having a command of rarely accessible languages in the region are on the internal lists of agencies, police, migration office and the courts. Employing interpreters who have not undergone professional training is generally highly problematic for comprehension. Pöllabauer explains how miscommunication also happens due to a lack of shared backgrounds and linguistic resources. Unequal sociocultural backgrounds and disparities in the educational level of the interactants represent a particular challenge: “Apparently ‘simple’ explanations do not always produce better understanding” (Pöllabauer 2004, 171).

In the case of asylum applicants, when first in contact with the police, interpreting might be conducted by one of the migrants from the group under scrutiny. In such circumstances, ad hoc interpreters, upon whom the applicants might be dependent later on, thereby gain access to the applicants’ personal data. There are cases in which the interpreter belongs to the party from which the applicant has fled or is of a religious or political affiliation involved in the former persecution of the applicant. Some of the applicants reported that they minimalized their testimony out of fear of the consequences of revealing sensitive data. If the essential facts are distorted or omitted, the trustworthiness of applicants is later in doubt. Moreover, the asylum seekers fear that proceedings might be discontinued, or the application rejected, if they report dissatisfaction with the services of the state from which they seek refuge.

With regard to the location and time of the interviews (Tužinská 2020), limited numbers of interpreters are likely to be willing to come to police stations or detention centers on demand, at irregular times and to less accessible places. Therefore, it is not unusual for ad hoc interpreters to be only accessible via mobile phone. Even though for interviews in the migration office and for court hearings the time allocated for finding an interpreter is longer than at the state borders, it may not increase the chances for the appointment of a professional. As a police officer concludes:

There is the question of whether he agrees to the interpreting of that, whether he fully understands it. Basically, that’s about it, otherwise it could not be interpreted in any institution, because there are not so many interpreters with that stamp with the state emblem of the court interpreters so, unfortunately, we have to take such interpreters too, but that’s a minor percentage. The ministry now has a contract with such an agency that provides these interpreting services, and they primarily contact only court interpreters.
Court interpreters, however, view this situation differently (Tužinská 2020): “The agency cuts down the prices and prefers those who cooperate with the ministry.” Asylum applicants add: “Such interpreters are often in foreign police. Terrible friends with the cops, they have them on Facebook as friends, and now they bring the cakes to them. As soon as they arrive, they say Ciao!” The same might apply vice versa, when the interpreter arbitrarily speaks with the applicant during the proceedings and is unaware of the negative consequences. Simultaneously, “forging alliances with the officers, however, does not necessarily mean that they show uncooperative behavior to the asylum-seekers” (Pöllabauer 2004, 175). However, the over-cooperative behavior with the state entity is an ambiguous signal to the applicant.

Our long-term observation is that objections of asylum applicants raised at appeal courts are usually of two types. Firstly, the interpreters might not fully understand what was said; secondly, the report could be incomplete or may contain inaccurate translations of particular statements. Over the course of time, the applicants claim to have discovered that the interpreters also expressed to the third party their personal attitudes, evaluating speech of applicants as insubstantial or incomprehensible (Tužinská 2020).

3.2 Process of language identification

Even if authorities declare that ensuring correct interpreting is the cornerstone of successful and fair communication, it does not correspond to what asylum applicants and their legal representatives report later on. If officials in the asylum applicants’ presence communicate with the interpreter in the state language, that is, a language which the applicant does not know, they cast doubt upon their own impartiality; the same occurs when an interpreter communicates with applicants in the language of interpreting in the officials’ presence. The following passage from an interview with a legal representative illustrates the point (Tužinská 2020). She was called to a detention center by a person who intended to apply for asylum.

Imagine the interpreter as he interprets the instructions and the client just stares at me. Nothing. “Continue,” the policeman tells him. Well, he goes on and then I say, “Maybe we could make sure he understands it.” And then the interpreter asked in Urdu, and I did in English – he only shook his head, that he did not understand. And the policeman said, “Well, interesting! Before you came, he understood.” I ask, “When before?” “Before you came, we were talking with him already.”
The legal representative claimed that the applicant could speak Pashtu, “a little English” and perhaps “a little Urdu”. She presupposed that for verification they asked him in Urdu something like: “Do you want to go to Bulgaria?” “Because that is where he came from and he does not want to go back to, he heard Bulgaria, so he said no. But as soon as he began to listen to some legal text, he did not understand.” The applicants’ willingness to cooperate under time constraints led police officers to believe that the legal representative was unnecessarily prolonging the procedure. Yet she had only refused to ignore the limits of linguistic competence.

Imprecision in interpreting is higher where the interpreters claim that the differences in dialects, sociolects and regiolects are not substantial. Often it is the case with so called ‘neighboring’ languages. For example, Afghan translators normally speak Farsi and Pashtun. Since only one of those languages is their mother tongue and they are unaware of minute differences, some specific expressions are incorrectly translated. Words might sound the same, but vary (and are sometimes opposite) in meaning. Inaccurate interpreting in cases where the interpreter had insufficient command of the language in which the interview was conducted, was justified by the officials as an unintended side-effect of unavailability of court interpreters. For the applicant, the above-mentioned ‘approximate’ translation may produce a mass of inaccuracies in the final evaluation of his or her testimony. This deficiency has been observed in several cases where ad hoc interpreters were used, though rarely where certified court interpreters were employed (Tužinská 2020).

On the other hand, to ease the process of finding an interpreter, applicants themselves declare that they understand and speak English, Russian or French. In most cases, it was at a basic or intermediate level and/or a dialect. The language identification was itself an investigation and not only at the beginning of the asylum procedure. Interpreting is an ever-present and complex matter that changes the interpretation of the case in the course of procedure.

As Maryns (2006), Berk-Seligson (2002) and Eades (2008) have pointed out, there is a need to be aware of language registers as a linguistic mechanism for identity construction. Communication depends not just on which language is used per se but also on which kind of language register the participants use. Linguistic means are powerful tools which contribute to the shaping of asylum seekers’ narratives. If both interpreters and officials unknowingly added words such as “probably, perhaps, some”, it signified uncertainty. They might also have concealed the subject, which, in some languages more than in others, changed the claim from the first to the third person. What also changed the impression were prosodic features such as rhythm, intonation or emphasis. These linguistic means contributed to what was actually transcribed in the
final report. Thus, for some it represents a subtlety, for others it might become a constitutive element of an asylum applicant’s identity construction. We argue that in the process of language identification, the above-mentioned language features are usually considered to be subliminal.

As many scholars have already noted, those in charge decontextualize what the asylum applicant said and recontextualize it in their own words, within their own expert discourse (Berg-Seligson 2002; Maryns 2006; Eades 2008; Gibb and Good 2014; Gill and Good 2019 and others). In a similar vein, Spotti argues that there is a need to “shift the analysis here from differences between ‘languages’ to differences within languages, for example, ‘ways of speaking’, ‘ways of narrating’, and ‘ways of naming things’.” Register is connected with issues of belonging as well as expectations of how things should be narrated and named (Spotti 2019, 85). It is not only an “appropriate” register that is expected of asylum applicants. The use of ‘legalese’ on the side of the state also brings challenges for the interpreting process.

3.3 Communicating rights to asylum applicants

The asylum seeker enters an already established communication hegemony (Briggs 1984). In this sense, the language for institutions is constitutive, that is, the means by which the institution forms a coherent social reality (Vrábľová 2018). The institution justifies its interventions which obstruct narration and also obstruct qualified interpreting by rushed conduct of the interview, by posing closed questions and by frequently interrupting replies. The interpreter may not follow professional standards, and ignorance of professional terminology disadvantages the asylum seeker (Štefková 2013; Guldanová 2013, 2014; Lipovec Čebron-Pistotnik 2018; Petrovic 2018). Attitudes are diverse among all parties to the extent in which it is necessary to explain and understand the official procedure. This circumstance includes verifying whether both parties mean and understand the same thing when using “common” legal or cultural terms (more in Tužinská 2019).

The state conducts legal processes at the police station, at the migration office and in the courtroom with authoritative certainty. Yet, on the whole, asylum seekers view this lengthy process under time constraints as full of uncertainties. At the end of the minutes the sentenced person declares: “That’s all I want to say to that matter, everything I have said is true, I have not silently concealed anything. During my testimony, no physical or psychological pressure was imposed on me by the police, I voluntarily denounced it. I do agree with the contents of the minutes, I do not wish to change or add anything.”
Our ethnographic case studies confirmed rather the opposite: the interviewed asylum seekers did not say all they intended, they might have concealed some information out of fear or for other reasons, they reported being put under pressure, and the minutes might not be fully translated (Tužinská 2020).

Firstly, we inquired as to how the knowledge of the official procedures is constructed. When we asked a police officer to what extent she was concerned about verification of what asylum applicants understand from the procedure, she replied: “No one will ever explain even to an ordinary person the law exactly when we go into such details. I have always been taught that ignorance of the law does not justify (e.g., my mistake) and it did not justify me either.”

Applicants themselves mentioned several areas of possible misinterpreting in the course of justification of their claims. In general, before anyone tells them in detail the procedural sequence and before they have a legal representative, they expect the officials to clarify their responsibilities. A legal representative spoke about a situation in which she observed a client being put under pressure to sign a declaration in a detention center (Tužinská 2020):

They (asylum applicants) are told only that they just need to sign something. Many times we simply ask: why did you sign it? You did not understand it, and it’s the most relevant thing, why did you sign it? Because they thought they had to. And I already understand it now when I saw one of the situations: imagine a relatively high-ranking cop, a strong young guy who’s behind that computer... next to the poor boy sitting there with his head down, not understanding a single word from a poor interpreter.

In general, at the beginning of proceedings, asylum applicants are not informed of all their rights and responsibilities, or of the course of the interview, or of the possibilities for further official action. In most cases, the police report on the reasons for submitting an asylum application is abbreviated as the police do not inform applicants how detailed their report should be or what type of facts it should contain. When asked in the courts why asylum seekers did not state some facts earlier, they would say the instruction was: “Speak briefly!” Also, the interpreter personally encourages the applicant to condense his or her statements. However, further explanation of incompletely expressed opinions is often interpreted by officials as a deceitful or contradictory statement.

By not explaining the entire course of the proceedings to the applicant, the interviewer makes more interventions, which ultimately obstruct not only narration but also qualified interpreting. Despite these questions, interpreters are aware that their mere presence slows down the process, as in a judge’s remark towards a lawyer: “Bear in mind, we have an interpreter!” The state
representatives summarize decisions, in some cases with an interpreter; complete decisions are given to the applicants in written form, in the state language, Slovak.

Secondly, when it comes to legal terminology, actors in the migration field expressed a variety of restrictions. Ad hoc interpreters usually have limited command of legal vocabulary. For example, the interpreter sometimes translates inaccurately that applicants are going to be placed in a *reception* camp, when in fact they might be ultimately placed in a *detention* camp. Asylum applicants explicate this finding as a consequence of interpreters siding with the state as well as a means of protocolar swiftness. The migration office and courts rely on legal representatives as sufficient substitute for interpreters’ incompetence in legal terminology. Some of the officials remarked that asylum applicants (a) would not actually understand the legal terminology and/or (b) leave the country as soon as possible anyway. More fundamental misunderstandings happen if the person who conducts the interview does not explain the term ‘persecution’ or poses the question regarding persecution verbatim. Applicants might not be conversant with the intentional meaning as stated in the Geneva Convention.

Fluency in the use of legal terminology in the field of migration is a matter of individual responsibility for each interpreter. However, with regard to their support, there are no publicly provided, specialized courses provided in this area. A policeman’s stance towards precision of interpreting is succinctly described in his question to a legal representative (Tužinská 2020):

Well, do you think it is necessary to interpret every page? When it is just a legal text? He will not understand anyway. Perhaps not even the interpreter would be able to do it, all those legal terms. Or do you think that everything needs to be interpreted? When he has a legal representative? You will explain it, so why shall we interpret it all?

At the same time, legal representatives may refrain from demanding a signature from an uninformed applicant on the spot. They usually consider interpreting of particular legal steps in plain language. However, police representatives are convinced that the selection of interpreters and the quality of their services are secured appropriately (Tužinská 2020):

We do appoint those who do not have the stamp, but they are from that country. The people are fully integrated here. We already have such people basically in every language, so we appoint them and we see if the man nods and he confirms this with his signature in the minutes, he confirms each side of the minutes.
The accuracy of the decision is intertwined with the accuracy of the interpreting. If the applicant states that he or she did not say what is written in the report, there is no proof of any shift in meanings. Discrepancies may serve as proof of the asylum applicants’ untrustworthiness in further proceedings. Unqualified interpreting can lead to misinterpreting in the official proceedings and subsequently impact the final decision.

At the court hearing, after the judge reads her statement, she usually asks a closed question: “Did you understand?” The asylum applicant nods and the judge puts into the record: “Reasoning understood.” At the end of a hearing when the judge says: “It is cancelled”, the interpreter either remains silent or turns his head towards the legal representative with a question “It’s good?” and gets an answer after the hearing in the corridor of the court.

The interpreter’s linguistic competence, including legal terminology, is verifiable on the spot only to a certain extent, and generally it is less probable that the asylum applicant will express discontent with the interpreting immediately during the proceedings, because the objection would have to be translated by the interpreter concerned. Applicants also hesitate to object to the state service, as it is the same entity they ask for protection. However, the quality of interpreting is conditioned by the interpreters’ independence on or interdependence with the respective state institution. Balancing this power asymmetry requires awareness of its existence: “Although interpreters often lack institutional power, they may be equipped with power within the exchange as a result of their bilingual and bicultural expertise. They may exercise this power by adopting various verbal and non-verbal strategies to negotiate, coordinate, check and balance power relations” (Angelelli 2014, 5).

The stance of the state towards interpreting indicates how much symbolic space is given for communication with applicants. Similarly, in the following example, a legal representative reported on the police officer’s stance towards her and the interpreters’ presence in the interview (Tužinská 2020):

“It would take a long time.” Even now, when the cop has asked me, “Will you go on a lot? Let us not prolong it.” You know, then it does not run so smoothly, according to them. I understand that they have a lot of work, they are under pressure with such a turnover, wishing to be finished as fast as possible. Especially when they know nothing will change their decision. “Whatever you say into the minutes, we will write it down, but it will not have any influence on our decision.” She told me this straight in the beginning. (laughter) She also said they have a command from above not to let them go.
The restrictive attitudes of some political representatives in Slovakia and their presence in the media would require additional site-specific research.

4 Conclusion and recommendations

The description of the Slovak context shows that regulation in the field of institutional interpreting does not always follow current developments in migration and the diversified needs of the target groups. In many cases it is non-systematic, non-standardized, correlated with the political representation of specific minorities, stemming from the unwillingness of the political elites to provide the service in particular contexts and in sectors with no immediate profit. Based on the aforementioned observation, we pointed out some crucial aspects of institutional translation and interpreting in Slovakia that deserve further attention:

– Slovakia lacks **accredited, specialized institutional training for institutional translators and interpreters**, particularly in combinations of languages with limited diffusion; this is especially true for languages not sufficiently represented in our region. The existing courses for court interpreters and translators are focused on the knowledge of some partial areas of the legal system – the contents of the law regulating the translation and interpreting service for the state authorities. Interpreters and translators are relatively isolated in their work and are dependent on self-education.\(^{18}\)

– Slovakia also lacks an **institutional framework** that would distinguish the performance of court interpreters and translators from the medical, social and educational domains. Specific attention should be paid to translation and interpreting services in asylum procedures. Such a framework could assure a standardized procedure of certification and evaluation of translators and interpreters in line with the aforementioned educational framework. This framework would offer an effective organizational structure to ensure the provision of translation and interpreting services where needed.\(^{19}\)

\(^{18}\) The first steps towards the education of institutional translators and interpreters in combinations of less common languages have been taken within the Erasmus+ project PACI (Professional, Accessible Community Interpreting). This project aims to create a generally applicable model of language-neutral intensive training of high-quality skills in the field of community interpreting and translation. (Project number: 2017-1-SK01-KA203-035412, https://www.kgns.info/paci.)

\(^{19}\) Inspiration for the development of such a structure is provided by the Belgian model, see Štefková and Bossaert (2019) and Bossaert (2020).
A code of ethics for non-sworn interpreters does not yet exist in Slovakia. Even though United Nations High Commissioner for Refugees has a specific code of ethics for translators and has organized training courses for interpreters in asylum proceedings, the interpreter sometimes does not know and does not adhere to the fundamental standards of interpreting. In practice, there is no established mechanism for inspecting and maintaining the level of interpreting and enabling disciplinary action in cases of breaches of the code of ethics, with criminal proceedings to be initiated in those cases where there is suspicion that a criminal offense has been committed. Interpreters are active participants in the often multilingual and intercultural exchanges that take place in asylum interviews and appeal hearings, although the mechanistic views of interpreting and ideas about the ‘invisibility’ of the interpreter that are sometimes found in these legal and administrative contexts can obscure this fact” (Gibb and Good 2014, 396). Dahlvik suggests a means to overcome the issues of remaining neutral yet professional: “Professionalism and professional ethics may require the right intervention at the right time: Sometimes it would simply be unprofessional or unethical for an interpreter not to intervene” (Dahlvik 2019, 150). Interpreters are active agents rather than passive transmitters of utterances from one language into another. Thus, it is crucial “to focus more on professionalism and ethics in community interpreting, especially in the context of international protection” (Dahlvik 2019, 134).

We see another significant opportunity for the development of professional standards for translators and interpreters as well as defining their rights and position with respect to government agencies and other parties ordering translations or interpreting. The practice reveals the fact that ordering institutions often have no idea of the tasks of the translator and interpreter, do not know what they may require and are unable to assess the time needed to produce the translation, or the place of an interpreter in a specific setting. In line with Hertog (2010), we recommend that legal professionals should be trained in how communication operates across diverse languages and cultures. They should be offered training on working with interpreters in order to recognize when an interpreter is needed and to select a suitable interpreter from the approved register. Legal professionals also need to be aware of their requirement to brief

20 In the Slovak Republic according to § 347 of the Criminal Law “Untruthful expert opinion, interpreting and translation” or § 328 of the Criminal Law under such headings as “Corruption” and “Acceptance of bribes”. 
the interpreter, to recognize and respect their role and skills and their code of conduct and to facilitate relevant interpreting techniques, like consecutive or whispered simultaneous.

- Institutional translation and interpreting require **management of quality control** of the performance of the individual translator and interpreters active in the different domains and language combinations. Initiating specialized professional preparation is, in our view, the first step towards fixing these criteria and providing a system of quality evaluation, which can consequently be used in practice. We suggest standardizing methods and criteria for the evaluation of interpreters’ performance at the national level in Slovakia or adopting a functioning model with appropriate modifications. The quality criteria must be documented with a material back-up, so as to make the interpreter’s work recognizable as well as well-managed, systematic and purposeful.

- **A higher awareness of the context of communication**, starting before the interpreting itself, is needed. It entails the verification of the understanding between the participants of the communication, the knowledge of their institutional background and the overall setting of the interaction. Asylum applicants report the need to introduce all actors and their functions and to explain the purpose of the particularities in communication. Government representatives, on the other hand, expect either that applicants know the causes and circumstances of the communication already or that it will be explained by a legal representative. We need to develop criteria by which state administration might ascertain the asylum applicants’ knowledge of languages and the interpreter’s knowledge of languages. Additionally, people in charge need to pay sufficient attention to verifying that asylum applicants have understood their rights and are making an informed consent. Each right should be presented individually, with sufficient time for follow-up questions. Our research findings are in line with those of Maryns that there are “hidden asymmetries in the ability to decide what counts as reality. (...) The data have shown that what applicants say during their interviews is very often not made into a sayable because it does not match the institutionally inscribed codes, modes and views” (Maryns 2006, 342).

- In the case of translations which contain **expert terminology** (mainly of a legal or medical nature), there is a dual problem: (1) the interpreter must understand the expert and at the same time (2) adjust the information to the participant’s language register. If interpreters communicate with applicants from a different educational background and detect possible misunderstanding, they may invite the participants to reformulate the
questions or provide additional explanation. In legal settings, there is a need to use standardized justifications in plain and clear language with frequently used words, short sentences with single clauses and in the active voice that clearly indicates the agent of the action. Such justifications should be drawn up in consultation with police officers, legal representatives and experts in linguistics. They must also be available in the state language as well as in the other most frequently used languages. We also recommend the adoption of the Guidelines established for the communication of rights to non-native speakers of European state languages (Guidelines 2015).

Issues of cross-cultural communication include generating and implementing respect among participants. The quest for more respectful communication is also widely reported by Slovak citizens themselves in communicating with representatives of state institutions. Both historical and new minorities in Slovakia experience the ethnicized interpreting of their accounts. Dialogic communication in power asymmetry is thus a professional challenge for both government officials and interpreters. To overcome the social and cultural bias “we recommend the adoption of an in-your-own words requirement” (Guidelines 2015). Where this fundamental focus is omitted “the denial of its inter-lingual as well as intra-lingual complexity is a source of rather fundamental, though often invisible, injustice” (Spotti 2019, 88).

Our report on the situation in Slovakia shows that the provision of language services to non-native speakers and the degree of institutionalization are closely linked to the position of the target groups of institutional translation and interpreting in society; these services are also connected to the tradition of certification and training of translators and interpreters, as well as the interest of public institutions in the quality of language services. A systematic approach at supranational level, cooperation with NGOs and educational institutions, sharing experience, knowledge and ethical principles, and practical approaches can make a major contribution to all countries concerned. It could even help to identify and implement measures to ensure effective models for providing institutional translation and interpreting with a view to quality, solidarity and safeguarding human rights.

21 https://www.aaal.org/guidelines-for-communication-rights.
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