



Justisigns: A European overview of sign language interpreting provision in legal settings

Jemina Napier and Tobias Haug

ARTICLE INFO

Issue: 2016 (2).

This article was published on: 16 Jan, 2017.

Keywords: sign language, deaf people, access, justice, legal interpreting, Europe

ABSTRACT

The Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 establishes common minimum rules for European Union (EU) countries on the right to interpretation and translation in criminal proceedings as well as in proceedings for the execution of the European arrest warrant. This provision as well as the right to sign language as a human right reiterated by the EUD in the Brussels Declaration ensure that deaf sign language users can access the justice system, typically through sign language interpreters. There is a growing body of literature that examines sign language interpreting provision and practices in legal contexts in various countries. The common theme in the results of all these studies is the limitations faced by deaf sign language users in gaining access to justice, either through inadequate interpreting provision, poor quality interpreting services, or lack of training, accreditation and standards for legal SLIs. This paper reports on a survey that was developed as part of the Justisigns project to provide an overview of the current status of sign language interpreting in legal settings across Europe to better understand what the training needs of interpreters, and other stakeholders such as police officers and deaf people themselves might be. Drawing on key themes from the European Commission survey on legal interpreting in the EU (Hertog & Van Gucht, 2008) and the survey of ASL legal interpreters in the United States (Roberson, Russell & Shaw, 2011), a questionnaire instrument was developed and delivered through an online survey tool. The findings reveal that there are inconsistencies in how legal sign language interpreting provision occurs across Europe.

AUTHORS

Jemina Napier is Chair of Intercultural Communication in the Department of Languages & Intercultural Studies at Heriot-Watt University. Her research focuses on sign language interpreting.

Tobias Haug is the director of the sign language interpreter program at the HfH in Zurich, Switzerland. His main research interests are sign language interpreting and assessment.

Copyright: Journal of Law, Social Justice & Global Development, University of Warwick, UK:
<http://www2.warwick.ac.uk/research/priorities/internationaldevelopment/lgd/>

INTRODUCTION

Different sign languages are used by deaf people in every country throughout the world (Woll, Sutton-Spence & Elton, 2001). Deaf sign language users are members of a linguistic and cultural minority group and identify with one another on the basis of using the natural sign language of their country and have their own culturally accepted norms of behaviour based on shared experience (Ladd, 2003). The European Union of the Deaf (EUD) estimates there to be approximately 1 million deaf sign language users in Europe (Pabsch, 2014).

Steadily advancing recognition of the linguistic nature of sign languages has led to improvements in their legal status (Timmermans, 2005; Wheatley & Pabsch, 2012), encouraged by various resolutions of the European parliament and the Council of Europe (Wheatley & de Wit, 2014).

Although deaf signers are considered to be members of a linguistic and cultural minority group, the accommodations made to meet their linguistic needs are typically met through legal provisions under disability discrimination law. These provisions ensure that deaf people can access and 'negotiate' the justice system, typically through sign language interpreters (Brunson, 2007).

There is a growing body of literature that examines sign language interpreting (SLI) provision and practices in legal contexts in various countries. The common theme in the results of all these studies is the limitations faced by deaf sign language users in gaining access to justice, either through inadequate interpreting provision, poor quality interpreting services, or lack of training, accreditation and standards for legal sign language interpreters.

The *Justisigns* project¹ focused on developing training courses for sign language interpreters, legal professionals and deaf sign language users in Ireland, Belgium, Switzerland, and the UK, but also

across Europe. Another central goal of the project was to collect empirical evidence of the legal SLI provision and needs of stakeholders, in order to have research-informed training materials and resources.

Thus a mixed-methods study was designed to examine the experiences and perceptions deaf sign language users, interpreters and legal professionals through questionnaires, focus groups and interviews, with a view to informing the development of the training courses and other deliverables in the project. The first phase of the project involved a survey of organisations involved with deaf sign language users, including associations that represent deaf sign language users, professional sign language interpreter associations, and sign language interpreter educational institutions across Europe through an online questionnaire instrument, to gain a snapshot of the provision of, and training, assessment, certification and accreditation available to, legal sign language interpreters across Europe. The purpose of the survey was to contextualize the research and future development of training materials.

This paper presents the results of this 'scoping' survey analysis, bringing current concerns to the fore and highlighting the topics that emerge as priorities for research and development in making quality legal SLI in Europe available for deaf sign language users. In sharing these results of this survey in this forum, it is hoped that we will raise awareness of the issues faced by deaf sign language users with respect to law and society, and that legal professionals can have a better understanding of the accommodations needed to ensure that deaf sign language users can have equitable access in legal settings.

2. European standards for legal interpreting

There are two relevant European directives to consider in relation to legal interpreting: (1) Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, and (2) Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings (Morgan, 2011). According to Directive 2010/64/EU, the Member States of the European Union are bound to safeguard quality

¹ This project was funded through the European Commission Leonardo Da Vinci Lifelong Learning programme, and was conducted in collaboration with Interresource Ltd, Trinity College Dublin, KU Leuven, Interkantonale Hochschule für Heilpädagogik, the European Forum of Sign Language Interpreters (efsl) and the European Legal Interpreters & Translators Association (EULITA). More information at www.justisigns.com.

control for all spoken and signed language interpreters in criminal proceedings. In Article Five of the same Directive it is stated that quality control should be carried out through the establishment of a national register of interpreters, but no definitions or guidance is provided on how this should be conducted. The provision of legal interpreting even *within* many countries in Europe is inconsistent, as Leung (2003) has reported for example in the UK.

There have been various projects that have focused on promoting access to quality and standards in legal interpreting across the EU (e.g., Hertog, 2001, 2003, 2010), and a comprehensive survey of legal (spoken language) interpreting in Europe was commissioned by the European Commission Directorate General (DG) for Interpretation (Hertog & Van Gucht, 2008). The survey found that more than half of the EU Member States do not have any specific training in legal interpreting, and any training provision tends to be organized at a local level, which is not accessible to interpreters in the rest of the country. It was also found that there is great disparity in the level and quality of legal interpreter training throughout the EU. A follow-up report (European Commission, 2009) gave an overview of recommendations for best practice for legal interpreting in the EU, and stressed that appropriate and consistent training both for new and already practising legal interpreters should be provided across the EU along with an EU Code of Conduct for legal interpreters, and assessment of legal interpreter quality through testing and certification should also be a requirement (Giambruno, 2014). The Commission also recommended that empirical data should be collected as a basis for evidence-based, nationally coordinated and informed planning of legal interpreting.

Although it can be seen that there are clear recommendations for standards and best practice of legal (spoken language) interpreting across Europe, according to Gallai (2012, p. 144) there is still an “incoherent kaleidoscope of regulations, guidelines and provisions” for legal interpreters in the EU; and nobody yet has conducted a pan-European survey of legal *sign language* interpreting provision, standards, and training.

3. Sign language interpreting

In many ways, SLI is still an emerging profession (Napier, 2011). Development of the SLI profession across Europe has been staggered, as countries lobby for (and achieve) the recognition of sign language, and the subsequent establishment of SLI services and interpreter education programmes to meet demand. Formal training initially took the form of ad hoc short intensive courses, but now many countries have undergraduate and postgraduate degrees available in SLI (de Wit, 2012), although there are still many countries that do not yet have a formal professional association, training or interpreting standards (Napier & Goswell, 2013).

The profession of SLI has no official status in Europe (de Wit, 2012). There is no standard to determine what it means to be a qualified interpreter, and no quality control of interpretation services through European legislation. Currently there are approximately 7,500 sign language interpreters in nearly 40 European countries (Ibid), but the EUD and the European Forum of Sign Language Interpreters (efsl) assert that this number desperately needs to be increased (Wheatley & de Wit, 2014).

3.1 Legal interpreting and interpreter training

There is a growing body of research on spoken language legal interpreting in the courtroom (e.g., Berk-Seligson, 1990; Hale, 2004; Jacobsen, 2008; Lee, 2009, 2011); in asylum hearings (e.g., Kolb & Pöchhacker, 2008; Pöllabauer, 2004; Tillman, 2009); and in police interviews (e.g., Berk-Seligson, 2009; Böser, 2013; Gallai, 2013; Heydon & Lai, 2013; Nakane, 2014). All of these studies confirm the intercultural communication challenges faced in legal settings, in terms of what interpreters need to do to ensure that minority language users have access to justice. These challenges include issues such as (lack of) understanding of legal terminology or legal procedures, lack of equivalence between languages for key legal concepts and subsequent issues concerning the translation choices that can be made, struggles with how to interrupt, clarify, repair or manage communication, and how interpreters present themselves and their role to legal personnel. Thus, Perez and Wilson (2011) suggest that any training of legal interpreters should be ‘interlinked’ with training of legal personnel in order to maximize the knowledge and

experience of both professional groups and promote cross-cultural awareness.

With respect to deaf sign language users' involvement in the legal system, studies have confirmed similar findings to those above (Brennan, 1999; Brennan & Brown, 1997; Russell, 2002). Qualitative studies involving interviews with deaf people, interpreters or legal personnel have revealed that deaf people often experience problems in obtaining interpreters, and even when interpreters are provided, they have little control over the quality of the interpreters and do not always fully understand proceedings, or interpreters and legal personnel have conflicting ideas of the interpreter's role (Brunson, 2007; Kermit, et al., 2014). Other studies have highlighted the fact that deaf people who have additional issues, or are in prison are even more disadvantaged (Gahir et al., 2011; Miller, 2003; Miller & Vernon, 2001; Tuck, 2010; Vernon, 2010). The common theme in the results of all the studies on SLI in legal settings is the limitations faced by deaf sign language users in gaining access to justice, either through inadequate interpreting provision, poor quality interpreting services, or lack of training, accreditation and standards for legal SLI.

One study that is of particular relevance is a survey of American Sign Language (ASL) interpreters conducted by Roberson, Shaw and Russell (2011). In their study, standard demographic information was collected on ASL interpreters working in legal settings in order to examine various aspects of legal interpreting work. Essentially they found that respondents to their survey did not choose to specialize in legal interpreting due to a lack of training.

The importance of training for interpreters to work in the legal context is not a new discussion (see Benmaman, 1999). However, in recent times there has been new attention drawn to this need in the sign language interpreting sector in the US, and a call for interpreters to receive training specifically to specialize in legal interpreting (Witter-Merithew & Nicodemus, 2010). In a survey of ASL interpreters, Walker (2011) found that legal interpreting is the most common specialized setting where respondents said that they would *not* interpret due to a lack of preparation and training.

Therefore, this survey of legal SLI provision and training across Europe is timely, as we can draw on recommendations from the US, while ensuring that local provision and needs are acknowledged and catered for in the training materials that are developed. There was a need to identify the current status of provision and training for the deaf sign language users in order to develop standards for legal SLI provision across Europe, to align with the European Directive on the rights to interpretation and translation in criminal proceedings and provide access to justice for deaf sign language users in range of legal settings.

4. Method

The goal of the survey was to develop an overview of the current status of SLI in legal settings across Europe to better understand what the training needs of interpreters, and other stakeholders such as police officers and deaf people themselves might be. The objective of the survey was to collect data to answer the following research questions:

1. Are sign language interpreters consistently provided in legal settings across Europe?
2. Who is responsible for organising and paying for sign language interpreters in legal settings?
3. Which are the most common legal settings where sign language interpreters are required to work?
4. What qualifications are required of sign language interpreters in legal settings?
5. Is there any specific legal interpreter education available for interpreting students?
6. What Continuing Professional Development training is available for professional interpreters on working in legal settings?
7. Is there a specific legal interpreter certification available for sign language interpreters?
8. Can sign language interpreters specialize in legal interpreting?

Drawing on key themes from the literature, and in relation to the findings of the European Commission survey of legal interpreting in Europe, a questionnaire instrument was developed to elicit information on the current status of legal SLI in European countries.

4.1. Participants

Participants were national Deaf Associations that represent sign language users, professional sign language interpreter associations or other relevant organisations that either provide SLI services or training from 21 different countries across Europe. In some cases there was more than one response from a country. The organisations were targeted as the most appropriate entities that would be able to provide the information needed on legal SLI in their countries. Organisations were identified through the membership databases of the European Union of the Deaf (EUD) and the European Forum of Sign Language Interpreters (efsl).

4.2. Questionnaire instrument

The online questionnaire instrument was in written English (the written language expected to be most widely-understood by prospective respondents), contained 30 questions, which gave a range of single choice answers, multiple-choice answers and open-ended questions. The questionnaire collected background information about the Deaf community and sign language in each country, and asked specific questions concerning the provision of legal SLI in each country, the payment of, and training available for, interpreters. At the end of the survey, respondents were also offered the opportunity to make general comments.

4.3. Procedure

The survey was initially available for four weeks from May 2-31, 2014. An invitation to participate in the survey was presented in plain English. Using network and snowball sampling techniques (Hale & Napier, 2013), the invitation was disseminated to an unquantifiable audience through the professional and national networks of the Justisigns consortium partners, through the membership lists of efsl and EUD and the Sign Language Linguistics Society (SLLS) mailing list, as well as via various social media networks, such as Twitter and Facebook. A reminder was sent out two weeks after the invitation was first distributed, and we also approached organisations directly in countries that did not respond to the original call. The data was analysed using statistical software package SPSS to present descriptive statistics.

5. Results and Discussion

In total, 87 responses were received, but after removing incomplete and non-European responses, the final number of responses for the purposes of analysis was 49. However, some respondents skipped questions, so the standard number of responses to key questions was 39.

5.1 Profile of respondents

Respondents were from 21 countries, with the largest contingent of respondents from the UK, followed by Switzerland (see Table 1). The largest proportion of organisational respondents were sign language interpreter associations (43 percent), followed equally by service providers and educational/research institutions (24 percent respectively) and then Deaf Associations (9 percent).

Table 1: Summary of respondents

Category	N=	Sub-category	N=
Total no. of complete responses	49		
Total no. of countries	21		
Total no. of organisations	42	Total no. of Deaf Associations	4
		Total no. of Sign Language Interpreter Associations	18
		Total no. of service providers	10
		Total no. of educational/research institutions	10

When asked which signed languages they used, respondents reported 21 different sign languages that are recognized as the national sign languages of these countries (see Table 2). Two respondents also claimed that they used American Sign

Language (ASL) and International Sign (IS)², but given that neither of these are national sign languages of the countries featured in the survey, the responses were discounted. It is likely that the individuals who filled in the survey were able to use ASL and IS, rather than this language or sign pidgin being widely used in their countries.

Table 2: Official sign languages reported

Austrian Sign Language	Icelandic Sign Language
Belgian-Flemish Sign Language	Irish Sign Language
British Sign Language	Italian Sign Language
Catalan Sign Language	Norwegian Sign Language
Czech sign language	Polish Sign Language
Dutch Sign Language	Romanian Sign Language
French sign language	Slovene Sign Language
Finnish Sign Language	Serbian Sign Language
German Sign Language	Spanish Sign Language
Greek Sign Language	Swiss-German Sign Language
Hungarian Sign Language	

In order to gain a snapshot of whether SLI provision may be meeting the needs of deaf sign language users in legal settings across Europe, it was important to get a sense of the general population and ratio of deaf people to interpreters. So two questions were asked requesting an estimation of the number of deaf sign language users in the country and the number of recognized (qualified) sign language interpreters in the country. Table 3 reveals that the numbers varied greatly according to country. Obviously the size of the deaf sign

language using population was influenced by the size of the country, with smaller countries having smaller populations, but the number of qualified interpreters was not necessarily relative to country size or deaf population.

Table 3: Estimations of Deaf population and qualified interpreters

Country	Deaf population	Interpreters
Austria	10,000	80
Belgium (Flanders)	5,000	400
Czech Republic	10-15,000	50-100
Finland	5,000	700-800
Germany	200,000	unknown
Greece	Unknown	47
Hungary	5,000	450
Iceland	250	48
Ireland	5,000	40-60
Italy	Unknown	250
Netherlands	3-10,000	780
Norway	5-6,000	300-400
Poland	50,000	unknown
Romania	Unknown	69
Serbia	30,000	90
Slovenia	1,000	46
Spain	150,000	~ 5,000
Switzerland	8-10,000	60 (German) 30 (French) 10 (Italian)
UK (England, Scotland, Wales & Northern Ireland)	70,000 (Scotland 7-8,000)	(Scotland 70-100)

In an attempt to determine whether the legal interpreting provision meets the needs of deaf sign language users in each country, we asked respondents to supply information about deaf people in the legal system, that is, number of deaf people arrested each year, average length of stay in jail, typical crimes arrested for, etc.

Unfortunately, however, respondents were not able to supply any figures.

² IS is a form of cross-linguistic communication, which deaf people from different communities use to communicate by exploiting the visual and common structures of their own sign languages (Adam, 2012).

5.2 Legal interpreting provision

With respect to the Justisigns project we were specifically interested in eliciting information about legal interpreting provision, and in which specific legal settings that SLI is provided. Two respondents did not answer the question, so of the possible 47 responses it was interesting to see that SLI is most commonly provided in legal settings where deaf people are involved as complainants, defendants, or witnesses, rather than for deaf people serving as jurors (see Table 4). This finding is not surprising given that the majority of countries do not allow deaf people to serve as jurors (Napier & Spencer, 2008; Napier & McEwin, 2015).

Table 4: Availability of SLI services in specific legal settings (N=47)

Settings	Response Percent	Response Count
Court	97.9	46
Police interviews	93.6	44
Meetings with solicitor/ lawyer	89.4	42
Jury Service Duty ³ (criminal/civil/coroner's court)	46.8	22
Jury Service Selection	40.4	19
Other	38.3	18
<i>Answered question</i>		47
<i>Skipped question</i>		2

The other legal settings offered by respondents in the 'Other' country included: notary public, child protection, tribunals, and prison.

We then wanted to drill down further and collect information on who is responsible for providing the SLI services in each of these settings. In particular, we were interested to ascertain if the provision comes from sign language-specific interpreting services, generic services that provide both spoken and sign language, or legal-specific services. Figure 1 reveals that in the majority of cases services are provided by sign language specific agencies, that is, those that have the specialist knowledge of the deaf community and the local/national SLI

population. It has been noted elsewhere (Deysel, Kotze & Katshwa, 2006; Harrington, 2001) that sign language interpreter-specific services can be in a better position to match the needs of deaf sign language users with appropriate interpreters, due to their community knowledge, rather than just booking any interpreter that is available. This would be particularly important in the legal context, due to the potential impact on life changing decisions if the deaf person cannot understand an interpreter.

Some respondents offered comments to clarify how the provision occurs, and any particular circumstances worth noting.

Every department of justice has their own list of qualified interpreters. They contact [interpreters] themselves if those interpreters aren't available, they will contact the agency (CAB) about their needs. We're still negotiating with other spoken interpreting services in legal settings, so we [SLIs] will also be included in their agencies. (Serbia)

The SL [sign language] users have their rights given through the National Insurance Act, [which] provides a SL interpreter through the Norwegian Labour and Welfare Department. The court/and police must pay when they are responsible for the assignment, but if a deaf person wants to meet his lawyer or goes to the police on his or hers own initiative, the Norwegian Labour and Welfare Department pays for the SL interpreter. (Norway)

[SLI] in Finland is provided by the government. If the interpreting happens in a place that is managed by the government (for example the police, the court or a public hospital) then the interpreting should be provided by that place. (Finland)

³ Not all European countries have a jury system, which might account for the lower figures as compared to 'court'.

Figure 1: Legal SLI service providers (N=43)

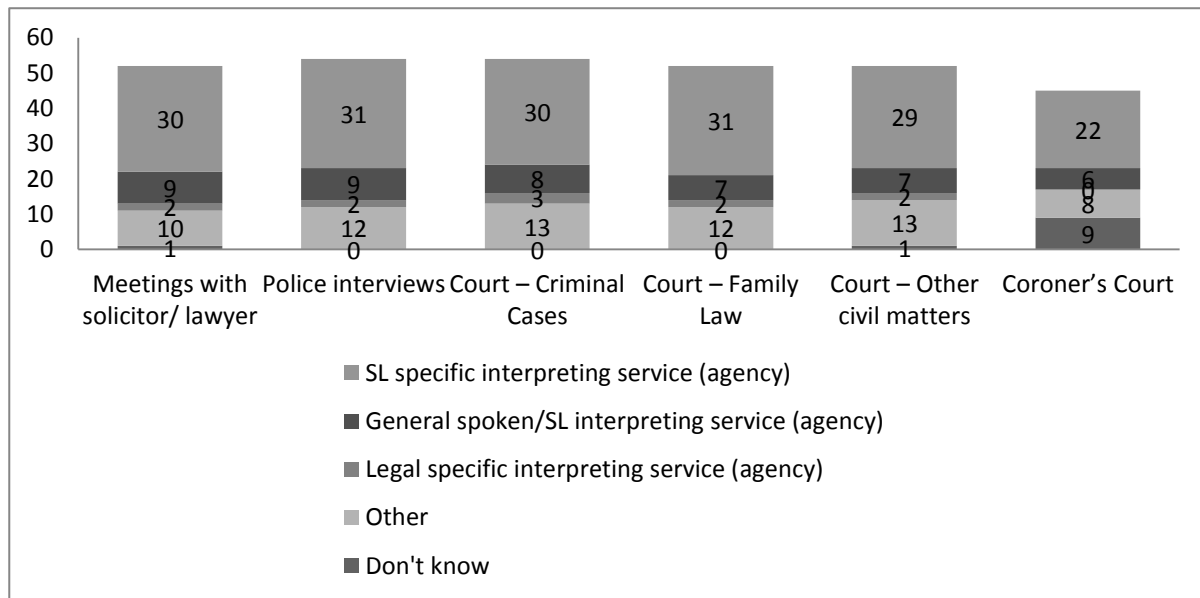


Figure 2: Who pays for the interpreting in these legal settings (N=41)

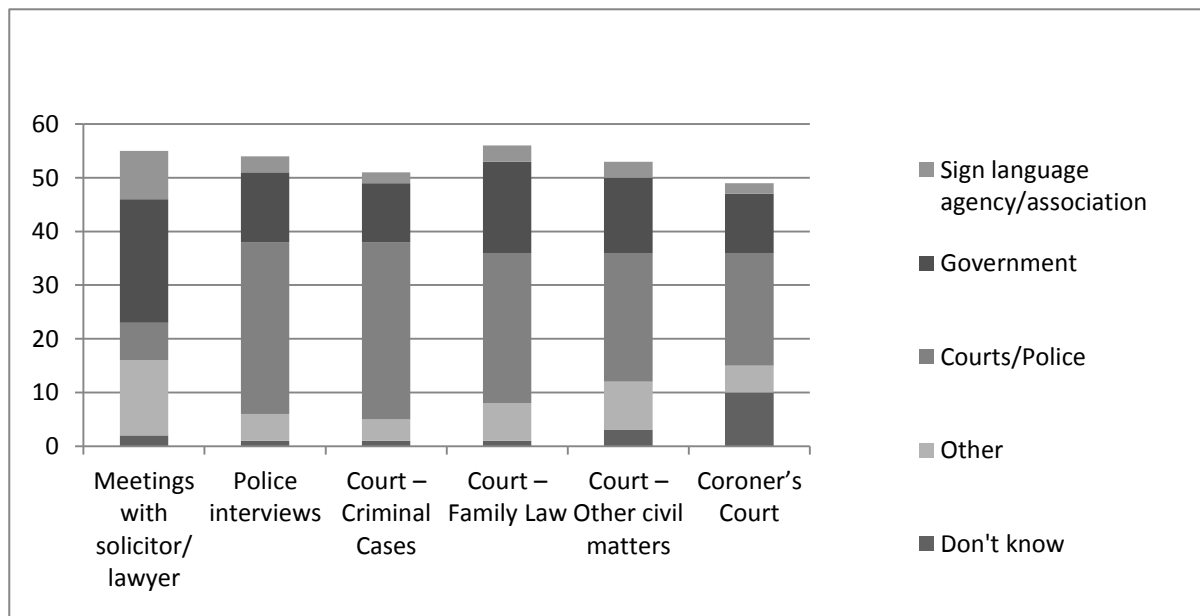


Table 5: Difficulty in booking interpreters in legal settings (N=39)

Settings	Very easy	Quite easy	Sometimes difficult	Always difficult	Don't know	Response count
Meetings with solicitor/ lawyer	4	13	19	6	2	41
Police interviews	5	11	14	10	3	41
Court- Criminal Cases	5	10	15	10	4	41
Court – Family Law	5	12	16	8	3	41
Court – Other civil matters	4	10	17	8	4	41
Coroner's Court	3	8	10	8	11	39
<i>Answered question</i>						41
<i>Skipped question</i>						8

Open-ended comments revealed however, that often the deaf sign language user is expected to pay, especially in solicitor meetings. So even though there may be provisions for costs to be covered, it is not always in every aspect of the justice system.

Another issue that was highlighted by the survey responses was the availability of interpreters for legal work: when asked how easy or difficult it was to book interpreters, the most common response was 'sometimes difficult' (see Table 5).

Fifteen respondents provided further comments, which provide further insight into why it may be sometimes difficult to book interpreters, ranging from deaf client preferences to limited number of interpreters who are qualified or experienced enough to work in the area. A few examples of which can be seen below:

Only one of the 10 sign language interpreters in the region of Salzburg is on the list of the court and the police. The reason for that is the low payment of interpreters in those settings. Therefore it is sometimes difficult to make appointments. (Austria)

In Flanders they're not many interpreters who like to work for justice. So in many cases it's really difficult to find an interpreter. The main reason is the payment. Interpreters don't easily get their money and since 2014 the wages include VAT, which makes it complicated because all our other work excludes VAT. It's not clear what we have to do, so a lot of interpreters don't work in legal settings. (Belgium)

I suppose it is hard, because there are just a maximum 20 interpreters for legal settings (recognized and registered by the courts). (Czech Republic)

It seemed that the issue of availability could be affected by two key issues in relation to education and training: whether legal professionals have

received adequate preparation to understand when and how to work with sign language interpreters; or whether interpreters are sufficiently prepared to work in the legal context.

5.3 Education and training

When asked if there were any specific educational modules for legal professionals as part of their university training on how to work with sign language interpreters and deaf people, 51 percent responded no, 24 percent said yes, 15 percent did not know and 10 percent said 'other', with estimations of ECTS/ hours ranging from 1 or 2 days to 80 ECTS. (1 ECTS typically equals 25-30 hours workload)

We also asked if there was any specific training for legal professionals on how to work with sign language interpreters and deaf people within the framework of continuing education (e.g., workshops). The responses were very similar, with 54 percent of respondents saying no, 24 percent confirming that there is training available (short courses, forums), 15 percent saying they did not know, and 7 percent said 'other'. Short courses ranged from 6 – 20 hours.

What follows are examples of comments that were offered in the 'other' category that reflect the lack of systematic education and training for legal professionals:

Students of legal studies are aware of the fact that professionals are obliged to hire a SL interpreter when a deaf client appears in Court or in a Police procedure, (as it is stated in the law that they must study), but they have no specific training on how to work with them. (Hungary)

I think it varies from place to place, some interpreters get invited to make a presentation but I don't think there is a STANDARD training. I am developing one at present with a lawyer who is also an interpreter. (Ireland)

We asked the same question with respect to SLI education, and whether there were any specific legal interpreting modules as part of university or college courses. Only ten respondents answered the question, but there was no consistent response to what was available across the countries, and comments suggest that there is also inconsistency in terms of quality and adequacy of content. We also asked how (and if) this specialist education qualifies interpreters to work in the legal system:

There is a module (140 h total) in Interpreting in legal setting between other fields, not only legal, but it is insufficient. There was a postgraduate course about Legal Interpreting in the Complutense University (Madrid) and the Valladolid University but at present it is not go on. (Spain)

In one canton (Zurich) from Swiss German Part there is a compulsory training for interpreters in legal settings (both spoken and sign language). However, as it doesn't address specifically the SL-interpreters, it doesn't really support us in our work. (Switzerland)

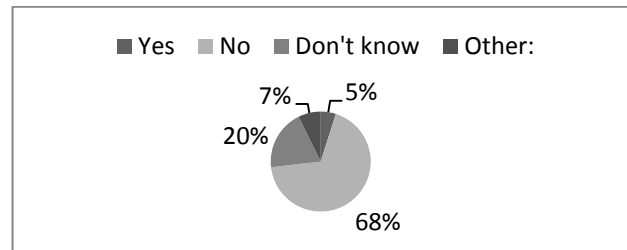
It is actually just one course and it is not obligatory and an interpreter can do interpreting in legal settings without this course. (Finland)

The module gives a briefing on the legal system, legislation, and other formal proceedings. Establishes SL vocabulary related to legal settings. Introduces the particularities of these settings. Mock interpreting situations for practice of setting layouts and scenarios. In the requested hours of placement students may observe legal interpreting cases, if the formal body allows entrance or they supervisor has such cases. (Hungary)

There appears to be even less training for deaf people on the legal system and/or working with interpreters in legal settings, as shown in Figure 3.

Figure 3: Training for deaf people (N=39)

Table 6: Requirements to work in a legal setting (N=39)



To our knowledge, one or two workshops on legal questions took place within the last years, organized by the organization of the sign-language teachers (BGA). (Switzerland)

I think apart from a few workshops provided by solicitors at deaf clubs on the legal system, I think there is nothing substantial that is easily or readily available. Perhaps mainstream night classes on the legal system in the ETB network but interpretation would be needed. (Ireland)

5.4 Regulation and quality

The next domain that we wanted to collect information on what was required for interpreters to be considered 'qualified' to interpret in legal settings in each country. 40 of the total 49 respondents gave answers to this question, as seen in Table 6. As with previous answers, it can be seen that there is no consistency across Europe: some countries are more stringent requiring specific completion of legal specific exams or training, others only require a generalist SLI qualification, and others have no requirements at all.

1.	Be Interpreter qualified, and preferably if it possible with many years of experience
2.	Authorisation obtained form the Ministry of Labour (it is a general authorisation, valid for two years)
3.	Diploma as a SL interpreter. And in canton Zurich, the aforementioned compulsory workshop.
4.	A test and two to five years practice in interpreting
5.	You must be an qualified interpreter
6.	Graduation in sign language interpreter recognized by the government
7.	Depends on WHAT legal settings. In general: no requirements. Criminal cases: SIGV diploma
8.	Just be a sign language interpreter
9.	To have knowledge of ISL and confidential
10.	Being recognized by the government and repeating the oath in court.
11.	To have passed your sign language interpreter exam, BA degree, and training and experience
12.	No official requirements, just experience (progressive)
13.	In Zürich, there is a requirement for taking an exam
14.	For SLI: certification, for other interpreters: none besides this initial training
15.	There are basically none
16.	Unfortunately NONE.
17.	To have passed the exam
18.	No specific requirements other than Registered Member of SASLI
19.	Work experience but that is not very well monitored.
20.	England or UK
21.	To be SL Interpreter, written in register and in court it has to be sworn for the case
22.	Interpreter must be in the court register. The register last time invite interpreters to join 1997
23.	Must be a trained sign language interpreter
24.	BA in SLI and assignment through the leader of the interpreter service
25.	Court certified, but there is no testing/evaluation of the skills.
26.	Attend training courses, pass exams, carry out practice in interpreting
27.	R1 on Register now out of date so anyone
28.	The interpreter has to be sworn
29.	None
30.	Qualified and registered with professional body
31.	Usually try to have experienced interpreters (five years of experience)
32.	Have a SL interpreter Diploma.
33.	Registered experienced
34.	Fully qualified
35.	RSLI status however this is widely seen as 'best practice' and is often flouted
36.	Specific Interpreting Course as well as refresher courses
37.	Interprete di lingua dei segni assunto da PROCOM
38.	Formal qualification and being listed on the National Register of Sign Language Interpreters.
39.	Just à diploma
40.	A sign language qualification

When asked if is a specific legal interpreting certification that is separate from general sign language interpreter certification, 56 percent (n=23) said no, 17 percent said yes, 7.5 percent

(n=3) said they did not know and 19.5 percent (n=8) said 'other'. The other comments referred to variation and some specific requirements in different regions:

In some regions they have a special course for all the interpreters. If they succeed they get a different certification so they can work in legal settings in that region. (Belgium)

There are two qualifications: liaison/community SL interpreting, and SL interpreting (full). The former is the "general" you may say, but that does not qualify to interpret in high-risk settings, as medical, legal or any formal proceeding. The latter is the one that qualifies for all interpreting fields. (Hungary)

With respect to quality assurance processes in each country to ensure the standards of legal SLI, through for example, monitoring, revalidation of certification or testing, 56 percent of survey responses confirmed that there are no systems in place. The only form of quality assurance appears to be through informal monitoring practices or training opportunities among interpreters themselves, as revealed in comments in Table 7.

Finally, we were interested whether any countries have a specific Code of Ethics or Code of Conduct for working in legal settings. Figure 4 illustrates that the majority (54 percent) of countries do not have a specific set of guidelines.

In summary, although it is difficult to get a clear picture on the number of deaf people in the legal system in each country (as the information was not available to respondents), it is evident that there is a lack of safeguarding and quality control of legal SLI across Europe, as required by the European Directive.

It can be seen that the majority of legal SLI services across Europe are provided by sign language-specific interpreting agencies. Interpreting provision in courts and in police interviews tends to be paid for by the courts/police, but the government usually covers the cost for solicitor meetings. This initial overview indicates that SLI is widely provided in legal settings, for example, in meetings with a solicitor (93 percent), at police interviews (93 percent), or in court (97.7 percent), but the provision does not equal availability, as the

majority of respondents state that it is sometimes/always difficult to secure an interpreter. Almost 50 percent of respondents report that there is no training for legal professionals on working with sign language interpreters in their country, but approximately one-third of countries have legal modules available in formal SLI education programmes, and/or legal CPD training for interpreter practitioners. The majority state that there is no training available for deaf sign language users on how to work with interpreters in legal settings.

With regards to the key issues highlighted by the European Commission survey on legal interpreting in the EU, our survey results show that more than 50 percent of the country respondents do not require specific legal interpreting certification for sign language interpreters; more than 50 percent do not have quality assurance processes for legal SLI; and more than 50 percent do not have a legal-specific Code of Ethics.

6. Limitations of the study

Before concluding the report of this survey of legal SLI provision and access across Europe, and discussing the implications of the findings, it is necessary to acknowledge the limitations of the study. There are several reasons why the findings of this study may not be readily generalized:

(1) Size of sample: The sample of 49 survey respondents from 21 countries is a small number for a multi-country study, therefore the survey results can only be considered as a snapshot.

(2) Representativeness of sample: The respondents were self-selected it is possible that the results only represent those countries where people wanted to disclose particular problems. Not all of the European/efsli member states replied to the survey, so it is hard to gauge if the results are an accurate representation.

(3) Methodology: We recognise that administering a survey in English across several countries is not ideal for collecting data from people who work with other languages. So again, the sample may not be representative of the range of interpreters

Updates training every quarter of the years or monthly about training with other interpreters
Monitoring, a new interpreter in this setting would join as a third and extra interpreter, internal training, experience
Observation and match criteria
Monitoring
Monitoring, always a minimum of two interpreters cooperating plus use of video recording
Meetings with THE group, supervision, policy training etc

Table 7: Monitoring systems (N=39)

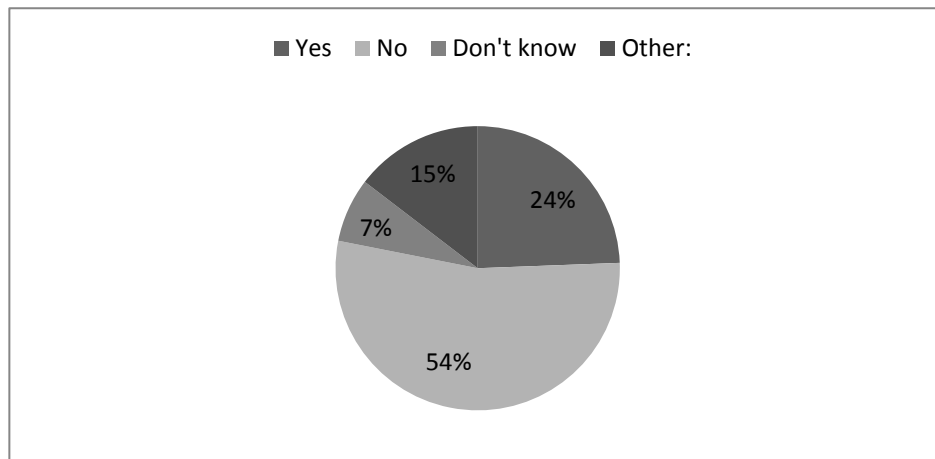


Figure 4: Specific legal code of conduct? (N=39)

working in legal settings, as only people comfortable enough with English would have been willing to respond to the survey. The ideal would have been to make the survey available in several written and signed languages.

7. Conclusions

The results confirm the findings of the European Commission survey on legal interpreting and also the surveys of ASL legal interpreters in the US. The results support the need to develop best practice guidelines, training materials and recommendations for training and certification, and to promote a consistent approach to access to justice for deaf sign language users.

Although there are some established provisions for legal SLI across Europe, as with spoken language interpreting provision, it is inconsistent. It appears that there is no uniform approach across Europe to the training/ certification of legal interpreters, and the availability of interpreters for legal settings is a Europe-wide issue.

In conclusion, we return to answer the research questions that guided the project:

1. Sign language interpreters are not consistently provided in legal settings across Europe.
2. SLI agencies are primarily responsible for organising sign language interpreters in legal settings, but the government, courts or police typically pay for them.
3. The most common legal setting where sign language interpreters work is court, closely followed by police.
4. The qualifications required of sign language interpreters in legal settings varies from country to country, ranging from none, to general SLI qualifications; but none require a specific legal interpreting qualification.
5. Some countries offer some form of legal interpreting modules as part of sign language interpreter education programmes, but none have any formal legal interpreter training programmes for the purposes of specialization.
6. CPD training is available for professional interpreters on working in legal settings in many of the countries, but the provision is ad hoc.
7. There is no specific legal interpreter certification available for sign language

interpreters anywhere in the European countries surveyed.

8. Sign language interpreters cannot currently specialize in legal interpreting in Europe.

These findings have major implications in terms of safeguarding the rights of deaf sign language users to access quality interpreting services in criminal proceedings. As a consequence, we recommend that further research is needed to examine the perceptions and experiences of all stakeholders in criminal proceedings: deaf sign language users, interpreters and legal personnel, in order to determine what is needed in terms of training and resources. Once further research is conducted, then clear recommendations can be made for best practice guidelines, the development of curricula, training materials, assessment and standards.

Acknowledgements

This study would not have been possible without funding from the European Commission Leonardo Da Vinci Lifelong Learning Programme, the support from our consortium partners, efsli, EULITA, KU Leuven and Trinity College Dublin, and the personal and professional networks of all consortium partners. We would also like to give thanks to all the survey respondents for their input, and acknowledge Ria Kurer and Stacey Webb as research assistants with support for survey analysis, and also Stacey for some earlier desk-research.

References

- Adam, R. (2012). Language contact and borrowing. In R. Pfau, M. Steinbach & B. Woll (Eds.), *Sign Language: An International Handbook* (pp.841-61). Berlin: De Gruyter Mouton.
- Benmaman, V. (1999). Bilingual legal interpreter education. *Forensic Linguistics* 6(1), 109-114.
- Berk-Seligson, S. (1990). *The Bilingual Courtroom: Court Interpreters in the Judicial Process*. Chicago: University of Chicago Press.
- Berk-Seligson, S. (2009). *Coerced confessions: The discourse of bilingual police interrogations*. Berlin: Mouton de Gruyter.
- Böser, U. (2013). "So tell me what happened!" Interpreting the free recall segment of the investigative interview. *Translation and Interpreting Studies*, 8(1), 112–136
- Brennan, M. (1999). Signs of injustice. *The Translator*, 5(2), 221 - 246.
- Brennan, M., & Brown, R. (1997). *Equality before the law: Deaf people's access to justice*. Durham, UK: Deaf Studies Research Unit, University of Durham.
- Brunson, J. (2007). Your case will now be heard: Sign language interpreters as problematic accommodations in legal interactions. *Journal of Deaf Studies and Deaf Education*, 13 doi:10.1093/deaf/enm032.
- Deysel, F., Kotze, T., and Katshwa, A. (2006). Can the Swedish agency model be applied to South African Sign Language Interpreters?. In Rachel McKee (ed.), *Proceedings of the Inaugural Conference of the World Association of Sign Language Interpreters* (pp.60-67). Coleford: Douglas McLean.
- European Commission. (2009). *Reflection forum on multilingualism and interpreter training final report*. Brussels: DG Interpretation.
- Fowler, Y. (2003). Taking an interpreted witness statement at the police station: What did the witness actually say? In L. Brunette, G. Bastin, I. Hemlin & H. Clarke (Eds.), *The Critical Link 3: Interpreters in the community* (pp.195-210). Philadelphia: John Benjamins.
- Gahir, M., O'Rourke, S., Monteiro, B., & Rebecca R. (2011). The Unmet Needs of Deaf Prisoners: A Survey of Prisons in England and Wales. *International Journal on Mental Health and Deafness*, 1(1).
- Gallai, F. (2012). Legalising EU legal interpreters: A case for the NRPSI. *The Interpreters' Newsletter*, 17, 139-156.
- Gallai, F. (2013). "I'll just intervene whenever he finds it a bit difficult to answer": Exploding the myth of literalism in interpreter-mediated police interviews. *Investigative Interviewing: Research and Practice*, 5(1), 57-78
- Giambruno, C. (2014). (Ed.). *Assessing legal interpreter quality through testing and certification: The Qualitras project*. Sant Vicent del Raspeig, Spain: University of Alicante/Alicant Publications.
- Hale, S. (2004). *The discourse of court Interpreting: Discourse practices of the law, the witness and the interpreter*. Philadelphia: John Benjamins.
- Harrington, F. (2001). Agencies, interpreters and the Deaf community: Working in harmony? In G. H. Turner & F. Harrington (Eds.), *Interpreting interpreting: Studies and reflections on sign language interpreting* (pp.43-52). Coleford: Douglas McLean.
- Hertog E. (2001). (Ed.) *Aequitas: Access to justice across language and culture in the EU*. Research report. Antwerp: Lessius Hogeschool.
- Hertog E. (ed.) (2003) *Aequalitas: Access to justice across language and culture in the EU*. Research report. Antwerp: Lessius Hogeschool.

Justisigns: A European overview of sign language interpreting provision in legal settings
Jemina Napier & Tobias Haug

- Hertog E. (2010). *Legal interpreting and translation in the EU: Justice, freedom and security through language*. Available: http://www.eulita.eu/sites/default/files/Salamanca%20LIT%20in%20EU_0.pdf. Accessed 10 October 2010.
- Hertog E. & van Gucht, J. (2008). (Eds.). *Status quaestionis. Questionnaire on the provision of legal interpreting and translation in the EU*. Antwerp, Intersentia.
- Heydon, G., & Lai, M. (2103). Police interviews mediated by interpreters: An exercise in diminishment? *Investigative Interviewing: Research and Practice*, 5(2), 82-98.
- Jacobsen, B. (2008). Interactional pragmatics and court interpreting: An analysis of face. *Interpreting* 10 (1): 128-158.
- Kermit, P., Mjøen, O. M., & Olsen, T. (2014). Safe in the hands of the interpreter? A qualitative study investigating the legal protection of Deaf people facing the criminal justice system in Norway. *Disability Studies Quarterly*. Available: <http://dsq-sds.org/article/view/1714/1762>. Accessed: 20 June 2014.
- Kolb, W. & Pöchhacker, F. (2008). Interpreting in asylum appeal hearings: Roles and norms revisited. In D. Russell S. Hale (Eds.), *Interpreting in Legal Settings* (pp.26-50). Washington, DC: Gallaudet University Press.
- Ladd, P. (2003). *Understanding Deaf culture: In search of Deafhood*. Clevedon, England: Multilingual Matters.
- Lee, J. (2009). Interpreting inexplicit language during courtroom examination. *Applied Linguistics*, 30(1), 93-114.
- Leung, M. (2003). Rights to be heard and the rights to be interpreted. *Babel*, 49(4), 289-301.
- Miller, K. (2003). Signs of prison life: Linguistic adaptations of deaf inmates. *Journal of Interpretation*, 129-142.
- Miller, K. R., & Vernon, M. (2001). Linguistic diversity in Deaf defendants and due process rights. *Journal of Deaf Studies and Deaf Education*, 6(3), 226 - 234.
- Morgan, C. (2011). The new European directive on the rights to interpretation and translation in criminal proceedings. In Braun, S. & J. L. Taylor (Eds.), *Videoconference and remote interpreting in criminal proceedings* (pp. 5-10). Guildford: University of Surrey.
- Nakane, I. (2014) *Interpreter-mediated police interviews. A Discourse-Pragmatic Approach*, Palgrave Macmillan.
- Napier, J. (2011). Signed language interpreting. In K. Windle & K. Malmkjaer (Eds.), *The Oxford Handbook of Translation Studies* (pp.353-372). Oxford: Oxford University Press.
- Napier, J., & Goswell, D. (2013). Sign language interpreting profession. In C. A. Chapelle (Ed.), *The Encyclopedia of Applied Linguistics*. Oxford, UK: Wiley-Blackwell. DOI: 10.1002/9781405198431.wbeal1009.
- Napier, J., & McEwin, A. (2015). Do Deaf people have the right to serve as jurors in Australia? *Alternative Law Journal*, 23-27.
- Napier, J. & Spencer, D. (2008). Guilty or not guilty? An investigation of deaf jurors' access to court proceedings via sign language interpreting. In D. Russell & S. Hale (Eds.), *Interpreting in legal settings* (pp.71-122). Washington, DC: Gallaudet University Press.
- Pabsch, A. (2014). (Ed.). *UNCRPD Implementation in Europe - a Deaf Perspective: Article 29: Participation in Political and Public Life*. Brussels: European Union of the Deaf.
- Perez, I., & Wilson, C. (2011). The interlinked approach to training for interpreter-mediated police settings. In Hainz, C., Prunc, E., & Schögler, R. (Eds.), *Modelling the field of community interpreting: Questions of methodology in research and training* (pp.242-262). Berlin: LIT Verlag.
- Pöllabauer, S. (2004). Interpreting in asylum hearings. *Intepreting*, 6(2), 143-180.
- Roberson, L, Russell, D., & Shaw, R. (2011). American Sign Language/English interpreting in legal settings: Current practices in North America. *Journal of Interpretation*, 64-79.
- Roberson, L, Russell, D., & Shaw, R. (2012). A case for training signed language interpreters for legal specialization. *International Journal of Interpreter Education*, 4(2), 52-73.
- Russell, D. (2002). *Interpreting in legal contexts: Consecutive and simultaneous interpretation*. Burtonsville, MD: Sign Media.
- Russell, D. (2008). Interpreter preparation conversations: Multiple perspectives. In S. Hale & R. Russell (Eds.), *Issues in legal interpretation* (pp. 123-147). Washington, DC: Gallaudet Press.
- Tillman, M. (2009). The pragmatic significance of modal particles in an interpreted German asylum interview. In R. de Pedro Ricoy, I. Perez & C. Wilson (Eds.), *Interpreting and translating in public service settings: Policy, practice, pedagogy* (pp.156-170). Manchester: St Jerome.
- Timmermans, N. (2005). *The status of sign languages in Europe*. Strasbourg: Council of Europe.
- Tuck, B. (2010). Preserving facts, form and function when a deaf witness with minimal language skills testifies in court. *University of Pennsylvania Law Review*, 158, 906-956.
- Vernon, M. (2010). The horror of being Deaf and in prison. *American Annals of the Deaf*, 155(3), 311-321.
- Walker, J. (2011). Interpreter preparedness for specialized settings. *Journal of Interpretation*, 96-108.
- Wheatley, M. & de Wit, M. (2014). Joint Co-operation: The only way forward. In B. Costello, M. Thumann & R. Shaw (Eds.), *Proceedings of the 2011 Conference of the World Association of Sign Language Interpreters* (pp.119-128). Coleford, England: Douglas McLean.

Justisigns: A European overview of sign language interpreting provision in legal settings
Jemina Napier & Tobias Haug

Wheatley, M. & Pabsch, A. (2012). *Sign language legislation in the European Union* (2nd Ed.). Brussels: Churchill's.

Wit de, Maya. 2010a. *Linguistic coping strategies from international sign to English*. European Master in Sign Language Interpreting: 1-23.

Wit de, M. (2012). *Sign language interpreting in Europe*. Self-published. Printed by Create Space. Baarn: Maya de Wit.

Wit de, M., Salami, M., & Hema, Z. (2012). Educating sign language interpreters in healthcare settings: A European perspective. In L. Swabey & K. Malcolm (Eds.), *In our hands: Educating healthcare interpreters* (pp. 229-259). Washington, DC: Gallaudet University Press.

Witter-Merithew, A. & Nicodemus, B. (2010). Toward the intentional development of interpreter specialization: An examination of two case studies. *Journal of Interpretation*, 55-76.

Woll, B., Sutton-Spence, R., & Elton, F. (2001). Multilingualism: The global approach to sign languages. In C. Lucas (Ed.), *The Sociolinguistics of Sign Languages* (pp. 8-32). Cambridge, MA: Cambridge University Press.