

Inadequate Court Interpretation in Taiwan

A number of civil groups complained about lack of professional court interpretation service, which undermines the rights of foreigners residing in Taiwan. One of the NGOs pointed out the problems facing court interpreting that range from when to use interpretation, lack of professional court interpreters, no translation for legal documents, poor and oftentimes deferred wage payments, lack of professional training, insufficient knowledge of interpreter ethics. The Control Yuan decided the complaint warrant an investigation (Case no. 0990800608).

Court interpreting requires a high level of professionalism and can make or break litigations. Court interpreter not only represents the client in its defense, but also facilitates discovery of truth and trial result. The quality of court interpreting has a direct impact on the life, freedom, property, or publicity rights of the person involved. Despite the importance of court interpreting it is underused in Taiwan. The Ministry of Justice did not inform the defendant promptly and in detail of the procedure and result in his familiar language and to allow him adequate time and facilities to defend himself, not to mention the use of free interpreting service. For many years the Judicial Yuan and the Ministry of Justice have disregarded court interpreters professionalism and grouped them under the administration staff. At the present, court interpreters are selected from among current staff when they should be recruited from a nationwide recruitment exam in the same manner as judicial personnel. There's also poor wages that fall far short of the regular rates demanded by professional conference interpreters. Some court interpreters were never compensated for their work. Furthermore, the quality and neutrality of court interpreting is affected by lack of SOP, evaluation criteria and work ethics. As such professional interpreters are discouraged from contributing their skills to court interpreting, aggravating the problem.

At the CY's request, the Judicial Yuan and the Executive Yuan have proposed amendments to Article 99 of the Code of Criminal Procedure to expand the use of an interpreter or a statement in writing from deaf defendant to include foreigners who do not speak local languages. The Ministry of Justice also made improvements by including the method, language, and time of notification in the guidelines for the use of interpretation service; specifying the ethics and remuneration in official guidelines; and has agreed to follow up on payment fulfillment by prosecutor's office. The Ministry of the Interior has agreed to work with the Ministry of Education to devise a certification mechanism to ensure quality of interpreting service. The Judicial Yuan is in the process of organizing interpreter training programs and drafting a set of professional ethics to ensure quality, faithfulness and accuracy of court interpreting.