

28. In cross-border videoconferencing, there may be a need to have an interpreter either at the requesting court or at the requested court. **The interpreter can either work from a remote location, whilst the main parties are in the same location, for example, in the courtroom (remote interpretation), or, where a remote participant (e.g. a defendant or a witness) requires an interpreter, the interpreter is either co-located with the remote participant or located at the main site (videoconference interpreting).**

28 a. The use of interpretation during the videoconferencing (...) is a challenge to the participants in the hearing and to the interpreter. The witness may not be used to working with interpreters and the feeling of remoteness may cause problems with the interpretation. For the interpreters it is helpful if the judge coordinates the order in which the parties involved speak.

29. Taking of evidence is usually conducted with consecutive interpreting. In consecutive interpretation the judge plays a central role in administering the interpretation and in giving instructions to the witness or the interpreter during the hearing. **Given the complexities of videoconferencing and interpreting in legal settings, it is recommended that the consecutive mode of interpreting should be used when the interpreter is separated from those who require interpreting, as this mode allows more easily for clarifications and interventions that may be necessary to ensure that the interpreting is accurate.**

29 a. Simultaneous interpretation is more demanding, since it requires that there is a special booth for the interpreter and that the interpretation is transmitted to listeners by means of special-purpose equipment (transmitter, receiver and earphones). **When written documents are presented during the hearing or trial, there is often the need to use oral "prima vista" translation of written text. If the interpreter is not in the courtroom where the document is presented, document cameras need to be utilized in the videoconferencing.**

30. When remote interpreters are used in a third location, outside the courtrooms, attention should be paid to the preparatory arrangements and prior information on the technical equipment of this third location and to the testing of the connections between the locations before the actual hearing. Furthermore, attention should be paid to the acoustics and quality of sound in the location of the remote interpreter.

30 a. Other aspects that should be considered are the layout of the rooms in which videoconferencing and interpreting are used and the positioning of the interpreter and the other participants. **Visual and non-verbal communication play a crucial role in helping an interpreter to understand what is said, to grasp nuances of meaning and to resolve potential ambiguities. Therefore, the interpreter should be able to see the faces, facial expressions and possibly lip movements of remote participants. This has consequences for the position of the participants in relation to the cameras that deliver the video image for the interpreter. The interpreter should have a frontal view of the remote participants. At the same time, the interpreter should not become the centre of attention simply by appearing on a video screen. In other words, the setup should not create a situation in which the main parties have to turn away from each other in order to see the interpreter.**

30 b. Attention should also be drawn to both the reliability and the security of transmissions which should be ensured.

31. When interpreters are used in the process of videoconferencing, attention needs to be paid to the following aspects:

High quality communication and interpreting should be ensured;

During interpretation the impact of technical issues such as control over equipment (e.g. control over camera movement in video-based interpreting). **This may be particularly critical for remote interpretation, where view and image from the remote site must be ensured;**

Communication management is essential: there should be possibilities of intervention by the interpreter (before and during an interpreting assignment, for question clarifying the content);

The sound quality is crucial, as is the impact of data transmission delay (approx. 0.5 seconds) on interaction problems during the interpretation.

32. As regards the quality of interpretation, the qualifications required for court interpreters differ between Member States. This needs to be taken into account in the requests for using videoconferencing in mutual legal assistance or taking of evidence.

32 a. **In order to overcome the difficulties of videoconferencing coupled with interpretation and the negative perceptions which could exist among the practitioners, the following recommendations on how to implement and use video-mediated interpreting could prove helpful:**

A. The planning, procurement and installation of videoconferencing equipment for courtrooms

needs should be identified:

specific setting, such as who talks to whom, who needs to see whom, should be mapped out.

expertise should be involved at the planning stage:

it is highly important that the planning involves interpreting/linguistic, legal and technological experts to work out the specifics of the setting.

high quality technology should be used:

high-quality sound and video should be provided for all parties involved and additional equipment for the interpreter as required; a separate document camera (for the presentation of documents, images and other material that can facilitate interpreting) should be used. Note that simultaneous interpreting has specific requirements for (higher) audio and video quality and lip synchronisation than consecutive interpreting.

a 'trial and error' phase should be run:

especially before any large-scale purchase, implementation and roll-out of videoconferencing equipment. Critical instances in the communication process should be identified and the necessary adjustments made.

a stage-by-stage introduction of new technology should be allowed:

low-impact cases should be started with, in order to evaluate the effect of the technology at each stage and to assess the implications for the next stage.

appropriate work environment should be provided for the interpreter :

such as an ergonomic and quiet work environment and allowing the interpreter to control the equipment.

B. Enhancing the smooth use of remote interpreting via videoconferencing in the courtrooms

qualified participants and interpreters should be used:

appropriately qualified interpreters, and legal staff members who are experienced in working with interpreters, should be used, in order ensure a quality sufficient to safeguard the fairness of the proceedings.

training should be offered to the interpreters and legal staff:

an early-stage induction before rolling out the technology should be offered. Continuous professional training should then be available (including awareness

of wider context, mastery of technology, communicative situation and supportive techniques such as stress management).

risk-assessment procedures should be agreed upon:

procedures for deciding whether or not a video link in combination with interpreting is appropriate should be used and experienced interpreters should be consulted.

guidelines/protocols should be developed:

these should specify who is responsible e.g. for booking, timing, testing, starting and controlling the connection; describe the procedure before, during and after the session (briefing of interpreter, beginning of session, introductions, rules during session, debriefing) for all participants.

provisions for breakdown should be made:

a protocol for communication breakdown or technological breakdown should be developed as it should not be left to the interpreter to resolve breakdowns.

code of best practice:

Judicial services, legal practitioners and interpreter associations should continue to cooperate to improve joint codes of best practice for videoconferencing and remote interpreting.

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