

A Revised Model for the Professionalization of Court Interpreting in Taiwan

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In April, 2012, the Control Yuan of Taiwan published a report on court interpreting in Taiwan. The appearance of this report can be taken as indicating that court interpreting is beginning to be seen as a profession in Taiwan. However, thus far little research has been done on this field (e.g., Chang, 2013; Chen & Chen, 2013; Ho & Chen 2014; 陳雅齡、廖柏森, 2013), particularly in terms of the process of its professionalization. Therefore, the purpose of this study is to examine the development of court interpreting in Taiwan based on a model for the professionalization of interpreting proposed by Tseng in 1992. In Tseng's model, the professionalization of interpreting has four phases. The first phase features disorder in the markets; the second, increasing consensus and commitment; the third, the establishment of professional associations; and the fourth, a concern with legal authority and political persuasion.

Research into the history of a profession entails tracing its origins and development. The recorded history of court interpreting in Taiwan goes back to the Dutch-Spanish colonial period, when court interpreters had a semi-official status: they were recruited, trained and appointed by one branch of the government, and the same holds true for this profession today. Recently, the newly-established Taiwan Judicial Interpreters Association (TJIA)¹ has formulated a set of ethical standards and conducted training workshops, and is actively recruiting both novice and experienced practitioners. Both the government sector and the TJIA therefore play an important role in Phase III of Tseng's model. This study looks at this professionalization process, presents a revised version of Tseng's model of conference interpreting, and uses its findings to make suggestions regarding the professionalization of court interpreting in Taiwan.

Keywords: court interpreting, Taiwan Judicial Interpreters Association, professionalization model

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¹ Information regarding Taiwan Judicial Interpreter Association is obtained from its website on Facebook 臺灣司法通譯互助組織 <https://www.facebook.com/groups/peterchen/>

臺灣法庭口譯專業化模型之修正

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2012年4月臺灣監察院完成且公佈了《司法通譯案調查報告》，此報告具有指標性的意義，顯示臺灣法庭口譯從臨時性的社區服務轉變成一種對司法審判具影響力的專業性工作。然而國內目前對於法庭口譯的研究仍屬相對少數（如陳雅齡、廖柏森，2013；Chang, 2013；Chen & Chen, 2013；Ho & Chen, 2014），特別是對法庭口譯專業化過程的研究更是缺乏。因此本研究嘗試探討臺灣法庭口譯近年來的專業化發展，並以 Tseng (1992) 所提出的臺灣會議口譯專業化模型為基礎加以修正。Tseng 檢視口譯專業化過程，一般會經歷四個階段。第一階段是市場秩序混亂，第二階段是逐漸產生共識與承諾，第三階段則是專業協會的成立，第四階段是經由政治遊說及立法機構，形成最終的保護及認證。

討論某一行業的專業化過程，必須對這行業的起源及發展過程有所瞭解。回顧臺灣法庭口譯的發展史，自荷西據臺至今很長一段時間都是處於半官方的地位，招聘和任命都掌握在政府部門手中。另外，甫於 2014 年成立的臺灣司法通譯協會也招募成員，制定會員工作守則，開辦培訓講習。這些情況顯示近年來臺灣政府部門及臺灣司法通譯協會對臺灣法庭口譯的專業化發展，同時扮演著重要角色。本研究論述臺灣法庭口譯的發展過程，修訂 Tseng 模式並提出法庭口譯的專業化發展模式，並根據研究結果提出對臺灣法庭口譯專業化的建議。

關鍵詞：法庭口譯、臺灣司法通譯協會、專業化模型

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Introduction

The development of court interpreting in Taiwan has come to a point where its level of professionalization is worth examining. Spurred by globalization and increasing awareness of human rights, court interpreting has attracted much attention over the past few decades. Under the International Covenant on Civil and Political Rights (人民權利與政治權利國際公約) passed in 1966 by the United Nations, a defendant is entitled to have an interpreter present during legal proceedings. Following the ratification of this covenant by Taiwan in 2009, both the criminal and the civil codes have undergone several revisions reflecting an increased emphasis on human rights, including the right to the services of a court interpreter.

According to statistics compiled by the Ministry of the Interior, at the end of 2013 the total number of foreigners residing in Taiwan, not including people from mainland China, was 650,000. Among these, Indonesians accounted for the biggest part (33.48%), followed by Vietnamese (146,544, 22.55%) and Filipinos (92,444, 14.22%). In addition, there are a fair number of Thais, Americans, and Japanese residing in Taiwan. Moreover, the number of foreigners named as suspects in criminal cases has steadily increased during past ten years (沈美真、李炳南、楊美鈴, 2012, 頁4). In 2010, for example, the largest number of foreign suspects were Vietnamese, followed by Thais, Indonesians, Filipinos, Americans, Malaysians, and Japanese. With more and more foreigners working or residing in Taiwan, their right to an interpreter for various legal disputes or services has become an important issue worthy of further examination.

In April 2012 the Control Yuan completed and published its *Survey of Court Interpreting in Taiwan* (《司法通譯案調查報告》) a comprehensive

investigative report covering the right to an interpreter and the employment of court interpreters in Taiwan, including their recruitment, remuneration, and training. The publication of this report indicates that in Taiwan court interpreting is beginning to be seen as a profession, rather than a contingent type of community service requiring only scanty knowledge and low-level skills. However, there has thus far been relatively little research into the area of court interpreting in Taiwan (e.g., Chang, 2013; Chen & Chen, 2013; Ho & Chen, 2014; 陳雅齡、廖柏森, 2013), particularly in terms of its professionalization process. Amongst the previous research, Ho and Chen (2014) made a preliminary study of professionalization of community interpreting in Taiwan (before the appearance of the Taiwan Judicial Interpreters Association) and revised Tseng's model based on their findings. They included in their discussions the training programs and mediation provided by Taiwan High Court, National Immigration Agency, and many NGOs such as Trans-Asia Sisters Association (南洋臺灣姐妹會), Good Shepherd Social Welfare Services (天主教善牧基金會) and the YWCA in Taiwan. Unlike Ho and Chen's study, this study zooms in on one important type of community interpreting activities - court interpreting in Taiwan. And Tseng's model of professionalization is revised under such a perspective.

Moreover, in light of the rapid increase in the number of court cases involving foreign nationals, there is an urgent need to examine the current state of court interpreting in Taiwan and to present an up-to-date model of its professionalization. The professionalization of a particular line of work is important in that it reflects recognition of a growing dependence upon the credentials, special skills, experience, and education required to gain entry into a special field of work, either paid or unpaid (Bosanac & Jacobs, 2006, pp. 2-10). Over two decades ago, Tseng (1992) presented a model of the professionalization of conference interpreting in Taiwan. Later, Mikkelsen

(1996) adopted Tseng's model in his analysis of the development of community interpreting, including court interpreting on a global level.

Tracing the developmental process of court interpreting in Taiwan, for a long time court interpreters have had a semi-official status. Currently, they are mainly managed by the government, with their recruitment, admission, and required training in the hands of the judicial system, such as the Taiwan High Court (臺灣高等法院). In addition, there are the Judge's Academy of Ministry of Justice (法務部法官學院) and the National Immigration Agency (移民署) as two major public sectors providing training for practicing court interpreters. In this paper we mainly place our focus on the services and functions of the Taiwan High Court.

On the other hand, the newly-established Taiwan Judicial Interpreters Association (TJIA, 臺灣司法通譯協會) has recently begun to recruit members (approximately 400 members at present), has established ten branch offices island wide and held training workshops on a regular basis. In terms of the professionalization of court interpreting, both the judicial sectors and the TJIA play an important role in Phase III of Tseng's model. Based on the above observations, in this paper we first review the literature related to professionalization, then analyze Tseng's model of the development of conference interpreting, followed by a historical review of Taiwan's court interpreting development, and finally present a revised version of Tseng's model to illustrate the current stage of court interpreting in Taiwan.

Literature Review

Definition of Professionalization and Relevant Studies

“Profession” is derived from the Latin word *professio*, meaning a “declaration” or “assertion” sworn in front of God. Cited by Mikkelson

(1996, p. 2), the *American Heritage Dictionary of the English Language* defines the term “profession” as (1) an occupation or vocation requiring training in the liberal arts or the sciences and advanced study in a specialized field, and (2) the body of qualified persons of one specific occupation or field. Carter, Grebner, Seaman & Foret (1990, pp. 106–109) present a list of traits that characterize a profession: (1) theoretical knowledge, (2) autonomy, (3) service mission, (4) ethical code, (5) public sanction (legal restrictions on who can practice), (6) professional association, (7) formal training, (8) credentialing, (9) sense of community, and (10) singular occupation choice (practitioners remain in the same occupation throughout their careers). Medicine and law are therefore typical professions according to the above definition. According to Bosanac & Jacobs (2006, p. 3), any form of work or employment, recognition of professional status gives an individual a sense of pride, achievement, and security; effective and fair professionalization practices ensure adequate services while preserving integrity and viability of a field or expert knowledge. An occupation differs from a profession in that it generally requires less advanced training, fewer credentials, and tends to offer lower wages and benefits. Referring specifically to the interpreting profession, Witter-Merithew (1990, pp. 71–77) identifies the following standards that must be met for a line of work to be considered a profession:

- (1) A profession is an established field of expertise governed by standards of performance and behavior to which practitioners comply.
- (2) A profession is a field of expertise that consists of a body of knowledge and skills that require academic pursuit to master.
- (3) A profession has a mechanism for testing and determining who is qualified to function as a practitioner and assumes responsibility for monitoring conformance to standards.
- (4) A profession has a mechanism for self-examination, evolution of theory and

practice, and a system for publishing and disseminating this information.

Research on the professionalization of a line of work is therefore important because it documents the long-term commitment of its practitioners to their field of work, and demonstrates how the profession has gained recognition of the wider society by making entry into that field contingent on credentials gained through the acquisition of specialized skills and education.

Tseng's Model of Professionalization

Studies of professionalization have long put forth a “trait theory,” which states that an occupation becomes a profession by attaining such characteristics as adherence to a code of ethics, a body of knowledge, licensure or registration, and loyalty to colleagues, as indicated by Tseng (1992) and 汝明麗 (2009). Freidson (1986) and Larson (1997) both proposed a “control theory” which looks at how an occupation exerts both internal control (e.g., over the body of knowledge, the training required for entry into the field, and the ethics of its practitioners) and external control (e.g., over working relations and relations with clients). Tseng (1992) developed his model of professionalization of conference interpreting in Taiwan based on the above two theories. In general, Tseng asserts that an occupation becomes a profession by attaining such characteristics as adherence to a code of ethics, a body of knowledge, licensure or registration, and loyalty to colleagues, as shown in his model below:

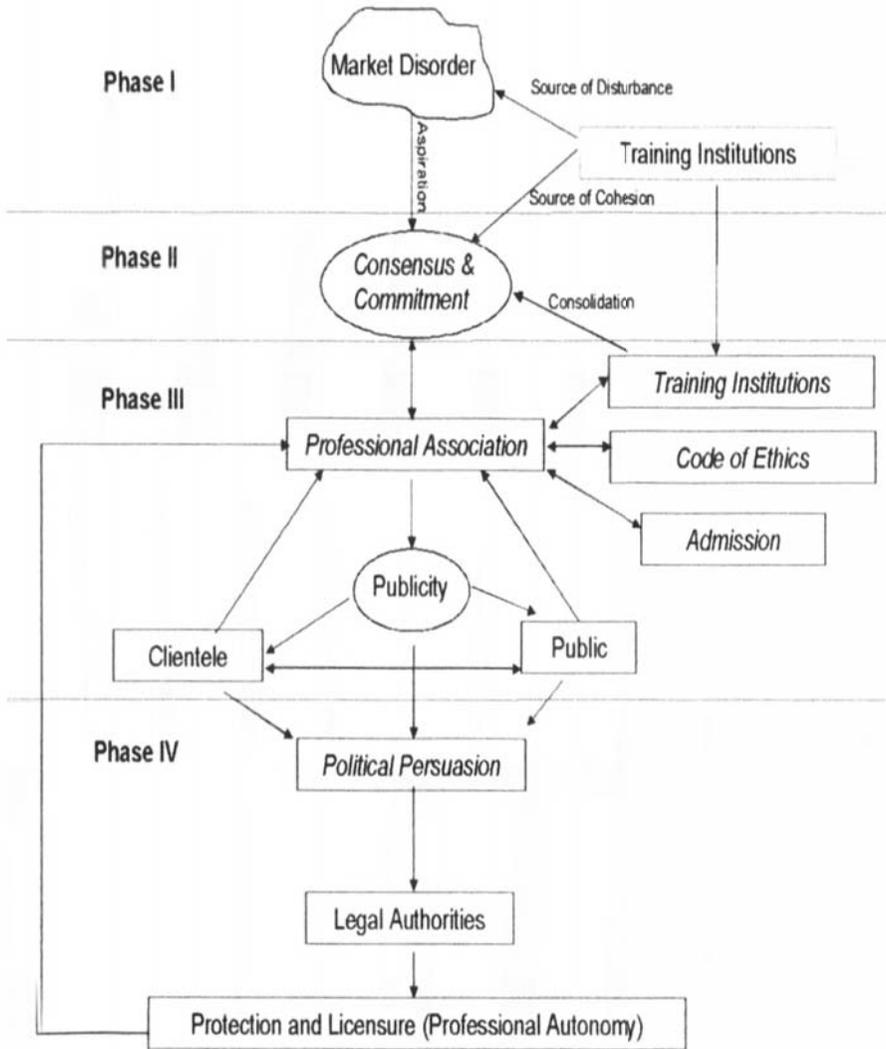


Fig. 1 Tseng's model of interpreting professionalization (Source: Tseng, 1992, p. 46).

In the figure above, “market disorder” occurs before consensus and commitment emerges amongst practitioners or recognition is achieved in the wider society. According to Tseng, training institutions appear during the first phase of professionalization. However, if these training institutions vary widely in standards of admission, training, and examination, then sub-standard

training institutions (without strict admission or rigid tests upon completion of training) will produce ill-qualified practitioners who are likely to become a source of disturbance to the market, while institutions with high standards will produce practitioners who make a positive contribution to the development and consolidation of the profession. As high-quality practitioners gradually provide more and more services, society comes to regard them as providing an indispensable service to the relevant sectors. In turn, well-qualified practitioners come to feel a sense of commitment to promoting their own abilities and status.

In the U.S. for example, as of 2015 the U.S. federal court system certifies interpreters in three languages (Spanish, Navajo, and Haitian-Creole). In addition to conducting certification exams, the federal court maintains a nationwide database of court-certified interpreters which it uses to arrange court interpreting services. At the state level, 18 states have certification requirements, and tests are being developed in a growing number of languages. This phenomenon reflects the consensus and agreement in the society and characterizes the second phase of Tseng's model, when interpreters come to be recognized as professionals who provide an indispensable service to the judicial system.

The factors of consensus and agreement in the society help facilitate the formulation and establishment of a professional association, an important indicator of the third phase in the process of professionalization. The members of such an association work collectively to exert their influence on the job market. The association may move further by attempting to control admission into the profession. However, if the code of ethics is not sophisticated enough or enforcement is lax, the association will lack power and will not function properly. When the association is strong enough, it may also control accreditation of practitioners. In the United States, for example, the American

Translators Association (ATA) accredits its members, and in the United Kingdom the Institute of Translators and Interpreters (ITI), which represents courts, businesses, and conference interpreters, administers proficiency exams to its members in various fields of specialization.

Once an association representing the majority of practitioners is perceived as providing a reputable service beneficial to society, the government will usually grant it special privileges. Mikkelson (2000) also indicates that professional associations in different countries work closely with government agencies and accrediting bodies to guarantee the quality of interpreting exams and training. This in turn enhances people's trust in the profession as a whole. Professionalization then gradually moves to Phase IV.

The process of professionalization is often circular. When the profession is seen to contribute to the well-being of society as a whole, the profession gains more strength. But if the services provided by a profession are not in demand, the public is not likely to recognize its importance. Describing the process of the professionalization of court interpreting, Mikkelson (1996) cites Tseng's advice that a strong professional association should represent the majority of practitioners. Limited representation is the major problem to fully realizing the potential of a professional association (Tseng, 1992, p. 81). Mikkelson further points out that whereas court interpreting is now beginning to emerge as a recognized profession, many other types of public service interpreting, such as medical interpreting, are still lagging behind. This then justifies why she examines Tseng's model from the perspective of court interpreting. In this paper, we focus on court interpreting as a profession as Mikkelson does. Other types of community interpreting activities are excluded from our discussions.

The Development of Court Interpreting in Taiwan

In examining the professionalization of a line of work, it is necessary to trace its origins and development. In accordance with the political and legal development of Taiwan, we divide the professionalization process of court interpreting into five historical periods: (1) The early period (including indigenous self-governance and the Dutch-Spanish period), (2) the Qing dynasty, (3) Japanese colonial era (1895–1945), (4) Kuomintang (KMT) dominance (1945–2000), and (5) modern times. When much of Taiwan was ruled by the Dutch and Spanish during the 17th century, judicial interpreting in a broad sense was required for making treaties (李朝成, 2010, 頁 63) and publicizing local orders enacted by the foreign rulers (王泰升、薛化元、黃世杰, 2006, 頁 13). During the Qing dynasty (1644–1912) local semi-official interpreters would be summoned to provide their services at the local yamen (衙門) on an as-needed basis and who played a mediating role between the government and the ordinary people (王泰升, 1998).

The earliest record mentioning the court interpreter as a formal judicial position is a document issued by the Taiwan Governor-general's Office (臺灣總督府) during Japanese colonial era. During this period, the colonial authorities appointed interpreters as regular judicial personnel, and the number of interpreters steadily increased.

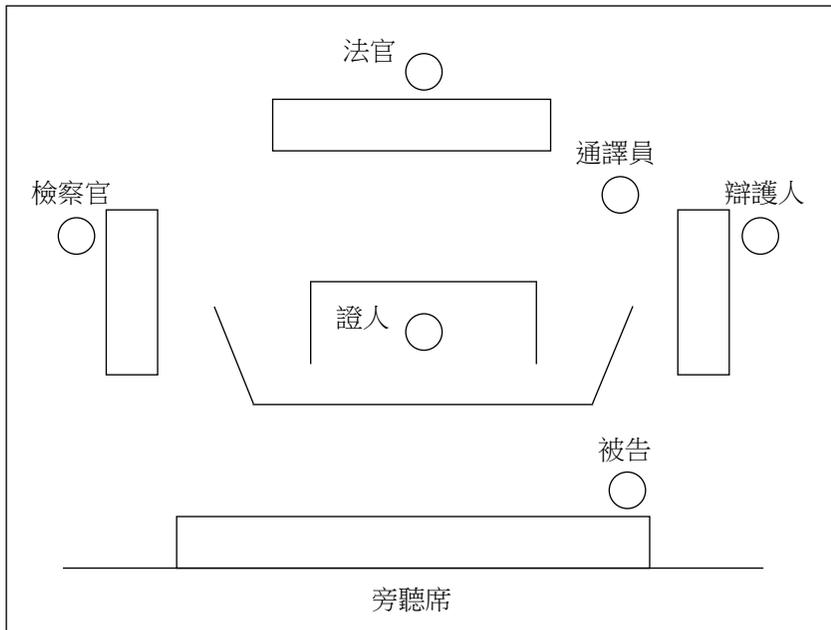


Fig. 2 Seating arrangement in a typical Japanese courtroom. (Source: 渡辺修、長尾ひろみ、水野真目子，2006，頁 63。Cited by 梁文營，2010，頁 74)

During the early phase of their rule, the Japanese authorities deliberately created a distance between themselves and the local people in the courtroom. In cases involving a local person, two types of interpreters were present in the courtroom—the main interpreter, who spoke Japanese and Mandarin, and the assisting interpreter, who spoke Mandarin, Hoklo, and/or one of the indigenous languages. The Japanese government in particular gave out subsidies to police officers who could communicate between Japanese and local Taiwan dialects.

When the KMT took control of Taiwan at the end of World War Two, mainlanders (few of whom knew any of the local dialects) were appointed to most of the judicial posts, requiring the government to step up its recruitment

of court interpreters. However, there was no training courses during this period, and this contributed to the slow development of court interpreting in comparison with other countries. Towards the end of the 20th century, the abilities of interpreting personnel weakened, and the staff gradually took on more administrative jobs, for example, passing documents, asking for signatures from the witness or the litigant, or even operating the court recording equipment.

To turn the above situation around, in 2006 the Taiwan High Court of the Judicial Yuan began holding formal training courses for contracted interpreters to meet the growing demand for increasingly challenging jobs of public service interpreting. In 2009 the government ratified the International Covenant on Civil and Political Rights (ICCPR), which significantly increased awareness of the importance of the qualifications of a good court interpreter. Further, in 2013 the Judicial Yuan formulated a set of ethical standards for court interpreters. Summing up, court interpreting in Taiwan has a long history of being managed by the government. All these factors helped stimulate the consensus in Phase II of Tseng's model.

Stimulated by the growing demand for court interpreters working in various languages, training programs, both public and private, have flourished. According to the Judicial Yuan's Provisions for Hiring Contract Court Interpreters (法院特約通譯約聘辦法)², applicants need to meet certain qualifications, such as a certain level of language proficiency and at least five years living in a country where the language to be interpreted is spoken. Those who meet these qualifications are further required to undergo a training program including judicial affairs, legal procedures, and interpreting ethics (see

² Please refer to <http://www.rootlaw.com.tw/LawArticle.aspx?LawID=A06002000008600-1040508>

Appendixes A and B). Those who successfully complete the training receive accreditation, must renew their license every two years upon completion of additional training. The training programs organized by the Judicial Yuan have also been extended from a one-day session (8 hours) to a two-day session (16 hours) that is balanced between theory and practice.

The TJIA was established in October of 2014; anyone who is proficient in a foreign language and interested in becoming a court interpreter can apply to become a member. At present, the TJIA has approximately 400 members and ten branch offices in such municipalities such as Taoyuan, Hsinchu, Yulin, and Tainan. After some internal workshop training, mostly led by its founding director, Mr. Peter Chen, members are eligible to be appointed to a court case. The membership of the TJIA includes interpreters of a range of diverse languages. A majority of its members (85%) are newly-arrived immigrants from Southeast Asian countries. This is in sharp contrast with the demographics of the court interpreters listed in the database maintained by the Taiwan High Court. In this database, the members who interpret for southeast Asian languages account for 45%; sign language or aboriginal languages 21%; the rest 36% (e.g. Japanese, English, French, Spanish, Russian, etc.). Some interpreters receive training from both the Taiwan High Court and the TJIA on a regular basis, and therefore their abilities are presumed to be more strengthened.

The TJIA has also set up a smart phone application (APP) for arranging interpreting jobs. Its goal is to become the only agency representing court interpreters in Taiwan. Any public or private agency requiring a court interpreter can contact the TJIA for a referral. The TJIA's main argument for implementing its own job appointment system is that the judicial system should play an independent role and therefore refrain from appointing court interpreters. In a broad sense, we may classify the TJIA to be a type of professional association as depicted in phase III of Tseng's model.

In comparison, in the U.S. there is “National Court Interpreter Database” (NCID) used by federal and district courts to obtain the contact information of contract court interpreters, and that all interpreters are welcome to log in to update their information. Further, in the U.K. “National Register of Public Service Interpreter” (NRPSI) is an independent voluntary regulator of professional interpreters specialising in public service. NPRSI maintains a public register of professional, qualified and accountable interpreters. This national register is accessible and searchable online to any private or public institutions, free of charge. Both NCID and NRPSI as interpreter recruitment systems are somewhat similar to the database maintained and used by the Taiwan High Court or National Immigration Agency. Thus the TJIA’s assertion that the judicial sectors should not search and appoint an interpreter based on a national database may be unrealistic in current situation.

A Revised Model of Court Interpreting in Taiwan

After setting up a contract interpreter system in 2007, the court unit engaging the case became responsible for appointing an interpreter listed in a government database of contract interpreters. Currently, the selection of a court interpreter for a criminal or civil trial is done by the clerk, frequently through consultation with the judge. Moreover, there is now an evaluation sheet filled out by the presiding judge to assess the performance of his or her interpreters.

On the other hand, the newly established TJIA is rapidly recruiting members, opening training programs, and implementing its APP appointment system in an attempt to control admission to the market of court interpreting. The following table sums up the discussions above and compares the current functions of the judicial sector (mainly the Taiwan High Court) relating to

contract court interpreters with those of the TJIA:

Table 1

Comparison between the Judicial Sector and TJIA on Professionalization of Court Interpreters

	Judicial Sector	TJIA
Ethical Standards	Yes	Yes
Training	Yes	Yes
Credentials upon completion	Yes	Yes
Instructors	Yes	Single instructor
Language Interpreted	Various (57% non-southeast Asian languages)	Various (85% Southeast Asian languages)
Training Evaluation	By a panel of judicial professionals	By the same instructor
Recruitment procedures	Meet qualifications stated in “Hiring Procedures for Contract Court Interpreters”	Open to all
On-site evaluation	Yes	Not Clear
Status Renewal	Every two years	Not Specified

Note. Compiled by the authors

As shown above, the judicial sector seems to have better resources and provides a more complete and rigorous system for the recruitment, training, and renewal of court interpreters. The schedule of the judicial sector course (see Appendix B) shows that the instructors come from a variety of backgrounds, including prosecutors, judges, professors, and practitioners, who cover a wide range of topics, including law, criminal and civil procedures, court interpreting theory and practice, and ethics. The TJIA is said to give more

emphasis to training and practice in the interpretation of Southeast Asian languages, and the workshops are mostly organized and led by the founder of the association, Peter Chen. The official website of TJIA³ indicates that the organization provides a lot of practical materials in such topics as criminal procedures, linguistic rights, and ethical standards. Although Mr. Chen has extensive experience as a police and immigration officer, his approach to court interpreting may seem to be mainly on the practical side of his working as a civil servant in a local immigration agency. Given the fact that both the judicial sector and the TJIA recruit interpreters, implement training programs, formulate codes of ethics, and issue credentials, we would like to revise Tseng's model by putting the Judicial Sectors and Professional Association (TJIA) together in Phase III in order to better reflect the current situation happening in Taiwan (see Fig. 2). In the revised model, we use a dotted line to connect Judicial Sectors to Publicity, and a solid line to connect the TJIA to Publicity. The dotted line represents the problematic assertion that the judicial sector should resolve legal disputes in the court and at the same time hold training workshops, gain publicity, establish legal authority, and finally achieve a professional autonomy for court interpreters. The revised model to reflect the current situation of court interpreting in Taiwan is shown below:

³ For more information of TJIA, please check: <https://www.facebook.com/臺灣司法通譯協會-683559408364092/?fref=ts>

Professionalization Process of Court Interpreting in Taiwan

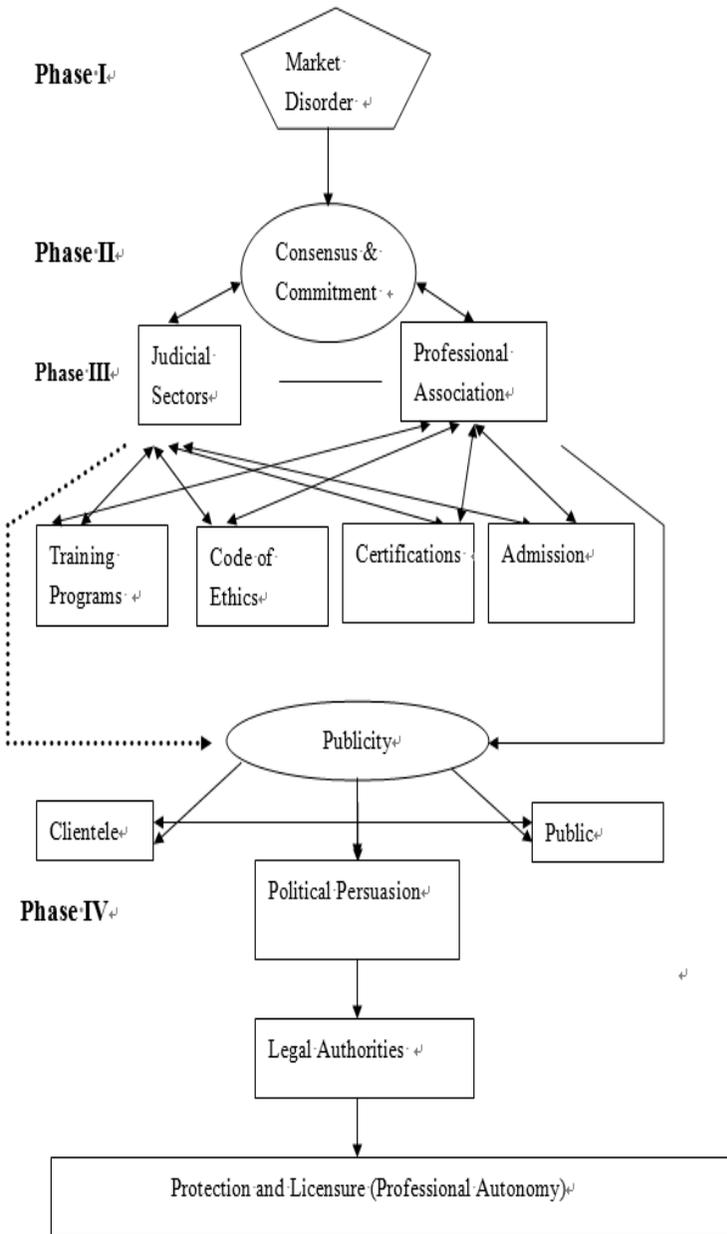


Fig. 3 Revised version of Tseng's model to reflect current situation of court interpreting in Taiwan. (Source: Compiled by the authors)

Regardless of their professional affiliation, all interpreters should strive to push forward the professionalism of the field by adhering to ethical standards and providing high-quality services, for doing so will help both the judicial sector and the TJIA to win positive publicity (e.g., political persuasion and legal authority) in Phase IV. In turn, winning political persuasion and legal authority is likely to motivate court interpreters to upgrade their skills by participating in training programs. The public image and status of the profession will be enhanced when society finds it to be connected to the well-being of society as a whole.

Bosanac and Jacobs (2006, p. 3) propose three guiding principles of professionalization. First, professionalization must be led and controlled by a legitimate organization that works for the benefit of practitioners and clients. Secondly, professionalization must be developed on a reflexive, relational basis to reflect the needs and beliefs of differing cultures, races, genders, and classes. Third, the knowledge, experience, and expertise of laypersons must be recognized by professionalization and certification systems. Based on these three guidelines, it is preferable to wait for some time and then examine how the judicial sector and the TJIA function in Phase IV, in terms of winning political persuasion and legal authority, and establishing professional autonomy and a licensure system, as depicted in our revised model.

Conclusion

Court interpreting in Taiwan has come a long way over the past few centuries. On the one hand, court interpreters have long been seen as employees of the judicial system without their professional autonomy. On the other hand, it is encouraging to see that the newly-established TJIA has rapidly recruited a sizable membership and opened training programs. At present,

both the judicial sector and the TJIA are very actively recruiting language professionals, conducting training, and issuing certificates after completion of training courses. So far there has been no collaboration between of the Taiwan High Court and the TJIA, with each developing its own recruitment procedures, code of ethics, training programs, and accreditation tests. It indeed looks strange in the revised model to see the judicial sector also organizing and providing training programs. As stated above, the training of court interpreters in Western countries lies in the hands of professional associations. On the other hand, as a professional association the TJIA is still in its infancy, with most tasks being handled by the founding director, Peter Chen, including instruction, collecting membership fees, and soliciting donations, as shown by the announcements on its official website. To win consensus and public approval of its efforts in the area of interpreting professionalization, the judicial sector needs to overhaul its procedures for recruiting language professionals by setting higher standards, periodically changing the content of the training programs and accreditation tests, and increasing cooperation with academia. Only by making such major overhauls can the judicial sector be justified in playing the dual role of conducting judicial cases and also appointing court interpreters. Based on the three guidelines proposed by Bosanac and Jacobs (2006, p. 3), further examination is then required to determine which body—the judicial sector or the TJIA—should take the lead or even work together in the professionalization of court interpreting in Taiwan.

To conclude our paper, we want to emphasize that regardless of the professional affiliation (Taiwan High Court or the TJIA), all interpreters should strive to push forward the professionalism of the field by seriously adhering to ethical standards (the two organization differ little in this respect), thereby rendering an impartial and faithful delivery of professional services, for doing so will help both the judicial sector and the TJIA to win positive

publicity, followed by gaining political persuasion, legal authority, and eventually professional autonomy. As the phases of the professionalization go circular, winning political persuasion and legal authority is also likely to motivate court interpreters to upgrade their skills and enhance the consensus of the society when the society finds the profession indispensable to the well-being of society as a whole.

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Appendix A

法院通譯倫理規範

Code of Conduct for Court Interpreters

中華民國 102 年 10 月 25 日院臺廳司一字第 1020028257 函訂定

Ratified pursuant to Yuan-Tai-Ting-Si-Yi-Zi Letter No. 1020028257 on Oct. 25, 2013

一、為提升法院傳譯品質，建立通譯行為基準，特訂定本規範。

1. The Code of Conduct for Court Interpreters (hereinafter as this Code) is drafted and ratified to improve the interpretation quality in courts and to establish behavioral standards for interpreters.

二、通譯應遵守法令及本規範，秉持熱誠及耐心，以公正、誠實之態度執行傳譯職務。

2. An interpreter shall be subject to laws and this Code and shall perform interpretation duties impartially and honestly based on the principle of enthusiasm and patience.

三、通譯應謹言慎行，避免有不當或易被認為損及司法形象之行為。

3. An interpreter shall be shrewd in words and behaviors and shall avoid all behaviors which are inappropriate or may be deemed as detrimental to the country's judiciary image.

四、通譯執行職務時，不得因性別、種族、地域、宗教、國籍、年齡、身體、性傾向、婚姻狀態、社會經濟地位、政治關係、文化背景或其他因素，而有偏見、歧視、差別待遇或其他不當行為。

4. An interpreter performing duties shall not exhibit prejudice, discrimination, preferential treatment or other inappropriate deeds against those involved in cases based on their gender, ethnicity, region, religion,

nationality, age, physical condition, sexual orientation, marital status, socioeconomic status, political relations, cultural background or other factors.

五、通譯執行職務時，應忠實傳譯當事人、證人、鑑定人及其他關係人之陳述內容，不得有擅自增減、潤飾、修改、曲解原意或隱匿欺罔之行為。

通譯執行職務時，如發現誤譯，應即主動告知法院，並協助更正。

5. An interpreter performing duties shall accurately interpret statements made by parties, witnesses, expert witnesses and other related parties without adding, omitting, embellishing, editing, distorting or hiding the original meaning of the statement. When realizing any misinterpretation during the performing of duties, an interpreter shall take the initiative to report such a condition to the court and provide assistance in clarification or correction.

六、通譯就傳譯案件所涉之法律、訴訟程序、專業知識或其他陳述用語不明瞭時，應主動告知法院協助釐清。

6. If an interpreter does not understand the laws, proceedings, professional knowledge, or other dictums in the statements involved in a case, he or she shall take the initiative to report such a condition to the court and ask for clarification.

七、通譯就傳譯案件如有法定應自行迴避事由，不得執行職務。

7. An interpreter shall not perform the duties if there is any legal recusal cause in the case.

八、通譯就傳譯案件如有拒絕通譯原因、利益衝突或其他影響其忠實、中立執行職務之情形，應主動告知法院。

8. An interpreter shall take the initiative to report to the court if there is any cause of refusal of interpretation or a conflict of interest as well as any reason that may potentially affect the faithfulness or neutrality of an

interpreter performing duties.

九、通譯執行職務時，不得就案情提供任何法律意見或陳述個人意見。

9. An interpreter performing duties shall not give any legal advice or any personal opinion related to the case.

十、通譯不得接受請託關說或收受不正利益，並應避免與傳譯案件之當事人、證人、鑑定人或其他關係人有案件外之接觸。

10. An interpreter shall not accept solicitation or others asking favors for cases or receive improper benefits, and shall avoid making any unnecessary contact with parties, witnesses, expert witnesses or other relevant parties.

十一、通譯不得揭露或利用因職務所知悉之秘密、個人隱私或非公開訊息。

11. An interpreter shall not disclose or make use of the confidential, personal or nonpublic information acquired during their performance of court duties.

十二、通譯應善用教育訓練課程，保持並充實職務所需智識及傳譯技能。

12. An interpreter shall make good use of the educational and training courses to maintain and improve his or her knowledge and interpreting skills.

Appendix B

Course Schedule of 2016 by Taiwan High Court

105 年第 1 期特約通譯備選人教育訓練（北區）課程表

研習時間：105 年 7 月 14 日至 7 月 15 日

日期	7月11日	7月12日	7月13日	7月14日	7月15日
星期	星期一	星期二	星期三	星期四	星期五
時間	※	※	※	8：30～8：50報到	7：30～8：30早餐
9：00 9：50				民事法律常識 （含法律專業術語及專 有名詞解釋） 講座：陳院長邦豪 桃園地方法院	法庭傳譯經驗交流 〈含法院交流〉 講座：待聘
10：05 10：55	※	※	※		
11：10 12：00					
12：00 14：00	※			午餐及午休	
14：00 14：50				刑事法律常識 （含法律專業術語及專 有名詞解釋） 講座：張升星法官 臺中高等行政法院	人權系列講座- 多元文化 與性別意識 講座：廖教授美蓮 東吳大學社工系
15：05 15：55	※	※	※		
16：10 17：00					
17：00	※	※	※	晚餐及自由活動	賦歸（餐盒）
備註	一、研習地點：法官學院 4 樓 401 教室。 二、住宿地點：法官學院（台北市士林區文林路 723 號） 三、本學院承辦人：教務組鍾幸如組員。電話 02-88664433#635				

