



Interpreting in the Public Sector in Denmark. A New Model for Certification and Education

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Abstract

In general, the quality of public interpretation in Denmark is very uneven. Interpreting is often performed by people without formal qualifications such as a relevant education. The lack of professionalism and quality assurance is detrimental to law and order as well as patient safety, and both the Danish National Audit Office and the Danish Institute for Human Rights have sharply criticized the situation. The article proposes a new quality assurance model with certification and research-based education as core activities. The model addresses all points of criticism and aims to solve the current problem.

Keywords: Public interpreting; Education; Certification; Public quality assurance

Introduction

Danish is a Nordic, Germanic language spoken by approximately six million people worldwide. Danish is one of the official languages of the European Union (EU) and is the national language of Denmark, a country in southern Scandinavia.

According to Danish law, Danish is the language used in public administration, e.g. in court. At the same time, it is a fundamental principle of Danish administrative practice that citizens and authorities must be able to understand each other. Therefore, a special situation arises when citizens – or foreigners staying temporarily in Denmark – do not speak and understand Danish. The legislation provides for this. For example, the Danish Administration of Justice Act states:

“The legal language is Danish. Negotiations and interrogation of persons who are not proficient in the Danish language should, as far as possible, be carried out with the help of a qualified translator or the like.” (§ 149).

Whereas the Danish Administration of Justice Act contains

a small proviso through the wording “as far as possible”, and whereas the involvement of a qualified translator is limited to “negotiation” and “interrogation”, there are no such modifications in the European Convention on Human Rights. Article 6, paragraph 3(e) of the Convention states that everyone charged with a criminal offence has a right to the free assistance of an interpreter if he cannot understand or speak the language used in court” [1].

However, there is a glaring discrepancy between the Convention on Human Rights and the Danish Administration of Justice Act on the one hand and day-to-day practice on the other. In the vast majority of cases, it is not actually possible to live up to the legal requirement to find “a qualified translator or the like”. According to the Danish Institute for Human Rights, it is likely that approximately 80% of the people who interpret before Danish courts are not trained in interpreting and/or in languages [2].

In Denmark, there is no broad, public education programme for translators or interpreters. Previously, translators had to be appointed by the state through authorization. However, this

appointment was abolished in 2016. Anyone who wishes to do so can now call themselves a “translator” or an “interpreter” without anyone judging his or her qualifications.

Previous study programmes in interpretation all closed mainly because they had too few students and because they were too expensive to finance for higher education institutions. At present, there is only one public degree programme in interpreting, i.e. conference interpreting at The University of Aarhus. However, this is a highly specialized study programme which requires that you have already completed a Master’s degree, and it is primarily aimed at interpreting in the institutions of the European Union. It admits very few students and comprises only the major European languages [3].

However, the languages with the greatest need for interpreting to and from Danish in public administration are not primarily European languages. The municipal administration in Copenhagen, the capital of Denmark, states in 2023 [4] that the municipality mainly uses the following languages for interpreting to and from Danish:

- Ukrainian, Arabic, Russian, Somali, Farsi/Dari, Polish, Romanian, Turkish, Kurdish, Brazilian.

The Danish Association of Translators (Translatørforeningen) (2015) also mentions the following languages:

- Bosnian, Chinese (Mandarin), Kurmanji, Pashto, Thai, Urdu [5].

The Interministerial Committee report (2023) adds the following languages to the list:

- Albanian, Lithuanian, Sorani, Tigrin [6].

The Interministerial Committee (2023) summarizes these languages as “refugee and immigrant languages” [7].

Current Situation

The public administrative areas in which interpretation is particularly used are Justice (including asylum), health and social services [8]. There are similar needs at schools and within eldercare.

During recent years, a number of reports and articles in the media have shown that public interpretation in Denmark is criticisable and generally suffers from the fluctuating quality.

In 2018, Rigsrevisionen (The Danish National Audit Office) showed that interpreters often lack the necessary linguistic and cultural qualifications and interpreting ethics, and that there are no professional requirements for interpreters when they are included on the so-called temporary interpreter list – a list that includes approximately 2,000 people who have themselves stated that they can act as interpreters in the legal field. The public auditors concluded, among other things, that inadequate interpretation poses problems for law and order, as well as patient safety in Denmark [9].

The Danish Institute for Human Rights (2015) documents that “the Danish judiciary [...] use interpreters who are not trained in

either language or interpreting”, and that in reality nothing can prevent “criminal proceedings before the Danish courts being conducted on an uncertain basis [10]”. It is documented that approximately 80 % of the interpreters often have no training or examination in interpreting or any language education [11].

The same picture of inadequate interpretation is shown in a report from the Danish Association of Translators in 2015. The report also points to a major waste of resources, as inadequate interpretation leads to delays when meetings and conversations have to be repeated [12].

In 2020, in light of the criticism, the Danish government appointed a committee consisting of representatives of eight ministries [13]. The committee was asked to come up with proposals on how to ensure better foreign language interpretation in the public sector. The committee asked the University of Copenhagen and University College Copenhagen to propose a national Danish model for interpreting in the public sector [14]. The author of this article was asked to lead the work, which was carried out in close cooperation with colleagues from the two institutions involved (see Acknowledgment). The model will be presented below [15].

A Model for Public Interpretation in Denmark

As mentioned above, the University of Copenhagen does not currently offer an interpreting programme but conducts research and teaches in Danish as a second language as well as many of the foreign languages that are primarily in demand for interpreting in the public sector (see above). In connection with its sign language programme, University College Copenhagen has expertise in interpreting and ethics. Both institutions house different degree programmes that lead to employment in the public sector and where the need for interpretation is (e.g. law, health, social services, public administration). The institutions’ model proposal could solve the problem of lack of certification and training of interpreters in the public sector if Folketinget, the Danish parliament decides to implement it.

The following presentation will focus exemplary on the legal area, but also applies to the other areas mentioned above.

The model consists of the following main elements:

- Legislation
- Certification
- Education
- A national register of interpreters
- A national center for education, certification, and research.

These main elements are commented on below.

Legislation

A precondition for the model is that the state draws up legislation requiring that, as a general rule, the public sector is obliged to use certified interpreters. As mentioned above, there are currently no formal requirements. This means that individuals have no incentive to train and acquire competences. The fact that the

individual interpreter has no motivation for enrolling in a degree programme also means that the institutions of higher education lack students and thus funding, and therefore no translator and interpreter programmes are offered. This situation would, of course, be different if trained and certified interpreters were required and there would be an incentive to enroll in a programme. In this respect, Denmark could draw important inspiration from Norway, where an interpreting act was introduced on 11 June 2021 [16]. This law states that the public sector must use an interpreter when required by law.

Certification

The certification model has four levels. It should be possible to apply for certification at these levels:

Level 1 (highest level): Interpreting at Master's degree level

Tentative competence description [17]: Those who are certified at level 1 are highly specialized and have in-depth knowledge of interpretation theory and practice, interpreting ethics, and a thorough knowledge of the legal system. They can interpret in all courts, in police interviews or before defense lawyers in cases of both complicated and serious crimes. They can also work for ministries, the armed forces, the security services, etc. They are qualified to teach and assess other interpreters.

Level 2: Interpreting at professional Bachelor's degree level

Tentative description: Those who are certified at level 2 are highly specialized and have in-depth knowledge of the theory and practice of interpretation, interpreting ethics, and a thorough knowledge of the legal system, including the work of the police and courts. They can interpret in all courts, in police interviews or before defence lawyers in cases involving both complicated and serious crimes.

Level 3: Interpreters at academy programme level

Tentative description: Those who are certified at level 3 have sound and solid knowledge of the theory and practice of interpreting and have the skills to translate between Danish and the interpreted language, also when it comes to law. They are qualified to interpret in courts in uncomplicated cases such as use theft, drunk driving or simple forgery. The interpreter can also assist in police interviews, prison visits, etc.

Level 4: Bilingual-tested interpreters

Tentative description: The interpreter has basic knowledge of the work as an interpreter as well as of interpreting ethics and professional standards. The interpreter has basic knowledge of law, including the work of the police and the courts. The level 4 interpreter is qualified to handle e.g. interpreting informational interviews, control translation of letters to or from prisoners, interpretation during expulsions or interpreting on arrival of refugees.

Far from all interpreters should have the highest level (level 1). This is necessary only when interpreting in difficult and complex cases. In other cases, the lower levels are sufficient. At level 4, the

interpreter is primarily a linguistic and cultural mediator, and it is sufficient to have knowledge of basic technical expressions and Danish society. Interpreters at the lowest level will probably be most in number. In Sweden, the interpretation system has only two levels, both at translator level. Our aim is that the certification of interpreters can take place at different levels in order to get all interpreters certified. The certification may have to be renewed after a certain number of years.

Education

Ordinary degree programmes in interpreting should be developed at different levels: Professional master's programmes, professional bachelor's programmes, academy programmes and diploma programmes. Presumably, some of the current interpreters can be certified immediately, i.e. without the need for training. Others should have continuing education. In general, there should be opportunities to further education to a higher level.

A national register of interpreters

In the model, it is proposed to establish a national interpreter register where all certified interpreters in Denmark are listed. It will thus be easy for all authorities to find an interpreter who is suitable for the specific task in demand. The register should be online and always up to date.

A national center for education, certification, and research

The model proposes the establishment of a national center for interpretation. The center will develop study programmes and certify all interpreters in Denmark. The study programmes must be research-based, which is why research will be part of the center's activities. The programmes and research should involve researchers and lecturers from all Danish universities as well as other resource persons and stakeholders. These may be researchers from the universities' foreign language programmes, but also e.g. researchers in Danish as a second language, e.g. the group that researches sociolinguistic perspectives on legal interpretation and published a report in November 2022 [18]. Other important stakeholders are the Union of Interpreters and the Union HK.

Implementation

In the first instance, it is urgent that the approximately 2,000 interpreters on the Danish National Police's interpreter list be certified and, where there is a need, relevant continuing education is offered. The 2,000 on the list are – as already mentioned – not certified. They themselves have indicated that they are qualified, but have never been tested, and no demands have been placed on their education and other qualifications. When these interpreters have been certified and, where necessary, have been trained, study programmes and certification will be offered on a regular basis as described.

For the model to become a reality, it will be necessary to have an appropriation in the Danish Finance Act. The University of Copenhagen and University College Copenhagen estimate that DKK 128.5 million will be needed for the development of study programmes, research, and the establishment of the center over

a period of five years. The individual certifications and continuing education activities are user-paid. Running the study programmes are financed according to the normal rules in Denmark.

Reactions to the proposal

The interministerial committee's report is largely based on the model proposed by the University of Copenhagen and University College Copenhagen. The committee believes that the model is a good starting point for further work [19]. The work could begin if Folketinget, the Danish Parliament, allocates the necessary financial resources.

Conclusion

It has become evident that the public interpretation in Denmark today is of very uneven quality. The interpreting work is characterized by a lack of professionalism and no trained manpower. Poor interpreting harms the rule of law and patient safety in Denmark, and both the National Audit Office (Rigsrevisionen) and the Danish Institute for Human Rights have sharply criticized it. The proposed new model with legal requirements, certification and research-based education will solve the current problem.

Acknowledgement

I would like to thank the development group involved in drafting the proposal which was sent to the Interministerial Committee. I also thank Tove Hvid Persson, Director of University College Copenhagen, for our close collaboration. Above all, I would like to thank Dorthe Vejen Hansen, Senior Consultant, University of Copenhagen, for her hard work and her never-ending commitment

Conflict of Interest

None.

References

1. Cf. https://www.echr.coe.int/documents/d/echr/convention_ENG. In a report from 2015, the Danish Institute for Human Rights recommends that the Danish Parliament ensures consistency between section 149 of the Danish Administration of Justice Act and the European Convention on Human Rights by specifying that access to interpretation services applies throughout the criminal proceedings. (Danish Institute for Human Rights (2015) = Slot, Line Vikkelsø / Tine Birkelund Thomsen: *Tolkning i retsvæsenet [Interpretation in the judiciary]*. Danish Institute for Human Rights: Copenhagen 2015, p. 70).
2. Danish Institute for Human Rights (2015) = Slot, Line Vikkelsø / Tine Birkelund Thomsen: *Tolkning i retsvæsenet [Interpretation in the judiciary]*. Danish Institute for Human Rights: Copenhagen 2015, p. 70.
3. At University College Copenhagen, there are modules of continuing education, but without language training. In the Danish Armed Forces there is a training for language officers.
4. Udbudsbetingelser. *Tolkeydelse til Københavns Kommune [Tender specifications, Interpretation services, City of Copenhagen]*, 2023, p. 5.
5. The Danish Association of Translators (2015) = Graversen, Carina / Bente Jacobsen / Anette Nørgaard Jappe (2015): *Tolkning i den offentlige sektor. Den aktuelle tolkesituation. Afrapportering af spørgeskemaundersøgelse blandt tolkebrugere i den offentlige sektor [Interpreting in the Public Sector. The Current Situation of Interpreting. Reporting on a Questionnaire Survey Among Interpretation Users in the Public Sector]*. Copenhagen: Translatørforeningens Tolkeudvalg [The Danish Association of Public Translators' Interpretation Committee], p. 11.
6. Den nationale danske tolkeordning [The National Danish Interpretation Scheme]. Unpublished concept paper. University of Copenhagen and University College Copenhagen. Copenhagen 2021, p. 7.
7. Bedre fremmedsprogstolkning i den offentlige sektor. *Afrapportering af arbejdet i det tværministerielle tolkeudvalg [Better Foreign Language Interpretation in the Public Sector. Report on the Work of the Interministerial Interpretation Committee]* (2023), p. 10.
8. The Danish Association of Translators (2015) = Graversen, Carina / Bente Jacobsen / Anette Nørgaard Jappe (2015): *Tolkning i den offentlige sektor. Den aktuelle tolkesituation. Afrapportering af spørgeskemaundersøgelse blandt tolkebrugere i den offentlige sektor [Interpreting in the Public Sector. The Current Situation of Interpreting. Reporting on a Questionnaire Survey Among Interpretation Users in the Public Sector]*. Copenhagen: Translatørforeningens Tolkeudvalg [The Danish Association of Public Translators' Interpretation Committee], p. 7.
9. In a follow-up, the public auditors state in 2023, among other things, that they continue to focus on the lack of quality and on establishing complaint procedures. There is, however, no explicit focus on or requirement for quality assurance through education. (See: *Notat om myndighedernes brug af tolkeydelse [Follow-up in the Case of the Authorities Use of Interpretation Services]*. Copenhagen: The National Audit Office, 4 January 2023.
10. Danish Institute for Human Rights (2015) = Slot, Line Vikkelsø / Tine Birkelund Thomsen: *Tolkning i retsvæsenet [Interpretation in the judiciary]*. Danish Institute for Human Rights: Copenhagen 2015, p. 70.
11. *Ibid.*, p. 70.
12. The Danish Association of Translators (2015) = Graversen, Carina / Bente Jacobsen / Anette Nørgaard Jappe (2015): *Tolkning i den offentlige sektor. Den aktuelle tolkesituation. Afrapportering af spørgeskemaundersøgelse blandt tolkebrugere i den offentlige sektor [Interpreting in the Public Sector. The Current Situation of Interpreting. Reporting on a Questionnaire Survey Among Interpretation Users in the Public Sector]*. Copenhagen: Translatørforeningens Tolkeudvalg [The Danish Association of Public Translators' Interpretation Committee], p. 53.
13. The following Danish ministries were represented on the committee: 1) Ministry of Interior and Health; 2) Ministry of Social Affairs, Housing and Senior Citizens; 3) Ministry for Children, Education and Gender Equality; 4) Ministry of Higher Education and Science; 5) Ministry of Employment; 6) Ministry of Justice; 7) Ministry of Immigration, Integration and Housing Affairs; 8) Ministry of Business and Growth
14. Bedre fremmedsprogstolkning i den offentlige sektor. *Afrapportering af arbejdet i det tværministerielle tolkeudvalg [Better Foreign Language Interpretation in the Public Sector. Report on the Work of the Interministerial Interpretation Committee]* (2023), p. 6.
15. The presentation is based on the unpublished concept paper *Den nationale danske tolkeordning [The National Danish Interpretation Scheme]*. Unpublished concept paper. University of Copenhagen and University College Copenhagen. Copenhagen 2021.
16. Cf. <https://lovdata.no/dokument/NLE/lov/2021-06-11-79>
17. The descriptions are tentative. They will later be finally developed in collaboration with the relevant professionals.
18. *Sociolingvistiske perspektiver på retstolkning i Danmark. Udvalgte konklusioner fra forskningsprojektet INTERPRETING (2022). [Sociolinguistic Perspectives on Legal Interpretation in Denmark. Selected Conclusions from the Research Project INTERPRETING]*. University of Copenhagen: Department for Nordic Studies and Linguistics.
19. Bedre fremmedsprogstolkning i den offentlige sektor. *Afrapportering af arbejdet i det tværministerielle tolkeudvalg [Better Foreign Language Interpretation in the Public Sector. Report on the Work of the Interministerial Interpretation Committee]* (2023), p. 19.