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TRANSLATING FOR MINORITIES IN WALES: A LOOK AT TRANSLATION POLICIES

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Abstract

In many parts of the world, state languages come in contact with a number of regional languages and with many immigrant languages. In such complex, multilingual societies, language policies play an important role. And such language policies must, of necessity, include translation policies, either to integrate or exclude speakers of regional and/or immigrant languages. In the studies that have been made by political philosophers about language policy or by translation scholars about translation itself, translation policy remains somewhat of a blind spot. This paper attempts to address this under-researched area. Specifically, this paper will address translation policy in Wales. In so doing, it will consider the use of translation as a tool for granting access to three important areas of a democratic society: courts, healthcare and local government.¹

Keywords: Healthcare System, Integration, Judicial System, Local Government, Translation Policy.

1. Introduction

Throughout Europe, like elsewhere, state languages come in contact with a number of regional or minority languages and with many immigrant languages. In such complex, multilingual societies, language policies play an important role. And such language policies include translation policies, which may either integrate or exclude speakers of regional and/or

immigrant languages. In previous studies made by political philosophers about language, or by translation scholars writing about translation, translation policy remains somewhat of a blind spot.

With regard to translation policy, Wales offers an interesting case study, but it has been largely ignored in translation scholarship (Kaufmann 2012: 334). This is surprising, because Wales has several interesting traits: Wales is part of a unitary state where there is one dominant institutional language; Wales is a country where there is an autochthonous minority language whose speakers were first disadvantaged and then advantaged by language policies; Wales is, like many other parts of Western Europe, a region that has seen an influx of foreigners from outside the state who, at times, speak allochthonous minority languages (often termed “community” or “immigrant” languages). This results in a mixture of languages and speakers, each differently situated, in which to consider the role of translation policy.

In order to help understand the role of translation² as part of the larger language policy³ in Wales, we must first determine what translation policies are in effect. Having identified them, we must then consider what the aims of such policies are. That will help us to understand how translation plays a role in the larger aims of language policy.

The way we will approach these questions is by employing a top-down approach. We will begin with a look at the legislative enactments relevant to translation. Because there are very few laws that explicitly call for translation, the legislative framework’s impact on translation is often the result of implicit direction. The framework imposes obligations that, from a practical standpoint, can be achieved through different forms of translation. Having considered the relevant legislative enactments, we will look at the resultant policy approaches in Wales.

Our concern as we do this is to what extent translation becomes a tool for inclusion or integration of linguistic minorities, which are here understood as individuals whose language is not that of the state’s majority. Thus, for the United Kingdom (henceforth, UK) we will look at translation as a way to grant speakers of languages other than English greater access. In the UK, translation is increasingly seen by some as a way to grant linguistic minorities greater access to the state when they lack full language competence (Dunbar 2006: 188). The use of translation is at times controversial, so it should not be surprising that there are “no clear legal obligations in this regard” (ibid). In exploring what those translation obligations may be, we will look at three areas where translation policy is more developed, even if not comprehensive. Specifically, the scope of our study includes the use of translation as a tool for granting access to three

important areas of a democratic society: courts, healthcare and local government.

2. The linguistic composition of Wales

In order to discuss the use of translation in Wales, some basic information regarding the linguistic composition of the region may be helpful. The first observation is that English is the most spoken language in Wales. The second position in terms of speakers is occupied by Welsh. Welsh is a Celtic language that predates English in Wales. Despite it being older in the region, Welsh gradually contracted before English. It should be noted that the weakening of Welsh came through a number of non-linguistic factors, prominent among which were Acts of Parliament (Roddick 2007: 270). Policy toward Welsh began changing around the middle of the twentieth century (Grin and Vaillancourt 1999: 16). At the time, Acts of Parliament started reversing the policy trend that had been hostile toward the Welsh language, and the devolved government in Wales has continued to take measures in favor of Welsh to this day. Currently, “[o]f all the UK’s autochthonous languages, Welsh has benefited most from supportive State policies” (Dunbar 2003a: 21). According to the 2011 census, 19% of the population of Wales can speak Welsh (Office for National Statistics 2013: 8). While the English-Welsh dichotomy has largely monopolized the conversation in Wales, the region’s linguistic composition is not limited to these two languages. According to the 2011 census, 3% of the households in Wales report their main language to be one other than English or Welsh (ibid: 6). These often overlooked languages spoken by immigrants include Polish, Panjabi, Urdu, and Bengali (ibid: 9-10).

3. Legislation that affects translation

3.1 Translation under general UK legislation

At the very top, the policy agenda is set by the government of the UK. Legislative enactments by Parliament give shape and direction to policy as well as set the framework within which regional and local policies can be pursued. Therefore, we must consider what Parliament has done to set translation policies in Wales.

The first observation is that Parliament has not, as of yet, issued a significant number of explicit calls for translation, and when translation is explicitly required, it tend to be in the criminal justice system. However, the lack of explicitness does not mean that Parliament has not in fact set a

UK-wide translation agenda. It has done so through its anti-discrimination legislation. The degree to which translation must take place under anti-discrimination laws is uncertain and depends on a number of factors.

The government’s general obligation to translate for those who do not speak the language of the state is found under the Equality Act 2010. This Act affects a very broad spectrum of institutions, including the healthcare systems and local governments. The Act seeks to promote equality by protecting individuals who exhibit certain characteristics from being discriminated against, either directly or indirectly. The protected characteristics do not include language, but they do include race—which in turn includes colour, nationality and ethnic/national origin, as explained in the law’s section 9(1). While the concept of race is notoriously complicated, the idea of “ethnic origin” has been defined in the UK under the leading case of *Mandla v Dowell Lee*, [1983] 2 A.C. 548. In the judgment penned by Lord Fraser, [1983] 2 A.C. 548, at 551, the court found that people share an ethnic origin because of ‘factors [such] as a shared history, religion, language and literature, family, social and personal customs and manners, so that they have a separate ethnic or communal identity’. In this regard, those who do not speak English could be understood to be of specific ethnic origins and thus be protected from discrimination through the Equality Act 2010.

Consequently, many public bodies have a statutory duty to ensure non-discrimination through, among other things, equal access to services and information. When language becomes a barrier to such equal access, translation can play a role in overcoming the barrier and securing equality of access. This is how Parliament has put translation on the to-do list of many government institutions.

3.2 Translation under Wales-specific legislation

Within Wales, legislation that affects translation has focused on the Welsh language. The Welsh Language Act 1993 has important implications for translation in Wales. The Act is an example of a policy that supports the maintenance of the Welsh language. It focuses on providing a wide range of public services through that minority language, including education, healthcare, social welfare and in communication with public authorities (Dunbar 2001: 234-235). The 1993 Act generally establishes “the principle that in the conduct of public business and the administration of justice in Wales the English and Welsh languages should be treated on a basis of equality”. Under the Act, the statutory Welsh Language Board was established (an Advisory Welsh Language Board was in existence between

1988 and 1993) to promote the use of Welsh by approving Welsh Language Schemes created by certain public bodies. Welsh Language Schemes are documents that spell out how each public body will put into practice the principle of equality between English and Welsh. These documents therefore become the vehicle to promote Welsh in public spaces (Dunbar 2003b: 151). In other words, while the legal principle of equality is set forth in the Act, it is the Welsh Language Schemes that implement the principle (Morgan 2007: 44).

This has begun to change under the Welsh Language Measure 2011. The Measure was adopted by the National Assembly for Wales in order to modernize the Welsh Language Act 1993. The Measure, in its section 3(1), abolishes the Welsh Language Board and establishes a Welsh Language Commissioner “to promote and facilitate the use of the Welsh language”. The Welsh Language Commissioner understands the key role of translation in promoting and facilitating the use of Welsh. This is evidenced in her working with Coleg Cymraeg Cenedlaethol (a public body set up to further Welsh-medium education in Wales’ universities) in order to “accredit and regulate the translation and interpretation field” so as to facilitate the use of Welsh in public organizations throughout Wales (*Welsh Language Commissioner*).

Another important change is the upcoming abolishment of the Welsh Language Schemes in favour of Welsh Language Standards. The Standards are to be applied across specified areas (service delivery, policy making, record keeping and so forth) and will gradually replace the Welsh Language Schemes. The Standards are intended to provide clear, consistent guidelines across organizations regarding the use of the Welsh language in providing services. For example, the standard for service delivery should promote the use of the Welsh language when organizations deliver services. How these Standards will affect translation in Wales remains to be seen, but it is hard to imagine they will not have translation implications. These implications are likely to be significant because the standards will apply to a broad array of organizations, including the police, local health boards, local government councils and some tribunals.

As of this writing, however, the Schemes remain in place.⁴ Until the Standards replace the Welsh Language Schemes, the Welsh Language Commissioner has issued an advice document on drafting, translating and interpreting (Welsh Language Commissioner 2012: 1). The advice document is guided by the principles that “[i]n Wales, the Welsh language should be treated no less favourably than the English language” and that

“[p]ersons in Wales should be able to live their lives through the medium of the Welsh language if they choose to do so” (ibid: i).

It is worth noting that under the Welsh Language Act 1993 no individual rights to “public services through the medium of Welsh” were created (Dunbar 2003b: 151). Even so, an individual right to use the Welsh language in court was created via the Welsh Language Act 1967 (also present in the Welsh Language Act 1993). While a much larger volume of translation takes place under the latter Welsh Language Act, it does not create individual rights but rather administrative obligations. Dunbar indicates the system created by the Welsh Language Act 1993 is based on an “administrative enabling” or a “planning-based” model (2003b: 150).

Neither the 1967 or 1993 acts explicitly require that translation take place; however, it is hard to imagine how to treat English and Welsh “on a basis of equality” without a comprehensive translation effort. This is reflected in the Welsh Language Schemes, which address issues of translation as a tool to meet the obligations imposed by the Act⁵ (Huws 2006: 150). The Welsh Language Schemes address matters such as dealing with the public in writing, over the phone, in person, etc. In so doing, issues of translation into and from Welsh come up frequently. Thus, while the Act is not framed in terms of translation policy, in practice it amounts to a policy of on-going translation between English and Welsh for public bodies. This is particularly true when it comes to written translations, since the schemes often call for bilingual documents or sister documents (one in each language). Regarding interpreting, the need for interpreters is expected to decline as a greater percentage of the staff in public bodies becomes bilingual in Welsh and English.

Within this legal framework, the Welsh Government has issued a policy document called “A living language: a language for living”. The document indicates the Welsh Government’s desire to make Welsh a strong, everyday language (Welsh Government 2011: 14). This is to be achieved through a long list of actions aimed at acquisition and use of Welsh in Wales.

Translation plays a role in achieving these policy objectives. The Welsh Government indicates it will “[e]xplore the possibility of improving access to translation services for community groups and third sector organisations” in order to use Welsh more often at the community level (ibid: 36). The implication is that in many parts of Wales, community groups and non-profit organizations operate mostly in English and may lack the resources to translate into Welsh. What we can glean from this is that the Welsh Government understands that the Welsh language needs a strong dose of governmental support in order to grow, and that translation

is an important part of that support. In other words, translation is a tool for promoting the language at the community level. Naturally, it is not the only tool. Education and the media are two other important tools, as reflected in the policy document, but translation should not be overlooked. When the language being promoted is not the dominant language, translation becomes a tool that creates the conditions for learners and speakers of the promoted language to use it in a meaningful way. The importance of translation is stressed in the policy document—it calls for public organizations and professional translators (including interpreters) “to cooperate in exploiting opportunities for improved efficiencies, and for making more effective use of scarce resources, in the provision of Welsh-English-language translation and interpretation services” (ibid). If the promotion of Welsh is successful enough, Welsh could eventually close the gap with English in terms of fluent speakers. At that point, bilingual staff would be able to take over many of the tasks that are now within the sphere of professional translators (ibid).

4. Translation under legislation in specific areas

4.1 Implications of UK legislation for translation in court settings

The administration of justice is not devolved in Wales. This means that England and Wales are one jurisdiction, separate from Scotland and Northern Ireland. Despite some relatively recent changes with regards to allowing the use of Welsh in Wales (Cardi 2007: 16), the legal culture in England/Wales is decidedly monolingual (Dunbar 2004: 96). But not everyone who comes before a court in Wales can speak English well enough to follow legal proceedings in that language. Translation then must be supplied under the existing legal framework. Our immediate concern is with local proceedings, and not those that involve foreign tribunals or individuals in foreign jurisdictions. Let us now consider criminal courts and civil and family courts.

4.1.1 British Criminal Courts

In criminal courts in Wales, translation is legally grounded in the Human Rights Act 1998 (henceforth, HRA 1998). Under HRA 1998, a person arrested must be informed, in a language that he or she understands, what charges have prompted the arrest. Further, during criminal proceedings, the accused has the right to an interpreter, free of charge. This right to

translation is initiated when the accused or detained person does not speak the language of the court or the detaining officer.

This is evident in the National Agreement on Arrangements for the use of Interpreters, Translators and Language Service Professionals in Investigations and Proceedings within the Criminal Justice System. The National Agreement provides guidance in the use of translation in judicial and police settings throughout the UK, except for Welsh translation in Wales (Office for Criminal Justice Reform 2007: 2) since it is not derived from HRA 1998.

While the National Agreement is not a legal instrument, it is useful as a reflection of how translation is employed in judicial settings as a means for implementing the rights found in HRA 1998. It applies to the use of translation in criminal investigations and proceedings. In essence, the police is to arrange for the provision of interpreters for witnesses and suspects during criminal investigations (ibid: 5).

Interpreters for witnesses and defendants during criminal proceedings are to be arranged for by courts, the prosecution and the defence (at times with the police’s help) depending on the circumstances (ibid: 5-6). Translation of written documents is also necessary to enact the rights found in HRA 1998. Thus, documents necessary for mounting a defence, as well as letters, forms, notifications, etc. are to be translated (ibid: 31).

4.1.2 British Civil and Family Courts

The general translation policy for civil and family courts is that translation should be provided by the parties (Justice System). There are exceptions: in civil committal proceedings or in family cases involving children and domestic violence, interpreters will be provided by the government (ibid). The government will also provide interpreters if someone does not speak the language of the court and does not qualify for public funding and cannot afford an interpreter and has no relatives or friends who could interpret for free (ibid). Apart from these exceptions, translation in civil or family proceedings is legislatively the responsibility of the parties involved.

4.2 Implications of Wales-specific legislation for translation in court settings

Through parliamentary action, English became the language of the courts in Wales, a status which remained unchallenged until the Welsh Courts Act 1942 that permitted some use of Welsh in the courts through the aid of

an interpreter (Roddick 2007: 271). Further barriers to the use of Welsh in courts were removed by the Welsh Courts Act 1967 (Dunbar 2004: 109).

The Welsh Language Act 1993, in turn, mandates in section 22 that “the Welsh language may be spoken by any party, witness or other person who desires to use it, subject in the case of proceedings in a court other than a magistrates’ court to such prior notice as may be required by rules of court; and any necessary provision for interpretation shall be made accordingly”. This means that parties, witnesses and others in Wales may use Welsh in legal proceedings, no matter whether they are criminal or civil in nature. As needed, interpreting of oral communications or translation of documents is provided by the government (Dunbar 2003b: 25; Cardi 2007: 16). While the Act does not create a right to trial through the medium of Welsh, it does place a number of obligations on the courts regarding the use of the Welsh language (Dunbar 2004: 112).

To fulfil these obligations, Her Majesty’s Court Service implemented its own Welsh Language Scheme (Dunbar 2004: 112; see also Huws 2006: 144), which applies in Wales but generally not in England.⁶ Under the Welsh Language Scheme, written translation is carried out by the Court Service’s own Welsh Language Unit that “translates material from English into Welsh and Welsh into English” at no charge (HM Court Service 2010: 8). Translation may take place when corresponding with individuals who are known to prefer Welsh or when drafting bilingual circular correspondence. It also may take place for documents to be used in court, including court orders and other documents to be used in hearings.

Interpreting may take place during hearings as a way to make sure that services run smoothly when at least one of the parties wishes to proceed in Welsh. Costs for interpreting are usually borne by the government, but under the Consolidated Criminal Practice Direction, if insufficient notice is given, costs for interpreting or translating may be recouped from the party that failed to give sufficient notice (*ibid*: 29). Interpreting in court hearings is carried out by interpreters who have “successfully sat the Association of Welsh Interpreters examination assessing the competency of interpreting from English into Welsh and Welsh into English” (*ibid*: 8).

From the preceding paragraphs a view emerges of translation serving two different broad purposes. The first, as evidenced in national legislation, is to help ensure the right to a fair trial, particularly in criminal settings. Thus, translation here is a procedural element to ensure substantive rights. This is logical, because procedure in court settings is linked to substance. What triggers this type of translation is a party’s inability to participate in the proceedings due to a language barrier. This is the type of translation that is offered to foreigners, should they need it.

The second broad purpose goes beyond this. The right of Welsh speakers to use Welsh in court may be realized through proceedings in Welsh, if everyone can participate, or through translation. In the latter case, translation is also a tool, but it is not linked to ensuring basic rights during trial, since it is assumed that most if not all Welsh speakers speak sufficient English to interact with the court. (Should a Welsh speaker not be able to interact with the court in English, translation would have to be provided in order to be in compliance with HRA 1998.) Rather, the second purpose of translation in courts in Wales is to promote the Welsh language by making it more instrumental in the administration of justice.

As Huws (2006: 146) points out, “the right to speak Welsh in legal proceedings does not depend on an inability to speak English, and one may choose to speak Welsh in court even though English may be one’s mother tongue”. This implies that the two broad purposes for which translation is contemplated in policy in Wales are different. We will discuss the implications of this after having considered the use of translation in healthcare and in accessing government.

4.3 Implications of UK legislation for translation in healthcare settings

There is now in Wales a fairly wide approach to translation in healthcare. This approach is not explicitly mandated by legislative enactments from Parliament, even though some Acts can be interpreted as requiring the use of translation in such settings. These are HRA 1998 and the Equality Act 2010. While they do not address the issue of language differences in healthcare settings, their significance in pressuring healthcare providers to translate should not be understated.

In compliance with HRA 1998, individuals in the UK have a right to life. This does not seem, at first glance, to suggest that healthcare providers should be required to translate. However, when communication with the non-English-speaking patient becomes crucial to save his or her life, translation becomes a tool for not violating the right to life. Seen in this light, healthcare providers who arrange for interpreters to ensure that proper care is given are, in certain circumstances, complying with HRA 1998. Even so, not all interactions with the healthcare system are about life and death. A broken finger can be miserable, but is rarely deadly.

Translation in healthcare situations where lives are not in jeopardy is one way to comply with obligations set in the Equality Act 2010. The manner by which the Equality Act creates a sense of duty to translate has already been addressed in the above discussion regarding anti-

discrimination on grounds of ethnic origin. Those observations extend to the healthcare sector as well.

4.4 Implications of Wales-specific legislation for translation in healthcare settings

There is no Wales-specific legislation regarding translation in healthcare settings. Thus, to understand what healthcare translation policies there are in Wales, one must consider the policies of the bodies in charge of providing healthcare. In Wales, that is the National Health Service of Wales (NHS Wales). It is the institution that provides healthcare in Wales, and this is done in part through seven health boards.⁷ For our purposes, we will consider the translation policies of these health boards. In order to do so, we have downloaded or requested copies of the local health boards' translation policies and Welsh Language Schemes. Where no policy documents⁸ were available, we filed Freedom of Information Act (FOI) requests to elicit responses about the use of translation in the boards.

Based on these documents and FOI responses, we found that all seven health boards have policies which require translation for those who do not speak English well enough to communicate with their healthcare providers, particularly in hospital settings. This is not surprising, given the legislative provisions for all of the UK described above. For languages other than English or Welsh, all seven health boards report policies which provide written translations and interpretation based on need. Regarding interpreting, six health boards report they offer face-to-face interpreting, and four health boards report they offer over-the-phone interpreting. Interpreting and written translation are contracted out to outside providers. Over-the-phone interpreting is provided by companies such as Language Line. Six health boards report they offer face-to-face interpreting (and also written translation) through a contract with the Wales Interpretation and Translation Service (henceforth, WITS).

WITS is a service that is funded in part by the Welsh Government. It is intended to be a "one-stop shop" for the translation needs of public bodies in Wales as they go about trying to bridge the language gap in communicating with foreigners with limited English or Welsh proficiency (Gwent Police). The creation of WITS seems to indicate an awareness by Welsh authorities that translation is a tool to be used in fulfilling legal obligations in healthcare.

The use of WITS is voluntary for public bodies, and health boards have recognized its value and sought its services. Even so, translation into languages other than Welsh is a far cry from translation into and out of

Welsh. This is evidenced in two observations. The first is that only one of the seven health boards has the option to translate its website into languages other than Welsh. (This is accomplished via services provided by Google, so it is automatic machine translation, with all the advantages and disadvantages that entails.) By contrast, all seven websites can be accessed in Welsh or English. Regarding this, the Welsh Language Commissioner warns: "Automatic translation software should not be used via a web link to provide a Welsh version of a website or other documents [...]. This would mean that the Welsh and English languages are not treated equally" (2012: 3).

Another aspect where the approach toward languages other than Welsh is markedly different has to do with the adoption of policy documents itself. Only two health boards report having policy documents regarding translation into languages other than Welsh, and one reports being in the process of drafting such a document. On the other hand, how to deal with translation into and from Welsh is made very clear through the Welsh Language Schemes.

The health boards have adopted Welsh Language Schemes that detail their policies to enact the principle that Welsh and English will be treated equally in public dealings (see section 3.1 above). There are many commonalities in these Welsh Language Schemes. All seven health boards state they will correspond with individual members of the public in the language preferred by each person (English or Welsh). If the incoming correspondence is in Welsh, it may need to be translated. Likewise, outgoing correspondence that is not drafted in Welsh may need to be translated. All circulars and general correspondence will be bilingual, in Welsh and English. All seven health boards state they will give individuals communicating via phone the opportunity to proceed in Welsh by talking to a bilingual staff member. One of those seven indicates that if no bilingual staff member is located, the option to continue via a phone interpreter is available. When communicating in person with health board staff, all seven boards have as a first option for those who wish to use Welsh the possibility of talking with a bilingual person; however, if no such individual are available, the option of an interpreter is provided as a backup solution. Communication with the health board may also take place at public meetings. When individuals wish to speak at such meetings in Welsh, all seven boards state this will be achieved through simultaneous interpreting. Five of the boards require notice, while two provide simultaneous interpreting at all public meetings by default. (One health board also contemplates the possibility of holding the meeting in Welsh, if all present have the language skills necessary.) All seven health boards

state their signs will be bilingual as well as their documents for public consumption, including leaflets and corporate reports.

Translation becomes one way to carry out many of the above measures. Naturally, bilingual staff may draft letters and documents in Welsh, and they may self-translate as needed, but the fact remains that if there is a bilingual version of a document, some measure of translation takes place. To deal with the high volume of translation implicit in these Welsh Language Schemes, all seven health boards have set up their own in-house translation units. Two of the health boards state they also contract out some translations, particularly when they are very technical or lengthy projects.

As we consider the role played by translation in healthcare in Wales, we find it is similar to that played by translation in the judiciary. Translation is prompted by two different considerations, one is reactive and the other is proactive. There is translation for those who do not speak English well enough. It happens as a way to ensure compliance with the Equality Act 2010 and HRA 1998. This applies to languages other than English or Welsh. Translation is then reactive and is only meant to ensure communication between healthcare providers and patients.

Some translation into and from Welsh may also be linked to notions of enabling communication in healthcare, particularly when Welsh speakers cannot communicate effectively in English. The Welsh Government has identified “children and young people”, “older people”, “people with learning disabilities” and “people with mental health problems” as individuals who perhaps can communicate only through Welsh (2012: 11). For them, translation becomes one of several tools to allow full communication with their healthcare providers.

Yet the vision of policy makers for the Welsh language goes well beyond reactive translation for vulnerable groups (as takes place under HRA 1998 and the Equality Act 2010). The concern is to make sure that healthcare services are provided in Welsh. This is evidenced by the recent inquiry of the Welsh Language Commissioner into the use of Welsh in primary care⁹ services. The aim of the inquiry is “to help relevant individuals to make and implement decisions which will promote and facilitate the use of the Welsh language and ensure that it is not treated less favourably than the English language” (Welsh Language Commissioner 2014: 16). To this end—and based in part upon the finding that “Welsh speakers currently receive the majority of their primary care experiences through the medium of English” (ibid.: 45)—the Welsh Language Commissioner made recommendations to the Welsh ministers. Recommendation 31 asks the Welsh ministers to adopt an “active offer”

model where the public is informed from the outset that all services are available both in English and Welsh, which necessitates “planning and providing services in two languages” (ibid: 97). Such “planning and providing” would require not only bilingual staff but also a sustained translation effort.

The policy is intended to move the provision of general healthcare services in Welsh decidedly into the proactive camp, not only for those who may struggle in communicating in English but for any Welsh speaker, irrespective of his or her English proficiency. In this sense, translation between Welsh and English in healthcare is also linked to a broader policy of permitting Welsh speakers to live out their lives through the medium of Welsh if they so choose. In this sense, it is linked to “[t]he Welsh Government’s vision of seeing the Welsh language flourish” (Welsh Government 2012: 22). Thus, whatever translation happens into and from Welsh is also a way to ensure the aims of the policy to promote Welsh, as enacted in national legislation and pursued in local policies. A similar picture emerges as we consider the use of translation in communicating with government.

4.5 Implications of UK legislation for translation in local government

Generally speaking, the duty to translate in communications between local government and residents is not explicitly found in the law. Not surprisingly, “the linguistic needs of persons having an inadequate command of English [...] are simply not being met in a comprehensive and equitable manner” (Dunbar 2006: 198). Even so, there are legislative enactments which point to some translation policy regarding specific areas of communication with the government. For example, as discussed earlier, a great deal of translation happens at the local level as a way to comply with the Equality Act 2010.

4.6 Implications of Wales-specific legislation for translation in government settings

There is no Wales-specific legislation explicitly mandating translation in local governments. However, in order to comply with the Equality Act 2010 and the Welsh Language Act 1993, governmental bodies often adopt policies that result in translation. Thus, local officials translate (or not) mostly as a result of local policies, often dictated by local councils in order to fulfil broader legislative obligations. For our current purposes, we will

consider the translation policies of the 22 local councils in Wales. We gathered the following data using the method that was employed for section 4.4 above.

For languages other than Welsh, only two (out of 21)¹⁰ local councils report they have written translation policies. That is not to say that no translation is contemplated. All 21 engage in translation, both via writing and interpreting. Regarding written translations, 20 councils report they contract out translation services, and one authority also does some limited translation work in-house. The types of documents translated include booklets, information packets, letters, banners, etc. Similar to the health boards, WITS is an important provider of written translations, but local councils also have contracts with private companies such as Language Line and The Big Word. All local councils report they do not engage in translation systematically, but at least one council translates certain types of documents into specific languages as a matter of course due to identified needs (e.g., official letters into Polish for parents of some school children). Regarding interpreting, all 21 report contracting out interpreting services, but at least three authorities indicate the use of staff for certain languages and circumstances along with professional interpreters. WITS, Language Line and The Big Word are also important providers of interpreting services, but there are other organizations as well, including the Neville Street Interpreter Service. These companies offer either face-to-face or over-the-phone interpreting.

Generally, translation into languages other than Welsh is offered via traditional means such as those described above. However, some local councils also use more technologically innovative approaches. Five of the 22 local councils offer the option of using automatic machine translation to translate their websites into anywhere from 6 to 15 languages. Another use of technology is online written and read-aloud translation. Newport City Council has contracted the technology from EMAS UK, an organization that provides tools and services for schools with non-English speaking children. The council has contracted an automatic translator service that has a database from which it draws to translate simple sentences into other languages. Via mobile devices, the tool can also read aloud the translation so that those who are unable to read may hear it. Newport City Council offers this tool to its schools and face-to-face centres (Newport City Council 2011: 13).

Translation into and from Welsh is governed by the Welsh Language Schemes adopted by the local councils. The Welsh Language Schemes of the local councils are in many respects quite similar to those of the health boards. However, the councils' Welsh Language Schemes are less similar

in terms of just how much Welsh is promoted. Gwynedd Council and Merthyr Tydfil County Borough Council serve to illustrate this point. Gwynedd Council's Welsh Language Scheme places the responsibility on "all Council staff and Council Members to promote the Welsh language" in its stated goal "to be an anchor for the [Welsh] language in its resurgence throughout Wales" (Gwynedd Council 2010: 2, 3). To this end, it has its own full-time translation unit that engages in interpreting of meetings and translation of technical material, leaving things like handling correspondence to bilingual staff. It encourages staff to draft documents in Welsh (which will be translated into English) and to make Welsh a working language in the Council. On the other hand, Merthyr Tydfil Council deals with its legal obligations regarding Welsh in a more minimalist fashion. It does not expect its staff to translate, and it has no in-house translation services, meaning that interpreting and written translation are contracted out. This leads to less translation (e.g., technical documents are not translated into Welsh) and delayed translation (e.g., news on the website may not be translated into Welsh until external translators can get the job done).

Even so, there is a great deal of common ground in these Welsh Language Schemes. All 22 councils indicate that they will correspond with individuals in the preferred language of each individual, and all indicate that general correspondence (such as circulars) will be bilingual. Some councils encourage staff to handle the translation of correspondence, others require that in-house translators handle the correspondence, either by translating it or revising the translations done by staff, and others handle the correspondence through outside translators. When communicating over the phone, all 22 councils aim at having a bilingual staff available for telephonic assistance, but only two councils will provide interpreters when this is not feasible. Similarly, all 22 aim to have bilingual staff at the point of contact for personal visits to the councils' buildings, and 11 of them will offer interpreters when no bilingual staff member is available to handle personal meetings in Welsh. Public meetings may be in English only, bilingual, or in Welsh, depending on the locality, attendees and subject matter, but all councils have a policy of providing interpreting for those who wish to participate in Welsh (or in English, in some cases). Eleven of the councils require prior notice so that arrangements can be made for simultaneous interpreting. All 22 councils indicate they will have bilingual signage and publications. However, not all publications will be translated, and councils have developed classification systems to decide which documents will be published in English only or bilingually.

These actions require different translation efforts. To this end, 15 local councils set up their own in-house translation services, with two of those councils also using external translators. At least five councils indicate they only use external translators. At least one council has hired the translation services of another council. Whatever the strategy, all local councils exhibit a commitment to translation as a way to promote the use of Welsh in their respective jurisdictions.

In all instances the commitment to translation into and from Welsh seems to be stronger than that of translation into other languages. As was the case with the judiciary and healthcare, this is because the purpose of translation for languages other than Welsh is different than for translation into Welsh (see sections 4.2 and 4.6 above). The former is designed to comply with general non-discrimination policies and the latter is designed to comply with language promotion policies needed to create a bilingual Wales. This difference is quite notable, for example, in the concern for quality translation when dealing with Welsh. The Welsh Language Schemes call for the use of Welsh-language grammar and spell checkers, the involvement of translators in editing and proofreading texts translated into Welsh or drafted in Welsh by staff, and the requirement that translators who work for the councils be members of The Association of Welsh Translators and Interpreters. On the other hand, the issue of quality does not come up very often when dealing with languages other than Welsh. This may be a reflection of the different purposes behind the policies.

5. Concluding remarks

As stated, we are studying translation policies in Wales in order to understand what the intended role of translation is as part of broader languages policies adopted by governments. In order to do this, we claimed we needed to understand first what the translation policies were and then the aim of those policies. To that end, we analysed national laws, regional laws and local policies. We considered three specific areas: the judiciary, the healthcare system and local governments. In so doing, we have concluded that translation in Wales is prompted by two different policy aims: 1) non-discrimination and human rights for those who do not speak English or Welsh well enough, 2) promotion of the Welsh language for those who wish to live out their lives through the medium of Welsh. We will briefly discuss each in terms of integration of linguistic minorities.

Translation comes into play as a way to fulfil a general policy of non-discrimination and human rights, such as the right to a fair trial and the right to life. The translation policy that emerges from such legislation is reactive. It is triggered by an individual's inability to communicate in English or Welsh. (This means, incidentally, that if a Welsh speaker were unable to interact with a hospital without translation, then translation would have to be provided even if there was no effort to promote Welsh.) The obligation to translate is met if translation permits communication between the individual and the judiciary, the healthcare system or the local government. The details on how to fulfil the obligation are not really provided at the top.

Translation also comes into play as a way to fulfil a general policy of promotion of the Welsh language, specifically by being one of several tools that allows for services to be provided in Welsh. The role of translation in furthering policies in favour of the Welsh language often goes unacknowledged (Kaufmann 2012: 329). Translation becomes a tool for supporting and promoting Welsh by creating conditions where the language can be used in meaningful ways. Thus, the high volume of translation initiated under the Welsh Languages Schemes in the courts, in hospitals and in local government offices is meant to give Welsh more instrumentality by ensuring that services can be provided in that language. The added instrumentality has a strong symbolic value, but it is also intended to allow people to live out their lives in Welsh if they so choose. This is one way of helping preserve the diversity of Europe's historic languages. The commitment to on-going, high-quality translation into and from Welsh indicates a real effort in this regard.

Because translation in Wales is triggered by two different policy objectives, it follows that translation plays two different roles: one role is to realize the fulfilment of individual rights such as non-discrimination and life, the other role is to help promote the Welsh language as a valuable language. These two roles have implications in terms of the use of translation as a way to integrate linguistic minorities.

Before we discuss those implications, we must first define what we mean by 'integration'. We believe the term 'integration' to have at least two possible meanings. It can be understood in terms of just how much contact an individual has with the life of the state. It can also be understood in terms of just how much an individual identifies with the culture of the place where he or she resides (see Entzinger and Biezeveld 2003: 6-8). For our purposes, we will consider integration in terms of contact with the life of the state. We prefer to think of full identification with the local culture as assimilation. Of course, both are forms of

inclusion, but the latter is much stronger than the former, and some speakers of minority languages may well desire the former while rejecting the latter.

When the state pursues a policy of translating in order to not discriminate and ensure other human rights, the effect of that translation policy can be increased integration—a minority language speaker who has limited proficiency in the majority language, upon seeing that he or she may access the courts, the hospitals and the local government through translation is afforded more opportunities to interact with the state.

On the other hand, when the government pursues a policy of translating in order to promote a language, it can lead to an increase in the number of speakers. Depending on how long and how forcefully the policy of promotion is pursued, eventually the goal of having a society that is fully bilingual can be realized: everyone would become a speaker of the minority language while still maintaining the ability to communicate in the majority language.¹¹ So, as a tool for promoting a minority language like Welsh, the role of translation is to assist in creating a society of speakers of that language (not necessarily by sacrificing the ability to speak English, but this is debatable). The creation of a regional group of speakers who can all speak a language that outsiders generally do not understand creates a ready distinctiveness to that group. That distinctiveness serves as a wall which distinguishes “us” from “them”. Viewed in this light, the role of translation in promoting a language is less clearly about integration. Of course, if translation is helping to create or strengthen a sense of distinctiveness for a regional group, it helps the group to self-identify. It becomes social glue. At the same time, it separates the group from the larger national population¹² by making it more distinctive.

There can be some overlap between the policy goals of not discriminating based on ethnicity and promoting a minority language so as to place it in equal footing with the dominant language. This overlap takes place when there are speakers of a minority language who lack proficiency in the majority language. As stated earlier, in Wales almost everyone who speaks Welsh also speaks English. But inasmuch as there may be some individuals who do not speak English, or at least not well enough, to them the translation policies implemented in order to put Welsh at the level of English serve as a tool for integration into the life of the state. In Wales, such individuals may be a rare occurrence, but in other places they may be quite commonplace.

So what does Wales offer in terms of understanding translation? The answer is, Wales offers a great deal. If we focus on translation policy alone, we see that translation prompted by the desire to promote an

autochthonous minority language is different from translation prompted by the need to realize individual rights such as non-discrimination. These two types of translation have different policy aims, and consequently the range of services in which translation is used and the situations that trigger translation differ. Their implications in terms of integration are also different: one seems to integrate into the life of the state those who would otherwise be disenfranchised and the other seems to strengthen intragroup bonds while drawing a line of separation between that group and the rest of the state. Whether this is desirable is not something we are in a position at this point to judge, and perhaps we never will be. It may very well differ from place to place. We do not wish to claim that one role of translation is more desirable than the other, or that there is anything inherently right or wrong about either use of translation. Those are questions for each society and their policy makers to grapple with.

Notes

1. The author wishes to thank Andrew Chesterman, Fernand de Varennes, Reine Meylaerts and the peer reviewer for their insights in the drafting of this paper. This paper was written in the framework of TIME (Translator Research Training: An integrated and intersectoral model for Europe), a Marie Curie Initial Training Network (FP7-PEOPLE-2010-ITN) established with support from the European Commission.
2. In this paper, the term “translation” is used in a broad sense to encompass both the written and oral transfer of a message from one language to another. When it becomes necessary to distinguish between both forms, the terms “written translation” and “interpreting” are used. Translation into sign language is left outside the scope of the paper.
3. Translation takes place within broader policies, and it is not the only tool to bring about the ends of those policies. This paper, however, will focus on translation alone.
4. A public consultation on the standards was held between May and August 2012. After the consultation, the Welsh Language Commissioner published a proposed set of standards that were rejected by the Welsh Ministers in February 2013. As of this writing, a new set of standards is being developed by the Welsh Ministers. It is expected that this new set of standards will become regulation by the end of 2014 or sometime in 2015 and that other regulations on standards will follow (*Welsh Government*).
5. Understanding the need for translators in order to strengthen the position of Welsh, the Welsh Language Board became active in promoting translation, including giving substantial funding to The Association of Welsh Translators (United Kingdom 2002: 34).
6. In 2011, Her Majesty’s Court Service and the Tribunal Service were merged into Her Majesty’s Courts and Tribunals Service. HM Court Service had

- adopted its latest Welsh Language Scheme in 2010 and the Tribunal Service had adopted a Welsh Language Scheme in 2007. Both are currently in effect in HM Courts and Tribunals Service. As of this writing, a single scheme for the Service is awaiting approval from the Welsh Language Commissioner. The information presented in this paragraph comes from the 2010 Welsh Language Scheme adopted by HM Court Service.
7. Other ways NHS Wales provides healthcare include NHS Direct Wales, an information and advice service available 24 hours a day, 7 days a week via telephone. For those who lack English proficiency, the NHS Direct Wales service provides telephone interpreting in over 120 languages.
 8. The term "policy document" is used broadly to mean any document that describes the prescribed translation practices of the health board. The documents themselves may have the word "policy" in the title, but they may also be described as guides, guidelines, guidances and even instructions.
 9. Primary care services are to be understood in this context as those provided at the "first point of contact [...] in the community by GP [general practitioner] practices (this can include practice nurses and health visitors for instance), dental practices, community and high street optometrists and pharmacies, multidisciplinary teams within the community and NHS Direct Wales" (Welsh Language Commissioner 2013).
 10. One local council did not respond to our repeated FOI requests.
 11. If that point is reached, translation would play a smaller role. Interpreting would largely disappear because bilingual individuals would be able to handle queries in either Welsh or English without interpreters. Written translation would still survive for the creation of bilingual documents.
 12. This should not be understood to mean that a linguistic ghetto is created (see May 2003: 101) where the speakers of the autochthonous minority languages are marginalized from the rest of the state. Rather, we are looking to a possible future where the region in question becomes fully bilingual, having access to everything the English language offers. If urban planning metaphors are to be used to describe this scenario, a "gated community" would be a more appropriate metaphor.

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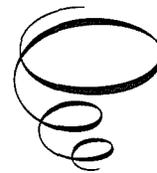
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