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### **The Value of Words**

The Italian Constitutional Court has been requested, by a judge in Florence, to examine the economic situation of linguistic interpreters in Italy; the request is both novel and important as it focuses not on the infringement of the economic rights of the translators themselves (a thorny question which trade unions and professional associations have not been able to tackle sufficiently) but on the infringement of the rights to an equal and appropriate defense for the people whose words are being translated in court.

This is a perennial problem in Italy, and all the more so when migratory patterns and routes change and develop. Interpreters in criminal courts – in Sicily as in Florence – are paid around 15 Euros for the first hour of work, and as little as 7 or 8 Euros for each hour following this. Given that these calculations do not cover transport, it is easy for a translator to be paid 30 or 40 Euros for a day's work. The result is generally that professionally trained translators refuse to accept the jobs, leaving the courts either without translators (and we have experienced many instances of hearings being postponed for a lack of interpreter) or in the jobs being accepted by people without training, leading to a drastic lowering of the quality of translation, with very serious consequences for those on trial. If this was the case for the Luventa case (in which the police in Trapani lost almost a year of hearings attempting to find a high-quality German-Italian translator), the effects on the trials of recently arrived migrants can be even more serious. This can even include the use of translators that only have awareness of a vehicular language (e.g. English translation for Bangladeshi instead of Bangla, or French translation for Senegalese instead of Wolof, Arabic translation for Sudanese instead of Dinka – all actual examples we have noted), or even the wrong language entirely (infamously the provision of an Urdu translator for a man from Afghanistan). The utilization of inappropriate Arabic dialects is also frequent (e.g. a Tunisian translating for an Iraqi).

If this is the case for criminal trials, the case for interpreters in administrative procedures is unfortunately more dire still. In criminal trials, translation is guaranteed by the court; in civil cases there is no such provision. This means that while the Prefecture will supply translators employed by the Minister of the Interior for initial asylum claim interviews (organized by the Territorial Commissions), if the asylum seeker then appeals a negative decision – as is nearly always the case – the following

court case entails not guarantee of interpreting. The result is that migrants are forced to rely on volunteers or poorly-paid substitutes; lawyers will often pay a translator 10 or 20 euros in cash for a morning's work. There is no check on quality, and the translator's work is made more difficult by the lack of regulations or codes of behaviour. In our experience, it is as easy for a judge to request that a translator interpret directly every word spoken by the asylum seeker, as it is that s/he requests for a summary of their speech.

As mentioned above, these problems are exacerbated when migratory flows change. Over recent months we have had extreme difficulties in finding translators for asylum seekers speaking Punjabi, Dinka, Pashtun or Somalian; even when we have located a translator perhaps in another part of Sicily or Calabria, there are no funds to cover the costs of travelling to Palermo (which, with the bad transport services, can easily require an overnight stay. And while there are occasional NGO or UNICEF funds that cover such costs, these projects are temporary and non-systemic.

The case that the Florentine court is referring to the Constitutional judges can set an important precedent therefore, potentially not only for criminal cases, but also for the civil claims that stand at the heart of Italy's asylum system. Decent translation means honouring the testimony of asylum seekers, and valuing their words – even in the crudest economic sense of 'value'.

Arci Porco Rosso, 21.06.2024

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