

# *Examining the Role of Court Interpreters in Chinese-Spanish Legal Contexts: A Comprehensive Inquiry*

**Xiaowen Tang**

*Language and Culture of Rey Juan Carlos University, Madrid, Spain*  
*x.tang.2023@alumnos.urjc.es*

**Abstract.** This study looks at the role and performance of Chinese-Spanish court interpreters, focusing on differences in service quality in legal field. It highlights the interpreter's key role in making sure communication which is accurate and the court is fair. All the data from an online survey of interpreters with different amounts of experience gave ideas about their backgrounds, challenges, and views on current practices. The results show that court interpreters are needed to bridge language and culture gaps but reveal mixed quality in translation due to a lack of standard rules and regular checking systems. These findings show the need for organized training, official licensing, and continuous testing which will help interpreters work better. This study offers advice to improve interpreter training and habits, aiming to raise service quality.

**Keywords:** Court interpreter, Chinese – Spanish interpretation, Role of interpreter, Training of interpreter

## **1. Introduction**

According to the CEAR 2023 report, asylum requests in Spain rose by 37% to over 163,000. At the same time, the Chinese community in Spain has grown a lot, with 2,100 immigrants arriving in the first quarter of 2023. This population change which creates a strong need for Public Service Interpreting (PSI) in healthcare, education, and especially the legal system [1]. PSI makes sure non-native speakers have equal access to basic services [2]. In this context, legal interpreting is important to protecting human rights and fairness [3].

However, a lot of research often points out confusion about roles in this field. Inghilleri notes that users and agencies rarely understand the interpreter's job [4], while Hale sees that interpreters switch between acting as supporters for the poor and serving as simple word-for-word "messengers" [5]. Despite work to make interpreting standard, most research focuses on English. There are very few studies on Chinese-Spanish situations. While China's laws protect minority language rights, clear rules about interpreter skills, hiring, and quality checks are still missing [6].

Therefore, this study investigates the problems faced by Chinese-Spanish court interpreters. Using surveys to gather data, which aims to group interpreter backgrounds and explore role confusion. The goal is to offer ideas that help build training programs, system changes, and better laws for court interpretation.

## 2. Literature review

Court interpreters have roles that are quite different from other types of interpreters. Mikkelson [7] clearly explains this difference, “the court interpreter’s job is to place the non-English speaker on an equal footing with, not at an advantage relative to, an average layperson who understands English.” Therefore, the interpreter’s goal is not to ensure the person understands everything perfectly, but to repeat exactly what is said. Interpreters are not active participants, so they are not allowed to give opinions and must translate spoken language without changing it. Linell [8] sees interpreters as an “asocial information-processing system,” suggesting they must put aside their own identity to pass on language neutrally. Similar views are found in Chinese studies. Zhou [9] highlights the necessary rules which had placed on court interpreters: they are forbidden from editing or summarizing speech, no matter how complex it is. Even long statements must be translated word-for-word. Zhao and Zhang [10] describe court interpreters as “controlled language transmitters,” showing their limited freedom. This idea stresses how important interpreters are for ensuring equal access to justice, while showing how legal interpreting differs from other jobs.

Despite this goal of strict neutrality, interpreting is a cross-cultural activity that requires care with language differences. Chinese uses a subject–verb–object (SVO) order but often leaves out the subject [11]. In contrast, Spanish relies on verb forms to show grammatical relationships [12]. For example, the Spanish “Va a la tienda” includes the subject inside the verb. Translating such information accurately into Chinese requires interpreters to figure out the context under time pressure, which increases the chance of mistakes.

Different cultural communication habit could make the translation even harder. Chinese native speakers often use indirect phrases like “这可能有点问题” (“There might be a bit of a problem”), which implies serious consequences, whereas Spanish speakers tend to be more direct. Also, legal speech uses technical terms and Latin expressions, which are difficult for languages just like Chinese which are very different from Latin [13]. These differences challenge the idea of simple, mechanical translation.

Pöchhacker [14] thinks that interpreting acts just as a bridge. But research shows that their roles vary in the real work. Hale [1], studying English–Spanish interpreting in Australia, found five role types ranging from advocate to faithful translator. Building on this, Herraéz y Martín [15] investigated how court interpreters in Spain think about their own roles. Their findings show a gap between the faithful translator and real works: 78.9% said they changed sentences to make it clear for both, 52.6% believed their duties went beyond traditional limits, and 26% admitted feeling sympathy for some defendants. These results suggest Spanish court interpreters often adapt their role to the situation. But Morris [16] argues that such changes are unavoidable, because interpreters are human and have emotional reactions when they are in the courtroom. However, those feelings can create stress, affect accuracy and challenge the professional goal of being neutral.

To reduce these risks, the United States has created ethical guidelines focusing on neutrality and accuracy. Moreover, in Spain, the Professional Association of Court and Sworn Translators and Interpreters (APTIIJ) have a code of conduct, though the government hasn't officially backed it. Therefore, compared to the United States and Australia, both China and Spain lack complete, official rules, which adds to the confusion about roles.

Different countries have different emphases on the legal investigation. For example, The United States and Australia have formal certification exams [17]. China usually focuses on language rights in its laws, where Article 134 guarantees the right of ethnic minorities to use their native languages. And Spain follows European Union rules for interpreting in criminal cases [18]. However, neither China nor Spain has developed official standards just for court interpreter. The lack of system for the reality of Chinese–Spanish interpreting creates challenges. Some interpreters want to define

their roles because the differences in legal systems and communication, which can hurt fairness. With this background, this study explores role problems faced by Chinese–Spanish court interpreters. By analysing current rules and real challenges, the study aims to offer practical solutions that improve clarity and support justice in cross-cultural settings.

### 3. Methodology

Research on Chinese–Spanish courtroom interpreting remains extremely limited compared with studies on Chinese–English and Spanish–English language pairs. To address this gap, the present study used a qualitative approach, using an exploratory online survey as the primary data collection method.

The survey was developed based on Herraéz’s [19] framework for analysing the roles of Spanish courtroom interpreters and was expanded to reflect challenges specific to the Chinese–Spanish context.

The questionnaire has three sections. The first section collected information on participants’ education, certification, and professional experience. The second part focused on practical experience in courtroom and police settings. The final section explored respondents’ views on professional development.

Ethical standards were strictly observed. Participation was voluntary, informed consent was obtained, data were collected through an encrypted platform, and all identifying information was removed during analysis.

All the participants included public service interpreting graduates from the University of Alcalá, certified interpreters in Spain, and practitioners working in Latin American countries. And the data were collected over 45 days and analysed with SPSS using qualitative and quantitative methods. In total, 19 interpreters participated, providing insight into the professional realities and challenges.

Table 1. Age distribution of participants

Age Group	Number of Participants
18–25	6
26–30	5
31–40	6
41–50	1
<b>Total</b>	<b>18</b>

Also, the survey looked at whether professional exams and standard ratings are needed for interpreters working in Chinese-Spanish courts and police stations. According to the results, 21.05% of those surveyed believed that such exams are not needed. They thought that interpreters generally make the necessary preparations to each interpreting task, and that for police station interpreting, a second-level China Accreditation Test for Translators and Interpreters (CATTI<sup>1</sup>) qualification is sufficient. However, a majority of 78.95% of respondents thought in favour of comprehensive exams and standardised ratings (Table 2).

Table 2. Do you think interpreters in courts and police stations need specialized exams and further training

Response Category	Percentage
<b>Yes / Necessary</b>	78.95%
<b>No / Unnecessary</b>	21.05%

<sup>1</sup> The China Accreditation Test for Translators and Interpreters (CATTI) is a nation-wide vocational examination, which has been incorporated into the national vocational certificate system. It is dedicated to professional qualification (level) certification for translation among the whole society.

They argued standardized exams are essential given interpreters' responsibilities. While Du [17] emphasized the field's specialization, China's testing development remains slow. Regarding case-based classification, 78.95% supported it to improve professionalism, whereas 21.05% opposed it to prevent personal preferences affecting translation (Table 3)

Table 3. Do you think interpreters in courts or police should be classified or assigned based on the type of case? (e.g., assigning female interpreters to female sexual assault cases)

Response Category	Percentage
Yes, I agree	78.95%
No, I do not agree	21.05%

Moreover, the questionnaire also explored interpreters' attitudes toward the use of AI. The responses revealed diverse perspectives: 10.53% of respondents strongly support and have already used AI technology in their practice, while 42.11% are supportive but have not yet integrated it. An additional 10.53% oppose the use of AI, and 36.84% remain undecided, adopting a cautious approach (Table 4).

Table 4. How do you think about the application of new technologies (such as AI) in court and police interpreting

Response Category	Number of People
Optimistic and have used it	2
Optimistic but have not used it	8
Do not support	2
Wait and see / Neutral	7

The survey highlights the ethical dilemmas facing Chinese-Spanish court interpreters, who must balance professional impartiality with personal empathy. One respondent noted maintaining neutrality during proceedings but offering legal resources afterward. Broader findings reveal the field is disorganized compared to English pairs, characterized by inconsistent certification and variable competence. Despite the global importance of both languages, current courtroom interpreting services fail to meet demand. Consequently, immediate collaborative action is essential to standardize practices and elevate the professionalism of Chinese-Spanish legal interpreting.

#### 4. Discussion

The current system for Chinese-Spanish court interpretation shows big gaps compared to the well-known rules for English interpretation. Real evidence shows that the system is inconsistent and lacks standard rules. A serious lack of full training has led to mixed skill levels, which directly hurts the quality of service. For example, poor work by a part-time interpreter forced a retrial at the Sha Tin Magistrates' Court [17]. These uneven standards hurt the accuracy of court translations, which can lead to legal mistakes and unfair results. To solve these problems, four key steps are suggested:

**Standardize entry and certification:** Set up strict entry rules and testing methods, ensuring high professional standards.

**Improve the supervision:** Create ways to check work, such as digital recording systems, which can track performance and handle complaints [20].

**Continuous training classes:** Offer ongoing workshops and classes to keep interpreters up to date on legal words and process.

**Encourage teamwork:** Create spaces for networking between interpreters and legal experts.

However, this study is limited by a small sample size and possible bias from data provided by the participants themselves. Future research should look at different legal settings and cultural backgrounds.

## 5. Conclusion

Linguistic equity is one of the foundations for judicial fairness. When people in court cannot understand clearly due to language barriers, all the justice cannot be properly served. Even though court interpretation plays an essential role in this field, the current Chinese-Spanish field lacks clear written laws and a specific standard test. Notably, the survey found that 94% of translators were not officially certified, leading to big differences in quality and fairness. There is an urgent need to build a complete system, which can make practices standard and ensuring strong supervision, the quality of court interpretation can be improved, protecting the rights of people in court and strengthening public trust in the justice system.

## References

- [1] Herráez, J. M. O. (2006). *Análisis de la práctica de la interpretación judicial en España: el intérprete frente a su papel profesional*. Tesis doctoral. Universidad de Granada.
- [2] Mikkelson, H. (1996, October). The professionalization of community interpreting. In *Global vision: Proceedings of the 37th annual conference of the American Translators Association* (pp. 77-89).
- [3] Pochhacker, F. (2015). *Routledge encyclopedia of interpreting studies*. Routledge.
- [4] Inghilleri, M. (2003). Habitus, field and discourse: Interpreting as a socially situated activity. *Target. International Journal of Translation Studies*, 15(2), 243-268.
- [5] Hale, S. B. (2004). *The discourse of court interpreting: Discourse practices of the law, the witness, and the interpreter*. Amsterdam: J. Benjamins.
- [6] Cao, Y. (2010). *Estudio del papel del intérprete judicial*. Tesis doctoral. Universidad de Estudios Internacionales de Shanghai (SISU).
- [7] Mikkelson, H. (1998). Towards a redefinition of the role of the court interpreter. *Interpreting*, 3(1), 21-45.
- [8] Linell, P. (1997). Interpreting as communication. *Benjamins Translation Library*, 23, 49-68.
- [9] Zhou, H. (2000). The reconstruction of the legal system for the buyback of shares from dissenting shareholders in limited liability companies in China. *Journal of Liaoning University (Philosophy and Social Sciences Edition)*, (5).
- [10] Zhao, J., & Zhang, J. (2011). A study on the role of court interpreters as institutional gatekeepers. *Chinese Translation Journal*, (1).
- [11] Han, H. (2019). Effect of topic-prominent features of Mandarin Chinese on English writing. *Journal of Language Teaching and Research*, 10(2), 353-362.
- [12] Contreras, J. M. (2016). *Spanish Grammar in Context*. London: Routledge.
- [13] Zhou-Lian, X. (2023). Competencia terminológica en intérpretes judiciales. Estudio de caso español-chino. In C. Valero Garcés (Ed.), *Traducción e interpretación en los servicios públicos (TISP) en transición / Public Service Interpreting and Translation (PSIT) in Transition* (pp. 245-258). Editorial Universidad de Alcalá. <https://doi.org/10.37536/VISG5657>
- [14] Pochhacker, F. (2008). *Interpreting as mediation*. Benjamins Translation Library, 76, 9.
- [15] Martín, A., & Herráez, J. M. O. (2014). Court interpreters' self-perception: A Spanish case study. In *Interpreting and Translating in Public Service Settings* (pp. 141-155). Routledge.
- [16] Morris, R. (2010). Images of the court interpreter: Professional identity, role definition and self-image. *Translation and Interpreting Studies. The Journal of the American Translation and Interpreting Studies Association*, 5(1), 20-40.
- [17] Du, B. (2010). The current situation and countermeasures of court interpreting in China. *Journal of Shanxi University of Finance and Economics*, 32(2).
- [18] Alonso Araguás, I., Hernández Cebrián, N., & Izquierdo Valverde, L. (2018). Responsabilidad penal y código deontológico de los traductores e intérpretes judiciales. In M. J. Ariza Colmenarejo (Coord.), *Traducción, interpretación e información para la tutela judicial efectiva en el proceso penal* (pp. 11-42). Tirant lo Blanch.
- [19] Herráez, J. M. O., Abril, M. I., & Martín, A. (2009). Community interpreting in Spain: A comparative study of interpreters' self perception of role in different settings. In *The Critical Link 5* (pp. 149-167). John Benjamins Publishing Company.
- [20] Wei, L. (2006). On the appraisal rights of dissenting shareholders in American corporate law. *Graduate Law Review*, (3)