

EU Court of Human Rights and Legal Translation Student's Competences

Evis CELO (PhD), Dr. Lorenc Danaj

University of Vlora "Ismail Qemali", "Pavarësia" Square, Street "Kosova", Vlora, Albania 9400,

Department of Foreign Language, Department of Law

evis.celo8@gmail.com

lorenc.danaj@gmail.com

Abstract— In our paper we will have an overview of some albanian sanction and Eu official documents that are taken into consideration during translating legal terminology. We want to emphasize some spots of students Difficulties while teaching Legal English and trying to translate law issues for sake of knowledge and also to mention the opportunities that International Court of Hague and EU recommendation offer as a progressive step ,in order to close some of the existing loopholes!

Students' knowledge of culture is a gap while teaching or translating legal terms in context. Our goal is identifying some problems our Students of Law represent while learning/translating English for specific reason.

When we discuss the translation of terminology from Albanian to English, it is very important to make a distinction between the two terms "translating culture" and "cultural translation". Translating culture, in a narrow sense, refers to the act of transferring meaning from one specific culture-bearing language to another. Cultural translation refers to a dynamic process where everyone and everything that are a part of the interaction in translation undergo change, where notions are constructed about other cultures and about oneself. That is to say, translating culture is an act only in translation and cultural translation is the understanding and rendering of cultural concepts. Translating Legal texts is not simply translating culture, but also involves cultural translation.

Keywords— *Legal text; students lack; culture; linguistic process.*

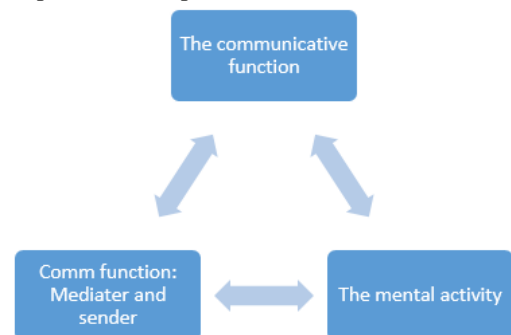
I. INTRODUCTION

Translation is considered as a cognitive process and need multi task abilities. Language is one of the main means of understanding around the world. Writing is multifaceted task and a multifarious performance with much dissimilarity

between them makes it easier to interact among different languages (Kaye, 2008)

In fact, although this may seem mere repetition, these processes of language mediation are extremely complex, since they are not only linguistic processes. These processes must also be understood within their social, cultural and above all psychological contexts. A comprehensive analysis of the tasks of language mediation can distinguish three basic stages:

- The communicative function established between the speaker or writer (the first sender) of the source text or discourse and the mediator as first recipient.
- The mental activity of the mediator processing the message received (either written or spoken).
- The communicative function established between the mediator as second sender of the target text or discourse and the final recipients of the message. These three stages are understood to be common to both translation and interpreting. The first and the third cover the functional pragmatic aspect of mediating as a communicative social and cultural action, whilst the second covers the mental or cognitive processes. For the communicative function successfully to be fulfilled, an optimum implementation of these cognitive processes is of paramount importance.



Translation is seen as the result of cognitive processes, where language competences are required due to the context. A translator must have knowledge not only about the setting or the topic under discussion but also about the audience. In writing the conclusion to these theses I am constantly aware of the vast amount of material left undisguised. For example, I have not mentioned the major developments in machine translation that both contributed to advances in linguistics and then in turn benefited from those advances.

In this point I have to say that the translator competences are essential thus, it means that learning through experience is needed. In general terms, TC is perceived as an underlying knowledge or ability needed to carry out a translation task.

- *Language competence* - this sub-competence includes the knowledge of grammatical systems as well as repertoires, terminologies, syntactic and morphological conventions.
- *Textual competence* that emerges from and is intertwined with the linguistic competence, and represents an ability to define textual features of e.g. technical, legal or literary fields.
- *Subject competence* - stems from textual competence, it represents the familiarity with what the particular text is about, this concept covers both knowledge about the world (encyclopaedic knowledge) and specialist knowledge.
- *Cultural competence* – or that translators need to be specialists on cultures, because they act as mediators between various cultural backgrounds and presuppositions “technical texts are often culture-bound too” (Neubert; Schäffner 2000: 9)

LACK OF SUCH COMPETENCES ARE SHOWN IN THE CHART 2

1.1 A survey of the real use of the European Terminology in written official documents.

Example: Source text English - [February- March 2014- Vlora-Newsletter](#) - European Center of Information in Vlora city.

“Further to the European Commission’s 2010 Opinion on Albania’s EU membership application, as the Enlargement Strategy 2013-2014 points out, there are five priorities that Albania needs to meet for the opening of accession negotiations. These key areas include, among others, the need to “take effective measures to reinforce the protection of human rights, including of Roma, and anti-discrimination policies, as well as implement property rights”. The priorities reflect the Union’s fundamental principles and values which aspiring members are required to actively adopt too. During the presentation of the new projects, the Head of the EU

Delegation to Tirana, Ambassador Ettore Sequi emphasized that civil society plays a vital role in advancing human rights.

Target Text Albanian

“Në vijim të Opinionit të Komisionit Evropian të vitit 2010 mbi aplikimin për anëtarësim të Shqipërisë, siç theksohet edhe në Strategjinë e Zgjerimit 2013-2014, janë përprioritet që Shqipëria duhet të përmbushë përhapjen e negociatave. Këto fusha kryesore përfshijnë “marrjen e masave për përforcimin e mbrojtjes së të drejtave të njeriut, duke përfshirë ato të Romëve, dhe politikave anti-diskriminuese, sidhebatimin e të drejtës së pronës”. Prioritetet reflektojnë parimet dhe vlerat themelore të Bashkimit Evropian, të cilat vendet aspirante duhet t’i zbatojnë në mënyrë aktive. Gjatë prezantimit të projekteve të reja, Shefii Delegacionit të BE-së në Tiranë, Ambasadori Ettore Sequi theksoi rolin e rëndësishëm që ka shoqëria civile në avancimin e të drejtave të njeriut. “

Chart.1

English terms:	Albanian translated terms:
Priorities	Prioritetet
Accession negotiations	Hapjen e negociatave
Effective measures	Marrjen e masave efektive
Human rights	Drejtave të njeriut
Anti-discrimination policies	Politikave anti-diskriminuese
Implement	Implementimi
Property rights	Drejtës së pronës
Civil society	Shoqëria Civile
Advancing human Rights	Avancimin e të drejtave të njerzore

As it is shown in the table above, mostly the terms are translated word by word. In this case, this type of strategy to preserve the source language features is needed. Even though that word-for-word translation is not listed as one of the best strategies of translating, it still remains unique when it comes to translating the names of institutions, the economy, and terminology. In the end, translating terminology for EU needs not only to preserve the context but also the form and the reason for doing so is to speak the same language in the European Union.

1.2. The European Court of Human Rights concerning this issue

After 2008, when the Strasbourg Court has been asked again in a series of cases expressed about the fact, whether life imprisonment without the possibility of parole is

an inhuman and degrading treatment, violating Article 3 of the European Convention on Human Rights Human, the Court has had a gradual approach the problem. European Court of Human Rights has been asked on several occasions to consider and pronounce a decision to the Grand Chamber of compliance sentence of life imprisonment without possibility of release on parole, with the European Convention on Rights human, which in Article 3 provides: "no one can be placed under torture or penalties or inhuman and degrading treatment".

In its jurisprudence, around 1970 the Strasbourg Court has stated the compatibility of the sentence to life imprisonment with the norms of the Convention, based on the "theory multifunctional sentence" in one aspect, and the other aspect, this Court has recognized freedom parole with the condition of gate, which constitutes the effective reintroduction inmates to life in civil society. Denying that the only function of punishment is rehabilitation, the ECHR has at this time advocating prevention and social protection through the State's punitive power.

- In the case of "Kafkaris" ECHR approached this problem by referring to the sovereignty of the state in the implementation of penal policy, with its conclusion that it is the prerogative of the criminal policy of the state to determine, terms of a reevaluation of the sentence to life imprisonment with a view reducing or terminating it. The issue "Kafkaris against Cyprus" (Grand Chamber decision of February 12, 2008)
- In the case of "Vinter" this Court marked a qualitative leap concluding that, for a country it is necessary to provide a mechanism that consists in evaluating the continuity or not the sentence to life imprisonment, a mechanism which will order the release of the convicts, if existing at the moment excuses

communication sanction reduced over time and lack motives which will legitimize the detention of prisoners. Vinter and Others against UK" (Grand Chamber decision of July 9, 2013)

- Further, in the case of Öcalan, with its finding that the gravity of the offense cannot justify cruelty and degrading treatment of prisoners, the Court approached the problem of life imprisonment without the possibility of parole closer, in response to policy offense to those states that still apparently do not find the balance between the general principle of social protection on the one hand and the principle of socialization of the perpetrator from the other side, if indeed there is a possibility for him to be re-socialized. Öcalan against Turkey " (Decision of Grand Chamber on 18 march 2014)

Referring to the jurisprudence of this court can conclude that, according to the Strasbourg Court, the sentence of imprisonment should not remain "forever given", it should not end when a person's life ends. This sentence should be reassessed during the executive proceedings by judicial or administrative authorities of the state.

1.3 Translation student's competences.

In the chart below I will illustrate the translation student's competence.

Students have worked collaboratively and individually in a range of integrated fields to increase understanding of an ever-expanding body of Legal knowledge. Students develop their investigative, analytical and communication skills through field, research investigations of living systems and through critical evaluation of the development, applications and influences of contemporary legal -terms.

Chart.2

Language-competences(Students' Lack)	Textual-competence (Students' Lack)	Cultural-competence (Students' Lack)
<p>This sub-competence includes the knowledge grammatical systems as well as repertoires, terminologies, syntactic and morphological conventions.</p> <p>a) Students discuss facts, ideas, and experiences having owned a great vocabulary, structures and confessions in diverse tenses in Law language!</p> <p>b) Students are involved freely in specialized conversations to their interest,</p>	<p>That emerges from and is intertwined with the linguistic competence, and represents an ability to define textual features of e.g. Legal or Literary fields.</p> <p>a) Students are able to express confidence in reading aloud and in using and supporting reference material for court Language. They begin to extend their independent reading by using legal terms.</p>	<p>Students or even the translators need to be specialists on cultures, because they act as diators between various cultural backgrounds and presuppositions "technical/law texts are often culture-bound too" (Neubert; Schäffner 2000:</p> <p>a) Students express the right meaning in response to orders, questions or short and simple statements directed in the classroom.</p>

<p>they display certainty in contemporary knowledge.</p>	<p>b)Students interpret the Law -context language and they try to use the legal meaning, in order to express : *lawyers’ protection in court *EU terms for European Status - Convention c) Students express a full understanding of texts involving partially known vocabulary in Legal Terms</p>	<p>They reactin do not react good when they lack knowledge of an issue. c) Students are able to speak/ write for factual situation in court but they lack experience and cultural knowledge!</p>
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II. CONCLUSIONS

Students of the University “Ismail Qemali” are showing a satisfactory level, which is reflective of a adequate teaching value of English language. Firstly I need to highlight the linguistic defects, to repair and insurance of lexical - grammatical concepts and communication functions ,including Cultural defenciency which are very important during the teaching procedure.

Such practises has enabled the practice of foreign language areas and conceptual development, which means the development of thinking in the foreign language, in particular the ability to communicate in Law terms, findings, arguments and conclusions using appropriate representations in ORDER TO:

-To classify the Legal concepts obtained and gaps created both now and a long time ago.

-To adapt legal terms by interests and level of their experience I mean linguistic one for English fluency, appropriate to their age,

-To practise Knowledge, skills and attitudes concerning foreign language and learning process that will continue to be recovered and expanded through time.

This awareness has encouraged students to ask ,to interact and to have achievement in

- a)taking on new responsibilities for life and
- b) adjusting the individual English speech to personal benefits in court and in daily usage.

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