



**T.C.
GAZİ UNIVERSITY
GRADUATE SCHOOL OF SOCIAL SCIENCES**

**Ph.D.
THESIS**

**TRANSLATION SERVICES IN JUDICIAL SYSTEM: DETERMINING
ELIGIBILITY OF LEGAL TRANSLATORS IN TURKEY**

BÜŞRA ÖZER ERDOĞAN

**DEPARTMENT OF TRANSLATION AND INTERPRETING
TRANSLATION AND CULTURAL STUDIES (ENGLISH)**

NOVEMBER 2018



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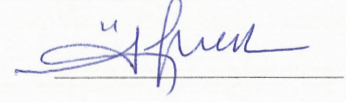
**GAZI UNIVERSITY
INSTITUTE OF SOCIAL SCIENCES**

NOVEMBER 2018

Büşra ÖZER ERDOĞAN tarafından hazırlanan “Translation Services in Judicial System: Determining Eligibility of Legal Translators in Turkey” adlı tez çalışması aşağıdaki jüri tarafından OY BİRLİĞİ / ~~OY ÇOKLUĞU~~ ile Ankara Hacı Bayram Veli Üniversitesi Mütercim Tercümanlık Anabilim Dalında Çeviri ve Kültürel Çalışmalar (İngilizce) Bilim Dalında DOKTORA TEZİ olarak kabul edilmiştir.

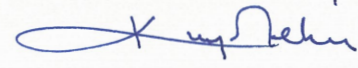
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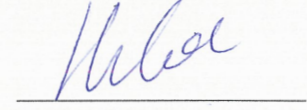
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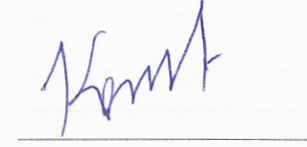
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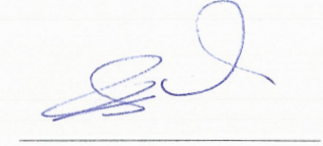
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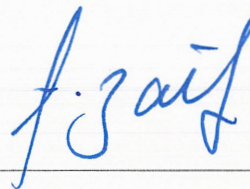
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Tez Savunma Tarihi: 02 / 11 / 2018

Jüri tarafından kabul edilen bu tezin Doktora Tezi olması için gerekli şartları yerine getirdiğini onaylıyorum.



Prof. Dr. Figen ZAİF

Enstitü Müdürü

ETİK BEYAN

Gazi Üniversitesi Sosyal Bilimler Enstitüsü Tez Yazım Kurallarına uygun olarak hazırladığım bu tez çalışmada;

- Tez içinde sunduğum verileri, bilgileri ve dokümanları akademik ve etik kurallar çerçevesinde elde ettiğimi,
- Tüm bilgi, belge, değerlendirme ve sonuçları bilimsel etik ve ahlak kurallarına uygun olarak sunduğumu,
- Tez çalışmada yararlandığım eserlerin tümüne uygun atıfta bulunarak kaynak gösterdiğimi,
- Kullanılan verilerde herhangi bir değişiklik yapmadığımı,
- Bu tezde sunduğum çalışmanın özgün olduğunu,

bildirir, aksi bir durumda aleyhime doğabilecek tüm hak kayıplarını kabullendiğimi beyan ederim.


Büşra ÖZER ERDOĞAN

02 / 11 / 2018

TRANSLATION SERVICES IN JUDICIAL SYSTEM: DETERMINING ELIGIBILITY
OF LEGAL TRANSLATORS IN TURKEY

(Ph. D. Thesis)

Büşra ÖZER ERDOĞAN

GAZI UNIVERSITY
INSTITUTE OF SOCIAL SCIENCES

November 2018

ABSTRACT

Regarding the importance of legal documents, it is of great importance that legal translators must have sufficient mastery of the relevant languages, necessary training background through which a translator may deal with legal texts and vast experience in legal translation. This study elaborates on the eligibility of legal translators in Turkish judicial system through firstly setting the nature of legal translation under focus; secondly, uncovering and publicising the current situation of the legal translators in terms of training they have received and the qualifications they have gained as a result of their training; lastly, presenting suggestions for revising the criteria of recruiting legal translators. The study is based on a descriptive qualitative research. Open ended questionnaires and face to face interviews have been employed in order to gather data. Necessary permissions were received from the relevant institutions. The result of the study has showed that the current practice of legal translation services may be improved through strengthening the areas of weaknesses that might exist within the educational system specific to legal translators, and developing testing and certification programmes to select qualified translators, which must be governed by certain kinds of laws and/or regulations to be introduced to that effect.

Science Code : 30501

Key Words : Legal translation, legal translator, translator eligibility, translator training, translation experience, law, procedure.

Page : 176

Supervisor : Assoc. Prof. Dr. Aslı Özlem TARAKÇIOĞLU

TÜRKİYE’DE ADLİ TERCÜME HİZMETLERİ: HUKUK TERCÜMANLARININ
SEÇİM KRİTERLERİNİN BELİRLENMESİ

(Doktora Tezi)

Büşra ÖZER ERDOĞAN

GAZİ ÜNİVERSİTESİ
SOSYAL BİLİMLER ENSTİTÜSÜ

Kasım 2018

ÖZET

Hukuk metnlerinin önemi düşünüldüğünde, hukuk tercümanlarının ilgili dillere yeterince hakim olmaları, hukuk metnlerini çevirirken ihtiyaç duyabilecekleri gerekli eğitim altyapısına ve hukuk tercümesi alanında geniş tecrübeye sahip olmaları hayatidir. Bu çalışma, ilk olarak, hukuk tercümesinin doğasını ele almakta; ikinci olarak, aldıkları eğitimin sonucunda elde ettikleri nitelikler göz önüne alınarak Türk hukuk sisteminde çalışan hukuk tercümanlarının mevcut durumlarını tespit etmekte ve son olarak, hukuk tercümanlarının seçiminde uygulanan kriterlerin yeniden düzenlenmesi için öneriler getirmektedir. Çalışma, açıklayıcı nitel araştırma üzerine kurulmuştur. Bilgi toplama amacıyla, açık uçlu sorulardan oluşan bir anket ve yüz yüze görüşmeler yapılmıştır. Çalışmaların gerçekleştirilmesi için ilgili kurumlardan gerekli izinler alınmıştır. Çalışmanın sonucu, hukuk tercümanlarının eğitimlerinde yer alabilecek zayıf noktaların güçlendirilmesi ve belirli mevzuat değişiklikleriyle nitelikli tercümanların seçilmesi için eğitim, tecrübe, dil yeterliliğini gösterir belge gibi yeni kriterler getirilerek adli tercüme hizmetlerinin mevcut durumunun iyileştirilebileceğini göstermiştir.

Bilim Kodu : 30501
Anahtar Kelimeler : Hukuk tercümesi, hukuk tercümanı, tercümanların mesleki yeterlilikleri, tercüman eğitimi, hukuk, usul.
Sayfa Adedi : 176
Tez Danışmanı : Doç. Dr. Aslı Özlem TARAĞÇIOĞLU

ACKNOWLEDGEMENTS

In the first place, I would like to thank my supervisor Associate Professor Dr. Aslı Özlem TARAKCIOĞLU for her guidance and advice throughout this research study. Her patience, encouragement and support gave opportunities to me to complete my study.

I am grateful to Assistant Professor Dr. Kuğu TEKİN, Assistant Professor Dr. Hilal ERKAZANCI DURMUŞ, Assistant Professor Dr. Ayşe Selmin SÖYLEMEZ and Assistant Professor Dr. Korkut Uluç ISISAG, for their constructive criticism and valuable contributions to my study.

I would also like to express my sincere appreciation to Judge Vehbi Kadri KAMER, Judge İzzet BAŞARA, Judge Mehmet DOĞAN, Professor Dr. Ayfer AKANSEL ALTAY, Translator Resul AYDIN, Translator Enise ÖZDEMİR, Translator Berkan SEYHAN and all the legal translators for their contribution to the study.

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ABBREVIATIONS

The abbreviations used in this study and their descriptions are as follows:

Abbreviations	Description
ACCTI	Association of Canadian Corporations in Translation and Interpretation
ATA	American Translation Association
CAT	Computer Assisted Translation
CERF	Common European Framework of Reference for Languages
CTTIC	Canadian Translators, Terminologists and Interpreters Council
LSP	Language for Special Purpose
MT	Machine Translation
SL	Source Language
ST(s)	Source Text(s)
TL	Target Language
TT(s)	Target Text(s)
URSSAF	Unions de Recouvrement des Cotisations de Sécurité Sociale et d'Allocations Familiales

CHAPTER I

INTRODUCTION

This study elaborates on the eligibility of legal translators in the Turkish legal system through firstly setting the nature of institutional-legal translation under focus; secondly, uncovering and publicising the current situation of the legal translators in terms of training they have received and the qualifications they have gained; lastly, presenting suggestions for revising the criteria of recruiting legal translators.

Background of the Problem

Although there has been no scientific researches in respect of the ratio of the legal area in the professional field of translation, it may be suggested that legal texts are among the text types that graduates of translation studies come across most. When the translations at the market are paid attention, the legal translators in Turkey seem to remain incapable. That there is no regulation in respect to translation prevents translators from being competent enough (Eruz, 1997).

There has also been a strict parallelism between the training standards of translators in the specific field they fulfil their professional activities and the quality of their translations (Király, 2000, 2005; Li 2002, 2007; Olvera-Lobo et al. 2007, 2008, 2009; Bernardini, 2004). Translator training is defined as a “typical vocational activity which is often based in, and in other ways contingent on, academic settings” (Kearns, 2008:185).

In Turkey, the departments of translation studies offer students few courses of legal translation. However, regarding that legal texts are the most common ones among the texts to be translated, the field in question requires specialization.

Moreover, legal translation is generally regarded to be one of the most challenging types of translation due to the fact that a legal translator has to have a good grasp of a specific legal terminology and differences between law systems. According to Šarčević, translators must be experts in not only translation skills, but also law to settle on legal-linguistic issues came across in the process of legal translation. Furthermore, she argues that legal

competence necessitates an “indebt knowledge of legal terminology and a thorough understanding of legal reasoning and the ability to solve legal problems, to analyze legal texts, and to foresee how the courts will interpret and apply a legal text” (Šarčević, 1997: 112-113).

As an inevitable conclusion of this globalized age, translators competent in translating legal texts are head out after all the more. That is why legal translation has shined out not only for translators but also for lawyers and judges. However, Berteloot suggests that lawyers and judges that hold a different point of view from linguists should also take translators’ contributions into account (Berteloot, 1999: 101). This indicates that practising legal translation requires to have linguistic background along with legal knowledge. Legal translation necessitates applying translation theories, especially within the framework of principles of hermeneutics.

Throughout the passing years, legal translators have employed different theories of translation on legal texts from Catford’s situation equivalence, Nida’s formal correspondence theory to Vermeer’s skopos theory (Newmark, 1981; Alcaraz Varo & Hughes, 2002). Having these aspects in mind, it is well to the point to mention that translating legal texts involves in blending the knowledge in respect of translation theories and legal systems.

In legal translation that is supposed to be receiver oriented, the success of translator’s decision making process during the translation practice depends on whether translators have sufficient mastery of the relevant languages, necessary training background and experience in legal translation.

In this study, keeping in mind the need for such well-trained and experienced legal translators in the judiciary as hypothesis, the focus is on the current situation of legal translation services where the practice of translation may be improved through working on the criteria in determining the eligibility of legal translators. The study, which is needed to be carried out on this topic, should explore what are and must be those criteria.

Statement of the Problem

Whereas there are plenty of studies on legal translation and theories to be followed by legal translators, etc; the issues such as the training that legal translators should receive and what qualification they should have are rarely studied or somehow left unexamined. Let alone lack of the studies on the fact that legal translators should meet some conditions necessary to come with qualified translations, it is highly surprising that anyone who states in writing that s/he speaks the relevant foreign language (and meet some other criteria that are not related to language) can be a legal translator (see Annex M).

Even though there are numerous studies on how and why legal translation is of vital importance for states, there is little research on what criteria legal translators should meet and how they can achieve those criteria.

This study, which will be carried out to settle this problem -stemming from insufficient training of legal translation that translators receive, and the conditions of recruiting legal translators, not including any language degrees, scores or certificates and experience on legal translation-, is expected to have a significant effect on the scope of the legal translator training programs, the criteria to determine the eligibility of legal translators in Turkish Judicial System and the quality of legal translations mainly at the courthouses.

Purpose of the Study

The research has two preliminary purposes:

- a. to reveal the results of the way in which legal translators in Turkish Judicial System are recruited.
- b. to explore what qualities legal translators should have to improve the quality of legal translation services in Turkey.

Research Questions

This study was guided by one main question:

Are the criteria in determining the eligibility of legal translators in the Turkish Judicial System insufficient?

Sub-Questions:

1. What are the criteria in determining the eligibility of legal translators in the Turkish Judicial System?
2. What must the criteria in determining the eligibility of legal translators in the Turkish Judicial System be?
3. In what ways can the quality of legal translations be improved?
4. How do legal translation courses that translators receive affect the quality of their translations?
5. How does legal translators' experience in legal translation upgrade the quality of their translations?

Significance of the Study

When hiring translators in terms of legal translation, qualifications of translators are not defined sufficiently. As a result of the literature review, it has been observed that there is almost no research on this topic, which is necessary for both legal translators and translation services in Turkey. This research is hoped to be significant as it is supposed:

- a. to provide positive contribution to improve legal translation services in Turkey through shedding a light on what should be the criteria in determining the eligibility of legal translators,
- b. to guide future studies regarding the fact that preliminary research and literature pointed to few studies on the subject,
- c. and, last but not least, to create an awareness in respect of the weaknesses of the training programs of the translation departments for legal translators.

Overview of Methodology

Data Collection Method

The design of the study is qualitative research design to explore answers for the research questions stated above. In this research, two kinds of data collection were employed; interviews and questionnaires as data collection instruments of the qualitative research design (Strauss & Corbin, 1990; Patton, 1987; Yıldırım & Şimşek, 2003). This study required qualitative data that reveal in-depth information and descriptions through direct quotation to explore answers to the research questions, for which purposeful sampling was preferred in respect of the participants of the study.

The participants comprised of

- 86 legal translator court experts from Ankara Courthouse,
- Prof. Dr. Ayfer Akansel Altay the head of Translation and Interpreting Department at Hacettepe University,
- Judge İzzet Başara the head of Department of Court Experts under the Directorate General for Legal Affairs,
- Judge Mehmet Doğan,
- Translator Resul Aydın,
- Translator Enise Özdemir,
- and Student Beran Seyhan.

Data were collected through interviews, questionnaires, informal conversational interviews with the legal translators and written documents. Among three types (informal conversational interview, the general interview guide approach and the standardized open-ended interview) of gathering data via open-ended interviews, the researcher mixed the approaches (Yıldırım & Şimşek, 2003). Interview questions were determined in accordance with the opinions taken from two experts. The interview types were semi-structured and involved open-ended questions. The interviews were developed regarding the research questions. The focuses were on:

- a. the background of the graduates to be legal translators, the need for detailed and comprehensive courses in legal translation and the importance of experience and interviewee's advices.
- b. the present drawbacks in the judicial translation services in Turkey, the need for more qualified and experienced legal translators and what the new criteria must be in determining eligibility of legal translators.

Another data gathering method employed during the study was questionnaires. The necessary permissions and approvals were taken from the Ministry of Justice and the Ethical Commission of Gazi University (see Annexes A and B).

In the questionnaires, the main aim is to establish the current situation and background of legal translators working in the courthouses. The participants' names were not revealed. 86 legal translators from the Ankara Courthouse accepted to make contributions to the study.

After taking permission from the Ministry of Justice, the researcher collected written documents in respect of the translation services in the judiciary such as information about the translators, the legislation, and oath text for the translators, etc (See Annex L for the original oath text).

Data Analysis

As Yıldırım and Şimşek indicated, reliability may conflict certain aspects of a qualitative research whereas such research is advantageous to attain validity. In a qualitative research, new questions can be asked to interviewees, reach details and in-depth information by making face-to-face interviews and applying a number of different sources to check data, which provides flexibility to researcher who would like to reach validity. As social conditions change according to people, groups, places, events and time, external validity is hard to meet in qualitative research (Yıldırım & Şimşek, 2003).

Using multiple data gathering methods such as questionnaires, written documents and interviews, and reporting data gathering instruments and the way findings are obtained, the researcher tried to meet the validity through triangulating the information.

In respect of the external reliability, the researcher expressly noted the participants of the study and under which circumstances the study was conducted; whereas for the internal reliability, results gained at the end of the study were supported by using direct quotations. Lastly, the researcher took opinion of two experts in respect of the findings of the study.

Assumptions

In this study, it has been assumed that;

- a) the group of legal translators participated in the questionnaire is sufficient to reveal the current situation of legal translation services.
- b) all the participants to the study provided honest and accurate information during the questionnaires and interviews.
- c) all the data and information collected was correctly reported and analysed by the researcher.

Delimitations and Limitations of the Study

This study was delimited to the legal translators serving for the Ankara Courthouse, rather than including all legal translators in Turkey. More specifically, the study is focused on only translators, not interpreters. Also, the participants of the study are defined as a group of 86 translators with various backgrounds, two department heads, one judge, and one researcher.

This study has also some limitation due to the fact that it was carried out in respect of the legal translators of the Ankara Courthouse chosen purposefully, findings reached at the end of the study may not be generalized to all legal translators. Considering this fact, there may be a risk to fulfil external validity and external reliability.

Furthermore, this study is limited with one researcher, whose personal point of view could affect the research in the course of the data collecting, describing and interpreting phrases to some extent. Last but not least, this study is limited to the current situation of legal translation services in Turkey regarding the legislation in this respect.

Definition of Terms

For the purposes of the study, the following definitions are adopted:

Legal Translation: It is a term referring to the translation of any text related to the judiciary. They are supposed to be written in the official language involving specific terminology used for legal purposes.

Legal Translator: It refers to people producing most accurate translations of legal documents. They need to have writing skills in at least two languages and an understanding of two legal systems.

Court Expert/Translator Court Expert: A court expert is, within the context of this study, someone commissioned to translate legal texts in the courthouses after making an oath pursuant to certain legislation.

Translating Institutions: Translating institutions include organisations or associations established to attain a specific aim along with the general aim of translating

Translator Eligibility: It refers to professional competency of translators, gained through training and experience. It may be proved via certificates, diplomas and exams.

Translator Training: It stands for a four-year study at the undergraduate level in departments of translation studies. In this study, only training in legal translation given to students of translation studies is focused.

Language Level: Language levels that have structured and are accepted according to context of use and different social issues,

Job Definition: Information on the work concerning duration of the work, its volume, source language and target language, area of expertise, objective of translation, format and place of translation, required technical equipment and environment as well as budgeting,

Parallel Text: Other texts that may be referred to in examination of source language and formation of target language.

Specific Field Translation: Translation of written texts that require special knowledge in a certain area of expertise.

Literary Translation: Translation of scientific and literary works.

Discourse Analysis: Analysis, by content and environment, of the speaker's strategy, style, manner, tone of voice, body language, linguistic level, explicit and implicit content and implication.

Overview of the Reminder of the Study

This study consists of four chapters. The introduction part deals with background of the problem, statement of the problem, purpose of the study, research questions, significance of the study, overview of methodology, assumptions, delimitations and limitations of the study and definitions of terms adopted for the purposes of the study.

The first chapter covers a review of literature undertaken in order to reveal what information had been previously documented about the topics of institutional-legal translation and legal translators. The literature review consists of three parts for the purpose of allowing the reader to understand the background for legal translation. The three parts were as follows: the nature and importance of legal translation, historical background and legal basis of legal translation in Turkey, and translator training in terms of legal translation in Turkey; all of which indicate some related research studies.

The second chapter handles methodological pathway followed by the researcher of the study. The overall research design and the participants of the study (a); data sources, data collection instruments and data collection procedure of the study (b); and the data analysis of the study (c) were presented. Last but not least, validity and reliability of the study, assumptions, delimitations and limitations of the study were set forth.

The third chapter reveals the findings of the study whose main purpose was to reveal the results of the way in which legal translators in Turkish Judicial System are recruited, and to explore what qualities legal translators should have to improve the quality of legal translation services in Turkey. Following the methodological pathway outlined in the

second chapter, the research questions were investigated through employing data sources and instruments.

The last chapter deals with the discussion of the findings and the conclusion of the study. It follows implications for further research studies in this field.



CHAPTER II

REVIEW OF RELATED LITERATURE

The aim of this second chapter is to provide a theoretical introduction to institutional-legal translation, historical background of legal translation services in the Turkish Judiciary, information as to translator training including legal translation course, examples of translator recruitment procedures in some other countries and information relevant research studies.

2.1. Institutional Legal Translation

As being a sociological concept, ‘institution’ has been studied as a core concept of the sociology of translation. It may be defined as a “form of uniform action governed by role expectations, norms, values and belief systems” (Koskinen, 2001: 54). The concept has been redefined in sociology as well as in various other fields as it is versatile and open to misunderstandings.

According to Koskinen (2001: 54), institutions

consist of more or less permanent roles and patterned actions, and their authority and legitimacy have been endowed by the surrounding society whose needs the institution is designed to serve. This also partially explains the confused meanings: modern societies have built a number of concrete institutions in order to carry out their various governance, control and education activities.

The translational activities within a social system are governed by particular norms. Considering translation as a “social institution” paves the way for translation to be directed within an institutional framework and in accordance with the aims of the relevant translating institution. After Mossop (1998: 65) indicated that “translating institutions are an important participant missing in existing models of translation”, institutional translation and legal translation have always been on the agenda of the professional translation. Institutional translation may be considered the translational activity taking place in translating institutions.

According to Mossop (1990), translating institutions include organisations or associations established to attain a specific aim along with the general aim of translating. These institutions may also stand for governments, literary publishers, companies, etc. In the present study, the institution stands for the courthouses of the Turkish Government.

Institutional translators fulfil the tasks they are given in line with the expectations of the relevant institution. Koskinen (2000) and Mossop (1998) emphasized some specific features of the above-mentioned institutions. Koskinen (2000: 49) stated that “every institution has its own profile and special needs, which the translator has to take into account. But in spite of the obvious shaping influence of such institutions, analyses of their role in the translation process are few and far between.” Furthermore, institutional translation may mean more than just conveying meanings as there are some certain institutional factors such as

- roles for various peoples involved in the production of a translated text,
- goals of the institution, in addition to a general goal of successfully achieving interlingual communication,
- complex translation process and systematic procedures for text production,
- translation principles,
- and, language guidelines/regulations on how translation is to be carried out microtextually (Kang, 2004).

Also, Kang (2004) indicated that translating under an institution may be described as a social act carried out in institutional contexts. An institutional goal shapes the translation principles and the choice of a certain translation method and/or strategy.

Institutions may assume some roles for the sake of translational activities under its roof. These roles may vary among the translating institutions. Some of them include source text writer/receiver, translation initiator and recipient of the target text. The institution establishes a text production procedure that indicates to the power of the institution in respect of controlling the terminology used in the translations.

The institutions generally have language guidelines and terminology lists so that “no translator will radically deviate from the general trend” (Koskinen, 2000:58). It is a natural expectation that every institution has its own style in terms of using language. According to Macdonnell (1986:1), the discourse employed by the institution as a style of using

language stands for a form of social practice which may take form in accordance with the type of the institution.

As institutions are considered to be the mechanism of social order that shape the behavior of its own members and social constructions established by discourses, institutional translation contextualizes the role of the translating institution in the way translational activities are practised (Koskinen, 2014).

According to Sarcevic (2018), despite the fact that scholars have just started to pay attention to institutional legal translation, it has been carried out under the roof of governmental institutions for years. She added that “generally speaking, institutional translation is a norm-governed activity in which the degree of a translator’s normative behavior varies depending on the institutional purpose” (2018: 12). The institutional purpose sets the conditions for determining the acceptability of a translation in respect of its accuracy and reliability. Sarcevic (2018: 14) argued that

...all institutional translators must adhere to the rules set forth in the drafting, translation and editing guidelines of the particular institution, as well as manuals of precedents prescribing standard formats and style manuals for harmonizing language usage. This, however, touches only the surface of the normative behaviours of legal translators, thus implying that there is little or no room for independent decision-making and translational creativity.

This dictates the legal translators working in an institutional environment a literal translation strategy. As Koskinen (2000:58) also pointed out, “translators are not free to use just any strategy, but must conform to a code of practice”. Creating a uniform terminology is required to achieve a standard legal language to be used by the translators within the translating institution.

In the present study, official legal documents, articles of laws, pieces of legislation and judgments are examples of institutional translation. Through translations of these documents, the government provide information to an international audience on the institution’s political issues and policies. As the institution is the producer of both the source and the target texts, it has significant control on every stage of translation.

Regarding the importance of the accuracy of the translated legal texts in terms of the governmental purposes, the courthouses as the translating institutions are expected to establish a high quality standard for

- recruiting qualified legal translators,
- use of a uniform terminology,
- a strict control mechanism of translations,
- eliminating misunderstandings and inaccuracy in the translated texts.

2.2. Peculiar Nature of Legal Translation

Legal translation is generally regarded to be one of the most challenging types of translation due to the fact that a legal translator has to have a good grasp of a specific legal terminology and differences between law systems. Harvey defined legal translation as “ultimate linguistic challenge” (Harvey, 2002: 177). Shiflet (2012: 29) defines legal translation as “a specialized, institutional and culture dependent translation, requires of a faithful translator to the source text (ST)”. It is a one of the specialized areas of translation. Wagner (2003) stated that legal translation has a vital role as a means of communication enabling the legal thinking to be transferred to another language in an age of modernisation and globalisation.

Legal translation must be attached special care due to the fact that it involves a precise legal language. Another scholar indicates that legal translation entails a special language; that is, language for special purpose (LSP) within a legal context, which makes it different from ordinary languages (Alchini, 2012: 45). LSP is used within different professional environments and involves peculiar terminology and discourses. In the legal world, it is employed in legal translation during which an interaction between a foreign legal language, legal terminology and legal culture occur (Khromov & Udina, 2015).

According to Cao (2007), legal translation belongs to technical or specialist category of translation, whereas Sarcevic (1997) classifies legal translation in accordance with the functions of legal texts in the source language (SL); namely, it is primarily prescriptive of laws, legislations, treaties and articles; primarily descriptive of legal decisions, actions,

hearings and petitions; and purely descriptive of academic studies on legal issues, law books and judicial opinions.

Chroma (2007: 202) states that the main “objective of legal translation is that the target recipient should be provided with as explicit, extensive and precise legal information in the target language as is contained in the ST, complemented by the translator with facts rendering the original information fully comprehensible in the different legal environment and culture, and serving the purpose of translation”.

As Newmark (Newmark (1988: 151) indicates, specialized translations may be categorized as technical and institutional translation. While technical translation has nothing to do with culture, and thus it is universal; institutional translation such as legal one is culture dependent. As a result, it may be suggested that legal translation is one of the most difficult types of translations due to the peculiar nature of legal texts and that legal translators should have various different qualifications to produce qualified parallel texts.

2.2.1. Qualifications of Legal Translator

In the National Occupation Standard for Translators (Level 6), a translator is defined to be the qualified person who carries out the translation/interpretation works and preparatory activities within the framework of the relevant legislation and/or contract, Occupational Health and Safety precautions, quality standards and service procedures and who makes interpretation, sign language translation and/or written translation as well as ensures his personal professional development.

In written translation such as legal one, translator carries out activities for translation and localisation of contents of various documents, literary and artistic works, several media and multimedia materials in one language into a target language, and in oral translation for simultaneous or consecutive translation of verbal communication in one language into target language(s) at environments and negotiations such as meetings and conferences where participants speaking different languages gather. In cases where sign language is used, translator carries out activities for transmitting communication into sign language to verbal language and any content expressed in verbal or written language into sign language. Furthermore, a translator must have;

- Knowledge and skill of research methods,
- Knowledge and know-how on consecutive translation techniques,
- Know-how and skill on information and communication technology tools,
- Know-how and skill on computer-assisted translation tools,
- Skill to access to information and use resource,
- Information on general culture within the scope of working languages (including sign language),
- Skill to have a good knowledge of working languages in a way to make simultaneous and consecutive translation,
- Skill to effectively use working languages (including sign language) to the extent that would cover specific fields and linguistic levels,
- Knowledge and skill to create and manage a translation memory,
- Knowledge of national and international standards and legislation concerning translation services,
- Knowledge of technical terminologies concerning translation processes,
- Knowledge of specific field and terminology on the issues he translates,
- Knowledge and skill to construct multimedia content,
- Skill to make analysis,
- Skill to focus attention and concentrate,
- Skill of teamwork,
- Knowledge and information to construct visual material,
- Knowledge and skill to communicate,
- Knowledge on quality management,
- Skill to keep records and report,
- Knowledge and know-how on simultaneous translation techniques in the field of conference translation,
- Knowledge and skill of crisis and conflict management,
- Knowledge and skill of multicultural communication,
- Knowledge on occupational health and safety as well as environmental protection as to the occupation,
- Knowledge on financial transaction procedures as to the occupation,
- Knowledge and know-how on text and discourse analysis methods,

- Skill to make planning and organization,
- Knowledge and skill to solve problems,
- Knowledge and skill of speaking, diction and addressing in oral translation,
- Knowledge and know-how on note taking techniques in oral translation,
- Knowledge of protocol and good manners in oral translation,
- Advanced verbalization skill in all active languages in oral translation,
- Skill to work under stress,
- Knowledge and skill to prepare introductory file and professional background/CV,
- Knowledge on base pricing,
- Knowledge and skill to prepare terminology and use terminology management tools,
- In localization processes, knowledge and skill to use special software,
- Knowledge and skill of time management.

Furthermore, translators are expected;

- To be tidy in the working environment,
- To pay attention to implementation of rules of occupational health and safety as well, as environmental protection at the working environment,
- To effectively and efficiently use working time in accordance with the work planned,
- To be planned and organized in his studies,
- To carefully make observations and analysis during the translation process,
- To work in a client-, technical process- and quality-oriented manner during the translation processes,
- To be prudential and prepared against risks during the translation processes,
- To be open to warnings and criticisms during the translation processes,
- To act in a speedy and practical manner in the management of translation processes,
- To pay attention to technical, financial and legal details and rules in the management of translation processes,
- To use initiative in an effective and speedy manner within the limits of his powers, management of translation processes,
- In printed translation works in the nature of intellectual property (including written documents derived from oral translation), to be sensitive about his material rights as a

translator and about the fact that his name should explicitly appear on these printed products,

- To obey working discipline and workplace working principles,
- To receive and convey right information from/to right persons for the work, in a timely manner,
- In the process of sign language translation, to refrain from wearing clothes likely to hinder translation,
- To show attention to efficient use of resources,
- In the field of conference translation, to work in compliance with the relevant EU norms and international standards,
- To comply with the principle of confidentiality in performing his occupation,
- To ensure life-long learning on the issues regarding his occupation,
- To be open to innovations and new ideas regarding his occupation,
- To act in compliance with occupational etiquette and ethical principles,
- To take occupational health and safety precautions at the site (disaster, emergency areas and etc.),
- To be aware of national and international agenda,
- To work in accordance with national and international quality standards, legislation and norms.

According to Sarcevic (1997: 112-113), translators must be experts in not only translation skills, but also law to settle on legal-linguistic issues came across in the process of legal translation. Furthermore, she argues that legal competence necessitates an “indebt knowledge of legal terminology and a thorough understanding of legal reasoning, to analyze legal texts, and to foresee how the courts will interpret and apply a legal text”.

As an inevitable conclusion of this globalized age, translators competent in translating legal texts are head out after all the more. That is why legal translation has shined out not only for translators but also for lawyers and judges. However, Berteloot (1999: 101) suggests that lawyers and judges that hold a different point of view from linguists should also take translators’ contributions into account. This indicates that practising legal translation requires to have linguistic background along with legal knowledge. As Metin-Tekin (2018) points out, even song translating as an easy looking type of translation requires the translator to have a relevant background and skills, it is a must for the legal

translator to have certain skills and background to produce accurate translations of important legal texts. Legal translation necessitates applying translation theories, especially within the framework of principles of hermeneutics. Throughout the passing years, legal translators have employed different theories of translation on legal texts from Catford's situation equivalence, Nida's formal correspondence theory to Vermeer's skopos theory (Newmark, 1981; Alcaraz Varo & Hughes, 2002).

Having these aspects in mind, it is well to the point to mention that translating legal texts involves in blending the knowledge in respect of translation theories and legal systems. In legal translation that is supposed to be receiver oriented, the success of translator's decision making process during the translation practice depends on whether translator have sufficient mastery of the relevant languages, necessary training background and experience in legal translation.

Smith (1995:181) points out that a successful legal translator must attain a basic knowledge of the legal systems, both in the source language (SL) and target language (TL); be familiar with the relevant legal terminology; and have competency in the legal writing style specific to the target language. Furthermore, a legal translator must have an understanding of mechanisms of the law and how legal texts are introduced, interpreted and applied in practice (Wagner, 2003). It is also indicated that the legal translator should "understand not only what the words mean and what a sentence means, but also what legal effect it is supposed to have, and how to achieve that legal effect in the other language" (Sarcevic, 1989: 286).

As already indicated, translators are expected to have mastery of both source and target languages so as to form meaningful and accurate translations. Bell (1991) categorized the areas of competency that a translator must have as it follows: grammatical competence, sociolinguistic competence, discourse competence and strategic competence.

Grammatical competence indicates having good knowledge of linguistic rules such as vocabulary, word formations, spelling and pronunciation and sentence structuring. It is necessary for translators to have grammatical competence in order to convey the literal meaning of any text. Sociolinguistic competence enables translators to understand and translate correctly in a context. Moreover, discourse competence indicates that translators

should be able to combine meaning with form in a text in order to produce the correspondent text in various different genres. Lastly, strategic competence refers to translators' mastery in communication skills.

In other words, legal translators must have in-depth knowledge of both the target and the source languages. They must be competent in grammar, sociolinguistic matters, discourses and communication strategies. Moreover, they must be well-educated about the legal systems of both of the languages. Martin Weston also indicates that “the basic difficulty of overcoming conceptual differences between languages becomes particularly acute due to cultural and more specifically institutional reasons” (Weston, 1983: 207).

Along with these qualifications, a legal translator must have;

- **in-depth knowledge** of legal translation both in practice and theory, key concepts in translation studies,
- **skills** of critical reading of legal texts, recognizing basic features of legal discourse,
- and **ability** of creating a parallel legal text through employing linguistic tools for legal translation purposes.

In this study, keeping in mind the need for such well-trained and experienced legal translators in the judiciary, the focus is on the current situation of legal translation services where the practice of translation may be improved through working on the criteria in determining the eligibility of legal translators. The main purpose of the study is to explore what qualities legal translators should have to improve the quality of legal translation services in Turkey.

2.3. Historical Background of Legal Translation in Turkey

Despite the significance of legal translation for Turkey, the literature review has revealed that it is an under-investigated area of research. There are few academic studies dealing with legal translators in the Turkish Judicial System. Sakine Eruz points out in her book entitled “Multiculturalism and Translation” (*Çokkültürlülük ve Çeviri*) that Turkey, having a history of thousands of years and a chance to host a large number of peoples, is a multicultural country (Eruz 2010:183). That is the reason why translation has always been

in the limelight throughout the Turkish history. In the Ottoman Empire, translators who were called as “dil oğlanları” were chosen among young foreigners who would receive training in special schools.

Later in the Republican Turkey, a state-sponsored Translation Bureau was established in 1940, which is seen as a milestone in the translation history in Turkey (Gürçağlar, 2008). However, translational activities have always been on the agenda. Within the state, legal translation has had a great importance due to Turkey’s strategic statue at the international arena.

In this respect, the Bureau of Sworn Translation was established under the Foundation of Strengthening the Judicial Organisation in order for correspondences delivered to the Ministry of Justice and Offices of Chief Public Prosecutors from foreign delegations to be translated in 1998. Before that date, translational activities could not be carried out in an organized and regular way.

This Bureau was established with the initiative of Faruk Bal, the former General Directorate of Legal Affairs who was later served as the General Directorate of Personnel and lastly as the Minister of Justice, and 23 judges. The administration of this Bureau was later assigned to the Prisons and Detention Houses Workshop Institutions under the Ministry of Justice in 2006. The relevant letter of the Workshop Institutions on this assignment reads as follows:

‘The Translation Bureau’, which had been previously operated by the Foundation for Strengthening of the Judicial Organization (“Foundation”) at the Ankara Courthouse and then decided to be affiliated to the Workshop Directorate of the Ankara Open Penitentiary Institution by virtue of the decisions taken by the Board of Directors of the Foundation and the High Council of the Workshop Directorate, would continue carrying out its activities under the Workshop Directorate of the Ankara Open Penitentiary Institution as of 01/07/2006.”

Therefore, by the above-mentioned date, it is decided that:

The documents previously sent by the Chief Public Prosecutor Office, assize courts, criminal court, magistrates’ court and the other courts for translation be sent with the phrase ‘Translation Bureau of the Workshop Directorate of the Ankara Open Penitentiary Institution’.

In disbursement orders issued by criminal courts, the phrase ‘Translation Bureau of the Foundation’ be removed and replaced with the ‘Translation Bureau of the Workshop

Directorate of the Ankara Open Penitentiary Institution'. Besides, name of the translator be noted on the disbursement orders.

In reimbursement letters issued by the civil courts and sent to pay desks, the phrase 'Translation Bureau of the Foundation' be removed and replaced with the 'Translation Bureau of the Workshop Directorate of the Ankara Open Penitentiary Institution' (see Annex J - Letter of Directorate General for Legal Affairs, dated 26 June 2006).

2.3.1. Translation Bureau in Courthouse

According to the activity report of 2015 drawn by the Workshop Institutions, the Translation Bureau in courthouse initially operated under the Foundation of Strengthening the Judicial Organisation. However, as from 2006, it has been carrying out its activities in the Ankara Courthouse under the roof of the Workshop Directorate of the Ankara Open Penitentiary Institution.

The legal translators serving at the translation bureau are announced in the list of legal expert that is annually issued by the judicial commission. They then take an oath before the commission. In 2014, 11040 documents were received and translated by the bureau where 137 translators were serving at that time (Activity Report, 2015: 5).

Moreover, the documents to be translated are assigned to the translators in two ways; through translation bureau or through the relevant court registry whereby the judge directly appoints the translator. Having translated the documents assigned to them by the translation bureau, legal translators submit them to the bureau in an external hard drive. The translated documents are circulated to the court which sends the appropriation letter for translation work within about 10 days (Activity Report, 2015: 6).

Upon the delivery of the appropriation letter, the bureau personnel draws up the disbursement order which is subsequently put into process by the accounting unit of the Ankara Open Penitentiary Institution. For the year 2015, payments have been bimonthly transferred to the translators' bank accounts.

After the documents directly received from the court registry are translated, they are re-delivered to the registry where the disbursement order is issued. Thereafter, the payment for translation is made by the "Provision Bureau" within the courthouse.

According to the relevant report (2015: 6), two officers serve at the translation bureau where there are 137 legal translator by 2014. These translators are announced through the list of legal expert. Documents sent to the bureau may be classified as follows: (a) documents sent by courts; (b) documents sent through the Chief Public Prosecutor's Office; and (c) documents of the Ministry of Justice. These documents are received and recorded by the incumbent officers by the date order, language and the sender court. Following the classification phase, the documents are sequentially assigned to the translators included in the list according to language of the source text.

There is a page-based charging system at the translation bureau where 50 letters written by 12 font size amount to one line, 20 lines amount to one page where there must be at least 1000 characters. Payments are made through the budget of the Workshop Directorate of the Ankara Open Penitentiary Institution. The translation fees are determined by the Board of Directors of the Workshop Directorate.

As explained in the document dated 14/06/2012 and numbered 130, fees for translated documents are calculated as follows:

“Two-thirds of the translation fee per page to be determined by the relevant court or the Chief Public Prosecutor's Office, excluded VAT shall be paid to translator after necessary deductions are made. One-third of the fee shall be recorded as revenue for the Workshop Directorate.

In calculating the fee, one page including 1000 characters shall be taken as a basis. In the event that translator avails himself of an already printed document in his work, the pages that are translated shall only be charged, and the remaining parts shall not be included in calculation of the fee (for instance, in case of use of cut-copy-paste method).

In case of any overcharge or undercharge, in technical issues, by courts or the Chief Public Prosecutor's Office, two-thirds of the appraised fee, excluded VAT, shall be paid to translators while the remaining part of one-third shall be recorded as revenue for the Workshop Directorate.”

However, payments for documents assigned to translators directly by the court registry upon a judge's order are made by the “Provision Bureau” of the Ankara Courthouse. In addition, it was underlined in the Activity Report of 2015 that there are two on-going discussions about the process. One of them is election of the translators.

As the documents received by the translation bureau are of great importance, translators having certain qualifications (score of foreign language exam, being a university graduate, having security clearance and etc.) must be registered in the list of legal experts. The second one concerns the fact that a study must be carried out for increasing the number of documents received by the bureau before the country-wide extension of translation bureaus.

Lastly, as legal translators serving for the Bureau have been entitled as court experts, they have been affiliated with the Department of Court Experts under the Directorate General for Legal Affairs in the Ministry of Justice. The Law on Court Experts no. 6754 and the Regulation dated 3 August 2017 were introduced with respect of the rules on determining the eligibility of court experts in general.

2.3.2. Legislation Applicable to Translators in Turkey

The legislation applicable to the translators in our country is as follows:

- Law on Court Expert no. 6754
- Turkish Criminal Code no. 5237
- Code of Civil Procedure no. 6100
- Notary Act no. 6100
- Regulation for the Notary Act
- National Occupational Standard for Translators (Level 6)

See Annex K for the original texts and their translations of the legislation. If it is not stated otherwise, all the translations of legislation cited in the study were made by the researcher.

By Article 10 of **the Law on Court Expert no. 6754**, the conditions for being admitted as a legal expert are governed. Furthermore, in Article 11 of the same law, the conditions of application for being a legal expert, and the procedure of appointment and registration are explained.

By Article 276/1 and 2 of **the Turkish Criminal Code no. 5237**, the issues of false statements by expert witness or translator are dealt with.

By Articles 263 and 375 of **the Code of Civil Procedure no. 6100**, the details of having recourse to translator and court expert and grounds for re-opening of the proceeding are presented. It is established that if a court expert or a translator is found to have deliberately made contrary to fact statements concerning the matter taken as a basis for the verdict, it shall be considered to be a ground for re-opening of the proceedings.

By Article 270 of **the Former Code of Civil Procedure**, it was regulated that a witness has right to be heard in company with a translator if he does not know Turkish.

By Article 76 of **the Notary Act**, the conditions under which translators cannot participate in notary events are governed. Pursuant to the last paragraph of Article 75 of the Notary Act, the translator shall take an oath before the notary public in accordance with the procedure set out in the Code of Civil Procedure.

Article 96 of **the Regulation for the Notary Act** includes certain rules as to the records and oath of the translators who will take office in the notary services.

Before 2013, there were no standards of the translation profession whereby working conditions are determined. However, in line with this need, the Professional Competency Board carried out studies to establish occupational standards for translators and, to that end, took into consideration the Report on Translators published in 2011 by the Directorate for Administration Development of the Prime Ministry.

Accordingly, **the National Occupation Standard for Translators (Level 6)** was promulgated in the Official Gazette of 29 January 2013. Nevertheless, there currently exists no legal arrangement concerning working conditions of translators. In this sense, there are ongoing studies for the preparation of a bill of law. The national occupational standard for translators (Level 6) was prepared by the working group formed by the Vocational Qualification Authority (“the Authority”) in accordance with Article 21 of the Law no. 5544 on the Vocational Qualification Authority (Amended on 11/10/2011 by Article 38 of the Decree-Law no. 665).

The national occupational standard for translators (Level 6) was assessed in light of the considerations of the relevant institutions and organizations operating in the sector and

ratified by the Board of Directors of the Authority upon being reviewed by the Committee for Media, Communication and Broadcasting Sector of the Authority.

2.3.3. Current Criteria of Recruiting Legal Translators for Turkish Courthouses

According to the Research Report drawn by the Presidency in 2015, in the system of recruiting legal translators in the Turkish Judicial System, an individual became a certified translator or legal expert merely on the basis of his declaration that he knew a language. Besides, his educational background was not taken into consideration.

However, this process has resulted in major problems both in Turkey and abroad where judicial decisions and case-files were assigned to individuals who did not have a brilliant knowledge of legal terminology. Therefore, mistranslations and missing parts in the translated documents have led to significant problems in the judicial system. In this respect, approximately 80% of these documents translated by legal translators throughout Turkey was returned by the foreign countries to Turkey, as revealed from the records of the Ministry of Justice.

Although legal translators must be chosen among those working as translators, it appears that in practice, translators accompanying the lawyers had stood as legal translators during the proceedings before the courts for many years. Besides, in a case to which several companies were a party, these companies had the documents translated by notary offices with which they were in contact. Thus, the translator taking role in this process partially translated the documents in a way to protect his own company's interest and ignore the other party's rights.

Several steps have been taken in order to improve the legal translator's position and qualification in the light of the Twinning Project on the Improved Legal Translation System in Turkey of 2015. The aim is to eliminate the problems regarding legal translators. By the new regulation to be issued, it is set forth that translators with a minimum of five-year occupational experience, having required diploma and certification and awarded an occupational competence certificate issued by an occupational organization would become a legal translator.

According to articles 10 and 11 of the Law on Court Experts no. 6754 the following conditions shall be fulfilled by real persons to serve as a legal expert:

- a) not to be convicted for the offences against State security, offences against the constitutional order and functioning of this order, embezzlement, corruption, bribery, theft, fraud, forgery, abuse of confidence, fraudulent bankruptcy, collusive tendering, using fraud or trickery in the fulfilment of an obligation, laundering of assets obtained through an offence or smuggling, giving false statements as a legal expert or legal translator, false evidence and perjury; even if the periods specified in Article 53 of the Turkish Criminal Code dated 26/9/2004 and no. 5237 have expired and even if they were sentenced to an imprisonment for more than one year for committing an intentional offence or they were pardoned;
- b) not to be previously excluded from the legal expert registry beyond their own will;
- c) not to be dismissed, in disciplinary terms, from office or public office or be temporarily or permanently banned from producing a work of art or performing an occupational activity;
- d) not to be included in the list of any other commission;
- e) to complete the basic training for becoming a legal expert;
- f) to have de facto worked in the area of expertise where they would serve as a legal expert for a minimum period of five years or, if a longer period is required, to have de facto worked for the required period;
- g) to fulfil the conditions specified in the legislation for serving as a member of the profession and to have diploma, professional competence certificate, certificate of expertise or similar kind of documents that are the proof the relevant field of expertise required for performing his profession;
- h) to fulfil the conditions determined according to the areas of core expertise and sub-expertise.

In respect of individuals to take office as a legal expert under the roof of a legal entity subject to private law, the conditions specified in paragraph one shall also be sought, and the reports issued shall include names, surnames and signature of these individuals. Those who previous applications were rejected for not being found satisfactory for profession cannot re-apply for serving as a legal expert unless one year elapses. Those who have studied law cannot be included in the registry and list of legal experts unless they certify

that they have an expertise in any area other than law and they fulfil the conditions set out in paragraph one.

Also, pursuant to the relevant law, an application for becoming a legal expert shall be lodged with the regional board to which the concerned individual's residential area or the place where he is performing his professional activities affiliates, or with the judicial commission of the first instance court of civil and criminal jurisdiction. The application shall be in written and be accompanied with the relevant documents. The applications lodged with the judicial commission shall be sent to the regional board.

In case of any deficiency in the documents required to be included in the application petition, the applicant shall be granted a period of fifteen days to complete the documents. Upon the completion of the deficiencies, the regional board shall decide on the application.

In rendering its decision on the application, the regional board shall primarily evaluate whether the applicant fulfils the conditions set out in Article 10 and then elect the most competent ones among the applicants fulfilling the conditions by considering their professional experience, vocational trainings they have attended or documents proving their expertise. Those who are accepted to serve as a legal expert shall be included in the registry for three years.

The announcement made by the Judicial Commission of the Ankara First Instance Court of Criminal Jurisdiction for recruiting legal translators in 2017 is as follows:

“The date, conditions as well as documents required for making an application in order to be registered in the translator's list of 2017, which would be formed by the Presidency of the Judicial Commission of the Ankara First Instance Court of Criminal Jurisdiction for translation into Turkish of the claims or defence submissions of a victim, witness, suspect or accused –who knows Turkish to the extent he may explain himself or who is disabled– during the investigation or prosecution stage as well as of oral defence submissions of the accused in any other language whereby he would explain himself better upon reading out of the indictment or issuing of the opinion as to the merits at the prosecution stage, are specified below:

A. Conditions for application:

1. to be a citizen of Turkish Republic,
2. to have judicial capacity on the application date,

3. to be a graduate of at least primary school,
4. to be over 18 years old on the application date (those who were born on and before 31/10/1999),
5. not to be convicted for committing the offences against the State and courthouse, offences covered in the Anti-Terror Law numbered 3713 and dated 12 April 1991, and offences of summary and major embezzlement, extortion, bribery, robbery, fraud, forgery, abusing trust, fraudulent bankruptcy or smuggling, using trickery in formal auctions or commerce, even if the sentences are pardoned or suspended; or not to have any suspension of the pronouncement of the judgment,
6. not to be dismissed from civil service or ostracized from profession due to disciplinary issues or banned from performing any art,
7. to live or fulfil a professional activity around the province of the Commission,
8. not to be registered in the list of any other commission,
9. Those who want to serve as a legal translator shall in person apply to the Presidency of the Judicial Commission of the Ankara First Instance Court of Criminal Jurisdiction by submitting the filled-in application form, language declaration form as well as the other required documents or shall send the documents to the Presidency of the Ankara Judicial Commission after being certified as original by the relevant Chief Public Prosecutor's Offices through express mail service, within working hours between 2 October and 31 October 2017. Any application lodged after 31 October 2017 shall not be taken into consideration.

B. Documents Required for the Application:

1. Application Form;
2. Copy of the document indicating TR Identity Number and issued by the official authorities (identity card, driving license, passport);
3. Address-based identity register copy (to be received from the Birth Registration Office);
4. Original document or commission-approved copy of diploma, license or certification indicating language proficiency (Unapproved documents shall be approved by the Commission upon seeing the original copy). In the event that there is no such document, written declaration indicating the language proficiency sufficient to carry out translational activities;
5. Two passport-size photographs;
6. Original copy or commission-approved copy of the document indicating graduation status (Unapproved documents shall be approved by the Commission upon seeing the original copy);

7. Document indicating the fulfilment of the criterion in Article 6 of the conditions for application, which is not to be dismissed from civil service or ostracized from profession due to disciplinary issues or banned from performing any art” (See Annex M for the original text of conditions required to be a legal translator court expert).

2.4. Translator Training in Terms of Legal Translation in Turkey

The number of translation departments has increased remarkably beginning from the late 1990s. The 2018 Guidebook of Higher Education Programs prepared by the Student Selection and Placement System includes more than 60 universities with departments of translation studies, which yields nearly 2000 students every year.

Some aims of these departments are to enable their students:

- to know the language well;
- to recognize norms and use them correctly;
- to be aware of linguistic diversity;
- to gain abilities to create functional and effective texts in certain contexts;
- to translate for different purposes;
- to have a good grasp of knowledge at least in one certain area;
- to do effective research;
- to know the framework, content and approaches in respect of translation practices;
- to compare and contrast languages, cultural factors and different linguistic usages; etc.

It may be beneficial to review the vision parts of some departments of translation for a better understanding of their aims in respect of translator training with an emphasis on legal translation:

“The objective of our department is, by using modern education techniques in line with scientific methodologies and approaches, to train translators and interpreters who are aware of language differences and are equipped with knowledge of the field and terminology on various subjects such as **law**, economics, literature, social and applied sciences, political sciences, international relations, and media and communication” (Translation and Interpretation Department of İzmir University of Economics).

“The mission of the four-year Translation and Interpreting undergraduate programme is to train future translators/interpreters as professionals who can compete in both public and private sectors with the skills, knowledge, and professional ethics required for the

profession. During the four-year programme, students are trained to meet the expectations of the **business world and the European Union**” (Translation and Interpretation Department of 9 Eylül University).

“The aim of Department of Translation and Interpretation is improving the language awareness and competence of students in English and Turkish languages; making them proficient and competent by teaching them theories and techniques in translation and interpretation; ensuring that they are deeply knowledgeable about cultures and structures of both languages, as well as bringing them in experience in practical terms; and, on the one hand, developing their knowledge and translation skills in literature, economy, **law**, social sciences, international relations, physical sciences and medicine, technical issues, media-communication, and other daily issues, and on the other hand, providing them with basic knowledge and skills about theories and techniques of translation, and of simultaneous translation techniques for conferences.” (Translation and Interpretation Department of Near East University).

“Since 2005, our program offers a university education combined with professional training in a rich multicultural environment of a well-known international university with an emphasis on the role of technology in various aspects of translation and interpretation. Our mission is to prepare translators and interpreters who acquainted with the necessary knowledge and skills required by the professions of translation and interpreting both in theory and practice. We are one of the few programs offering this highly effective education model, which continues to make a difference in the education and training of translators and interpreters. BA program in Translation and Interpretation has been designed to prepare expert translators and interpreters to meet the present and future demands of translation and interpreting in the fields of **law**, economics, politics, diplomacy, the humanities, media, and the arts” (Translation and Interpretation Department of Eastern Mediterranean University).

The departments of translation studies offers courses in specific areas to students such as law, EU texts, economics and administrative sciences, medicine, social sciences and international relations and diplomacy. However, they generally last for one school term. Students have very limited time to study on special topics in translation as seen.

2.4.1. Legal Translation Course

Legal translation courses aim to enable students to translate legal texts and increase their specialized vocabulary and terminology. Legal translation skills are considered to be technical due to the inherently complex interaction between the law and the language. It is a well-known fact that enhancing the skills of legal translation may be achieved through advancing knowledge of legal disciplines, critical reading of legal texts and developing a practical application perspective in legal translation.

Despite lack of researches on this area, an experienced translator can easily observe that legal texts are one of the most encountered text types in the translation market. Therefore, it would be tremendously beneficial for students to be offered more courses on legal translation at universities.

Unfortunately, when the curricula of the departments of translation studies in Turkey are looked through, it is observed that only one or two courses of legal translation are opened throughout the undergraduate programs. A selected short list of examples are presented in the table below.

Table 2.1. Legal Courses Opened for Undergraduate Programs at the Departments of Translation Studies

University	Course Name
Sakarya University	AMT 342 Legal Translation
Boğaziçi University	TR 404 Translating Texts of Political Sciences and International Law
İzmir Economy University	ETI 304 Translation of Legal Texts
Bilkent University	TRIN 266 Translation of Political and Legal Texts
Yeditepe University	TRA 318 Legal Translation
Istanbul University	MTIN 3124 Translation of Specialized Fields (1-2)
Hacettepe University	TINS 335 Special Topics in Translation: Law IMT 405 Legal Translation 1 IMT 406 Legal Translation II MTB 311 Law for Translators

Among the examples, Hacettepe University is the one to offer the most courses on legal translation. That is why the researcher chose one academician (lecturing on legal translation) and one student (having taken all of those courses) from Hacettepe University as interviewee participants of this study.

2.5. Legal Translators' Eligibility in Other Countries

2.5.1. Case of Germany

In Germany, federal states have developed a special examination procedure, at the end of which successful translators are appointed as sworn translators or certified translators by the government. The examination in question is prepared within the framework of certain legal legislation. It has two steps; namely, written part (including general topics such as social sciences, law, economics, etc.) and oral part. The accuracy and completeness of the translation performed is governed by Article 142 in the Section 3 of the German Code of Civil Procedure.

According to a research report drawn by the Presidency in 2015, translation process, as a profession, is subject to the legal arrangement issued by each state in Germany. The translator's organization in the country is a Berlin-based Federation which consists of 13 translation associations. It is an umbrella organization with 8.000 professional translators throughout the country represents 90% of the total translators of the country.

The Federation is subject to a special law, and 13 associations which are members of the Federation have their own legal regulations. The state assembly issues a professional chamber law regarding the profession of translation.

However, the authority to take any decision on the exam and other matters regarding the profession is vested to the relevant chamber. Translators are made subject to exams within the framework of the Regulation on the Exams for Translators and Interpreters. This two-stage exam contains questions from different areas of expertise such as sciences, law, social sciences, economic and so on. The translators having passed this exam may take office as a translator in the capacity of "State-certified Translator" or "State-certified Interpreter".

2.5.2. Case of America

In America, unlike many countries, special training programs are pursued in respect of translation (legal translation training, oral translation training, etc.). Individuals must pass

different types and levels of exams in order to receive certificate to become a translator. For example, there is a Court Interpreting Certification Program in the Division of State Court Administration under the Indiana Judicial Branch. The relevant program offers a forty-hour training and an opportunity to gain experience in courtrooms.

By the Federal Court Interpreters Act enacted in 1978, the condition for translators to undergo an exam consisting of oral and written parts was introduced. In 1986, an accreditation system was established to raise awareness among translators. Among many associations, the National Association of Judiciary Interpreters and Translators aims to build a bond between legal actors and legal translators and provides a certification for court translators.

Furthermore, the American Translators Association (ATA) was established in 1959 in order to provide certification to translators in 26 different languages. Translators must hold a university degree and a certificate indicating their expertise.

2.5.3. Case of Canada

According to the recruitment standards in Canada, a translator, who is regarded to be a professional specialized in written communication, must have excellent language skills, be bilingual or multilingual, have proven writing skills, have excellent power of concentration, be self-reliant, maintain high standards, and have extensive intellectual curiosity. The institutions seek a diploma in translation studies as well as a certificate of language proficiency approved by one of the formal language organisations such as Association of Canadian Corporations in Translation and Interpretation (ACCTI) whose aim is to protect the general interests of specialist members in accordance with the provision of translation and interpretation services.

The translator is expected to provide foreign language translation services as it follows:

- Translate from foreign languages to English, and/or vice versa.
- Review or edit translations submitted by a foreigner for accuracy and style.
- Summarize foreign language documents.
- Coordinate translation projects
- Provide technical linguistic assistance

- Conduct audits in relation to foreign language materials.
- Conduct terminological research
- Provide interpretation services if required.

The conditions set for the translators are as follows:

- Bachelor degree in Translation or in foreign language studies and two years of relevant experience
- Candidates with an equivalent combination of education and/or training and significant relevant experience may also be considered.
- The educational program must be from an accredited learning institution recognized in Canada.
- Any higher level of education could be recognized as experience.
- Candidates must also possess some experience translating and / or summarizing audio recordings from a foreign language into English.
- Experience in interpreting from a foreign language into English and vice-versa.
- An in-depth knowledge of the associated culture.
- Certification from a professional association recognized by the Canadian Translators, Terminologists and Interpreters Council (CTTIC).
- Experience in revising translated material.
- Experience in advising clients regarding cross - cultural communication.
- Experience using Computer Assisted Translation (CAT) tools, Machine Translation (MT) tools and other types of software.

2.5.4. Case of France

In France, the requirements to be a translator are being a graduate of a relevant language department. However, there is not any proficiency test to be passed among the conditions required to be recruited as a translator. On the other hand, translators must take permission to work as a translator from the URSSAF (L'Union de Recouvrement pour la Sécurité Sociale et les Allocations Familiales) which was established in 1960 as an organization for the payment of family benefit contributions and social security. In order to register with the relevant institution, translators undergo a long administrative process.

2.5.5. Case of England

According to the research report drawn by the Presidency in 2015, in the first place, translators must have a Bachelor's degree of translation studies. Then, he/she has to take a test of language proficiency in respect of translation skills at the Chartered Institute of Linguists. At this institute, different kinds of exams for relevant areas of translation such as legal translation, conference interpreting or medical translation are prepared. By the certificate taken from this institute, people can work as translators.

2.5.6. Case of Switzerland

In an announcement released by the Federal Department of Justice and Police under the Government of Switzerland, job-specific requirements for recruiting translators are as follows. According to the relevant announcement, the translators

- have native-speaker competence in the target language (Level C2 according to the Common European Framework of Reference for Languages (CEFR)) and an excellent vocabulary and good knowledge of grammar;
- are fluent in the official language German, French or Italian (level B2 CEFR or higher);
- master consecutive interpreting;
- have a quick intelligence, a good memory and an excellent ability to concentrate;
- can interpret clearly, precisely and fluently in a well-structured manner;
- are able to translate contents verbatim from one language into another, even complex ones, all the while finding the appropriate words instantly;
- have a realistic view of their personal, linguistic and professional abilities as well as their limits and are able to react appropriately in case of communication difficulties while remaining calm and professional;
- have the ability to summarize texts and reports;
- are able to recognize when their own interpretations are leading to misunderstandings
- and can correct them transparently;
- have a good educational background, a positive attitude towards learning and change,
- pay due attention to professional advancement;
- are familiar with the political and social relations between Switzerland and the country whose language they are interpreting or translating for;

- enjoy working in teams with varying partners;
- have good stamina and can maintain a consistently high level of quality throughout
- lengthy hearings;
- are flexible in terms of working hours and are prepared to accept assignments at different locations;
- preferably have proof of a qualification in the field of interpreting.

2.6. Relevant Research Studies

Due to the fact that there has been no studies on criteria determining the eligibility of legal translators in literature, the researcher tried to find the ones on the relevant topics such as legal translation, legal translator and translator training. The researcher selected some examples among a number of research studies in relation to the sub-topics of this study.

In the Ph.D. dissertation entitled “Training for the Translation Market in Turkey: An Analysis of Curricula and Stakeholders”, Volga Yılmaz Gümüş investigates the role of translation market in the translator training programs and curriculum designs in Turkey. It turns out as a result that a more systematic approach is needed to satisfy the requirements of the market.

Özge Demirtaş prepared a Master’s thesis entitled “Use of Legal Texts in the Courses of Special Translation Training” (Özel Alan Çeviri Eğitim, Derslerinde Hukuk Metinlerinin Kullanımı) at Gazi University. She indicated in her study that law is an important and special area and legal texts should be used during the legal translation courses in order for the translators to be successful specialists.

In the Master’s thesis entitled “Can a Third Legal Language Aid Legal Translation?”, Jurriaan Mors discusses peculiar characteristics of legal texts. The researcher identifies legal translation as a distinct field in the translation studies and furthers that legal translators must accurately translate what the source text aims to convey.

In the Master’s Thesis entitled “The Court Interpreters’ Role and the Predicaments They Might Face”, Sona Zanova discusses the role of court interpreters and what predicaments

they face are serious. The researcher also investigates the legal background of court interpreting in the European Union.

2.8. Summary of the Literature Review

The literature was reviewed in order to draw a framework on the subject matter of the study and attain a conceptual understanding to stand for the basis of the present study. The researcher realized that there is a big gap in literature, as there is nearly no research studies on the criteria determining the eligibility of legal translators.

The literature review started with nations around the peculiar nature of legal translation and what qualifications legal translators are essentially expected to have. Mainly, well-known primary sources were applied for this part. Sarcevic's studies are mostly beneficial for the researcher to dig into the themes of legal translation.

The next step was to investigate the historical background of legal translation in Turkey. The operation of the Translation Bureau in the Courthouses were explained. Furthermore, the legislation applicable to translators in Turkey was listed. The whole texts of the mentioned legislation was presented in the annexes. Both original and translated versions were given. If otherwise stated, all the translations used in the present study were made by the researcher. As the current criteria of recruiting legal translators for Turkish Courthouses are presented as the core point of the present study.

Then, the researcher investigated into translator training programs within the framework of legal translators. The researcher could find no syllabus despite great efforts. However, it was observed that there were few courses on legal translation offered to the students of translation studies.

Furthermore, the researcher briefly touched upon the situation in two other countries in respect of legal translation services, legislation and certification programs for legal translators. Germany and America were chosen to set examples.

Lastly, among various different research studies on legal translation, legal translator/interpreter and translator training, only a few were mentioned in order not to

stray away from the subject matter of the present study. In brief, literature review showed that not even a single research study directly related to the subject matter of the study could be found. This topic was somehow left unstudied.





CHAPTER III

METHOD

In this chapter, methodological details of the study were explained. Firstly, the research question and the related sub-questions were stated. Then, the overall research design of the study was drawn. The participants of the study were presented. Afterwards, data sources and data collection instruments, data collection procedure and data analysis were presented. Finally, validity and reliability issues along with delimitations and limitations of the study were discussed by the researcher.

3.1. Research Questions

This study was guided by one main question:

Are the criteria in determining the eligibility of legal translators in the Turkish Judicial System insufficient?

Sub-Questions:

1. What are the criteria in determining the eligibility of legal translators in the Turkish Judicial System?
2. What must the criteria in determining the eligibility of legal translators in the Turkish Judicial System be?
3. In what ways can the quality of legal translations be improved?
4. How do legal translation courses that translators receive affect the quality of their translations?
5. How does legal translators' experience in legal translation upgrade the quality of their translations?

3.2. Overall Research Design of the Study

The purpose of the study was to reveal the results of the way in which legal translators in Turkish Judicial System are recruited and to explore what qualities legal translators should have to

improve the quality of legal translation services in Turkey. Having these purpose in mind, a descriptive qualitative research design was employed. As Strauss and Corbin (1990: 19) put it, the reasons of the qualitative research are to “uncover and understand what lies behind any phenomenon about which little is yet known.” Also, it is a well-acknowledged fact that researchers are able to study selected issues, cases or events in detail thanks to qualitative research methods (Patton, 1987).

According to Strauss and Corbin (1990), qualitative research composes of three main parts: data collection from various different sources, descriptive analytic procedures to interpret the data and written reporting of the findings. Patton (1987) and Strauss and Corbin (1990) indicated that data collection methods are mainly interviews, questionnaires and written documents in a qualitative research. These methods enable the researcher to grasp the core of the selected issues, cases or events from the participants’ perspective and to understand the social picture resulting in those perspectives (Yıldırım & Şimşek, 2003).

The study was basically designed as a descriptive qualitative study carried out regarding the above-mentioned facts of qualitative research with the purpose of exploring the insufficiency of the criteria resulting in the lack of quality in legal translations, and revealing what qualities legal translators must have for an improved legal translation services. The primary data collection methods were questionnaires and interviews for this study. Furthermore, written documents such as legislation, laws, regulations, circulations, research reports and information notes, most of which were received from the Ministry of Justice, can be counted as parts of the data sources as well.

3.3. Participants of the Study

This study necessitated qualitative data providing detailed and in-depth information, careful description of situations, interviews, questionnaires and descriptions via direct quotations to find answers to the research questions. To that affect, purposeful sampling method, whose strategies were put forward by Patton (1987), was employed while selecting the participants to the study. As Patton (1987: 51-52) indicated, “The power of statistical sampling depends on selecting a truly random and representative sample which will permit confident generalization from sample to a larger population. The power of purposeful sampling lies in selecting information-rich for study in depth”.

In addition, Patton (1987: 58) stated,

Nor are these strategies mutually exclusive. Each approach serves a somewhat different purpose. Since evaluations often serve multiple purposes, more than one qualitative sampling strategy may be necessary. In long-term fieldwork all of these strategies may be used at some point.

It is suggested that there are a number of different strategies for purposeful sampling. All of these strategies may stand for a different purpose. On the other hand, the researcher may employ more than one sampling strategy in a study. The flexibility paves the way for collecting data consisting of descriptive and in-depth information.

As Yıldırım and Şimşek said (2003: 75),

The researchers can use more than one sampling at the same time while making decisions related to sampling or they can put new sampling into practice at any moment at any stage of research if they need it even if it is not in the initial phase of the research.

Patton (1987) suggested 15 different strategies under purposeful sampling methods. Criterion sampling was preferred by the researcher throughout the study. Some predetermined criteria were based on for sample selection. The researcher may determine those criteria regarding the purpose of the study as Patton (1987) and Yıldırım and Şimşek (2003) suggested.

The participants of the study, who are the main data source for the present study, can be summarized as follows:

3.3.1. Legal Translators

The criteria set by the researcher for determining the participant legal translators were as reads:

- a) The legal translators should have been recruited as court experts in Ankara, İstanbul and İzmir Courthouses.
- b) The legal translators should accept to willingly participate in the study.
- c) The legal translators should actively translate as court experts (It is possible for a court-expert legal translator not to translate as long as he/she wishes after submitting a petition to the courthouse in this respect).

Regarding the criteria, the researcher took the necessary permissions from the Ministry of Justice and the Ethical Commission of the Gazi University for a questionnaire with legal translators serving at the courthouses (see Annexes A and B). All of the legal translators (86) that accepted to willingly participate in the study were from Ankara Courthouse due to the fact that the ones from İstanbul and İzmir Courthouses that the researchers contacted by phone did not participate in the study. Their profile is given in detail under the heading of *Findings*.

3.3.2. Interviewees

The researcher determined criteria to select the participant interviewees in the first place. Every participant does not necessarily meet all of the criteria, but at least one. These criteria are as follows:

- a) The participant interviewee should have vast knowledge about the legal translation services in Turkey.
- b) The participant interviewee should have both/either legal and/or linguistic background.
- c) The participant interviewee should deal directly with training of legal translators.
- d) The participant interviewee should have worked within the legal translation services for such a long time that he/she can draw a less blurred picture of the current situation.
- e) The participant interviewee should have taken all the compulsory and elective courses on legal translation of a university.

Regarding the criteria, the researcher carried out a search on the internet and talked to key people in order to determine the participant interviewees. Next, the relevant people were asked through e-mail or telephone whether they would like to participate in the study. The people who accepted to participate in the study as interviewees are as follows:

Judge İzzet Başara

He is the Head of Department of Court Experts. He was born in 19 June 1982 in Tokat. He graduated from the Law Faculty of Selçuk University. Later, he completed his master at the Special Law Department of Gazi University. He is currently working on his PhD dissertation at the same department. He served as a judge until he was appointed as the head to the Department of Court Experts under the Directorate General for Legal Affairs in the Ministry of Justice in 7 December 2016. He speaks English as his foreign language.

Judge Mehmet Dođan

He is a judge at the Prisons and Detention Houses Workshop Institution of the Ministry of Justice and he was born in 1984 in Malatya. He graduated from the Law Faculty of Gazi University in 2007 and then completed his master thesis on labour and social security law. In 2008, he started his training as a candidate of judge and prosecutor. He served as an investigating judge at the Public Prosecutor's Office of Van, 2nd and 6th Criminal Chambers and 14th Civil Chamber of the Court of Cassation. Next, he was appointed to the External Relations Department at the General Directorate of Prisons and Detention Houses. He is still serving as an investigating judge at the Workshop Institutions under the Ministry of Justice. He speaks English as his foreign language.

Prof. Dr. Ayfer Akansel Altay

She completed her university education in the Department of English Language and Literature at Ankara University in 1980. In the same year, she started to work as an English lecturer at Hacettepe University Foreign Language Higher School. In the meantime, she completed her Master's in English Language and Literature in 1983 and her PhD in 1988 in the same department. At the time of the interview, she worked as the head of the Department of Translation and Interpretation at Hacettepe University.

Translator Resul Aydın

He started his profession as a translator in 1989 and got retired from the Ministry of Justice in February 2018, and has worked as a legal translator court expert since 1995. He lived in Germany between 1978 and 1982. He graduated from the Department of German Language and Literature at Hacettepe University in 1986. He is one of the most experienced legal translator court experts in Ankara Courthouse.

Translator Enise Özdemir

She was born in 1987. After having graduated from the English Translation and Interpretation Department of Hacettepe University in 2009, she firstly worked in a law office where she had built her primary knowledge on law and legal texts. Then in 2011, she started taking office in the Ministry of Justice as a translator. She has been currently serving as a translator in the

Constitutional Court since July, 2017 where her primary task is to translate the Constitutional Court's decisions and press releases into English. She served as a legal translator in Ankara province for 5 years between 2012 and 2017. Due to her employment contract with the Constitutional Court, she did not renew her application to keep serving as a legal translator court expert. During the last three years of her experience before Ankara courthouse, she had to deal with, undertake and complete several investigation files and case files which were both confidential and required to be completed in short periods and in a well-qualified manner.

Student Berkan Seyhan

He was a senior-year student (at the time of the interview) in the Department of Translation and Interpretation (English) of Hacettepe University. He had his internship in the Ministry of Justice of the Republic of Turkey where he translated decisions of and applications to the European Court of Human Rights. In another attempt to improve himself in the area of legal translation, he took part in the Young Translators' Contests organised by the Ministry for EU Affairs where the contestant translated EU regulations from English into Turkish. He has an interest in legal translation and took all the relevant courses that his university offered.

Table 3.1. Profiles of Interviewees Willingly Participating in the Study

<i>Title</i>	<i>Name</i>	<i>Institution</i>
Judge, Department Head	İzzet Başara	Ministry of Justice
Judge	Mehmet Doğan	Ministry of Justice
Prof. Dr.	Ayfer Akansel Altay	Hacettepe University
Translator	Resul Aydın	Ankara Courthouse
Translator	Enise Özdemir	Constitutional Court
<i>Student</i>	<i>Berkan Seyhan</i>	<i>Hacettepe University</i>

3.3.3. Role of the Researcher

In the study, the researcher adopted the common roles of an external objective observer, planner and designer of the overall phrase, listener of the interviewees, analyser of the data and reporter of the findings. Moreover, the researcher served as a legal translator court expert at Ankara Courthouse in 2016 for a year in order to closely observe the system of the legal translation services and dig into the background of problem to be handled in this study.

3.4. Data Sources and Data Collection Instruments

Under this sub-heading, data sources and data collection instruments employed in this study were explained. As discussed before, in a qualitative research, among main kinds of data collection were interviews, questionnaires and written documents (Patton, 1987; Yıldırım & Şimşek, 2003). In the first place, according to Strauss and Corbin (1990: 51), literature review may be used as a “background material and also as point of comparison for actual data”. The primary data collection methods were questionnaires and interviews for this study. Furthermore, written documents such as legislation, laws, regulations, circulations, research reports and information notes, most of which were received from the Ministry of Justice, can be presented as parts of the supportive data sources as well.

3.4.1. Process of Literature Review

The starting point in this study was the literature on legal translation, legal translators and their background. Unfortunately, there was almost no studies found on the criteria determining the eligibility of legal translators in the literature.

As Strauss and Corbin (1990: 52) put it,

The literature can be used as secondary sources of data. Research publications often include quoted materials from interviews and field notes and these quotations can be used as secondary sources of data for your own purposes. The publications may also include descriptive materials concerning events, actions, settings, and actors’ perspectives, that can be used as data.

Regarding this idea, the researcher used literature to find out any previous studies on the subject, determine any missing parts, point out to the key concepts and notions, and use literature for comparison of the actual data collected throughout the study.

3.4.2. Interview Instruments

Open-ended interviews with six experts were conducted in order to collect data. According to Patton (1987) and Yıldırım & Şimşek (2003), the approaches to collect data via open-ended interviews are as follows:

- a) Informal conversational interview,
- b) Standardized open-ended interview

c) The general interview guide approach

The above-mentioned interview types as a data collection method may be mixed by the researcher as Patton (1987) indicated. The researcher developed six different interview instruments (see Annexes C, D, E, F, G and H) in accordance with the purpose of the study. These interviews were prepared in the light of the literature review. Two experts controlled the questions in the interviews and revised some questions by rewording them for clearer understanding and collecting accurate data through the interviews.

The interview instruments prepared based on the experts' opinions involved semi-structured and open-ended questions. They contained a few basic questions. The researcher piloted the interviews before conducting the actual interviews in order to find out any weakness of the style and content. For the pilot action, the interview instruments were administered to three experienced legal translators. Following the pilot action, the schedules of interviews were set in the course of the data collection phase.

There were six interviewees, five of which were asked the questions face-to-face, while the interviewee Resul Aydın was asked the questions via e-mail. The researcher was careful that the questions were readable, meaningful and appropriate. When considering all the interview instruments together, the questions had six main focuses:

- Interviewee's background characteristics
- History of legal translation services
- Insufficient points of the criteria in determining the eligibility of legal translators
- How to improve the system
- Weaknesses of translator training
- Interviewee's advice

Lastly, the researcher conducted informal conversational interviews with key people whenever it was possible to gather all the necessary information. All the interviews, whether face-to-face or on the phone, were carried out in the atmosphere of mutual trust. The researcher used a recorder if the interviewee permitted. Otherwise the researcher recorded the interviews by hand-writing.

The interview instruments were presented in the Annexes. Annex C is the interview questions for Judge İzzet Başara, D is for Judge Mehmet Doğan, E is for Prof. Dr. Ayfer Akansel Altay, F is for Translator Resul Aydın, G is for Translator Enise Özdemir and H for Berkan Seyhan.

3.4.3. Questionnaire

An open-ended questionnaire (see Annex I) was another data collection method employed in this study. They provided important data with respect to the educational, linguistic and legal backgrounds of the legal translator participants. The researcher prepared open-ended questionnaire questions for legal translator court experts. The questionnaires mainly concentrated on:

- The last degree they received
- Foreign languages and their levels
- Certificates of language proficiency
- Experience in translation
- Experience in legal translation
- Legal training
- Career in legal translation services
- Daily capacity of legal translation
- Any difficulty or insufficiency in legal translation
- Thoughts, implications and suggestions

After the questionnaire questions which were developed by the researcher were examined by Assoc. Prof. Dr. Aslı Özlem Tarakçıoğlu and another expert, some questions were revised. The questionnaire was piloted on 3 legal translators. Next, some further modifications were made on the questionnaire by the researcher. Also, the necessary permissions to conduct the questionnaires were taken from the Department of Court Experts at the General Directorate for Legal Affairs under the Ministry of Justice and the Ethical Commission of Gazi University (see Annexes A and B).

3.4.4. Written Documents

Written documents such as legislation, laws, regulations, circulations, research reports and information notes, most of which were received from the Ministry of Justice, were parts of the data sources.

Also, the internet was a significant data source for the researcher. Web sites of several departments of translation studies, forums, and writings on legal translation were consulted

for a clearer understanding of the essence of legal translation and the qualities that legal translators should have. The researcher examined them to broaden her ideas and comprehend the topic in-depth.

Data sources that were employed for answering the research question are presented in table below.

Table 3.2. The Relation between Data Sources and Research Questions

Are the criteria in determining the eligibility of legal translators in the Turkish Judicial System insufficient?	
SUB QUESTIONS	DATA SOURCES
1. What <i>are</i> the criteria in determining the eligibility of legal translators in the Turkish Judicial System?	-Interview with Judge İzzet Başara (question 4.1) -Interview with Judge Mehmet Doğan (question 4.1) -Interview with Translator Resul Aydın (questions 1 and 2) -Interview with Translator Enise Özdemir (question 4) - Announcement of Recruitment Criteria for Legal Translator Court Experts aired by the Ankara Regional Courts (see Annex M) -Questionnaire -Written documents (see Annex K for the relevant legislation)
2. What <i>must</i> the criteria in determining the eligibility of legal translators in the Turkish Judicial System be?	-Interview with Judge İzzet Başara (questions 4.2 and 4.3) -Interview with Judge Mehmet Doğan (questions 4.2 and 4.3) -Interview with Prof. Dr. Ayfer Akansel Altay (question 4) -Interview with Translator Resul Aydın (question 2) -Interview with Translator Enise Özdemir (question 4) -Informal conversational interview with legal translators -Written documents (see Annex K for the translator occupational standard-level 6)
3. In what ways can the quality of legal translations be <i>improved</i> ?	-Interview with Judge İzzet Başara (question 4.3) -Interview with Judge Mehmet Doğan (question 4.3) -Interview with Translator Resul Aydın (question 3) -Interview with Translator Enise Özdemir (questions 4 and 5) -Interview with Student Berkan Seyhan (questions 2 and 3) -questionnaire with legal translators
4. How do legal translation courses that translators receive affect the <i>quality</i> of their translations?	-Interview with Prof. Dr. Ayfer Akansel Altay (questions 2, 3, 4 and 5) -Interview with Student Berkan Seyhan (question 2) -Questionnaire -Informal conversational interview with legal translators -literature review
5. How does legal translators' experience in legal translation upgrade the quality of their translations?	-Interview with Translator Resul Aydın (question 2) -Interview with Translator Enise Özdemir (questions 2, 4 and 5) -Interview with Student Berkan Seyhan (question 4) - Questionnaire -Informal conversational interview with legal translators

3.5. Data Collection Procedure

Under this sub-heading, the data collection procedure of the study was explained. Before starting the data collection procedure for the study, the researcher obtained the necessary

permissions to conduct the interviews and the questionnaire from the Ministry of Justice and the Ethical Commission of Gazi University (see Annexes A and B).

From its beginning to the end, the study lasted for two academic years; namely, Fall 2016, Spring 2017, Fall 2017 and Spring 2018.

The researcher sought experts with an in-depth knowledge of legal translation and legal translation system in Turkey. The interview questions were developed for each of the expert interviewees by the researcher. Two expert opinions and criticisms were taken in respect of the interview instruments.

Accordingly, the questions were revised for a clearer understanding, and some of the questions were re-worded for the purposes of the study. Lastly, before the actual implementations, the interview questions were piloted on three legal translators.

Next, the researcher explained the purpose and focus of her study to the experts and interviewed the ones that accepted to make contributions as interviewees to the study. Four face-to-face interviews were conducted. One interview was conducted via e-mail. Also, informal conversational interviews were carried out with the legal translators and key persons throughout the study.

After conducting the interviews, the researcher prepared semi-structured and open-ended questionnaires to be conducted to the legal translators serving for the Ankara Courthouse. The questionnaire was reviewed and revised by two experts. Then, the researcher piloted the questionnaire to three legal translators before the actual implementation.

Finally, 86 legal translators agreed to participate in the study. The researcher delivered the questionnaire to those participants to collect data revealing the current situation of the legal translation services in Turkey. The participants were asked to sign a letter of voluntary participation.

During the study, the researcher requested some necessary documents from the Ministry of Justice. They included legislation about legal translators, laws, regulations, circulations,

research reports and information notes. They were examined by the researcher within the framework of the study.

Detailed information as to the data collection procedure followed during the study is presented in the table below.

Table 3.3. Data Collection Procedure

DATE	STUDY
November 2016- May 2017	Literature Review
12 September 2016	Interview with Prof. Ayfer Akansel Altay (1 hour)
9 June 2017 (1) 3 October 2017 (2)	Permissions received to conduct the interviews and the questionnaire from the Ministry of Justice (1) and the Ethical Commission of Gazi University (2)
5 May 2017	Taking Expert 1's Opinion on Questionnaire and Interview Instruments
15 May 2017	Taking Expert 2's Opinion on Questionnaire and Interview Instruments
15 May 2017 – 22 May 2017	Piloting of the Questionnaire and the interviews
5 June 2017	Interview with Judge İzzet Başara (1 hour)
1 September 2017	Interview with Judge Mehmet Doğan (1.5 hour)
15 September 2017	Interview with Translator Enise Özdemir (2 hours)
December 2017	Conducting the Questionnaire
21 January 2018	Interview with Student Berkan Seyhan (1 hour)
December 2017 – August 2018	Conducting informal conversational interviews
January 2017 – June 2018	Collecting written documents Written document analysis
20 August 2018	Interview with Translator Resul Aydın on the phone and through e-mail (1 hour)

3.6. Data Analysis

The researcher constructed the overall design of the study qualitatively. As Yıldırım and Şimşek (2003) indicated, the qualitative data necessitate techniques of content and descriptive analysis for the present study. According to Strauss and Corbin (1998), data analysis is “a process of breaking down, organizing and reassembling data in order to create a different understanding of a phenomenon” (p. 89).

Descriptive analysis enabled the researcher to categorize the main points of the collected data. The researcher interpreted the data in the light of the research questions, conceptual frame and pre-codes. Furthermore, content analysis let the researcher review the data in

detail. There were four main phases followed up; namely, data coding, generating categories, defining and organizing the data through codes and categories, and conclusion.

3.6.1. Data Coding

First of all, pre-codes were determined by the researcher. Secondly, the researcher examined the data and categorized them under meaningful parts in accordance with those pre-codes. Next, an additional list of codes was created and the data was coded considering the whole list of codes.

For instance, the pre-codes that were determined earlier for the questionnaire conducted with legal translators were “educational background”, “quality of translation”, “experience in translation”, “self-sufficiency”, etc. Then, extra codes came up as a result of the analysis such as “legal training”, “experience in legal translation”, “self-perception about self-sufficiency in legal translation”, etc.

3.6.2. Generating Categories

The codes were simultaneously examined by the researcher who tried to find their common points. Then, she formed categories by their commonality. Lastly, umbrella terms of categories were established so as to systemize the collected data. For instance, “to hold a certificate of language proficiency”, “to have had legal training”, etc.

3.6.3. Organizing and Defining the Data through Codes and Categories

The researcher defined and organized the data in accordance with the pre-determined system through quotations and presentation of the findings. Quotations were from the transcripts of the interviews and literature review.

Also, an example of the codes and categories can be seen in the table 3.4.

Table 3.4. Codes and Categories of the Study

Codes	Categories	Core Category
<ul style="list-style-type: none"> -Graduation from a relevant department -Holding a certificate of language proficiency 	Language Proficiency	DETERMINING ELIGIBILITY OF LEGAL TRANSLATORS
<ul style="list-style-type: none"> -Courses on legal translation -Basic legal knowledge -Mastery of legal language 	Legal Training	
<ul style="list-style-type: none"> -Making legal translations effectively and actively -Having made legal translations for at least five years 	Experience in Legal Translation	
<ul style="list-style-type: none"> -Being a well-trained translator -Having a deep knowledge of language -Having received legal training -Having vast experience in legal translation 	Self-sufficiency	

3.6.4. Conclusion from Findings

In this last step, the researcher interpreted the relations established via findings. After going over all the categories and codes, the researcher tried to reach a conclusion through harmonizing all the findings.

The table given below summarizes the procedure of data analysis employed throughout the study.

Table 3.5. Procedure of the Qualitative Data Analysis

DATA ANALYSIS			
Data Coding	Generating Categories	Organization and Definition of the Data by Codes and Categories	Conclusion from Findings
-Determination of the pre-codes -Data review -Formation of parts -Formation of code lists -Coding data -Review of revised data -Adding new codes -Second coding data	-Simultaneous review of codes -Finding common aspects of codes -Formations of categories by commonality -Finding umbrella terms of categories -Systemization	-Defining and organizing the data in accordance with pre-determined system by quotation and presentation of the findings	-Interpreting the relations established via findings

3.7. Validity and Reliability of the Study

Validity, or trustworthiness, of the findings in either a qualitative or quantitative research is a significant concern (Creswell, 1998). The research turns into a fiction when it does not have a rigor (Morse, Barret, Mayan, Olson & Spiers, 2002). That is why reliability and validity took tremendous attention in any research methods (Morse et al., 2002).

Validity and reliability of a research are determined to show the credibility of the findings in the eyes of the reader, the participants of the study and the researcher himself. According to Creswell (1998: 209), “trustworthiness is an active part of the process of a research and becomes part of standards one should use to judge the quality of the study”. Therefore, it is of vital importance for the researcher to employ some strategies to verify accuracy of the collected data, data analysis and conclusion.

It may seem that reliability can conflict some aspects of a qualitative research whereas the qualitative research brings along some advantages in terms of providing validity. During a

qualitative research, new questions can be added to the interviews; the researcher can collect detailed and in-depth information thanks to face-to-face interviews, and employ various different sources to gather and check data.

All of these provides flexibility to the researcher to meet validity. On the other hand, external validity is hard to acquire in qualitative researchers as phenomena and social events can change under various situations. Yet, researchers can make generalizations considering experiences and example events in a qualitative research (Yıldırım & Şimşek, 2003).

Through employing multiple data sources such as interviews, questionnaires and written documents, the researcher attempted to meet the validity, which is called “theory triangulation”. Moreover, all the data collection instruments and data collection procedures; that is, the way findings are reached, were reported by the researcher in detail.

As to the external reliability, some precautions were taken by the researcher, as deemed necessary by Yıldırım & Şimşek (2003). She clearly explained her role throughout the study, under which circumstances the study was conducted, who the participants were, and the conceptual framework employed to analyse the collected data.

On the other hand, for the internal reliability, the researcher presented the data collected and findings of the present study. The findings of the study were supported through giving direct quotations. Moreover, the findings of the present study were shared and discussed with the experts who were thought to be not only data sources but also consultants.

As Creswell (2003:61) put it, the researcher should “utilize at least two verification techniques among eight primary strategies for verification of the correctness of the findings”. For this study, the said techniques used for supporting the validity and reliability of the study were peer review and debriefing and triangulation.

According to Maxwell (1996: 94), as a method of verifying the accuracy of the research, peer review and debriefing is very efficient to “identify validity threats, your own biases and assumptions, and flaw in your logic and methods”. Three peer debriefers, two legal

translators and one academician, were asked to give feedbacks in respect of the purposes and methodology of the present study.

Furthermore, triangulation strategy is another effective technique to support credibility of the study (Strauss & Corbin, 1998). It points to the process during which data is collected from various different sources. It enables the researcher to compare different findings for the validity of the qualitative study. The triangulation of data sources was carried out through collecting data from literature, experts, legal translators and written documents such as laws and circulars. The steps of the triangulation strategy are presented in the table below.

Table 3.6. Steps of the Triangulation Strategy Employed in the Present Study

TRIANGULATION STRATEGY		
Researcher Triangulation	Data Triangulation	Method Triangulation
Sharing the data and the findings with participant experts	Collecting data from “different participants” on the same topic	Collecting data from various different data sources and methods
Sharing the data and the findings with legal translators	Collecting data from “similar participants” at different times	-Questionnaires -Interviews -Analysis of written documents -Literature review

Along with these strategies employed for validity and reliability of the present study, the researcher recorded the interviews on tape or by hand writing in order not to miss any expression of the interviewees. Then, the researcher transcribed and categorized those recordings. Before collecting data, the researcher visited Ankara Courthouse several times when informal meetings were carried out with the concerned public prosecutor and the civil servants. This resulted in having access to some written documents such as lists of the legal translators with their contact information.

3.8. Assumptions

It was assumed in the course of the present study that all of the participants gave accurate and honest information as data sources; and they were sufficient to reveal the current

situation of legal translation services.. It was also assumed that the researcher correctly recorded and analysed that information in question.

3.9. Delimitations of the Study

The researcher delimited the study to various different groups of participants including 86 legal translator court experts serving at the Ankara Courthouse, 2 judges, 2 expert translators and 1 academician. Moreover, 3 legal translators participated in the study for piloting stage of the data collection instruments. Lastly, regarding the borders of the study, the relevant pieces of legislation were carefully chosen in order not to stray away from the subject matter of the study.

3.10. Limitations of the Study

In the first place, the researcher planned to conduct the study purposefully at three different courthouses (the Ankara, İstanbul and İzmir Courthouses). However, no legal translators from the İstanbul and İzmir Courthouses agreed to participate in the study. Therefore, the study was limited to the Ankara Courthouse.

At the Ankara Courthouse, 179 legal translator court experts were asked to participate in the study. 86 of them agreed to participate in the study. Consequently, the results of the study may not be generalized. Keeping this in mind, there emerged a risk in meeting the external reliability and external validity.

The researcher played an important role in the course of the study as the listener of the interviews, data collector and analyser. For meeting the validity and reliability, peer debriefing and triangulation strategies were employed to divorce the researcher's bias from the findings of the study.

As to the literature review, there were almost no studies on the criteria determining eligibility of the legal translators serving within the Turkish Judicial System. Therefore, it was limited to the relevant studies on legal translation, legal translator training and qualifications they should hold. Lastly, America and Germany cases were briefly set as examples in respect of their legal translation services.

CHAPTER IV

FINDINGS

The purpose of the study was to reveal the way in which legal translators in Turkish Judicial System are recruited and to explore what qualities legal translators should have to improve the quality of legal translation services in Turkey. Employing the methodology outlined in Chapter III, the researcher gathered a large amount of data from various different data sources and instruments. The research question and the point probes that were investigated throughout the present study were as follows:

4.1. Research Questions

This study was guided by one main question:

Are the criteria in determining the eligibility of legal translators in the Turkish Judicial System insufficient?

Sub-Questions:

1. What are the criteria in determining the eligibility of legal translators in the Turkish Judicial System?
2. What must the criteria in determining the eligibility of legal translators in the Turkish Judicial System be?
3. In what ways can the quality of legal translations be improved?
4. How do legal translation courses that translators receive affect the quality of their translations?
5. How does legal translators' experience in legal translation upgrade the quality of their translations?

Before presenting the findings of the study, the following table is given to summarize the findings part of the study.

Table 4.1. Summary of the Findings of the Study

FINDINGS			
<p><i>- Probes</i></p> <p>1. What are the criteria in determining the eligibility of legal translators in the Turkish Judicial System?</p> <p>2. What must the criteria in determining the eligibility of legal translators in the Turkish Judicial System be?</p> <p>3. In what ways can the quality of legal translations be improved?</p> <p>4. How does legal translation courses that translators receive affect the quality of their translations?</p> <p>5. How does legal translators' experience in legal translation upgrade the quality of their translations?</p>	<p><i>- Purposes</i></p> <p>1. Revealing the results of the way in which legal translators in Turkish Judicial System are recruited.</p> <p>2. Exploring what qualities legal translators should have to improve the quality of legal translation services in Turkey.</p>	<p><i>- Participants</i></p> <p>1. 86 Legal Translators serving in the Ankara Courthouse</p> <p>2. Interviewees: Judge İzzet Başara, Judge Mehmet Doğan, Prof. Dr. Ayfer Akansel Altay, Translator Resul Aydın, Translator Enise Özdemir, Student Berkan Seyhan</p> <p>3. 2 Experts</p>	<p><i>- Data Collection Methods, Sources and Instruments</i></p> <p>1. Questionnaire</p> <p>2. Interviews</p> <p>3. Written Document Analysis</p>

The researcher organized the findings of the present study around the research questions and the purposes of the study.

Are the criteria in determining the eligibility of legal translators in the Turkish Judicial System insufficient?

✓ What are the criteria in determining the eligibility of legal translators in the Turkish Judicial System?

In order to chase an answer to this sub-question, the data was collected from the following sources:

- the written documents such as the relevant legislation and announcement of the Ankara Regional Courts for recruiting legal translators,

- questionnaire conducted with legal translator court experts,
- question 4.1. from the interview with Judge İzzet Başara,
- question 4.1. from the interview with Judge Mehmet Doğan,
- questions 1 and 2 from the interview with Translator Resul Aydın,
- question 4 from the interview with Translator Enise Özdemir.

The analysis of the written documents showed that the conditions for being admitted to legal expertise are governed by Article 10 of the Law on Court Experts; and the rules of application for being a legal expert and procedure of appointment and registration are introduced in Article 11 of the same law (see Annex K).

Accordingly, in order to serve as a legal expert, a real person must not be convicted for certain offences, not to be previously excluded from the legal expert registry beyond their own will, not to be dismissed from office, not to be included in the list of any other commission, to complete the basic training for becoming a legal expert, to have de facto worked in the area of expertise, to fulfil the conditions specified in the legislation for serving as a member of the profession and to fulfil the conditions determined according to the areas of core expertise and sub-expertise.

Furthermore, by law, an application for becoming a legal expert shall be lodged with the regional board to which the concerned individual's residential area or the place where he is performing his professional activities affiliates, or with the judicial commission of the first instance court of civil and criminal jurisdiction.

In rendering its decision on the application, the regional board shall primarily evaluate whether the applicant fulfils the conditions set out in Article 10 and then elect the most competent ones among the applicants fulfilling the conditions by considering their professional experience, vocational trainings they have attended or documents proving their expertise.

These are the general conditions for court experts. As a result of the analysis of the literature review, when it is specified into legal translator court experts, an announcement is launched every year for recruiting legal translators and fulfilling specific conditions are required (see Annex M).

The analysis of the text of the said announcement, it is observed that the Presidency of the Judicial Commission of the Ankara First Instance Court of Criminal Jurisdiction set some conditions for application, such as

- being a citizen of Turkish Republic,
- having judicial capacity on the application date,
- *being a graduate of at least primary school,*
- being over 18 years old on the application date,
- not being convicted for committing certain offences,
- not being dismissed from civil service,
- living or fulfilling a professional activity around the province of the Commission,
- not being registered in the list of any other commission,
- and handing in required documents including *language declaration form*¹.

Unfortunately, there is not any condition in relation to language proficiency in the article. Nonetheless, a written document on language proficiency –formal or not- is requested among the application documents by the commissions.

Moreover, the researcher conducted a questionnaire with legal translators serving in the Ankara Courthouse in order to find out the current profile of legal translator court experts recruited in accordance with the conditions set by the legislation mentioned above.

In the questionnaires, the main aim is to establish the current situation and background of legal translators working in the courthouses. The participants' names were not revealed. 86 legal translators from the Ankara Courthouse accepted to make contributions to the study. The questionnaire was concluded in December 2017 (see Annex I for the questionnaire). The profiles of the legal translators are given in the table 4.2.

¹ Original document or commission-approved copy of diploma, license or certification indicating language proficiency (Unapproved documents shall be approved by the Commission upon seeing the original copy). In the event that there is no such document, **written declaration indicating the language proficiency sufficient to carry out translational activities.**

Table 4.2. Profiles of legal translators

Translators	Profession	Age	Gender	Where he/she learnt English
Translator 1	Nurse	26	Female	Private Course
Translator 2	Teacher	31	Female	Preparation Class at High School
Translator 3	Translator	22	Female	University
Translator 4	Baby-sitter	36	Female	By herself
Translator 5	Teacher	30	Male	University
Translator 6	Midwife	25	Female	Private Course
Translator 7	Housewife	25	Female	Private Course
Translator 8	Lawyer	28	Male	High School and University
Translator 9	Civil Servant	22	Male	High School
Translator 10	Freelance Translator	32	Male	University
Translator 11	Teacher	30	Female	University
Translator 12	Translator	45	Male	University
Translator 13	Teacher	41	Male	Abroad
Translator 14	Unemployed	27	Female	By herself
Translator 15	Student	21	Female	High School
Translator 16	Taxi Driver	38	Male	Preparation Class at University and Private Course
Translator 17	Translator	30	Male	University
Translator 18	Maths Teacher	29	Female	University
Translator 19	Retired	47	Male	Abroad
Translator 20	Unemployed	23	Male	By himself
Translator 21	Civil Servant	35	Male	Private Course
Translator 22	Translator	38	Male	University
Translator 23	Translator	39	Female	University
Translator 24	Civil Servant	-	Female	Private Course
Translator 25	Translator	24	Male	University
Translator 26	Teacher	29	Female	High School and University
Translator 27	Student	22	Female	College
Translator 28	Student	22	Female	College and Abroad
Translator 29	Editor/Writer	36	Female	University and Private Courses
Translator 30	Translator	41	Female	University
Translator 31	Translator	43	Female	University
Translator 32	Engineer	33	Male	Private Course
Translator 33	Civil Servant	34	Male	Private Course
Translator 34	Housewife	26	Female	University
Translator 35	Freelance Translator	29	Male	University
Translator 36	Unemployed	31	Male	Preparation Class at University
Translator 37	Academician	30	Male	University and Private Courses
Translator 38	Teacher	31	Female	University
Translator 39	Translator	45	Female	University
Translator 40	Student	21	Female	University
Translator 41	Housewife	27	Female	Private Courses
Translator 42	Civil Servant	29	Male	University
Translator 43	Russian Teacher	43	Female	Abroad
Translator 44	Unemployed	35	Male	Private Course
Translator 45	Retired	45	Male	University

Translator 46	Translator	28	Female	Books and University
Translator 47	Translator	24	Female	University
Translator 48	Translator	24	Female	University
Translator 49	Primary School Teacher	39	Male	Private Courses
Translator 50	Student	21	Female	University
Translator 51	Student	23	Female	University
Translator 52	Translator	28	Male	University
Translator 53	Civil Servant	25	Male	Preparation Class at High School
Translator 54	Student	32	Female	University
Translator 55	Unemployed	40	Male	Private Courses and University
Translator 56	Translator	39	Female	University
Translator 57	Civil Servant	26	Female	By herself
Translator 58	Teacher	29	Female	University
Translator 59	School Manager	32	Male	University
Translator 60	Unemployed	36	Female	High School
Translator 61	Student	25	Male	University
Translator 62	Translator	43	Male	University
Translator 63	Civil Servant	44	Male	Abroad
Translator 64	Retired	52	Male	University
Translator 65	Unemployed	25	Female	Preparation Classes at University
Translator 66	Housewife	28	Female	University
Translator 67	Assist. Prof.	40	Male	University
Translator 68	Teacher	36	Female	University
Translator 69	Translator	30	Female	University
Translator 70	Translator	23	Female	University and Abroad
Translator 71	Freelance Translator	26	Male	University
Translator 72	Science Teacher	34	Male	Private Courses
Translator 73	Translator	38	Female	University
Translator 74	Student	25	Female	University
Translator 75	Course Manager	33	Male	Private Course and University
Translator 76	Academician	43	Male	University
Translator 77	Student	23	Female	Private Course
Translator 78	Student	22	Female	University
Translator 79	Translator	25	Female	University
Translator 80	Teacher	29	Female	High School and University
Translator 81	English Teacher	33	Female	University
Translator 82	Translator	34	Female	University
Translator 83	Civil Servant	25	Male	Private Course
Translator 84	Unemployed	27	Female	University
Translator 85	Teacher	37	Female	Preparation Class at University
Translator 86	Student	22	Male	University

According to the Table 4.2., only 23 (26 %) out of 86 persons work as translators. It is observed that the rest of the participant legal translators have various different professions that are irrelevant to translation. Only 1 legal translator indicated to be a lawyer. The ages of the legal translators vary between 21 to 52.

Moreover, 37 (43 %) of them are males whereas majority are females. Surprisingly, 4 legal translators stated to learn English by themselves whereas most (55 %) of them said to have learnt English at university. The rest of the legal translators indicated that they learnt English from private courses and preparation classes at high school and university.

Regarding the results of the questionnaire, it is observed that the participants of the questionnaire are mostly graduates of irrelevant areas and do not have any legal background as given in Table 4.3.

Table 4.3. Educational background of the participant legal translators

Educational Background	Number	Percentage
Graduates of language departments	38	44%
Graduates of irrelevant departments	47	55%
Graduates of high school	1	1%

38 (44%) out of 86 persons are graduates of language departments such as translation studies, language and literature, linguistics and English language teaching whereas 47 (55%) are graduates of irrelevant departments such as Math, Pedagogy, Chemistry, Statistics, and Child Development, etc. Even though graduates of primary school can become translator court experts, the group of participants are mostly graduates of university. Only 1 (1%) of them is graduate of high school.

The participant legal translators were asked about their foreign languages and their levels of proficiency. According to the analysis of the answers to this question, it is surprising that very few of them hold the level of B (80-90) and A (90-100).

Table 4.4. Legal translators' level of english proficiency

Language Levels	Number of Translators	Percentage of Translators
A (90-100) – Up Advanced	7	8 %
B (75-89) – Advanced	12	14 %
C (60-74) – Upper Intermediate	19	22 %
D (40-59) - Intermediate	10	12 %
E (20-39) - Elementary	2	2 %
F (0-19) - Beginner	-	-
No Score	36	42 %

Revealing the language levels of the legal translator court experts participated in the study is essential for the purpose of the study. The analysis of this part of the questionnaire has showed that only 8 % of the legal translators have mastery in English.

Furthermore, 14 % of them have effective proficiency in English whereas 22 % are upper-intermediate in English. Lastly, it is observed the rest (12 % is intermediate and 2 % elementary) do not have sufficient knowledge of English to translate. Unfortunately, when asked, 42 % of the translators did not share their language scores or did not have any, indeed.

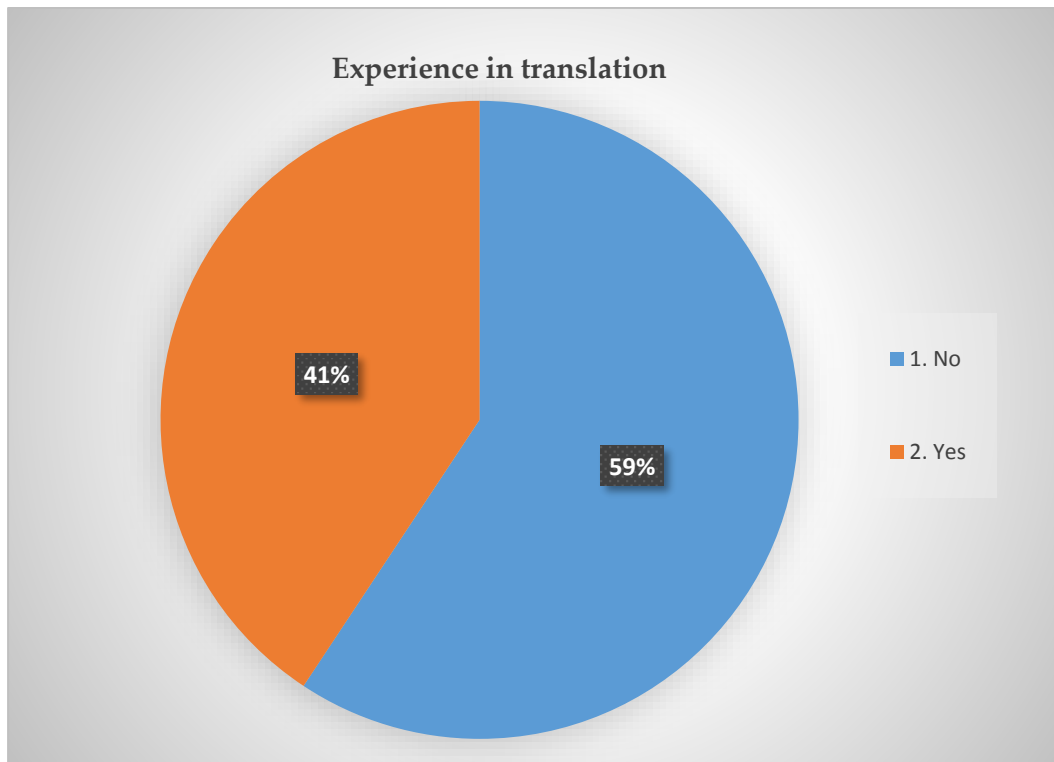
Another question related to the language proficiency was what certification the legal translators hold. It is also a clear indicator to formal documentation of language proficiency of the legal translator participants. Despite the fact that the conditions for recruiting as a legal translator court expert do not include any language certification, it is observed at the end of the analysis of the questionnaire that most of the participants hold certificates of language proficiency.

As seen in the answers to the previous question, 36 translators out of 86 did not have any scores or certificates of language. The certificates of 50 participants are presented in the table below.

Table 4.5. Language certificates of the legal translators

Language Certificates	Number of the Translators	Percentage of the Translators
YDS	46	53 %
TOEFL	1	1 %
European Language Passport	1	1 %
Private Course Certificate	2	2 %
No Certificate	36	42 %

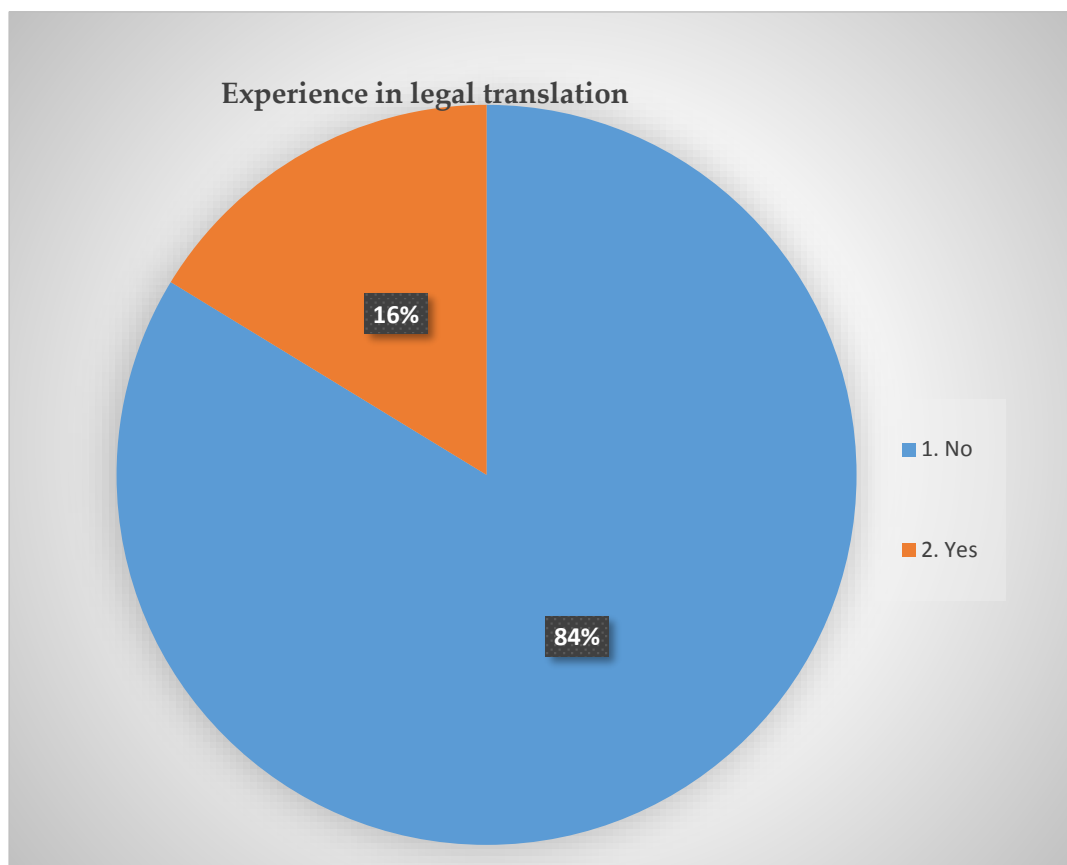
When the answers were analysed, it turns out that majority (53 %) of the legal translator participants hold YDS certificate. Only 1 (1 %) person has TOEFL certificate. In addition, 1 (1 %) person stated to pass the test of the European Language Passport. 2 (2 %) legal translators have private course certificates indicating their language levels.



Graphic 4.1. Experience in translation

As seen from the Graphic 1, 35 (41%) of 86 legal translator participants indicated that they had no experience in translation whereas 51 (59%) of them stated to have experience in translation from 1 month to 22 years.

On the other hand, as a result of the questionnaire, it turned out that the legal translator participants did not have sufficient experience in legal translation, either.



Graphic 4.2. Experience in legal translation

As observed from Graphic 2, 72 (84%) of 86 legal translator participants unfortunately did not have any experience in legal translation while 14 (16%) of them said to have experience in legal translation from 2 months to 22 years.

Moreover, the legal translator participants were asked whether they have ever received any legal training. Answers were presented in the table below.

Table 4.6. Legal translators receiving legal training

Type of Legal Training	Number of Translators	Percentage of Translators
Legal Translation Courses	9	10 %
Legal Training at University	1	2 %
No Legal Training	76	88 %

The legal translator participants (10 %) who said to have received legal translation courses at university were graduates of translation studies. Not all of the graduates of translation studies had taken the legal translation courses due to the fact that those courses were generally elective. Only 1 person (2 %) stated to have received legal training because he

was a graduate of law faculty. The ones without any legal training constitute the majority (88 %).

According to the analysis of the answers of the legal translator participants to the questionnaire with regard to the conditions for recruiting legal translator court experts in the relevant legislation, it is necessary that the criteria in determining the eligibility of legal translators must be revised in order to recruit legal translators who have sufficient qualifications to produce qualified translations.

Furthermore, interviews were conducted with four key people in order to find out what the criteria in determining the eligibility of legal translators in the Turkish Judicial System. The first interviewee was Judge İzzet Başara, head of the Court Expert Department at the General Directorate for Legal Affairs under the Ministry of Justice. The relevant question under this sub-heading was 4.1.

The criteria of recruiting legal translator court experts within the system of Turkish Judiciary include being a citizen of Turkish Republic, having judicial capacity on the application date, being a graduate of at least primary school, being over 18 years old on the application date, not being convicted for committing certain offences, not being dismissed from civil service, living or fulfilling a professional activity around the province of the Commission, not being registered in the list of any other commission, and handing in required documents including language declaration form. The ones to be legal translator court experts do not have to be a graduate of any departments of translation studies or linguistics.

Judge İzzet Başara briefly mentioned about the conditions for recruiting legal translator court experts and added that there is no condition that the legal translator court experts hold a degree of any department of linguistics or translation studies. He explained that it was difficult to find someone speaking a foreign language especially in the rural areas of the country in the past. That is why the criteria was not so heavy. However, a necessity to re-organize the criteria has arisen these days as the conditions are much more different than they were in the past years.

One of the reasons why legal translators are not expected to be graduates of the relevant departments and hold a certification of language proficiency is that when these criteria was set, it was hard to find a translator for settling certain legal issues necessitating someone to translate, especially in the rural areas. Yet, those conditions have changed tremendously. Language and law are areas of expertise. We need more accurate and qualified translations for the sake of our respectability on the international arena. Therefore, these criteria should change as soon as possible.

Another key person who was interviewed within the scope of the relevant sub-question was Judge Mehmet Doğan. He is serving as an investigating judge at the Workshop Institutions under the Ministry of Justice where the payments of the legal translator court experts are tracked.

Data analysis in respect of the answer to the relevant question 4.1. of the interview made with Judge Mehmet Doğan indicated that there has been a consensus among the concerned persons that are in a way responsible for any stage within the system of legal translation services. After explaining the criteria as set in the relevant regulation, he stated that “due to the fact that these criteria are easily met, a great number of people apply to be recruited as legal translator court experts. When we track the payments to be made to the legal translators, we observe that not all of them actively translate.” This answer stands for an explanation why the researcher could not receive any feedbacks from some of the legal translators that she got in touch to conduct the questionnaire. Judge Mehmet Doğan furthers on the same issue, saying that:

Majority of the legal translators recruited as meeting the conditions set in the relevant criteria do not actively translate as they do not know the foreign language sufficiently. We believe that legal texts are difficult to translate as the translator is one of the persons who help justice be served. The criteria do not ask a formal certificate of language proficiency. I think this is the biggest gap.

Furthermore, the analysis of the interview conducted with Translator Resul Aydın showed that in the past, the operation of the legal translation services was quite informal as there had been not even a bureau. He answered to the questions 1 and 2 of the relevant interview that “until the Translation Bureau was established in 1998, the translations were made within a system of so called ‘old-boy network’.” He continued that “the relevant legislation on the criteria was prepared when the then General Director of Legal Affairs suggested that a translation bureau be established.”

Like Translator Resul Aydın, Translator Enise Özdemir emphasized that the Bureau and the system need to settle down in the progress of time; however, it is not appropriate that the criteria do not include a certain degree. Translator Enise Özdemir stated that

According to the criteria determined by the commissions, it is sufficient for a legal translator to be a graduate of primary school. I think it is unacceptable for such a process where texts to be translated are very complex, require a certain degree of legal experience

as well as proficiency in both source and target languages and etc. The second deficiency is the non-existence of any requirement for the department for graduation. There should be restrictions as to the departments, according to which translators must be a graduate of only language-related departments of the universities. Thereby, a nurse, a police officer or an ordinary civil servant cannot become a legal translator by merely fulfilling the other criteria.

As a result, the analysis of the relevant data collected from the written sources, questionnaire and interviews pointed out that the criteria determining the eligibility of legal translators do not include any conditions of being a graduate of relevant departments and holding a certificate of language proficiency. It is enough to present a written declaration about the language proficiency. Lastly, the criteria do not include any condition of experience in legal translation.

✓ **What must the criteria in determining the eligibility of legal translators in the Turkish Judicial System be?**

In order to find an answer to this sub-question, the data was collected from the following sources:

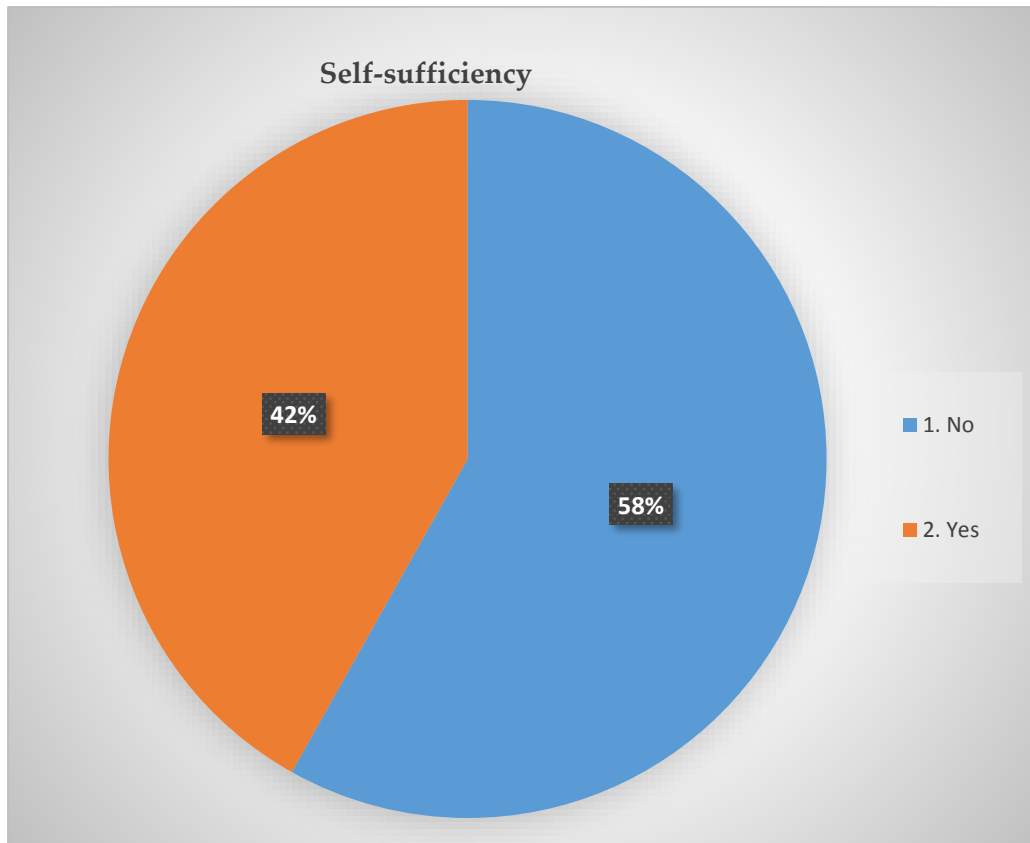
- questionnaire conducted to legal translator court experts,
- question 4.2. from the interview with Judge İzzet Başara,
- question 4.2. from the interview with Judge Mehmet Doğan,
- question 4 from the interview with Prof. Dr. Ayfer Akansel Altay,
- question 2 from the interview with Translator Resul Aydın,
- question 4 from the interview with Translator Enise Özdemir,
- informal conversational interviews with the legal translators,
- written documents such as occupational standard for translators (Level 6).

Analysis of the questionnaire showed that legal translator court experts mostly find themselves insufficient, which indicates that the criteria must be revised for recruiting more qualified translators within the system of legal translation services. Before revising the criteria, the occupational standards set for translators should be taken into account as well (see Annex K).

They explained that they did not feel themselves sufficient, as the texts seemed rather difficult for most of the times. They thought their education background and being

inexperienced in legal translation affected their success in translating legal texts. They agreed that the criteria includes insufficient conditions set for recruiting legal translators into the Turkish judicial system.

The graphic below presents the participant legal translators' self-perception about their self-sufficiency in legal translation.



Graphic 4.3. Participant legal translators' self-perception about their self-sufficiency in legal translation

The findings from the Graphic 3 indicate that legal translators serving in the Courthouse generally do not consider themselves having sufficiency in legal translation. 50 (58%) of 86 participants stated to perceive themselves not to have self-sufficiency in legal translation whereas 36 (42%) of them said to have self-sufficiency in this respect.

Accordingly, the participant legal translator court experts considered that the criteria should be re-organized in such a way to encourage them to advance their knowledge of foreign language in order to be able to apply again in the following year.

The analysis of the answers given to the interview questions showed that all of the interviewees agreed that the criteria must be revised. However, Judge İzzet Başara who is the Head of Department of Court Expert stated that there are sincere efforts to improve the legal translation services through revising the relevant legislation.

We are aware of the problems within the system of legal translation services and putting great effort to change the criteria for the better. Legal texts can be of vital importance for the sake of justice at the both national and international arena. We have tried to re-organize the criteria to be met in order to be a translator court expert. It is necessary to reach qualified and experienced translators to attain the desired effect in legal translation of important texts for our country in respect of legal issues.

Judge İzzet Başara also stated that the former criteria do not contain the condition of being a graduate of linguistics or translation studies. Nor does it contain the condition of having a certificate indicating the language level that the translator candidate holds. The criteria changing process is on a transitional period at the moment. It is considered that the following conditions may be included to the criteria in determining the eligibility of legal translators:

- a. Having a university degree of translation studies, linguistics, language and literature, language and cultural studies and foreign language teaching in prevailing languages such as English, French and German.
- b. Holding at least B level certificate of language, such as Foreign Language Exam (YDS) or its equivalent.
- c. Having at least 5-year experience of translational practices.
- d. Holding a certificate indicating the proficiency in translating legal texts (It is preferable to have received at least 6 month-legal training or to prove at least 3 year experience of legal translation).
- e. Having an in-depth knowledge of legal terminology and legal discourse.

Furthermore, Judge Mehmet Doğan indicated that it is not easy to revise a legislation piece such as regulation or article of a law. It takes a long time to pass the formal procedure. However, “the accuracy and quality of the translations of the legal texts are of great importance, and the steps to revise the criteria in determining eligibility of legal translators must be taken as soon as possible.”

The review of the interviews indicated that legal translation requires strong knowledge of language and law, along with experience in this area. Legal translators should be graduates of language related departments and have received law courses. Moreover, through the necessary legislative amendments, the conditions to be fulfilled to become a legal translator court expert must be re-organized.

Another interviewee Prof. Dr. Ayfer Akansel Altay indicated that “legal translators must have in-depth knowledge of language and law along with experience of legal translation practices”. So far, the emphasis has been on the graduation of a relevant department and certification of language proficiency.

On the other hand, Prof. Dr. Ayfer Akansel Altay attracted attention to the need for knowledge of law and experience in legal translation as well. These should be taken into consideration while revising the relevant criteria for recruiting more qualified legal translators to serve in the Turkish judiciary.

Similarly, Translator Resul Aydın, who is one of the most experienced legal translator court experts in the Ankara Courthouse, stated that anyone who declared to speak a foreign language cannot make legal translations in that language. He stated

The persons to be legal translator court experts must be graduates of departments of linguistics or translation studies. They must have passed a proficiency tests such as YDS. Also, they must be experienced. It must be explained that having a high score of YDS does not prove real proficiency and does not have anything to do with knowledge of law. Legal translators must be chosen among the current ones whose translations have never been sent back for correction. Also, legal translators must have at least 5 years of experience in the area.

Translator Resul Aydın thought that language tests may not indicate real levels of knowledge. Therefore, experience is one of the most important conditions to be looked for. He also attached great importance that revision of the relevant legislation must be made after opinions of experienced legal translators are taken. Otherwise, the revised version would become obsolete.

The analysis of the interview with Translator Enise Özdemir, who is now serving for the Constitutional Court as a legal translator, regretted that anyone that would like to become a legal translator must not become one so easily. She noted

There should be restrictions as to the departments, according to which translators must be a graduate of only language-related departments of the universities. Thereby, a nurse, a police officer or an ordinary civil servant cannot become a legal translator by merely fulfilling the other criteria. ... the translators should prove their language proficiency with a certificate. In fact, after being recruited and included in the list before the commission, a certificate is sought by the incumbent public prosecutor from the translators before a translation work is assigned to them. Nevertheless, this certificate must be a primary requirement included in the criteria of recruitment.

As a result of the informal conversational interviews with the legal translators, it is generally accepted that translators should be also conscious of the fact their works are of great importance for the country's prestige before the foreign countries and for a swift judiciary where parties to a case could obtain the outcome of the judicial proceedings without waiting for so long and where thereby judicial proceedings are concluded swiftly. That is because, the translation works of poor quality are returned to the courthouses by the foreign countries as they could not comprehend the content of the translated document, which causes prolongation of the judicial proceedings.

Analysis of the interviews and questionnaire showed that in order to improve translation process in the judicial system, primarily the recruitment criteria must be changed and enhanced. Besides, the officers, prosecutors and judges should be also provided with necessary information to be well aware of the translation process, the periods required for a qualified work as well as qualifications of a translator.

✓ **In what ways can the quality of legal translations be improved?**

In order to chase an answer to this sub-question, the data was collected from the following sources:

- question 4.3. from the interview with Judge İzzet Başara,
- question 4.3. from the interview with Judge Mehmet Doğan,
- question 2 from the interview with Translator Resul Aydın,
- question 5 from the interview with Translator Enise Özdemir,
- questions 2 and 3 from the interview with Student Berkan Seyhan,
- informal conversational interviews with the legal translators,
- questionnaire with the legal translators.

The interviews with the key people were the main information sources for this sub-question. Along with the interview responses, questionnaire and informal conversational interviews with the legal translators were analysed.

Despite the fact that similar questions were asked to the interviewees in different times and different places, one of the common idea they all agreed on was that there is a need for improvement in the quality of the legal translations. As generally acknowledged by the researcher in line with the data analysis of the study, it depends on how qualified and experienced the legal translators are.

The analysis of the interview with Judge İzzet Başara showed that quality of the legal translators are of utmost importance for the reputability of our country in the international arena. A standard above the ordinary should be caught in respect of the quality of the translations. Experience in legal translation and basic legal knowledge are critical qualities that a legal translator must have.

Also, he added that his department has made promising improvements in the system such as the compulsory training for the court experts of general topics. They are working on the conditions of translator court experts as well. Last but not least, they formed areas of sub-speciality, including legal translators. Thus, the duties of legal translators are drawn. He stated

Legal translators must be experienced in legal translation at least five years in order to acquire a good number of terminology to be meticulously used in legal texts. Along with the factors that we underlined throughout the interview, legal translators preferably have basic legal knowledge in order to convey the meaning accurately by using the legal language. Lastly, we have made some amendments for court experts in general. That is, a training on being a court expert is given to future court experts. However, it does not include translators as they need much more different type of training from court experts of general topics. Nevertheless, we created areas of sub-speciality in a way to include translators so that the rules as to their duties are clarified.

Furthermore, when asked about how to improve the quality of legal translations, Judge Mehmet Doğan furthered these ideas indicating that

It is a good idea to open a course on law for translators; enabling them to have basic knowledge of law. However, it is something that would take long time to make the necessary arrangements and forming curriculum. Opinions must be taken from academicians, experts of both law and language and legal translators who needed it.

The results of the data analysis of the interviews showed that legal translators must have legal training to produce more quality translations. However, majority of the legal translators do not have any legal training (see Table 4.5 above). The Government may open a legal course for legal translator court experts, which can solve this problem.

Translator Resul Aydın also indicated that for legal translations to be qualified, a workshop must be carried out and in-service training must be given to legal translators. He added that European Union can provide a fund in case it is turned into a project.

Furthermore, Translator Enise Özdemir emphasised that for better legal translations, the translators should be granted more time. It is a deficiency of the system that the allocation of the works are not in order and the time granted for translations is generally insufficient for a qualified translation. She explained

Nevertheless, as far as I know, an ongoing problem is the periods granted to translators. In fact, translators are granted a maximum period of one month for the works allocated to them. Of course, this period is not binding in terms of exceptional works where the period is agreed jointly by the translator and the incumbent prosecutor/judge. However, in practice, the period of one month is taken into consideration neither by the translators nor by the officers at the translation office. In my opinion, in order to establish and maintain a disciplinary system to avoid any problem, deficiency or trouble, translators failing to complete the works in a qualified manner and in the prescribed period should be subject to certain sanctions (e.g. prohibited from undertaking future translation works for certain periods on monthly basis).

Analysis of the interviews revealed that legal training is one of the factors emphasized most. Student Berkan Seyhan, who would like to be a legal translator and tries to gain qualifications to that effect, briefly mentioned what a legal translator should do for producing a qualified translation.

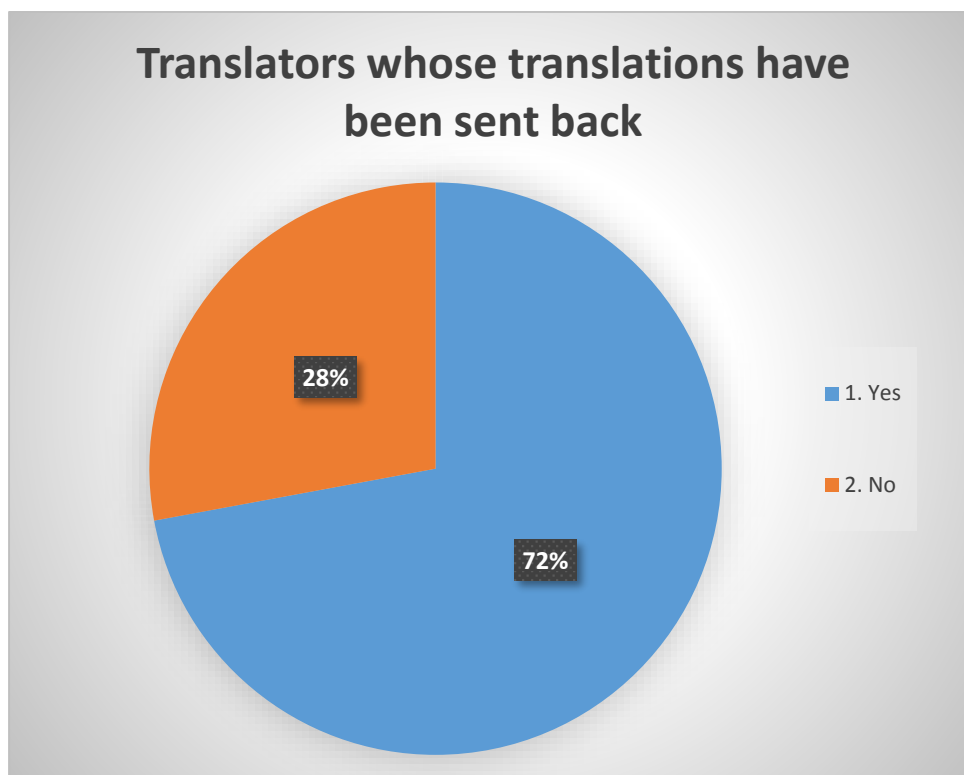
A legal translator, first of all, has to know the legal terminology which is vital for the process of translation. I do not deem it necessary to mention about standard translation skills which every translator has to have. Apart from these, the legal translator should be a graduate of a department of translation that gives courses on legal translation. These courses, of course, should include translation, terminology studies and fundamental information on the law. Last but not least, such a translator should have some years of experience especially in the area of legal translation, preferably in institutions working the area of law.

He indicates that fundamental information on the law is a requirement to become an expert legal translator. Otherwise, it will be difficult to become an expert and to deliver high-quality translation.

Furthermore, the data analysis of the informal conversational interviews conducted with the legal translators yielded approximately the same results. The interviewees stated that there is a need for a workshop for legal translator in order to form a common legal terminology to be used in all the legal translations made under the roof of the Courthouse. For qualified translations, the rest of their ideas may be listed as follows:

- A legal training must be given to the legal translators in order for them to acquire basic legal knowledge to use in their translations.
- Translators are chosen among the ones who have at least five years of experience in legal translation.
- There must be a strict control mechanism for the translations. In the event that a legal translator receives a certain number of serious warnings, his/her name must be opted out of the legal translator court experts' list.

Analysis of the questionnaire showed that a majority of the legal translator court experts received warnings for their translations at least once. This implies that the number of the qualified translations are smaller than expected. The percentage is presented in the Graphic below.



Graphic 4.4. The percentage of the translators receiving warnings

62 (72 %) out of 86 legal translators have received warnings and their translations have been sent back for revision once to a few times, whereas 24 (28 %) of them have never received warnings. When examined in detail, these 24 legal translators are mostly graduates of translation studies, linguistics or English language teaching.

✓ **How do legal translation courses that translators receive affect the quality of their translations?**

In order to find an answer to this sub-question, the data was collected from the following sources:

- questionnaire conducted to legal translator court experts,
- questions 4 and 5 from the interview with Prof. Dr. Ayfer Akansel Altay,
- question 2 from the interview with Student Berkan Seyhan,
- informal conversational interviews with the legal translators,
- literature review.

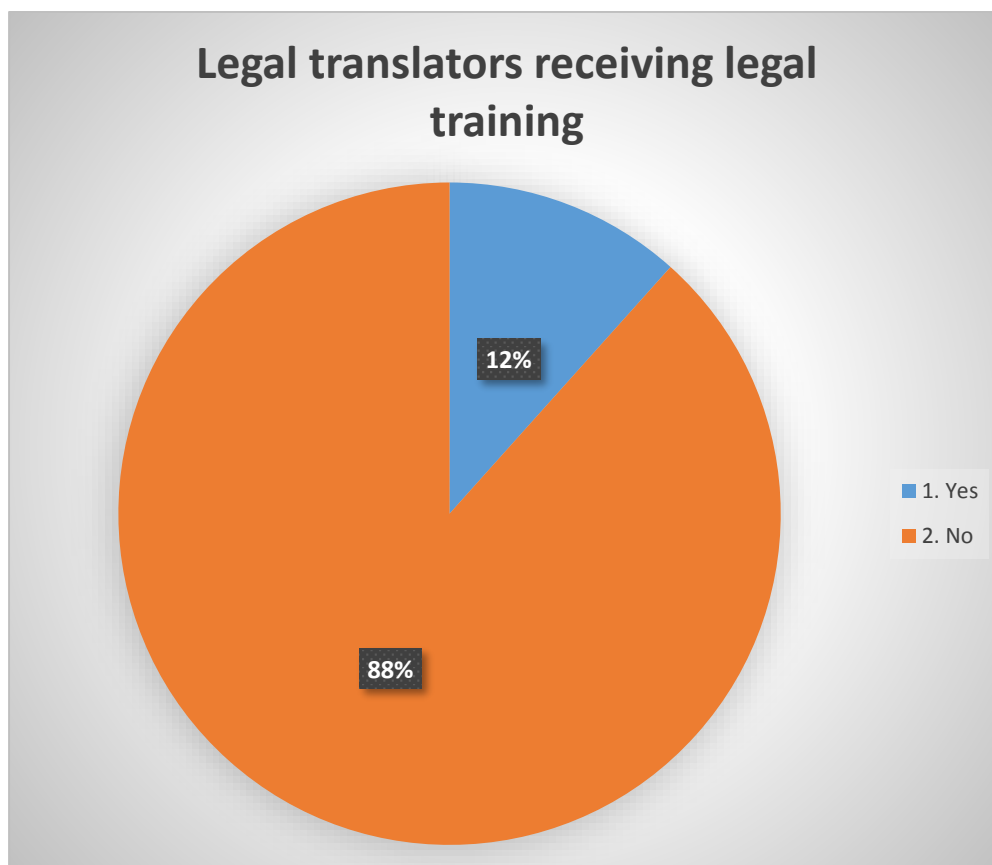
For answering this sub-question, the researcher gathered data through questionnaire, interviews with two key people and informal conversational interviews with the legal translators.

As a result of the analysis of the relevant part of the literature review conducted throughout the present study, it has been observed that the number of translation departments has increased remarkably in the past years. Among the aims of these departments are to enable their students to know the language well, recognize norms and use them correctly, aware of linguistic diversity, gain abilities to create functional and effective texts in certain contexts, translate for different purposes, have a good grasp of knowledge at least in one certain area, do effective research, know the framework, content and approaches in respect of translation practices, and compare and contrast languages, cultural factors and different linguistic usages.

Moreover, these departments offer legal translation courses to their students with the aim of enabling students to translate legal texts and increase their specialized vocabulary and terminology. Table 2.1. above showed some examples of courses on legal translation that are offered by universities.

In the relevant table, it is observed that Hacettepe University is the one to offer the most courses on legal translation. That is why the researcher chose one academician lecturing on legal translation and one student having taken all of those courses from Hacettepe University as interviewee participants of this study.

On the other hand, analysis of the questionnaire showed that only 10 (11 %) out of legal translators reported that they received legal training. 9 of them are graduates of translation studies while 1 of them is a lawyer. The graphic below presents the percentage.



Graphic 4.5. Legal translators receiving legal training

The legal translation course that 9 of the legal translators stated to take is the only source a legal translator can benefit in order to gain basic legal knowledge necessary to use in legal translations.

Analysis of the interview conducted with Student Berkan Seyhan revealed that there are two courses directly teaching legal translation at Hacettepe University; namely, Legal Translation I and II. Also, there is a course given by an expert on legal issues, Law for Translators. Lastly, the courses of Translation of EU texts are indirectly teaching legal translation, either. Berkan Seyhan noted that

There are some separate courses on legal translation in my department one of which is the course that I took last year, The Law for Translators. This was a selective course in which we were supposed to be taught legal terminology and fundamental knowledge on legal issues and procedures so that we can understand what the legal text we are to translate means. However, it was not very useful within this framework. Apart from this course, there are four more course on legal translation which are linked to each other, Legal Translation I and Legal Translation II, and Translation of EU Texts I and Translation of EU texts II. This semester I have completed the first courses of both. These courses included translation mostly and information on the area rarely.

He also emphasized how useful these courses were for a student aiming to be a legal translator when he graduates from university. Although he found the courses to be useful in terms of improving his translation skills, they had some shortcomings with regard to the basic knowledge that he needed to know about legal procedures and texts in the general sense.

Particularly in the course of Legal Translation I, he said to translate only texts in each and every course which included terminology study on the text to be translated turned out to be very useful. On the other hand, he stated to use the guideline prepared by the Ministry for EU Affairs on how to translate the EU regulation in the course of Translation of EU Texts I. This resulted in more translation and more terminology, yet he indicated that he, again, had no knowledge on legal matters.

He further added

When I compare these courses with the practical knowledge that I acquired during my internship in the Ministry of Justice, I can see that the translation and terminology aspect of the courses are quite useful; however, I realised that I have a lack of knowledge in legal matters such as where the document comes from and why it is prepared. For example, the text talks about a legal procedure that I do not know about, so I had difficulty in understanding how to translate it in the sense that I do not know if it is a positive or a negative situation. Within this framework, it will be useful if there are more courses on legal translation in the universities or at least, in my own university so that I can improve my translation skills and become an expert in that area. Instead of giving lectures on each and every area of translation, universities should offer their students of translation to become experts on their areas of interest by providing various informative and practical courses on the relevant areas.

Although Berkan Seyhan had taken the relevant courses of legal translation, he accepted to have difficulty in understanding how to translate a legal text in practice. He considered that courses on expertise must increase in number. Moreover, he would like to receive courses on basic legal topics in order to have a deep understanding of what he is translating.

Prof. Dr. Ayfer Akansel who has been giving lectures on legal translation at university indicated that translation studies in Turkey have increased in number especially for the past 20 years. The more the importance of legal translation is realized, the more well-trained and experienced legal translators are looked for. The students who aspire to be legal translators should take more courses on the subject and in the field.

However, training alone is not sufficient as experience is the key for qualified legal translators. When language ability is put together with legal knowledge, the chance to achieve the desired effect in legal translation arises. She also added

I have given lectures on legal translation for years. Legal translation requires not only in-depth knowledge of language, but also an interest and experience in the field of law. Translators should employ legal terms correctly and effectively to create a text with the same legal effect. Therefore, it is important for a legal translator to receive training in the field of law.

She explained that in the courses of legal translation, the aim was to provide basic legal language terms and legal translation skills along with relevant techniques. She put emphasis on the fact that legal texts are one of the most encountered text types in the translation market. The legal translation courses enhance students' communication capabilities in the professional legal community.

Analysis of the data showed that it would be tremendously beneficial for students to be offered more courses on legal translation at universities. Furthermore, it would also be fruitful for legal translators to be provided with legal training by the Government through workshops or private/state courses.

✓ **How does legal translators' experience in legal translation upgrade the quality of their translations?**

In order to chase an answer to this sub-question, the data was collected from the following sources:

- questionnaire conducted to legal translator court experts,
- question 2 from the interview with Translator Resul Aydın,
- questions 2, 4 and 5 from the interview with Translator Enise Özdemir,
- question 4 from the interview with Student Berkan Seyhan,
- informal conversational interviews with the legal translators.

The relevant data was collected through questionnaire, interviews with two experienced translators Resul Aydın and Enise Özdemir, interview with Student Berkan Seyhan and

informal conversational interviews with the legal translators in order to answer this last sub-question.

According to Translator Resul Aydın, experience in legal translation is one of the most important conditions to be included in the criteria. He stated that the criteria for recruiting for general court experts include the condition of having at least 3 year experience. This condition must be at least 5 years for legal translators, he added. Throughout his years as legal translator court expert, he encountered many surprising and saddening things in respect of the insufficiency of the legal translators serving within the judiciary.

He considered that the translations would represent Turkey at the international legal arena. It is vital and urgent that the criteria in determining the legal translators in the Turkish Judicial System be changed for improved translations produced by more qualified translators.

Furthermore, Translator Enise Özdemir gave examples of work done by inexperienced legal translators that she encountered while carrying out her duties as a legal translator court expert:

I would like to mention of a translator assigned with a translation work which was confidential and was of great importance for the country. Instead of translating the source text, he copied and pasted irrelevant law texts, as he thought that he had no time enough to complete the assigned work. A high-ranking officer in the Ministry told me that a criminal complaint would be filed against him before the incumbent chief public prosecutor's office. However, I do not know whether he in fact faced with such a sanction. I could not give an exact example of a poor work; however, I want to list main problems I have encountered in the translated documents: subject-verb disagreement, incomplete sentences, incomprehensible sentences, missing parts, texts translated into target language with no appropriate terminology and so on.

It is regretful to observe that the mistakes made by the inexperienced legal translators could lead a civil action to be filed against them. Experience in legal translation includes not only enhancing legal language but also becoming aware of the seriousness of the legal texts and the outcome of any probable mistake.

Furthermore, Student Berkan Seyhan stated that his internship in the Ministry of Justice where he translated decisions of and applications to the European Court of Human Rights gave him "the chance to learn many things that he was not taught at the university, the

practical knowledge that one can only learn within the profession.” He added that “in order to produce target texts which are of high-quality and which suits the style and terminology of legal texts, the translators should have at least 3-5 years of experience so that they are competent over the terminology and the basic legal information.”

Also, as presented in Graphic 2 above, the analysis of the questionnaire indicated that 72 (84%) of 86 legal translator participants unfortunately do not have any experience in legal translation, which brings an explanation why more qualified translations are looked for. Unless legal translators have sufficient knowledge of legal language, it is hard for him/her to understand and convey the meaning by using legal terminology.

During the informal conversational interviews, the researcher surprised to learn that it is easy to receive a fake letter from a private translation bureau in order to meet the condition of having experience in legal translation. Therefore, the condition of being experienced in legal translation must be met through presenting documents in credible ways and of formal institutions.

4.2. Purposes

Purpose I - Revealing the way in which legal translators are recruited in Turkish Judicial System

The first purpose of this study is to reveal the way in which legal translators are recruited in Turkish Judicial System. In order to reach this purpose, the necessary permissions to carry out the research were taken from the Ministry of Justice and the Ethical Commission of Gazi University (see Annexes A and B).

To that effect, a questionnaire was conducted with 86 legal translator court expert serving in the Ankara Courthouse; written documents such as legislation, reports, announcement for recruiting legal translators and information notes were collected; interviews were carried out with key people; and informal conversational interviews were conducted with the legal translators.

Pursuant to the relevant legislation, some certain conditions have been set for being a court expert (see Annex K). As to the criteria established for recruiting legal experts, the

researcher examined them in the announcement of the regional boards (see Annex M). It is observed that these criteria do not contain any condition of having language proficiency or being a graduate of relevant departments. Being a graduate of primary school is regarded to be sufficient.

The researcher carried out a questionnaire with the legal translators working in the Ankara Courthouse in order to draw a profile of the legal translators recruited that way. 86 legal translators accepted to contribute to the present study. As presented above, according to the analysis of the questionnaire, it turns out that;

- Only 44 % of the legal translators are graduates of language departments,
- Only 8 % of the legal translators speak the relevant language at up-advanced level.
- 42 % of them do not have any certificate of language proficiency.
- 52 % of them did not have any experience in translation before being recruited as legal translators.
- 84 % of them did not have any experience in legal translation before being recruited as legal translators.
- 88 % of them have never received any legal training in order to attain knowledge of basic law and legal terminology.

Furthermore, the interviews conducted within the framework of the way in which legal translators are chosen indicated that these criteria are not sufficient for recruiting qualified legal translators and must be improved and enhanced for having more qualified translations in the judiciary.

According to Translator Enise Özdemir, translators who have been recruited without having the necessary qualifications are not conscious of the fact their works are of great importance for the country's prestige before the foreign countries and for a swift judiciary where parties to a case could obtain the outcome of the judicial proceedings without waiting for so long and where thereby judicial proceedings are concluded swiftly. That is because, the translation works of poor quality are returned to the courthouses by the foreign countries as they could not comprehend the content of the translated document, which causes prolongation of the judicial proceedings.

As a result, the analysis of the interview conducted with Judge Mehmet Doğan revealed that the relevant criteria are so easy to meet that almost any person can be a legal translator court expert. That stands for an explanation as to why among a number of legal translators, only a few can actively translate at the courthouse.

Also, Translator Resul Aydın stated that not everyone can be a legal translator when they just declare to speak a foreign language. This results in various important translated texts to be sent back for revision. It is not a good thing for the reputation of our country at the international legal arena and it may lead some legal cases to be prolonged.

In this regard, the criteria needs to be revised to chose more qualified legal translators and improve the legal translation services in the Turkish Judiciary.

Purpose II - Exploring what qualities legal translators should have to improve the quality of legal translation services in Turkey.

The second purpose of this study is to explore what qualities legal translators should have to improve the quality of legal translation services in Turkey. In order to reach this purpose, literature was reviewed; a questionnaire was conducted with 86 legal translator court expert serving in the Ankara Courthouse; interviews were carried out with key people; and informal conversational interviews were conducted with the legal translators.

Analysis of the literature review showed that legal translators must have a deep understanding of linguistics and legal language. Legal competence of the translators include;

- Knowledge of legal terminonlogy,
- Understanding of legal reasoning,
- Capacity to convey the legal meaning,
- Anaylzing legal texts,
- Knowledge of key concepts in legal translation,
- Skill of critical reading of legal texts,
- Differentiating basic features of legal discourse,
- Ability of creating parallel legal texts in the target language.

Analysis of the questionnaire and the interviews conducted within the framework of improving the criteria in determining the eligibility of the legal translator court experts showed that it is essential for legal translators to

- have a university degree of the relevant language departments such as degree of translation studies, linguistics, language and literature, language and cultural studies and foreign language teaching,
- have a certificate of language proficiency (at least B level),
- have 3-5 years of experience in legal translation,
- have legal training,
- have an in-depth knowledge of legal terminology and discourse.

4.3. Strengths and Weaknesses of the Methods

The data analysis showed that the methods employed in the course of the present study had some strengths and weaknesses. Each of the strengths and weaknesses of the methods were explained as follows.

4.3.1. Strengths of the Methods

Collecting and analyzing written documents such as legislation, information notes, reports and announcement for recruiting legal translators and conducting interviews with key people were stated by the experts as a method of revealing the current situation. The data analysis indicated three main strengths in respect of the method.

Strength 1: Proof Evidence

As the data analysis indicated, one of the strengths of the existing methods was to be proof evidence for legal translators' current profiles. The findings regarding the questionnaire were considered to be evidence.

Also, the answers of the interviewees supported the findings of the questionnaire. Lastly, the informal conversational interviews conducted with legal translators showed that almost everyone within the system of legal translation services in the Turkish Judicial System agreed on most of the ideas stated throughout the present study.

Strength 2: Unobtrusive Method

As literature interview indicated, employing various different methods together such as questionnaire, interviews, written documents, etc. is the most reliable method. In the present study, the findings of the questionnaire, interviews, written documents and informal conversational interviews supported each other.

Before employing those methods, pilot studies were carried out in order to revise and re-organize the data collection instruments for maximum correctness and appropriateness.

Strength 3: Most Reliable Determination

The experts whose opinions were taken in respect of the data instruments indicated that using multiple methods together such as conducting questionnaire, analyzing written documents and interviewing key people provided most correct information due to the fact that multiple methods make up for each other's deficiency, which resulted in data triangulation.

4.3.2. Weaknesses of the Existing Methods

The analysis of the data showed that there were two main weaknesses of the existing methods. The weaknesses were being not enough and lacking of legislation.

Weakness 1: Not enough

The researcher asked the legal translators with whom she conducted informal conversational interviews what the weaknesses of the methods would be. They thought that determining the background of the legal translators, interviewing with key people and analyzing written documents such as legislation may be useful to re-determine the criteria of recruiting legal translators in the Turkish Judicial System.

However, it would be beneficial to analyze and present pieces of legal translations as examples in order to point up how bad the translation made by unqualified persons could be. Yet, it is not possible as most of the texts are confidential.

Weakness 2: Lacking of Legislation

The analysis of the written documents showed that the legislation in relation to translators, in particular, legal translators, is rather limited. There is not any law specifically introduced to define and govern the profession and the duties of translators.

However, in line with this need, the Professional Competency Board carried out studies to establish occupational standards for translators and, to that end, took into consideration the Report on Translators published in 2011 by the Directorate for Administration Development of the Prime Ministry.

Accordingly, the National Occupation Standard for Translators (Level 6) was promulgated in the Official Gazette of 29 January 2013. Nevertheless, there currently exists no legal arrangement concerning working conditions of translators. In this sense, there are ongoing studies for the preparation of a bill of law.

CHAPTER V

CONCLUSION AND RECOMMENDATIONS

This concluding chapter provides a summary of the present study with regard to the literature review, methodology employed in the course of the research and the findings discussed in the previous chapters. The conclusion part was presented in accordance with the research question and the sub-questions. It followed by recommendations for law makers, developers of the legal translation services in the Turkish Judiciary, departments of translation studies, legal translators, students and researchers for further studies.

5.1. Conclusion

This study aimed to reveal the results of the way in which legal translators in the Turkish Judicial System are recruited and to explore what qualities legal translators should have to improve the quality of legal translation services in Turkey. As a result of the literature review, it turned out that, there is almost no research on this topic, which creates a big gap to be filled for the sake of enhancing the legal translation services and producing more qualified translations.

Thanks to this study, the researcher wishes to provide positive contribution to improve legal translation services in Turkey through shedding a light on what should be the criteria in determining the eligibility of legal translators; to guide future studies regarding the fact that preliminary research and literature pointed to few studies on the subject; and, last but not least, to create an awareness in respect of the weaknesses of the training programs of the translation departments for legal translators.

The present study was a qualitative research, which was conducted between Fall 2016 and Spring 2018. The research composes of three main parts; namely, data collection from various different sources, descriptive analytic procedures to interpret the data and written reports of the findings. The researcher used multiple data collection methods together: interviews, questionnaire and written document analysis.

The study explores the insufficiency of the criteria resulting in unqualified legal translations and reveals what qualities legal translators must give for a more improved legal translation services in the Turkish Judicial System. Therefore, the main data collection methods were questionnaire conducted with legal translators, interviews conducted with six key people, analysis of written documents such as legislation, laws, regulations, circulations, reports and information notes and informal conversational interviews with legal translators.

Before conducting the questionnaire and the interviews, the necessary permissions were received from the Department of Court Expert under the General Directorate for Legal Affairs at the Ministry of Justice and the Ethical Commission of Gazi University.

The researcher employed the purposeful sampling strategy while selecting the participants of the study. Legal translators who were recruited as court experts in the Ankara Courthouse, accepted to willingly participate in the study and actively translate as court experts were selected.

The researcher determined six key people who have vast knowledge about the legal translation services in Turkey; or/and have both/either legal and/or linguistic background; or/and deal directly with training of legal translators; or/and have worked within the legal translation services for a long time that he/she can draw a less blurred picture of the current situation; or/and have taken all the compulsory and elective courses on legal translation of a university.

The interviewees were Judge İzzet Başara who is the Head of Department of Court Experts under the Ministry of Justice, Prof. Dr. Ayfer Akansel Altay who was the Head of Department of Translation and Interpreting at Hacettepe University, Translator Resul Aydın who was one of the most experienced legal translators in the Ankara Courthouse, Translator Enise Özdemir who was also one of the most experienced and qualified legal translators in the Ankara Courthouse, and Student Berkan Seyhan who would like to be a legal translator after graduating.

Throughout the present study, along with the interviews, the researcher conducted a questionnaire with 86 legal translators serving in the Ankara Courthouse in order to draw a

general picture of the current situation within the system. The questions of the questionnaire focused on the last degree they received, foreign languages and their levels, certificates of language proficiency, experience in translation, experience in legal translation, legal training, career in legal translation services, any difficulty or insufficiency in legal translation and their thoughts, implications and suggestions.

The interviews and the questionnaire were examined by two experts and revised accordingly. Also, a pilot study was carried out with three legal translators before the actual implementation. In the end, the data collection instruments were put into their final forms.

Written documents were collected by the researcher as data sources. These written documents include legislation, laws, regulations, circulations, research reports and information notes, most of which were received from the Ministry of Justice.

Data analysis procedure of the present study consists of four parts; namely, data coding, generating categories, organization and definition of the data by codes and categories and conclusion from findings. As to the validity and reliability of the research, by employing multiple data sources such as interviews, questionnaires and written documents, the researcher tried to meet the validity, which is called as theory triangulation.

Furthermore, all the data collection instruments and data collection procedures; that is, the way findings are reached, were reported by the researcher in detail. Last but not least, three peer debriefers, two legal translators and one academician, were asked to provide feedbacks regarding the purposes and methodology of the present study.

Analysis of literature review showed that institution has been handled as a core concept of the sociology of translation. The translational activities within a social system are governed by particular norms. Considering translation as a social institution paves the way for translation to be directed within an institutional framework and in accordance with the aims of the relevant translating institution.

Translating institutions include organisations or associations established to attain a specific aim along with the general aim of translating. These institutions may also stand for

governments, literary publishers, companies, etc. In the present study, the institution stands for the courthouses of the Turkish Government.

In the present study, official legal documents, articles of laws, pieces of legislation and judgments are examples of institutional translation. Through translations of these documents, the government provide information to an international audience on the institution's political issues and policies. As the institution is the producer of both the source and the target texts, it has significant control on every stage of translation.

Regarding the importance of the accuracy of the translated legal texts in terms of the governmental purposes, the courthouses as the translating institutions are expected to establish a high quality standard for recruiting qualified legal translators, use of a uniform terminology, a strict control mechanism of translations, and eliminating misunderstandings and inaccuracy in the translated texts.

On the other hand, legal translation is seen one of the most challenging types of translation, as it requires speciliazation in legal language and discources. Some of the general qualifications that a translator should have are listed as knowledge and know-how on consecutive translation techniques, skill to access to information and use resource, information on general culture within the scope of working languages (including sign language), skill to have a good knowledge of working languages in a way to make simultaneous and consecutive translation, knowledge and skill to create and manage a translation memory, knowledge of national and international standards and legislation concerning translation services, knowledge of technical terminologies concerning translation processes, knowledge of specific field and terminology on the issues he translates, knowledge and skill to communicate, knowledge on quality management, knowledge and know-how on text and discourse analysis methods, skill to make planning and organization, knowledge and skill to solve problems, skill to work under stress, knowledge and skill to prepare terminology and use terminology management tools, and knowledge and skill of time management. In addition to these, a legal translator should acquire in-depth knowledge of legal translation techniques and key concepts and terminology; skills of recognizing legal discourse and ability to create parallel legal texts in the target legal language.

This study focused on the current background of the legal translator court experts serving in the Turkish Judicial System. One of the purposes of the study was to explore what qualities legal translators should have to improve the quality of legal translation services.

In Turkey, translational activities have always been attached importance. To that effect, Bureau of Sworn Translation was established under the Foundation of Strengthening the Judicial Organisation in order for correspondences delivered to the Ministry of Justice and Offices of Chief Public Prosecutors from foreign delegations to be translated in 1998. It was pointed out by the data analysis of the interviews that the translational activities could not be carried out in an organized and regular way before that date.

This Bureau was established with the initiative of Faruk Bal, the former General Directorate of Legal Affairs who was later served as the General Directorate of Personnel and lastly as the Minister of Justice. The administration of this Bureau was later assigned to the Prisons and Detention Houses Workshop Institutions under the Ministry of Justice in 2006.

As legal translators serving for the Bureau have been entitled as court experts, they have been affiliated with the Department of Court Experts under the Directorate General for Legal Affairs in the Ministry of Justice. The Law on Court Experts no. 6754 and the Regulation dated 3 August 2017 were introduced with respect to the rules on determining the eligibility of court experts in general.

In the translation services recruiting legal translators in the Turkish Judicial System, an individual became a certified translator or legal expert merely regarding his declaration that he knew a language. Also, his educational background was not taken into consideration. Yet, this process has resulted in major problems both in Turkey and abroad where judicial decisions and case-files were assigned to individuals who did not have sufficient knowledge of legal terminology. Therefore, mistranslations and missing parts in the translated documents have led to significant problems in the judicial system.

In order to set examples of other countries, the researcher collected information as to how the legal translators are recruited in Germany and America. In Germany, there is a special examination procedure through which legal translators are chosen. That exam is prepared

in line with certain legislation. The translators who pass the exam can take office as a state-certified translator or interpreter. Similarly, in America, people must pass certain exams to receive a certificate to become a translator and special training programs are given in respect of different translation areas of speciality such as legal translation.

Furthermore, the researcher could not find any research studies on the criteria determining the eligibility of legal translators in literature. However, studies on related issues such as the qualities of legal translators and translator training were taken into account.

In the present study, there were five research questions under one main research question.

Research Questions

This study was guided by the following one main question and five sub-questions:

Are the criteria in determining the eligibility of legal translators in the Turkish Judicial System insufficient?

Sub-Questions:

1. What are the criteria in determining the eligibility of legal translators in the Turkish Judicial System?
2. What must the criteria in determining the eligibility of legal translators in the Turkish Judicial System be?
3. In what ways can the quality of legal translations be improved?
4. How do legal translation courses that translators receive affect the quality of their translations?
5. How does legal translators' experience in legal translation upgrade the quality of their translations?

The related data was analysed in order to chase an answer to **the first sub-question** '*What are the criteria in determining the eligibility of legal translators in the Turkish Judicial System?*'. Data indicated that the conditions for being admitted to legal expertise are governed by Article 10 of the Law on Court Experts; and the rules of application for being

a legal expert and procedure of appointment and registration are introduced in Article 11 of the same law.

Pursuant to the relevant legislation, in order to serve as a legal expert, a person must not be convicted for certain offences, not to be previously excluded from the legal expert registry beyond their own will, not to be dismissed from office, not to be included in the list of any other commission, to complete the basic training for becoming a legal expert, to have de facto worked in the area of expertise, to fulfil the conditions specified in the legislation for serving as a member of the profession and to fulfil the conditions determined according to the areas of core expertise and sub-expertise.

These are the general conditions for court experts. As a result of the analysis of the literature review, when it is specified into legal translator court experts, an announcement is launched every year for recruiting legal translators and fulfilling specific conditions are required.

The analysis of the text of the announcement for recruiting legal translators, it is observed that the Presidency of the Judicial Commission of the Ankara First Instance Court of Criminal Jurisdiction set some conditions for application, such as being a graduate of at least primary school and handing in required documents including language declaration form. Unfortunately, there is not any condition in relation to language proficiency in the article.

Furthermore, a questionnaire was conducted with 86 legal translators serving in the Ankara Courthouse so that the researcher could draw up the current profile and background of the legal translators that had been recruited by the criteria mentioned in the part above. With respect to the findings of the questionnaire, it is revealed that most of the participant legal translators are graduates of irrelevant areas and do not have legal background in terms of experience in legal translation and/or training of basic legal issues.

Only 38 out of 86 persons were graduates of language departments. However, being a graduate of primary school is regarded to be sufficient to become a legal translator court expert, only 1 person among the participant group was a graduate of high school. Moreover, only 7 persons out of 86 held a language proficiency certificate of A level

whereas 36 legal translators did not even have any score of a language proficiency exam or a relevant certificate.

Another important indicator to insufficiency of the criteria, 72 out of 86 legal translators recruited by those criteria stated not to have had any experience of legal translation before. Also, the majority (76) of them did not receive any legal training, either.

It may be suggested that most of the legal translators recruited through the criteria in question did not have sufficient qualifications to produce legal translations of good quality. Furthermore, the interviews with key people showed that there is a consensus among the concerned persons that the criteria must be improved and enhanced for the sake of recruiting more qualified legal translators.

It was considered that there were deficiencies in respect of the relevant criteria; that is, it did not include the conditions of having a certain degree of legal experience and proficiency in both source and target language, and any requirement of being a graduate of any relevant language-relevant departments.

The second sub-question investigated ‘*what the criteria in determining the eligibility of legal translators in the Turkish Judicial System must be*’. It was focused on the quest of the problem that in what ways the criteria should be changed. Results of the questionnaire showed that legal translator court experts mostly (58 %) find themselves insufficient, which indicates that the criteria must be revised for recruiting more qualified translators within the system of legal translation services.

They thought their education background and being inexperienced in legal translation affected their success in translating legal texts. They agreed that the criteria included insufficient conditions set for recruiting legal translators into the Turkish Judicial System.

Furthermore, the recruitment processes of other countries where the legal translation services work without any serious problems must be taken into consideration before setting the conditions to be registered as a legal translator court expert. As analysis of literature review showed, there are main criteria that governments generally seek: The translator is expected to provide foreign language translation services as it follows: holding a diploma

in Translation or in foreign language studies and two years of relevant experience, significant relevant experience, a higher level of education that could be recognized as experience, an in-depth knowledge of the associated culture, and experience using Computer Assisted Translation (CAT) tools, Machine Translation (MT) tools and other types of software.

In addition, the interviews with key people indicated that the following conditions may be included in the criteria in determining the eligibility of legal translators: having a university degree of translation studies, linguistics, language and literature, language and cultural studies and foreign language teaching; holding at least B level certificate of language; having at least 5-year experience of translational practices; and holding a certificate indicating the proficiency in translating legal texts.

The third sub-question investigated '*in what ways the quality of legal translations can be improved*'. Although the question was asked with respect to the quality of legal translations, it was directly linked to the qualifications of legal translators translating them. The data showed that a course on basic legal knowledge might be helpful for a tremendous improvement. When translators are chosen among the graduates of translation and interpreting departments, they already come with a certain background of legal training, even if this background is limited to one or two courses on legal translation offered at universities.

Also, the data pointed out another problem within the system: the periods granted to translators were considered insufficient. In fact, translators stated to be granted a maximum period of one month for the works allocated to them. As a result of the data analysis, it became clear that there should also be a stricter control mechanism for the translations.

The third sub-question of the main research question investigated '*how legal translation courses that translators receive affect the quality of their translations*'. The analysis of the data showed that translation departments has aimed to enable their students to know the language well, recognize norms and use them correctly, be aware of linguistic diversity, gain abilities to create functional and effective texts in certain contexts, translate for different purposes, have a good grasp of knowledge at least in one certain area, and compare and contrast languages, cultural factors and different linguistic usages.

In addition, these departments offer legal translation courses to their students with the aim of enabling students to translate legal texts and increase their specialized vocabulary and terminology. Data showed that legal translators should have received courses specifically on legal translation; these courses provide basic legal language terms and legal translation skills along with relevant techniques and enhance students' communication capabilities in the professional legal community.

The last sub-question of the research focused on '*how legal translators' experience in legal translation upgrades the quality of their translations*'. Data showed that experience in legal translation was one of most important conditions that must be included in the criteria in determining eligibility of legal translators in the Turkish Judicial System.

There encountered examples of situations where civil actions of prosecutions were filed against inexperienced translators who made mistakes that changed the meaning of the legal texts. Legal courses taught the theoretical part of the translations; therefore, translators needed to gain experience in legal translation in order to grasp the practical stages within the translation period.

Consequently, the findings indicate that the criteria in determining the eligibility of legal translators in the Turkish Judicial System are insufficient in many aspects. In other words, the current practice of legal translation services is insufficient to meet the high standards as required in the national and international legal arena. Unfortunately, as seen from the results of the questionnaire, some of the translators serving in the system do not have a relevant university degree, legal training and experience in legal translation.

Considering the suggestions and opinions of the participants of the study, it would be better for the students of translation studies receive more courses on legal translation and they should gain knowledge on basic topics of law. Moreover, legal translation services would attain more qualified translations if translator court experts are chosen according to their education and training background and experience in legal translation.

Also, it may be suggested that in order to improve the practice of legal translation services in Turkey, the translators must be graduates of relevant departments, to hold certain exam scores in language, legal training and experience in legal translation, when considering the

importance and difficulty of creating parallel legal texts during the legal translation process.

5.2. Implications and Recommendations

The study focuses on revealing the current situation of the legal translation services within the Turkish Judicial System; which indicated the insufficiency of the criteria in determining the eligibility of the legal translators. The last part was to inform different addressee groups in relation to the present study.

In this respect, the researcher would like to address to five different groups regarding the findings of the study; namely, law makers, developers of the legal translation services in the Turkish Judiciary, curriculum developers of the departments of translation studies, legal translators, students of translation studies and researchers for further studies.

5.2.1. Recommendations for Law Makers

- The analysis of written documents throughout the present study showed that there is not any specific law with respect to the profession of translators. There is a need for a legislation to be introduced to define the profession of translators and draw the borders of the translators' duties.
- The legislation that governs the conditions set in the criteria in determining eligibility of legal translators should be revised for an improved and enhanced system of legal translation services in Turkey, considering that the results of the study revealed the insufficiency of those criteria.
- It would be beneficial to consult experts, academicians, and experienced and qualified legal translators for their opinions before any legal amendments are made.
- The recruitment systems for translators and/or legal translators in other countries such as Germany, America, Avustralia, England, France, Canada and Switzerland must be examined in detail in order to find out the best model whose legal translation services seem to work without problems.
- Immediate action must be taken in order to prevent incorrect translations resulting in misunderstandings and postponement of the decisions.

5.2.2. Recommendations for Developers of the Legal Translation Services in the Turkish Judiciary

- The results of the study indicated that the conditions listed in the criteria in determining eligibility of legal translators are insufficient to recruit qualified legal translators within the legal translation services. Therefore, the criteria must be revised in accordance with the suggestions of the experts in the area.
- Data showed that there is a consensus among the key people in relation to the legal translation services on the fact that the relevant criteria must include the conditions of being a graduate of language departments, having a sufficient level of language proficiency which must be proved by a formal certificate, having legal training and experience of at least 5 years of legal translation.
- In addition, it may be suggested that courses on basic legal knowledge be given to legal translator court experts.
- Also, workshops may be held in order to create awareness about the vitality of the correctness in legal translations among legal translators. As an example, a common list of legal terminology may be created for standardization of the language used in legal translations.
- It may be also added that the time limits allocated to legal translators were considered to be insufficient to produce qualified translations. It sometimes causes the relevant foreign country to send the translation back for revision. It also results in postponement of the settlement of the legal cases.
- People with higher education in the relevant academic field must be given priority.
- People having received legal education and/or holding diploma of the law faculty must be also prioritized in the lists of legal translator court experts on the condition that they prove their expertise in the relevant foreign language by submitting a high score of language proficiency.

5.2.3. Recommendations for Curriculum Developers of the Departments of Translation Studies

- Data showed that students need more courses on specialized areas such as legal translation.

- Apart from the courses on legal translation, courses may be offered to provide students with basic knowledge of law for translators.
- Students who would like to master on legal translation must be encouraged to complete their internship at legal institutions and organisations.
- Also, graduates of law faculty may be recruited as legal translators in the event that they hold a master's degree on translation.

5.2.4. Recommendations for Legal Translators

- The data indicated that speaking a foreign language is not sufficient to be an efficient translator in that language. Especially, in a specialized area such as law, translators must have the relevant background and necessary qualifications in order to correctly understand and convey the meaning in the legal texts.
- They must hold a diploma of a relevant departments and a certificate indicating their language proficiency.
- Also, along with the language competency and legal background which help to recognize legal discourses, translators must have experience in the area they would like to expertize.
- The legal translators must read various kinds of legal texts in order to gain an in-depth knowledge of legal terminology and discourse.

5.2.5. Recommendations for Students of Translation Studies

- Apart from taking the compulsory and elective courses of legal translation, students of translation studies who would like to be legal translators should be more eager on gaining basic legal knowledge.
- They may ask to complete their internship in institutions or organisations where they can gain experience in legal translation.

5.2.6. Recommendations for Researchers for Further Studies

- All in all, this study provides positive contribution to improve legal translation services in Turkey by shedding light on what the criteria should be in determining the eligibility of legal translators, and it aims to pave the way to future studies regarding

the fact that preliminary research and literature review revealed almost no studies on the subject.

- Researchers may further the study by elaborating on what the common mistakes that cause the legal translations to be sent back by the relevant foreign country are and in what ways translations could be improved to catch a standard in the legal translations produced in the Turkish Judiciary.



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ANNEXES

Annex A - Permission for Questionnaires from the Ministry of Justice

T.C.
ADALET BAKANLIĞI
Hukuk İşleri Genel Müdürlüğü
Bilirkişilik Daire Başkanlığı

Sayı :46693448.650.02.81.2017.E./105
Konu :Büşra Özer ERDOĞAN'ın Talebi

09/06/2017

İLGİLİ MAKAMA


İlgi : Büşra Özer Erdoğan'ın 08.06.2017 tarihli dilekçesi.

İlgi sayılı yazı ile Gazi Üniversitesi Mütercim Tercümanlık Anabilim Dalı Çeviri ve Kültürel Çalışma Bölümü doktora öğrencisi Büşra Özer Erdoğan "Adli Tercüme Hizmetlerinde Çalışan Tercüman Bilirkişiler Hakkında Bilgi Toplama Aracı" başlıklı anket çalışmasını yapmak üzere Daire Başkanlığımızdan izin talebinde bulunmuştur.

6754 sayılı Bilirkişilik Kanununun 6 ncı maddesinin ikinci fıkrasının (p) bendi uyarınca, "Bilirkişilik ile ilgili yayımlar ile bilimsel çalışmaları teşvik etmek ve desteklemek" Daire Başkanlığımızın görevleri arasındadır.

Bu kapsamda; başvuran tarafından yapılacak anket çalışmasının Daire Başkanlığımızca yapılacak çalışmalara katkı sağlayacağı değerlendirildiğinden talep uygun görülmüştür.

Bilgilerinize rica ederim.

 *e-imzalıdır.*
İzzet BAŞARA
Hâkim
Bakan a.
Daire Başkanı

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Telefon: 0312 414 81 24-25 Belgegeçer: 0312 417 59 22 E-posta :bilirkisilik@adalet.gov.tr Elektronik ad: www.bilirkisilik.adalet.gov.tr


UYAP Bilişim Sistemindeki bu dokümana <http://vatandas.uyap.gov.tr> adresinden: bgSs546 - OUUQ4qy - ArDf6Ud - BZPAHU ile erişebilirsiniz.


Annex B - Permission for Questionnaires and Interviews from the Ethical Commission of Gazi University

Evrak Tarih ve Sayısı: 02/11/2017-E.157145

 **GAZİ**
UNİVERSİTESİ

T.C.
GAZİ ÜNİVERSİTESİ
Etik Komisyonu


* B E G A S J L T K *



Sayı : 77082166-604.01.02-
Konu : Değerlendirme ve Onay

SOSYAL BİLİMLER ENSTİTÜSÜ MÜDÜRLÜĞÜNE

İlgi : 15/06/2017 tarihli ve 27968600-302.99-87402 sayılı yazı

İlgi yazınız ile göndermiş olduğunuz, Çeviri ve Kültürel Çalışmalar Bilim Dalı **Doktora Öğrencisi Büşra ÖZER'in, Doç.Dr.Aslı Özlem TARAKÇIOĞLU** danışmanlığında yürüttüğü "*Adli Tercüme Hizmetleri: Türkiye'de Mütercim Bilirkişilerin Seçim Kriterlerinin Belirlenmesi*" adlı tez çalışması ile ilgili konu Komisyonumuzun **10.10.2017** tarih ve **08** sayılı toplantısında görüşülmüş olup,

İlgilinin çalışmasının, yapılması planlanan yerlerden izin alınması koşuluyla yapılmasında etik açıdan bir sakınca bulunmadığına oybirliği ile karar verilmiş ve karara ilişkin imza listesi ekte gönderilmiştir.

Bilgilerinizi ve gereğini rica ederim.

e-imzalıdır
Prof. Dr. Alper CEYLAN
Komisyon Başkanı

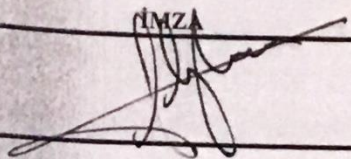
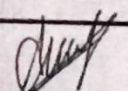
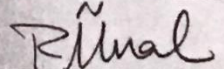
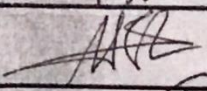
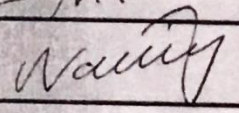
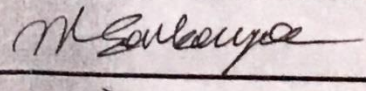
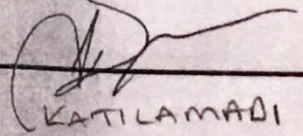
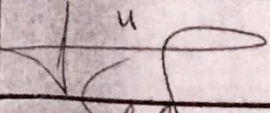
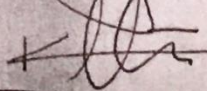
Araştırma Kod No: 2017-406

Ek:1 Liste

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İnternet Adresi :<http://etikkomisyon.gazi.edu.tr/>

Bilgi için :Esengül BOŞNAK
Genel Evrak Sorumlusu

Annex B (Continued) - Permission for Questionnaires and Interviews from the Ethical Commission of Gazi University

GAZİ ÜNİVERSİTESİ ETİK KOMİSYONU KATILIM LİSTESİ	
TOPLANTI TARİHİ : 10.10.2017	TOPLANTI SAYISI : 08
ADI-SOYADI	İMZA
Prof.Dr.Alper CEYLAN BAŞKAN	
Prof.Dr.Mustafa N.İLHAN BAŞKAN YRD.	KATILMADI
Prof.Dr.Mehmet KÜÇÜKKURT	KATILMADI
Prof.Dr.Aymelek GÖNENÇ	
Prof.Dr.Rahmi ÜNAL	
Prof.Dr.Mehmet Sayım KARACAN	
Prof.Dr.Naciye YILDIZ	
Prof.Dr.Mustafa SARIKAYA	
Prof.Dr.İbrahim DOĞAN	
Prof.Dr.C. Haluk BODUR	KATILMADI
Prof.Dr.Mustafa İLBAŞ	KATILMADI
Prof.Dr.Füsun DEMİREL	
Doç.Dr.Nihan KAFA	

Annex C – Interview Questions for Judge İzzet Başara

Tarih: 5 Haziran 2017

Saat: 14.00

Merhaba, ben, Büşra ÖZER ERDOĞAN. Gazi Üniversitesi, Çeviri ve Kültürel Çalışmalar bölümünde doktora yapıyorum. Sizinle, bilirkişi tercümanların yeterlilikleri ve tercüme hizmetlerindeki aksaklıklar hakkında görüşmek istiyorum. Katkıda bulunmayı kabul ettiğiniz bu çalışmanın, adli tercüme hizmetlerinin geliştirilmesine yardımcı olmasını umuyorum. Bu kapsamda, bilgi ve tecrübelerinizden faydalanmak istiyorum.

Bu görüşmenin, 5 sorudan ve birkaç alt sorudan meydana geldiğini, ve ortalama bir saat süreceğine işaret etmek isterim. Görüşmeyi izleyen günlerde, topladığım bilgileri düzenleyerek onayınıza sunarak, eksik kaldığına veya yanlış anlaşıldığına inandığınız herhangi bir husus olursa, düzelteceğim.

Eğer izin verirseniz, görüşmemizi kaydetmek istiyorum.

Sorulara geçmeden önce belirtmek istediğiniz bir husus var mı?

1. Kısaca kendinizi tanıtır mısınız?
2. Bilirkişilik Daire Başkanlığının bilirkişi tercümanlar kapsamında görevleri kısaca nelerdir?
3. Adli tercüme hizmetlerinin işleyişi hakkında bilgi verebilir misiniz?
4. Adli tercüme hizmetlerindeki mevcut aksaklıklar nelerdir?
 - 4.1.Tercüman alımındaki kriterler nelerdir?
 - 4.2.Tercüman alımındaki kriterlerin değiştirilmesi yönünde herhangi bir çalışma yapılması planlanmakta mıdır?
 - 4.3.Tercümanların hangi koşullara sahip olması beklenmelidir?
5. Uzun vadede adli tercüme hizmetlerinde yapılması planlanan düzenlemeler nelerdir?

Benim size sormak istediklerim burada sona ermiştir. Sizin eklemek istediğiniz herhangi bir husus var mı?

Görüşmeye katıldığınız için teşekkür ederim.

Annex D – Interview Questions for Judge Mehmet Doğan

Tarih: 1 Eylül 2017

Saat: 9.30

Merhaba, ben, Büşra ÖZER ERDOĞAN. Gazi Üniversitesi, Çeviri ve Kültürel Çalışmalar bölümünde doktora yapıyorum. Sizinle, bilirkişi tercümanların yeterlilikleri ve tercüme hizmetlerindeki aksaklıklar hakkında görüşmek istiyorum. Katkıda bulunmayı kabul ettiğiniz bu çalışmanın, adli tercüme hizmetlerinin geliştirilmesine yardımcı olmasını umuyorum. Bu kapsamda, bilgi ve tecrübelerinizden faydalanmak istiyorum.

Bu görüşmenin, 5 sorudan ve birkaç alt sorudan meydana geldiğini, ve ortalama bir saat süreceğine işaret etmek isterim. Görüşmeyi izleyen günlerde, topladığım bilgileri düzenleyerek onayınıza sunarak, eksik kaldığına veya yanlış anlaşıldığına inandığınız herhangi bir husus olursa, düzelteceğim.

Eğer izin verirseniz, görüşmemizi kaydetmek istiyorum.

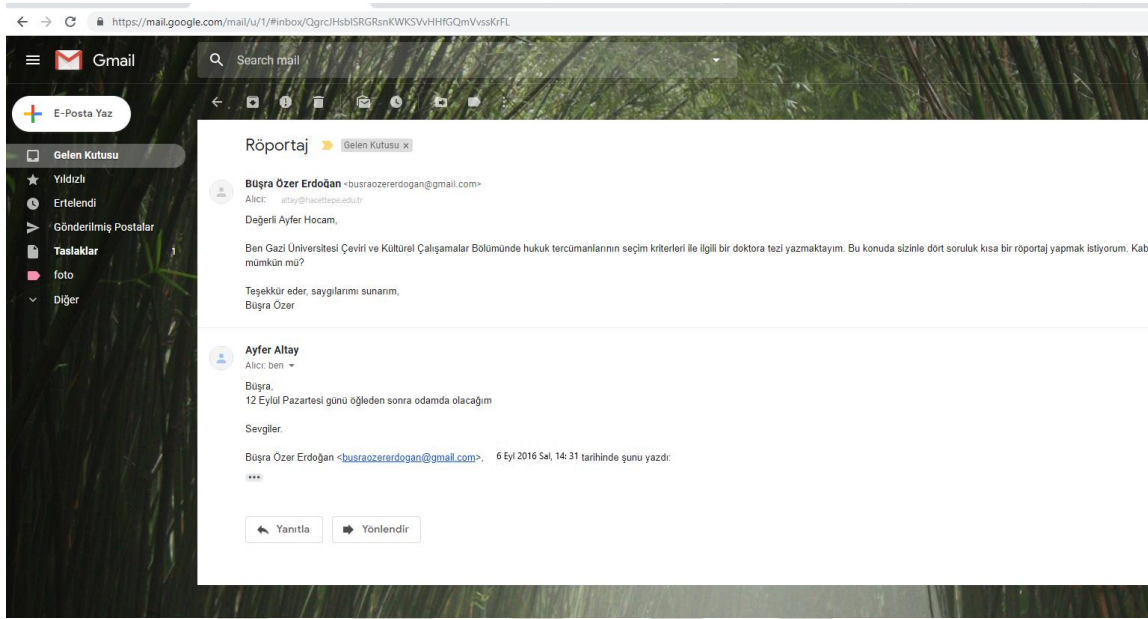
Sorulara geçmeden önce belirtmek istediğiniz bir husus var mı?

1. Kısaca kendinizi tanıtır mısınız?
2. İşyurtları Kurumunun bilirkişi tercümanlar kapsamında görevleri kısaca nelerdir?
3. Adli tercüme hizmetlerinin işleyişi hakkında bilgi verebilir misiniz?
4. Adli tercüme hizmetlerindeki mevcut aksaklıklar nelerdir?
 - 4.1. Tercüman alımındaki kriterler nelerdir?
 - 4.2. Tercüman alımındaki kriterlerin değiştirilmesi yönünde herhangi bir çalışma yapılması planlanmakta mıdır?
 - 4.3. Tercümanların hangi koşullara sahip olması beklenmelidir?
5. Uzun vadede adli tercüme hizmetlerinde yapılması planlanan düzenlemeler nelerdir?

Benim size sormak istediklerim burada sona ermiştir. Sizin eklemek istediğiniz herhangi bir husus var mı?

Görüşmeye katıldığınız için teşekkür ederim.

Annex E – Interview Questions for Prof. Dr. Ayfer Akansel Altay



Tarih: 12 Eylül 2016

Saat: 16.00

Merhaba, ben, Büşra ÖZER ERDOĞAN. Gazi Üniversitesi, Çeviri ve Kültürel Çalışmalar bölümünde doktora yapıyorum. Sizinle, tercümanların aldıkları hukuk tercümesi eğitiminin yeterliliği hakkında görüşmek istiyorum. Katkıda bulunmayı kabul ettiğiniz bu çalışmanın, adli tercüme hizmetlerinde istihdam edilecek tercümanların seçim kriterlerinin iyileştirilmesine yardımcı olmasını umuyorum. Bu kapsamda, bilgi ve tecrübelerinizden faydalanmak istiyorum.

Bu görüşmenin, 4 sorudan meydana geldiğini, ve ortalama bir saat süreceğine işaret etmek isterim. Görüşmeyi izleyen günlerde, topladığım bilgileri düzenleyerek onayınıza sunarak, eksik kaldığına veya yanlış anlaşıldığına inandığımız herhangi bir husus olursa, düzelteceğim.

Eğer izin verirseniz, görüşmemizi kaydetmek istiyorum.

Sorulara geçmeden önce belirtmek istediğiniz bir husus var mı?

1. Kısaca kendinizi tanıtır mısınız?
2. Tercümanların aldıkları eğitimin amaçları nelerdir?
3. Söz konusu eğitim sırasında edindikleri hukuk altyapısı yeterli midir?

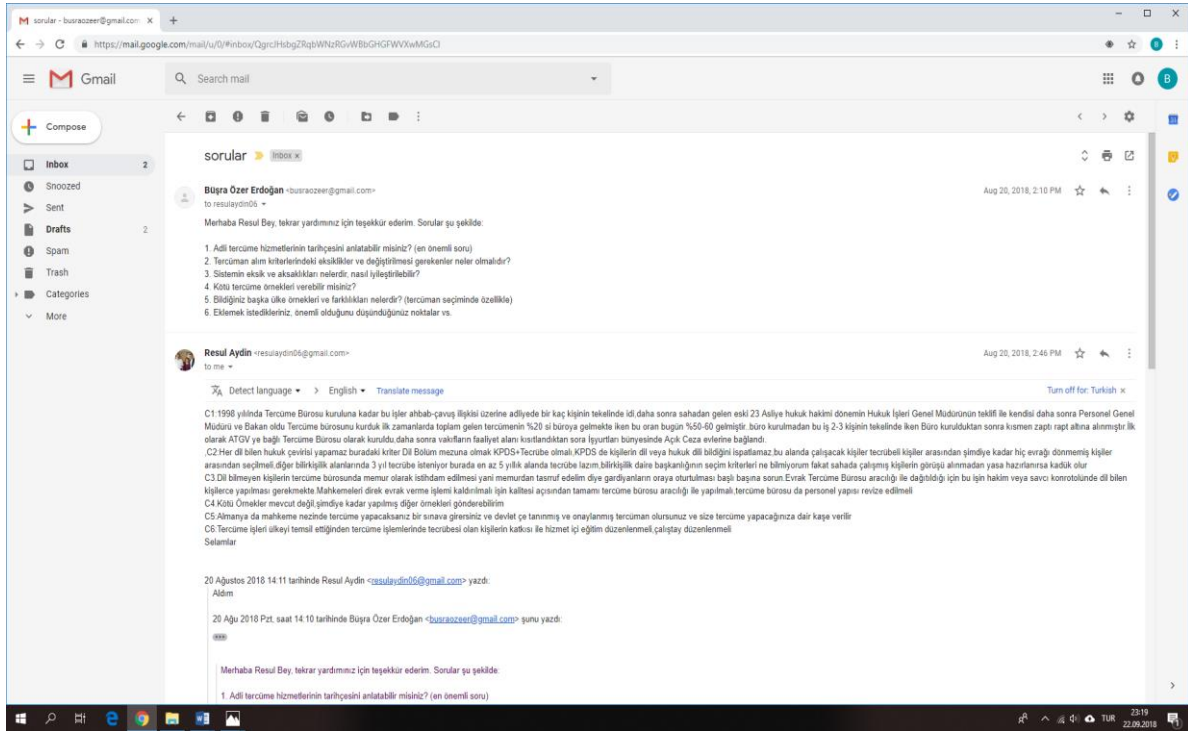
4. Hukuk tercümanlarının sahip olması gereken kriterler nelerdir?

Benim size sormak istediklerim burada sona ermiştir. Sizin eklemek istediğiniz herhangi bir husus var mı?

Görüşmeye katıldığınız için teşekkür ederim.



Annex F – Interview Questions for Translator Resul Aydın



Tarih: 20 August 2018

Saat: 14.00

Merhaba, ben, Büşra ÖZER ERDOĞAN. Gazi Üniversitesi, Çeviri ve Kültürel Çalışmalar bölümünde doktora yapıyorum. Sizinle, birliktirki tercümanların yeterlilikleri ve tercüme hizmetlerindeki aksaklıklar hakkında görüşmek istiyorum. Katkıda bulunmayı kabul ettiğiniz bu çalışmanın, adli tercüme hizmetlerinin geliştirilmesine yardımcı olmasını umuyorum. Bu kapsamda, bilgi ve tecrübelerinizden faydalanmak istiyorum.

Bu görüşmenin, 6 sorudan meydana geldiğini, ve mail ortamında size iletteceğimi belirtmek isterim. Görüşmeyi izleyen günlerde, topladığım bilgileri düzenleyerek onayınıza sunarak, eksik kaldığına veya yanlış anlaşıldığına inandığımız herhangi bir husus olursa, düzeltereğim.

Sorulara geçmeden önce kendinizi kısaca tanıtmınızı ve belirtmek istediğiniz bir hususun olup olmadığını sormak istiyorum.

1. Adli tercüme hizmetlerinin tarihçesini anlatabilir misiniz?

2. Tercüman alım kriterlerindeki eksiklikler ve deęiştirilmesi gerekenler neler olmalıdır?

3. Sistemin eksik ve aksaklıkları nelerdir, nasıl iyileştirilebilir?

4. Kötü tercüme örnekleri verebilir misiniz?

5. Bildiğiniz başka ülke örnekleri ve farklılıkları nelerdir?

6. Eklemek istedikleriniz, önemli olduğunu düşündüğünüz herhangi bir nokta var mı?

Benim size sormak istediklerim burada sona ermiştir. Sizin eklemek istediğiniz herhangi bir husus var mı?

Görüşmeye katıldığınız için teşekkür ederim.



Annex G – Interview Questions for Translator Enise Özdemir

Tarih: 15 Eylül 2017

Saat: 12.30

Merhaba, ben, Büşra ÖZER ERDOĞAN. Gazi Üniversitesi, Çeviri ve Kültürel Çalışmalar bölümünde doktora yapıyorum. Sizinle, birliktir tercümanların yeterlilikleri ve tercüme hizmetlerindeki aksaklıklar hakkında görüşmek istiyorum. Katkıda bulunmayı kabul ettiğiniz bu çalışmanın, adli tercüme hizmetlerinin geliştirilmesine yardımcı olmasını umuyorum. Bu kapsamda, bilgi ve tecrübelerinizden faydalanmak istiyorum.

Bu görüşmenin, 6 sorudan meydana geldiğini, ve ortalama bir saat süreceğine işaret etmek isterim. Görüşmeyi izleyen günlerde, topladığım bilgileri düzenleyerek onayınıza sunarak, eksik kaldığına veya yanlış anlaşıldığına inandığınız herhangi bir husus olursa, düzelteceğim.

Eğer izin verirseniz, görüşmemizi kaydetmek istiyorum.

Sorulara geçmeden önce belirtmek istediğiniz bir husus var mı?

1. Kendinizi tanıtabilir misiniz?
2. Adli tercüme hizmetlerinde kaç yıldır ve ne yoğunlukta çalışmaktasınız?
3. Büro işleyişinden bahsedebilir misiniz?
4. Tercüman alım kriterlerindeki eksiklikler ve değiştirilmesi gerekenler neler olmalıdır?
5. Sistemin eksik ve aksaklıkları nelerdir, nasıl iyileştirilebilir?
6. Kötü tercüme örnekleri verebilir misiniz?

Benim size sormak istediklerim burada sona ermiştir. Sizin eklemek istediğiniz herhangi bir husus var mı?

Görüşmeye katıldığınız için teşekkür ederim.

Annex H – Interview Questions for Student Berkan Seyhan

Tarih: 21 Ocak 2018

Saat: 13.00

Merhaba, ben, Büşra ÖZER ERDOĞAN. Gazi Üniversitesi, Çeviri ve Kültürel Çalışmalar bölümünde doktora yapıyorum. Sizinle, tercümanların aldıkları hukuk tercümesi eğitiminin yeterliliği hakkında görüşmek istiyorum. Katkıda bulunmayı kabul ettiğiniz bu çalışmanın, adli tercüme hizmetlerinde istihdam edilecek tercümanların seçim kriterlerinin iyileştirilmesine yardımcı olmasını umuyorum. Bu kapsamda, bilgi ve tecrübelerinizden faydalanmak istiyorum.

Bu görüşmenin, 6 sorudan meydana geldiğini, ve ortalama bir saat süreceğine işaret etmek isterim. Görüşmeyi izleyen günlerde, topladığım bilgileri düzenleyerek onayınıza sunarak, eksik kaldığına veya yanlış anlaşıldığına inandığınız herhangi bir husus olursa, düzeltereğim.

Eğer izin verirseniz, görüşmemizi kaydetmek istiyorum.

Sorulara geçmeden önce belirtmek istediğiniz bir husus var mı?

1. Kısaca kendinizi tanıtır mısınız? (eğitim alt yapısı, gelecek planları vs.)
2. Okuduğunuz bölümde aldığınız hukuk çevirisi dersinin, mezun olduktan sonra hukuk çevirisi alanında uzmanlaşmak isteyen bir öğrenci için yeterli olduğunu düşünüyor musunuz? İyi yanları, eksiklikleri ve size kattıkları hakkında bilgi verir misiniz? (teori ve pratik karşılaştırması yapabilir misiniz?)
3. Mezun olduktan sonra hukuk çevirisi alanında uzmanlaşmak isteyen bir öğrenci olarak, aldığımız bu derslerin yanında kendinizi geliştirmek için neler yapıyorsunuz?
4. Hukuk tercümanlarının sahip olması gereken kriterler nelerdir?
 - 4.1. Temel hukuk konularına hakim olmak gerekli midir?
5. Eğitim programının geliştirilmesi yönünde herhangi bir öneriniz var mı?

Benim size sormak istediklerim burada sona ermiştir. Sizin eklemek istediğiniz herhangi bir husus var mı?

Görüşmeye katıldığınız için teşekkür ederim.

Annex I - Open-Ended Questionnaire Questions for Legal Translators

1. En son mezun olduđunuz **okul** nedir?
2. Hangi **yabancı dilleri** biliyorsunuz, bu dilleri **nerede** öğrendiniz ve bu dilleri **hangi seviyede** biliyorsunuz?
3. Dil seviyenizi gösterir herhangi bir **belgeye** sahip misiniz ve **dil puanınız** nedir?
4. Tercüme alanında kaç yıllık **tecrübe** sahibisiniz?
5. **Hukuk tercümesi** alanında kaç yıllık **tecrübe** sahibisiniz?
6. **Hukuk eğitimi** aldınız mı?
7. Kaç yıldır **adli tercüme** alanında hizmet vermektесiniz?
8. Hiç geri **iade edilen tercümeniz** oldu mu?
9. Hukuk tercümesi alanında kendinizi **yeterli** buluyor musunuz? Sizce bir hukuk tercümanı **hangi niteliklere** sahip olmalıdır?
10. Tercüman bilirkişilik sisteminin ve bu kapsamda yapılan tercümelerin **iyileştirilmesi** için neler yapılabilir?

Annex J – Letter of the Workshop Institutions under the Ministry of Justice

T.C.
ADALET BAKANLIĞI
Hukuk İşleri Genel Müdürlüğü

Sayı :B.03.0.HİG.0.00.00.03-010.07-11-2006-14066 26/06/2006

Konu :Ankara Açık Ceza İnfaz Kurumu
İşyurdu Müdürlüğü Tercüme Bürosu

..... CUMHURİYET BAŞSAVCILIĞINA

Bakanlığımız Ceza İnfaz Kurumları ile Tutukevleri İşyurtları Kurumu Daire Başkanlığına ait 16/06/2006 tarihli ve B.03.0.İŞY.0.00.03-02/R/U.Müt/649 sayılı yazıda;

Adalet Teşkilatını Güçlendirme Vakfınca (ATGV) Ankara Adliyesi içinde işletilmekte iken, ATGV Başkanlığı Yönetim Kurulu ve İşyurtları Kurumu Yüksek Kurulunun almış oldukları kararlar doğrultusunda Ankara Açık Ceza İnfaz Kurumu Müdürlüğü işyurduna devredilmesi uygun görülen "Tercüme Bürosu"nun 01/07/2006 tarihinden itibaren Ankara Açık Ceza İnfaz Kurumu Müdürlüğü işyurduna bağlı olarak faaliyetlerine devam edeceği,

Bu nedenle de; belirtilen tarih itibarıyla:

Daha önce Cumhuriyet Başsavcılığı, ağır ceza, Asliye ceza, sulh ceza ve diğer mahkemelerde tercümesi yaptırılmak üzere, "ATGV Tercüme Bürosu" ibaresiyle gönderilen evrakın, "Ankara Açık Ceza İnfaz Kurumu İşyurdu Müdürlüğü Tercüme Bürosu" ibaresiyle gönderilmesi,

Ceza mahkemeleri sarf kararlarındaki "ATGV Tercüme Bürosu" ibaresinin kaldırılarak yerine, "Ankara Açık Ceza İnfaz Kurumu İşyurdu Müdürlüğü Tercüme Bürosu" ibaresinin konulması ve sarf kararlarına mütercim isminin yazılması,

Hukuk mahkemelerinin veznelere yazdıkları tercüme reddiyatlarından "ATGV Tercüme Bürosuna Ödenmesi" ibaresinin kaldırılarak yerine, "Ankara Açık Ceza İnfaz Kurumu İşyurdu Müdürlüğü Tercüme Bürosuna Ödenmesi" ibaresinin konulması,

Tercüme Bürosuna ait tercüman yemin zabitlerindeki banka hesap numarasının, Ankara Adliyesi Vakıflar Bankası Hesap No:2034473 olarak değiştirilmesi,

Gerektiği,

Hususlarının tüm teşkilata duyurulmasının istenildiği anlaşılmaktadır.

Bilgi edinilmesini, keyfiyetin yargı çevrenizdeki Cumhuriyet Başsavcılıkları ile bilgileri bakımından mahkemelere duyurulmasını rica ederim.

Ayhan TOSUN
Hâkim
Bakan a.
Genel Müdür

Annex J (Continued) – Translated Letter of the Workshop Institutions under the Ministry of Justice

REPUBLIC OF TURKEY
MINISTRY OF JUSTICE
Directorate General for Legal Affairs

Issue: B.03.0.HİG.0.00.00.03-010.07-11-2006-14066
26/06/2006

Subject: Ankara Open Penitentiary Institution
Workshop Directorate – Translation Bureau

TO THE CHIEF PUBLIC PROSECUTOR’S OFFICE

In the letter dated 16/06/2006 and numbered B.03.0.İŞY.0.00.03-02/R/U.Müt/649 of the Department of the Penitentiary Institution and Prison Workshop Institution of the Ministry of Justice, it is noted that:

“The Translation Bureau”, which had been previously operated by the Foundation for Strengthening of the Judicial Organization (“Foundation”) at the Ankara Courthouse and then decided to be affiliated to the Workshop Directorate of the Ankara Open Penitentiary Institution by virtue of the decisions taken by the Board of Directors of the Foundation and the High Council of the Workshop Directorate, would continue carrying out its activities under the Workshop Directorate of the Ankara Open Penitentiary Institution as of 01/07/2006.

Therefore, by the above-mentioned date, it is decided that:

The documents previously sent by the Chief Public Prosecutor Office, assize courts, criminal court, magistrates’ court and the other courts for translation be sent with the phrase “Translation Bureau of the Workshop Directorate of the Ankara Open Penitentiary Institution”.

In disbursement orders issued by criminal courts, the phrase “Translation Bureau of the Foundation” be removed and replaced with the “Translation Bureau of the Workshop Directorate of the Ankara Open Penitentiary Institution”. Besides, name of the translator be noted on the disbursement orders.

In reimbursement letters issued by the civil courts and sent to pay desks, the phrase “Translation Bureau of the Foundation” be removed and replaced with the “Translation Bureau of the Workshop Directorate of the Ankara Open Penitentiary Institution”.

The bank account numbers included in translators’ certificates of oath be changed as the Ankara Courthouse Vakıflar Bank Account No: 2034473.

And, these matters be announced to all organization.

Accordingly, I request the announcement and notification of these changes to the relevant Chief Public Prosecutor’s Office and courts for information.

Ayhan TOSUN
Judge - Director General

Annex K – Original Texts of the Relevant Legislation on Translators

1. 6754 SAYILI BİLİRKİŞİLİK KANUNU

Bilirkişiliğe Kabul, Bilirkişilik Sicili ve Bilirkişilik Listesi

Bilirkişiliğe kabul şartları

MADDE 10- (1) Bilirkişilik faaliyetinde bulunacak gerçek kişilerde aşağıdaki şartlar aranır:

- a) 26/9/2004 tarihli ve 5237 sayılı Türk Ceza Kanununun 53 üncü maddesinde belirtilen süreler geçmiş olsa bile; kasten işlenen bir suçtan dolayı bir yıldan fazla süreyle hapis cezasına ya da affa uğramış olsa bile Devletin güvenliğine karşı suçlar, Anayasal düzene ve bu düzenin işleyişine karşı suçlar, zimmet, irtikâp, rüşvet, hırsızlık, dolandırıcılık, sahtecilik, güveni kötüye kullanma, hileli iflas, ihaleye fesat karıştırma, edimin ifasına fesat karıştırma, suçtan kaynaklanan malvarlığı değerlerini aklama veya kaçakçılık, gerçeğe aykırı bilirkişilik veya tercümanlık yapma, yalan tanıklık ve yalan yere yemin suçlarından mahkûm olmamak.
- b) Daha önce kendi isteği dışında bilirkişilik sicilinden çıkarılmamış olmak.
- c) Disiplin yönünden meslekten veya memuriyetten çıkarılmamış ya da sanat icrasından veya mesleki faaliyetten geçici ya da sürekli olarak yasaklanmamış olmak.
- ç) Başka bir bölge kurulunun listesine kayıtlı olmamak.
- d) Bilirkişilik temel eğitimini tamamlamak.
- e) Bilirkişilik yapacağı uzmanlık alanında en az beş yıl fiilen çalışmış olmak ya da daha fazla çalışma süresi belirlenmiş ise bu süre kadar fiilen çalışmış olmak.
- f) Meslek mensubu olarak görev yapabilmek için mevzuat tarafından aranan şartları haiz olmak ve mesleğini yapabilmek için gerekli olan uzmanlık alanını gösteren

diploma, mesleki yeterlilik belgesi, uzmanlık belgesi veya benzeri belgeye sahip olmak.

g) Bilirkişilik temel ve alt uzmanlık alanlarına göre belirlenen yeterlilik koşullarını taşımak.

(2) Özel hukuk tüzel kişilerinin bünyesinde bilirkişi olarak çalışacak kişiler bakımından da birinci fıkradaki şartlar aranır ve düzenlenen raporlarda bu kişilerin adı ve soyadı ile imzası bulunur.

(3) Daha önce yaptığı başvurusu mesleki olarak yeterli nitelikte bulunmadığı gerekçesiyle reddedilenler, bir yıl geçmedikçe yeniden bilirkişilik yapmak için başvuruda bulunamazlar.

(4) Hukuk öğrenimi görmüş kişiler, hukuk alanı dışında ayrı bir uzmanlığa sahip olduğunu ve birinci fıkradaki şartları taşıdığını belgelendirmediği takdirde, bilirkişilik siciline ve listesine kaydedilemez.

Bilirkişiliğe başvuru, seçilme usulü ve sicile kayıt

MADDE 11- (1) Bilirkişiliğe başvuru, ilgilinin yerleşim yerinin veya mesleki faaliyetlerini yürüttüğü yerin bağlı olduğu bölge kuruluna ya da adli veya idari yargı ilk derece mahkemesi adalet komisyonuna ilgili belgeler eklenmek suretiyle yazılı olarak yapılır. Adalet komisyonlarına yapılan başvurular, bölge kuruluna gönderilir.

(2) Başvuru dilekçesine eklenmesi zorunlu belgelerin eksik olması hâlinde, başvuru sahibine belgeleri tamamlaması için on beş gün süre verilir. Eksik belgelerin tamamlanması hâlinde bölge kurulu tarafından başvuru hakkında karar verilir.

(3) Bölge kurulu karar verirken sicile kayıt bakımından öncelikle başvuranın 10 uncu maddedeki şartları taşıyıp taşımadığını değerlendirir ve şartları taşıyanlar arasından başvuranın mesleki tecrübesini, katıldığı meslek içi eğitimleri veya uzmanlığı gösteren belgeleri dikkate alarak en liyakatli olanları seçer.

(4) Bilirkişiliğe kabul edilenler, sicile üç yıl için kaydedilir.

2- 5237 SAYILI TÜRK CEZA KANUNU

Gerçeğe aykırı bilirkişilik veya tercümanlık

Madde 276- (1) Yargı mercileri veya suçtan dolayı kanunen soruşturma yapmak veya yemin altında tanık dinlemek yetkisine sahip bulunan kişi veya kurul tarafından görevlendirilen bilirkişinin gerçeğe aykırı mütalaada bulunması halinde, bir yıldan üç yıla kadar hapis cezasına hükmolunur.

(2) Birinci fıkrada belirtilen kişi veya kurullar tarafından görevlendirilen tercümanın ifade veya belgeleri gerçeğe aykırı olarak tercüme etmesi halinde, birinci fıkra hükmü uygulanır.

3 - 6100 SAYILI HUKUK MUHKEMELERİ KANUNU

Tercüman ve bilirkişi kullanılması

Madde 263- (1) Tanık Türkçe bilmezse tercümanla dinlenir.

(2) Tanık, sağır ve dilsiz olup okuma ve yazmayı biliyorsa, sorular kendisine yazılı olarak bildirilir ve cevapları yazdırılır; okuma ve yazma bilmediği takdirde, hâkim, kendisini işaret dilinden anlayan bilirkişi yardımıyla dinler. 23 Yargılamanın iadesi sebepleri Madde

375- (1) Aşağıdaki sebeplere dayanılarak yargılamanın iadesi talep edilebilir:

- a) Mahkemenin kanuna uygun olarak teşekkül etmemiş olması.
- b) Davaya bakması yasak olan yahut hakkındaki ret talebi, merciince kesin olarak kabul edilen hâkimin karar vermiş veya karara katılmış bulunması.
- c) Vekil veya temsilci olmayan kimselerin huzuruyla davanın görülmüş ve karara bağlanmış olması.
- ç) Yargılama sırasında, aleyhine hüküm verilen tarafın elinde olmayan nedenlerle elde edilemeyen bir belgenin, kararın verilmesinden sonra ele geçirilmiş olması.
- d) Karara esas alınan senedin sahteliğine karar verilmiş veya senedin sahte olduğunun mahkeme veya resmî makam önünde ikrar edilmiş olması.
- e) İfadesi karara esas alınan tanığın, karardan sonra yalan tanıklık yaptığının sabit olması.
- f) Bilirkişi veya tercümanın, hükme esas alınan husus hakkında kasten gerçeğe aykırı beyanda bulunduğu sabit olması.

g) Lehine karar verilen tarafın, karara esas alınan yemini yalan yere ettiğinin, ikrar veya yazılı delille sabit olması.

ğ) Karara esas alınan bir hükmün, kesinleşmiş başka bir hükümle ortadan kalkmış olması.

h) Lehine karar verilen tarafın, karara tesir eden hileli bir davranışta bulunmuş olması.

ı) Bir dava sonunda verilen hükmün kesinleşmesinden sonra tarafları, konusu ve sebebi aynı olan ikinci davada, öncekine aykırı bir hüküm verilmiş ve bu hükmün de kesinleşmiş olması.

i) Kararın, İnsan Haklarını ve Ana Hürriyetleri Korumaya Dair Sözleşmenin veya eki protokollerin ihlali suretiyle verildiğinin, Avrupa İnsan Hakları Mahkemesinin kesinleşmiş kararıyla tespit edilmiş olması.

- Eski Hukuk Usulü Muhakemeleri Kanunu

Madde 270 - Şahit Türkçe bilmezse tercümanla isticvap olunur. Sağır ve dilsiz olan şahit yazmak ve okumak bilirse sualler kendisine tahriren bildirilir ve cevapları yazdırılır. Yazmak ve okumak bilmediği takdirde hakim kendisini işaretli mahsusasını anlayacak ehli-vukuf marifetiyle isticvap eder.

4 - NOTERLİK KANUNU

Yasaklılık: Madde 76 – Noter, tanık, tercüman ve bilirkişiler aşağıdaki hallerde noterlik işlemine katılamazlar:

1. Kendisi bizzat ilgili ise veya bir ilgili onun vekili olarak hareket ediyorsa,
2. Aralarında evlilik birliği kalmamış olsa bile ilgililerden birinin karı veya kocası ise,
3. İlgililerden biri ile aralarında sıhri dahi olsa usul veya furu veya kan hısımlığında üçüncü, sıhri hısımlıkta ikinci derecede (Bu dereceler dahil) civar hısımlığı veyahut evlat edinme ilişkisi varsa,

4. İlgililerden biri noterin katip veya hizmetlisi ise,
5. İlgililerden biri aralarında iki, üç ve dördüncü numaralarda yazılı ilişki bulunan bir şahsın vekili olarak hareket ediyorsa,
6. Noterlik işlemi, kendi yararına veya aralarında iki, üç ve dördüncü numaralarda yazılı ilişkiler bulunan bir kimse yararına bir tasarrufu kapsıyorsa.

5-NOTERLİK KANUNU YÖNETMELİĞİ

Noterlik Kanunu Yönetmeliği, noterlik hizmetlerinde kullanılacak tercümanların kaydı, yemini ile ilgili düzenlemede bulunmaktadır. Yönetmeliğin ilgili maddesi aşağıdadır.

Madde 96- Belgelerin bir dilden diğer dile veya bir yazıdan başka bir yazıya çevrilmesine ve noterlikçe onaylanmasına çevirme işlemi denir. Noterin, çevirmeyi yapanın o dili veya yazıyı doğru olarak bildiğine, diplomasına veya diğer belgelerini görerek veya diğer yollarla ve hiçbir tereddüde yer kalmayacak şekilde kanaat getirmesi gerekir. Noterlik Kanununun 75.maddesinin son fıkrası gereğince noter tercümana Hukuk Yargılama Usulü Kanununa göre ant içirir. Bunun bir tutanakla belgelendirilmesi zorunludur. Bu tutanakta tercümanın adı, soyadı, doğum tarihi, iş adresi, ev adresi, tahsil derecesi, hangi dil veya dilleri, hangi yazıyı bildiği, noterin çevirenin bu dil ve dilleri veya yazıyı bildiğine ne suretle kanı sahibi olduğu, yemin biçimi ve tutanağın tarihini gösterir. Tutanağın altı noter ve tercüman tarafından imzalanır. Kendisine çevirme yaptırılan kimselerin yemin tutanakları noterlik dairesinde özel bir kartonda saklanır. Noter, kartonunda yemin tutanağı bulunmayan bir kimseye çevirme yaptıramaz. 2013 yılından önce çevirmenlik mesleğinin standartları ve çalışma koşulları, bulunmamaktaydı. Ancak Başbakanlık İdareyi Geliştirme Başkanlığınca 2011 yılında yayınlanan Çevirmenlik raporu neticesinde Mesleki Yeterlilik Kurumu harekete geçmiş ve mesleğin standartlarının oluşturulması doğrultusunda çalışmalar gerçekleştirmiştir. Yapılan çalışmalar neticesinde 29.01.2013 tarih ve 28543 Sayılı Mükerrer Resmi Gazete ekinde Çevirmen (Seviye 6) Ulusal Meslek Standardı yayınlanmıştır. Ancak bu önemli gelişmeye rağmen çevirmenlik mesleğinin örgütlenmesi, hakları ve ücretlendirme koşullarıyla ilgili ülkemizde hala yasal bir düzenlemenin olmadığı görülmektedir. Mesleğin yasal bir mevzuatının olması yönünde son dönemde 2015 yılı Haziran ayı itibari ile Türkiye’de 15 bölge 52 ilde örgütlenmesini tamamlayan TURÇEF tarafından meclise sunulmak üzere bir kanun teklifinin hazırlandığı bilinmektedir.

6-ÇEVİRMEN (SEVİYE 6) ULUSAL MESLEK STANDARDI

“Terimler, Simgeler ve Kısaltmalar Alımlama: İçeriğin, alıcının düşünsel ve kültürel arka planına bağlı olarak algılanma ve kavranma sürecini,

Ardıl Çeviri: Sözlü bir iletinin konuşmacıdan sonra bölümler halinde erek (hedef) dile aktarılmasını (telefonda çeviri, eşlik çevirisi, toplum çevirmeliği – sağlık, mahkeme, afet ve acil durumlar dâhil- vb.),

Çeviri Belleği: Yazılı çeviri faaliyetlerinde yararlanmak üzere elektronik ortamda, özel yazılımlarla çeviri birimleri halinde erek (hedef) dil ve kaynak dil eşleşmelerinden oluşan veri tabanını,

Çoklu Ortam Çevirisi: Dilsel, görsel, işitsel içerikten ve hareketli görüntülerden (alt yazı, dublaj ve üstün konuşma gibi) oluşan metinlerin çevirisini,

Dil Düzlemi: Kullanım bağlamları ve farklı toplumsal konumlara göre yapılaşmış, kabul gören dil düzeylerini,

FSEK: Fikir ve Sanat Eserleri Kanununu,

Görsel Özellikler: Metnin sayfa yapısı, düzeni, şekil, düzenleme grafik, varsa tablolar gibi özelliklerini,

Hizmet Talep Eden: İş tanımını yapmak için muhatap konumundaki bir veya birden fazla kişiyi ya da kurumu,

ISCO: Uluslararası Standart Meslek Sınıflamasını,

İSG: İş Sağlığı ve Güvenliğini, İş Tanımı: İşin süresi, iş hacmi, kaynak dil ve erek (hedef) dil, uzmanlık alanı, çevirinin amacı, formatı, yeri, gerekli teknik donanım ve ortamı ve bütçelemesiyle ilgili iş bilgilerini,

İşaret Dili: İşitme engellilerce kullanılan, iletişimin el, parmak, mimik ve kol hareketleri ile sağlandığı sistematik dili,

Koşut Metin: Kaynak metnin incelenmesinde ve erek (hedef) metnin oluşturulmasında başvurulabilecek benzer özellikteki diğer metinleri,

Metinlerarasılık: Yazın metinlerinde çeşitli eserler arasındaki göndermeler ve bağlamsal etkileşimleri,

Özel Alan Çevirisi: Belli bir uzmanlık alanında özel konu bilgisi gerektiren yazılı metinlerin çevirisini,

Simultane Çeviri: Sözlü bir iletinin konuşmacı ile eş zamanlı olarak ve uygun teknik donanımdan yararlanılarak erek (hedef) dile aktarılmasını (fısıltı çevirisi, yazılı metinden 27 bakarak çeviri, televizyonda/radyoda çeviri, uzaktan çeviri, bidülle çeviri, konferans, visiokonferans, telekonferans vb.),

Yazın Çevirisi: İlim ve edebiyat eserleri çevirisini,

Yerelleştirme: Erek (hedef) dil ve kültüre uyarlama amacı ile bilgi teknolojilerinin yardımıyla bilgisayar yazılımları, ağ sayfaları, bilgisayar oyunları gibi içeriklerin çevirisini,

Söylem Çözümlemesi: Bir sözlü iletide konuşmacının kullandığı strateji, üslup, vurgu, ses tonu, beden dili, dil düzlemi, açık ve örtük içerik ve sezdirimlerin bağlam ve ortama göre çözümlenmesini,

Terimce: Metinlerde kullanılan terimlerin listesini ifade eder”.

1. Giriş

“Çevirmen (Seviye 6) ulusal meslek standardı, 5544 sayılı Mesleki Yeterlilik Kurumu (MYK) Kanununun 21. maddesi (Değişik: 11/10/2011 – KHK – 665/38 md.) hükümlerine göre MYK’nın oluşturduğu çalışma grubu tarafından hazırlanmıştır. Çevirmen (Seviye 6) ulusal meslek standardı, sektördeki ilgili kurum ve kuruluşların görüşleri alınarak değerlendirilmiş, MYK Medya, İletişim ve Yayıncılık Sektör Komitesi tarafından incelendikten sonra MYK Yönetim Kurulunca onaylanmıştır”.

2. Meslek Tanıtımı

2.1. Meslek Tanımı

“Çevirmen (Seviye 6), ilgili mevzuat ve/veya sözleşme, İSG önlemleri, kalite standartları ve hizmet prosedürleri çerçevesinde çeviri süreçlerinin iş organizasyonu ile hazırlık faaliyetlerini gerçekleştiren; sözlü çeviri, işaret dili çevirisi ve/veya yazılı çeviri faaliyetlerini yürüten ve bireysel mesleki gelişimini sağlayan nitelikli kişidir. Çevirmen (Seviye 6), yazılı çeviri hizmetlerinin sunulduğu durumlarda, bir dildeki çeşitli nitelikte belgelerin, fikir ve sanat eserlerinin, çeşitli medya ve çoklu ortam materyalleri içeriğinin, bir erek (hedef) dile aktarılması ve yerelleştirilmesi çalışmalarını; sözlü çeviri

hizmetlerinin sunulduğu durumlarda, farklı dili/dilleri konuşan katılımcıların bulunduğu toplantı, konferans gibi ortamlarda ve görüşmelerde katılımcılar arasında, bir dildeki sözlü iletilerin ardıl veya simültane olarak erek (hedef) dile/dillere aktarılması faaliyetlerini; işaret 28 dilinin kullanıldığı ortamlarda, bu dilde iletilenleri sesli dile, sesli veya yazılı bir dille ifade edilen içeriği de işaret diline çevirmeye yönelik faaliyetleri yürütür. Çevirmen (Seviye 6), çeviri sürecinde üstlendiği bölümün uygulama ve yönetiminden sorumludur. Bu kapsamda işin niteliğine göre bazı durumlarda ekip çalışmasının aktif bir üyesi olarak çalışır”.

2.2. Mesleğin Uluslararası Sınıflandırma Sistemlerindeki Yeri

ISCO 08: 2643 (Çevirmenler (Yazılı ve Sözlü) ve Diğer Dil Bilimciler)

2.3. Sağlık, Güvenlik ve Çevre ile ilgili Düzenlemeler

2872 sayılı Çevre Kanunu

5510 sayılı Sosyal Sigortalar ve Genel Sağlık Sigortası Kanunu

6331 sayılı İş Sağlığı ve Güvenliği Kanunu İlk Yardım Yönetmeliği

Ayrıca; İSG ve çevre ile ilgili yürürlükte olan kanun, tüzük ve yönetmeliklere uyulması ve konu ile ilgili risk değerlendirmesi yapılması esastır.

2.4. Meslek ile İlgili Diğer Mevzuat

1512 sayılı Noterlik Kanunu

4077 sayılı Tüketicinin Korunması Hakkında Kanun

4734 sayılı Kamu İhale Kanunu

4857 sayılı İş Kanunu

492 sayılı Harçlar kanunu

5187 sayılı Basın Kanunu

5237 sayılı Türk Ceza Kanunu

5271 sayılı Ceza Muhakemesi Kanunu

5362 sayılı Esnaf ve Sanatkârlar Meslek Kuruluşları Kanunu

5378 sayılı Özürlüler ve Bazı Kanun ve Kanun Hükmünde Kararnamelerde Değişiklik Yapılması Hakkında Kanun

5846 sayılı Fikir ve Sanat Eserleri Kanunu

6100 sayılı Hukuk Muhakemeleri Kanunu

657 sayılı Devlet Memurları Kanunu Noterlik Kanunu Yönetmeliği

Ayrıca; meslek ile ilgili yürürlükte olan kanun, tüzük, yönetmelik ve diğer mevzuata uyulması esastır.

2.5. Çalışma Ortamı ve Koşulları

“Çevirmen (Seviye 6), çeviri hizmeti sunan işletmelerde, kamu kurum ve kuruluşlarında veya bireysel olarak çalışır. Çalışma ortamı, genellikle bu kurum/kuruluş ve işletmelerin büro, toplantı mekânları, kongre salonları, sahalar veya çevirmenlerin kişisel çalışma ortamlarıdır. Yazılı çeviride çalışma ortamının, havalandırma-ısıtma-soğutma sistemlerini içeren, yeterli aydınlatma sistemine sahip, ergonomik ofis araç ve gereçleri ile donatılmış, gerekli iletişim imkânlarını sunan alt yapıya sahip (internet bağlantısı, telefon, faks vb.) özellikte olması gerekir. Ardıl çeviri yapan çevirmen, çalışma ortamında konuşmacıyı rahat duyabileceği bir konumda bulunmalı; simültane çeviride ise çalışma ortamı, ilgili TSE standartlarına uygun olmalıdır. Çevirmen (Seviye 6), sahada yapılan sözlü çeviri faaliyetlerinde, iş sağlığı ve güvenliğini tehlikeye atacak eylem ve ortamlardan uzak durur ve yetkililerden gerekli koruyucu önlemleri almasını talep eder. Çeviri çalışmalarında, genel olarak analitik inceleme, konsantrasyon, araştırma ve bilgi edinme ve iletişim yoğunluklu faaliyetler söz konusudur. Bu tarz çalışmaya bağlı olarak yoğun bilgi iletişim teknolojisi araçları kullanılmaktadır. Çeviri süreçlerinin yönetimi iş yoğunluğuna ve süreçte ortaya çıkan güçlüklerin çözümlerine göre esnek çalışma saatlerini gerekli kılar. Sözlü çeviride, ISO/TSE standartları ve Avrupa Birliği normlarında belirtilen azami çalışma süreleri ve koşullarına riayet edilmelidir”.

3. Meslek Profili

3.1 Görevler, İşlemler ve Başarım Ölçütleri

Görevler		İşlemler		Başarım Ölçütleri	
Kod	Adı	Kod	Adı	Kod	Açıklama
A		A.1	Güvenli çalışma ve kişisel güvenlik yöntemlerini takip etmek	A.1.1	Araç, gereç ve donanımları talimatlara ve işyeri prosedürlerine uygun olarak kullanır.
				A.1.2	İşyerinde meydana gelen kaza, yaralanma vb. olumsuz durumlarda ilkyardım bilgisine başvurur.
				A.1.3	Çalışma ortamının tehlikelerden uzak tutulmasına katkı sağlar.
				A.1.4	İşyeri faaliyetlerinden kaynaklanan ve iş sağlığını tehlikeye düşürebiyecek durumlara karşı ilgili mevzuata ve standartlara göre gerekli önlemlerin alınmasını sağlar.
	İSG ve çevre koruma ile ilgili önlemleri almak	A.2	Riskleri değerlendirmek	A.2.1	Riskleri kontrol etmek için işyeri prosedürlerini takip eder.
				A.2.2	Karşılaştığı risk etmenlerini veya karşılaşılabileceği olası riskleri belirleyerek raporlar.
				A.3.1	Acil durumlarda çıkış veya kaçış prosedürlerine uygun hareket eder.
	A.3	Acil durum prosedürlerini uygulamak	A.3.2	Acil çıkış veya kaçış ile ilgili periyodik eğitimlere, çalışmalara ve tatbikatlara katkı sağlar.	
			A.4.1	Enerji, sarf malzemeleri vb. kaynakları tasarruflu ve verimli bir şekilde kullanır.	
	A.4	Çevre koruma standart ve yöntemlerini uygulamak	A.4.2	Çalıştığı alanda ortaya çıkan çevresel atıkların ve dönüştürülebilir malzemelerin doğru yere iletilmesini sağlar.	
			A.4.3	Çevre kalitesinin korunması ve iyileştirilmesine yönelik yapılan eğitimlere veya çalışmalara katkı sağlar.	

Görevler		İşlemler		Başarım Ölçütleri	
Kod	Adı	Kod	Adı	Kod	Açıklama
B	İş organizasyonu yapmak (devamı var)	B.1	Tanıtım faaliyetleri yürütmek	B.1.1	Mesleki niteliklerini ve hizmetlerini gösteren tanıtım dokümanlarını (CV, tanıtım dosyası vb.) hazırlar.
				B.1.2	Tanıtım dokümanlarının bilgi iletişim teknolojileri aracılığıyla görünürlüğünü sağlar.
				B.2.1	Hizmeti talep edenden yazılı olarak süreç, amaç, teslim tarihi, çevrilecek içerik ile ilgili bilgilerle birlikte iş tamamını alır.
		B.2	Çeviri talebini şekillendirmek	B.2.2	Etik, yasal veya kendi mesleki yeterlilikleri nedenleriyle işi kabul edip etmeyeceğini gerekeçli olarak belirler.
				B.2.3	Bildirilen talep ve koşullara göre işin ön tanımını, işi talep eden ile birlikte oluşturur.
				B.3.1	Hizmet talep edenin talebine göre, sözlü/yazılı kapsamlı iş tanımını ve hizmet koşullarını (fiyat, süre, amaç, ödeme koşulları, hukuki konular, işin niteliği vb.) belirler.
		B.3	Çeviri teklifi hazırlamak ⁷	B.3.2	Belirlediği iş tanımı ve koşulları ile vereceği hizmete göre teklif metnini/dosyasını, formatına uygun şekilde hazırlar.
				B.4.1	Hizmeti talep edenin çeviri hizmetine ilişkin özel koşullar, hukuki haklar, işlevler, kalite standartları, teslim/hizmet zamanı ve teslim şekli gibi şartlar ile hizmet kalitesini güvence altına almak için gerekli gördüğü ilave şartları belirler.
		B.4	Çeviri sözleşmesi yapmak	B.4.2	Çeviri hizmetiyile ilgili belirlediği şartlara ilişkin hizmeti talep eden ile yazılı mutabakata varır.
				B.4.3	Belirlenen hizmet şartlarını ve yasal koşulları içeren sözleşme metnini hukuki formatına uygun şekilde hazırlayarak, imza ve onay işlemlerini tamamlar.
				B.5.1	Yazılı veya sözlü çeviri konusuna ilişkin kaynak metin ve/veya çeviri hizmetine destek olacak malzeme(yi) (koşut metin, alan sözlükleri, bellekler vb.) ilgili kaynaklardan temin eder.
		B.5	Kaynak metni ve yardımcı malzemeleri temin etmek	B.5.2	Temin ettiği dokümanları kullanıma uygun hale getirir.

Görevler		İşlemler		Başarım Ölçütleri	
Kod	Adı	Kod	Adı	Kod	Açıklama
B	İş organizasyonu yapmak (devamı var)	B.6	İş programı yapmak	B.6.1	Kabul ettiği çeviri işinin kapsamını, koşullarını değerlendirdir.
				B.6.2	Yaptığı değerlendirmelere göre işin, zaman, aşamalar ve malzeme olarak planını hazırlar.
				B.6.3	Yaptığı planlamaya ve gerekliliklere göre konaklama ulaşım vb. organizasyonlar yapar.
	B.7	Arşiv işlemlerini yürütmek	B.7.1	Yaptığı çevirilerin ve ilgili içeriğin arşivleme sistemini oluşturur.	
			B.7.2	Yaptığı çevirileri ve ilgili içeriği oluşturduğu veya kullandığı sisteme göre dosyalar.	
	B.8	Çeviri süreçlerinde bilgi güvenliği önlemleri almak	B.8.1	Çeviri kayıtlarının yedeklerini alır.	
			B.8.2	Çeviri süreçlerinde bilgi güvenliği ile hizmeti talep eden hakları ve gizliliğe yönelik önlemleri, yasal kurallara göre uygular.	
	B.9	Mali prosedürleri yürütmek ⁶	B.9.1	Yaptığı işlerin faturalandırılmasını ve vergilendirilmesinin yasalara uygun olarak gerçekleştirilmesini sağlar.	
			B.9.2	Yaptığı işlerin tahsilât ile ilgili belgeleri yasalara uygun olarak düzenler.	
			B.9.3	Yaptığı işlerin muhasebe kayıtlarının yasalara uygun olarak tutulmasını ve muhafaza edilmesini sağlar.	

Görevler	İşlemler		Başarım Ölçütleri	
	Kod	Adı	Kod	Açıklama
B	İş organizasyonu yapmak	B.10	B.10.1	Çeviri belleğindeki mükerrer kayıtları giderir.
			B.10.2	Terminolojik değişimlere ve içeriksel benzeşmelere göre belgeyi temiz tutacak şekilde güncelleme ve iyileştirmeler yapar.
			B.10.3	Çeviri belleginin, içeriye alma (import) ve dışarıya verme (eksport) işlemi ile kullanım alanının genişliğini sağlar.
			B.10.4	Hizmet talep edene ait bir çeviri bellegi kullanıyorsa, söz konusu belgeyi gizlilik sözleşmesine uygun bir biçimde kullanır.



Görevler	İşlemler		Başarım Ölçütleri	
	Kod	Adı	Kod	Açıklama
B İş organizasyonu yapmak	B.10	Çeviri belleğinin bakımını yapmak	B.10.1	Çeviri belleğindeki mükerrem kayıtları giderir.
			B.10.2	Terminolojik değişimlere ve içeriksel benzeşmelere göre belgeyi temiz tutacak şekilde güncelleme ve iyileştirmeler yapar.
			B.10.3	Çeviri belleğinin; içeriğe alma (import) ve dışarıya verme (eksport) işlemi ile kullanım alanının genişliğini sağlar.
			B.10.4	Hizmet talep edene ait bir çeviri bellegi kullanıyorsa, söz konusu bellegi gizlilik sözleşmesine uygun bir biçimde kullanır.



Görevler	İşlemler		Başarım Ölçütleri	
	Kod	Adı	Kod	Açıklama
C	C.1	Kaynak metin çözümlemesi yapmak ⁹	C.1.1	Metnin çeviriye dönük değerlendirilmesini talebe, metin türü, bağlamsal, yapısal ve görsel özelliklere göre yapar.
			C.1.2	Dil kullanımını (terim, söylem, dil düzeyi vb.) açısından metni değerlendirir.
			C.1.3	Kaynak metnin çevrilebilirliğini ve dil düzeyi açısından yeterliliğini değerlendirir.
			C.1.4	Kullanılan dil düzeyine ilişkin yetersizliklerin, metinsellik ölçütlerine göre giderilmesini sağlar.
			C.1.5	Kaynak metinde anlaşılmayan noktalarla ilgili olarak gerektiğinde, kaynak metin yazarı ile iletişime geçer.
			C.2.1	Kaynak içeriğin ait olduğu alana, arka plan bilgilerine ve terimeye ilişkin bilgi ihtiyacını ve kaynakları belirleyerek bilgi ihtiyacını giderir.
	C.2	Çeviri için araştırma yapmak	C.2.2	Kaynak içeriğe ait konu, alan ve arka plan bilgilerini çeviri amaçlarına göre inceler.
			C.2.3	Kaynak içeriğindeki terimlerin erek (hedef) dildeki karşılıklarını belirler.
			C.2.4	Yazın çevirisinde yazarı ve eseri metinlerarasılık ve üslup açısından inceler.
			C.2.5	Sözlü çeviride, konuşmacının/konuşmacıların kültürel, sosyal, politik vb. özelliklerini araştırır.
			C.2.6	Benzer çevirileri çeviri sorunlarını çözme kararları açısından inceler.

Görevler		İşlemler		Başarım Ölçütleri	
Kod	Adı	Kod	Adı	Kod	Açıklama
C	Çeviri öncesi hazırlık yapmak	C.3	Çeviri stratejisini belirlemek	C.3.1	Çevirinin işlevini ve erek metni oluşturma yöntemini, çevrilecek olan içeriğin dil dışı öğelerle ilişkisi ve erek metnin taşıyacağı özelliklere bakarak belirler.
				C.3.2	Hedef kitleye uygun dili seçer.
		C.4	Çalışma ortamını ve koşullarını hazırlamak	C.4.1	Simültane çeviri yapılacak ortamın kabin ve ses donanımlarının standartlara uygunluğunu kontrol eder.
				C.4.2	Ardıl çeviride, çevirmen için öngörülen yerin konuşmacıyı net şekilde duymasını, konuşmacıyla uygun iletişim konumunda olup olmadığını kontrol eder.
				C.4.3	Sözlü çeviride konuşmacı ve toplantı sorumlusuyla, süreç ile ilgili tercihler, çeviri ve konuşma akışı açılarından eşgüdüm sağlar.
				C.4.4	Simültane çeviride çeviri ekibi ve ekip şefiyle konuşma metninin temini, çeviri hacmine göre işbölümü, iletişim ve ortam düzenlemeleri açılarından eşgüdüm sağlar.
				C.4.5	Yazılı çeviri yapacağı teknik donanım ve yazılımların işlevliliğini kontrol ederek çeviri sürecinde kullanıma uygun hale getirmesini sağlar.
C.4.6	Yazılı çeviri sürecinde işi veren taraftan görevliler ile eşgüdüm sağlar.				
C.4.7	Yazılı çeviri sürecinde kullanacağı başyuru kaynaklarının çalışma ortamında erişime hazır olup olmadığını kontrol eder.				

Görevler	İşlemler		Başarım Ölçütleri	
	Kod	Adı	Kod	Açıklama
E Yazılı çeviri yapmak (devamı var)	E.1	Özel alan çevirisi yapmak	E.1.1	Kaynak metni, talep, metin özellikleri, alımlama koşulları, kullanılan terimce ve alan diline uygun olarak erek (hedef) dile aktarır.
			E.1.2	Çeviri metnini, kaynak metinden bağımsız şekilde, erek (hedef) dil açısından kontrol eder.
			E.1.3	Çeviri işinin ait olduğu özel alanla ilgili bir uzman ile erek (hedef) metnin terimsel ve dilsel açıdan kontrolü için işbirliği kurar.
	E.2	Yazın çevirisi yapmak	E.2.1	Kaynak metni, yazınsal özelliklerine ve alımlama koşullarına uygun olarak erek (hedef) dile aktarır.
			E.2.2	Çeviri metni, kaynak metinden bağımsız olarak erek (hedef) dilin kullanım normlarına uygunluğu açısından kontrol eder.
			E.2.3	Çeviri işinin ait olduğu alt tür ve geleneğe uygunluğunu yayına hazırlayan ilgili kişilerle birlikte sağlar.
			E.2.4	Yayın sürecinde, yayına hazırlayan (editör) ve düzeltmen (redaktör) gibi işin diğer aktörleriyle, FSEK' in ve telif sözleşmesinin maddelerine uygun şekilde eşgüdüm sağlar.
			E.2.5	Çevirisi üzerinde, hizmet talep eden taraftan gelebilecek değişiklik taleplerini değerlendirerek değişiklik kabul etmediği yerlerde çeviri kararlarını gerçekleştirir.
	E.3	Çoklu ortam çevirisi yapmak (devamı var)	E.3.1	Kaynak içeriği talep, metnin görsel, işitsel ve ortamsal özellikleri, alımlama koşulları, kullanılan terimce ve alan dili gibi öğelere uygun olarak erek (hedef) dile aktarır.
			E.3.2	Erek (hedef) metnin, dilsel, biçimsel, anlamsal özellikler açısından iç tutarlılığını sağlar.



Görevler	İşlemler		Başarım Ölçütleri	
	Kod	Adı	Kod	Açıklama
E Yazılı çeviri yapmak	E.3	Çoklu ortam çevirisi yapmak	E.3.3	Çeviri işinin ait olduğu özel alanla ilgili bir uzman ile erek (hedef) metnin terimsel ve dilsel açıdan uygunluğunu sağlamak üzere işbirliği kurar.
			E.3.4	Çeviri işinin ait olduğu alt tür ve geleceğe uygunluğunu yayına hazırlayan ilgili kişilerle birlikte sağlar.
	E.4	Yerelleştirme yapmak	E.4.1	Kaynak içeriği talep, içeriğin özellikleri, alımama koşulları, kullanılan terimce ve alan dili ile yerel kullanıma uygun olarak (varsa yazılım kodları ve değişkenleri dikkate alıp) ilgili yazılımları kullanarak erek (hedef) dile aktarır.
			E.4.2	Yazılımın çevirisinin test edilmesi aşamasında içeriği, metinsel bütünlüğe ilişkin işlerlik ve görsellik açısından kontrol eder.
	E.4.3		Test edilen içeriğin, metinsel bütünlüğe ilişkin işlerlik ve görsellik sorunlarını giderir.	



Görevler		İşlemler		Başarım Ölçütleri	
Kod	Adı	Kod	Adı	Kod	Açıklama
F	Çeviri hizmeti ile ilgili kalite faaliyetlerini yürütmek	F.1	Hizmet talep eden kişi ve kuruluşlarla ilişkileri yönetmek	F.1.1	Olası ve mevcut müşterilere ilişkin bilgileri derleyerek, bir müşteri portföyü oluşturur.
				F.1.2	Hizmet talep eden kişi ve kuruluşlarla ilişki sürecini, hizmet öncesi, hizmet/çeviri süreci ve sonrası aşamalarını içerecek şekilde tasarlar.
				F.1.3	Hizmet talep eden kişi ve kuruluşlarla ilişkilerini oluşturduğu portföy ve tasarladığı aşamalar kapsamında yürütür.
				F.1.4	Hizmeti talep edenin memnuniyeti ve beklentilerini belirlemeye yönelik inceleme, değerlendirme çalışmaları yapar.
				F.1.5	Simülane ve ardil çeviri hizmetlerinde hizmeti talep edeni, sunulacak hizmetin kapsamı, içeriği ve yöntemi konusunda bilgilendirir.
		F.2.1	Çeviri iş süreçlerinin hizmet öncesi, hizmet/çeviri süreci ve sonrası olarak izlenebilir ve değerlendirilebilir şekilde akışını oluşturur.		
		F.2.2	Çeviri iş süreçlerini, oluşturduğu akışa göre kayıt altına alır.		
		F.2.3	Yapılan çevirimin kalitesini çevirimin türüne, yöntemine, akışa ve sözleşmeye göre kontrol eder.		
		F.2.4	Simülane ve ardil çeviride yaptığı iş hakkında meslektaşından geri bildirim alır.		
		F.2.5	Yazılı çeviride işi talep edenden geri bildirim alır.		



Görevler		İşlemler		Başarım Ölçütleri	
Kod	Adı	Kod	Adı	Kod	Açıklama
G	Mesleki gelişim faaliyetlerinde bulunmak	G.1	Bireysel mesleki gelişimini sağlamak	G.1.1	İlgili kuruluşlar tarafından mesleki konulara ilişkin eğitim etkinlikleri hakkında bilgilendirilerek kişisel eğitim ihtiyaçlarını belirler.
				G.1.2	Meslek ve sektördeki gelişmeleri ilgili kaynaklardan izleyerek çalışmalarına yansıtir.
				G.1.3	Görevleriyle ilgili mevzuat ve norm değişikliklerini ilgili kaynaklardan izleyerek çalışmalarına yansıtir.
		G.1.4	Kişisel kariyer hedeflerine göre kısa ve uzun dönemli mesleki gelişimini planlayarak uygular.		
		G.2	Meslek içi eğitime katkıda bulunmak	G.2.1	Çalışma yöntemi ve deneyimleri hakkında meslektaşları ile bilgi paylaşımında bulunur.
				G.2.2	Meslektaşlarının talebi halinde yapılan çevirilere, mesleki ilke ve konulara yönelik çözümleyici geri bildirimlerde bulunur.

3.1. Kullanılan Araç, Gereç ve Ekipman

1. Ardıl çeviride mikrofon ve bloknot
2. Bilgisayar destekli çeviri araçları
3. Bilgisayar ve donanımları (yazıcı, tarayıcı, harici bellek vb.)
4. Elektronik ve/veya basılı sözlük
5. İletişim araçları (telefon, görüntülü telefon, tele-konferans sistemleri, telsiz, faks, teleks, kablosuz internet erişim cihazları vb.)
6. Kaynak ve uygulama dokümanları (genel formlar, prosedürler, iş talimatları vb.)
7. Kırtasiye malzemeleri (kâğıt, kalem, delgeç, tel zımba vb.)
8. Ofis araçları (fotokopi makinesi, projeksiyon cihazı, evrak imha cihazı, hesap makinesi, kilit sistemi içeren evrak dolabı vb.)
9. Optik/dijital kaydetme ve görüntüleme cihazları (web cam, fotoğraf makinesi, video kamera, CD, VCD, DVD, Blu-ray disk okuyucuları vb.)
10. Simültane çeviri cihaz ve donanımları

3.2. Bilgi ve Beceriler

1. Araştırma yöntemleri bilgi ve becerisi
2. Ardıl çeviri teknikleri bilgi ve uygulama becerisi
3. Bilgi iletişim teknolojisi araçlarını kullanma bilgi ve becerisi
4. Bilgisayar destekli çeviri araçlarını kullanma bilgi ve becerisi
5. Bilgiye erişim ve kaynak kullanma becerisi
6. Çalışma dilleri (işaret dili dâhil) kapsamında genel kültür bilgisi
7. Çalışma dillerine simültane çeviri ve ardıl çeviriyi yapabilecek seviyede hakim olma becerisi
8. Çalışma dillerini (işaret dili dâhil) özel alanı ve dil düzlemlerini de kapsayacak şekilde etkili kullanma becerisi
9. Çeviri belleği oluşturma ve yönetme bilgi ve becerisi
10. Çeviri hizmetlerine ilişkin ulusal ve uluslararası standartlar ve mevzuat bilgisi
11. Çeviri süreçleri ile ilgili teknik terimler bilgisi
12. Çeviri yaptığı konularda özel alan ve terminoloji bilgisi
13. Çoklu ortam içeriğini yorumlama bilgi ve becerisi

14. Çözümleme yapma becerisi
15. Dikkat ve konsantrasyon becerisi
16. Ekip içinde çalışma becerisi
17. Görsel malzemeyi yorumlama bilgi ve becerisi
18. İletişim bilgi ve becerisi
19. Kalite yönetimi bilgisi
20. Kayıt tutma ve raporlama becerisi
21. Konferans çevirmenliği alanında simültane çeviri teknikleri bilgi ve uygulama becerisi
22. Kriz ve çatışma yönetimi bilgi ve becerisi
23. Kültürler arası iletişim bilgi ve becerisi
24. Meslek ile ilgili İSG ve çevre koruma bilgisi
25. Meslek ile ilgili mali işlem prosedürleri bilgisi
26. Metin söylem çözümleme yöntemleri bilgi ve uygulama becerisi
27. Planlama ve organizasyon becerisi
28. Sorun çözme bilgi ve becerisi
29. Sözlü çeviride konuşma, diksiyon ve hitabet bilgi ve becerisi
30. Sözlü çeviride not tutma teknikleri bilgi ve uygulama becerisi
31. Sözlü çeviride protokol ve görgü kuralları bilgisi
32. Sözlü çeviride tüm aktif dillerinde ileri seviyede sözlü ifade becerisi
33. Stres altında çalışabilme becerisi
34. Tanıtım dosyası ve mesleki özgeçmiş/CV hazırlama bilgi ve becerisi
35. Temel fiyatlandırma bilgisi
36. Terminoloji çıkartma ve terminoloji yönetimi araçlarını kullanma bilgi ve becerisi
37. Yerelleştirme çevirilerinde özel yazılımlar kullanma bilgi ve becerisi
38. Zaman yönetimi bilgi ve becerisi

3.3. Tutum ve Davranışlar

1. Çalışma ortamında düzenli olmak
2. Çalışma ortamında İSG ve çevre koruma kurallarının uygulanmasına özen göstermek
3. Çalışma zamanını işe uygun şekilde etkili ve verimli kullanmak
4. Çalışmalarında planlı ve organize olmak
5. Çeviri süreçlerinde dikkatli gözlem ve çözümlene yapmak
6. Çeviri süreçlerinde hizmeti talep eden, teknik süreç ve kalite odaklı çalışmak
7. Çeviri süreçlerinde risklere karşı öngörülü ve hazırlıklı olmak
8. Çeviri süreçlerinde uyarı ve eleştirilere açık olmak
9. Çeviri süreçlerinin yönetiminde hızlı ve pratik davranmak
10. Çeviri süreçlerinin yönetiminde teknik, mali ve hukuki detaylara ve kurallara özen göstermek
11. Çeviri süreçlerinin yönetiminde, yetki sınırları içinde, etkili ve hızlı inisiyatif kullanmak
12. Fikri mülk özelliği taşıyan basılı çevirilerde (sözlü çevirilerden elde edilmiş yazılı metinler dâhil) çevirmen olarak maddi haklar ve bu ürünlerde adının görünür biçimde yer alması konusunda duyarlı olmak
13. İş disiplinine ve işyeri çalışma prensiplerine uymak
14. İş için doğru kişilerden, zamanında ve doğru bilgiyi almak ve aktarmak
15. İşaret dili çevirilerinde çeviriyi engelleyecek kıyafetlerin kullanımından kaçınmak
16. Kaynakların verimli kullanılmasına özen göstermek
17. Konferans çevirmenliği alanında ilgili AB normlarına ve uluslararası normlara uygun çalışmak
18. Mesleğine ilişkin gizlilik ilkesine uymak
19. Mesleğine ilişkin konulara yönelik yaşam boyu öğrenmeyi gerçekleştirmek
20. Mesleğine ilişkin yeniliklere ve yeni fikirlere açık olmak
21. Meslek adabına ve etik ilkelerine uygun davranmak
22. Saha (afet, acil durum bölgesi vb.) faaliyetlerinde İSG önlemleri almak
23. Ulusal ve uluslararası gündemi takip etmek

24. Ulusal ve uluslararası kalite standartları, mevzuat ve normlara uygun çalışmak

4. Ölçme, Değerlendirme ve Belgelendirme

“Çevirmen (Seviye 6) meslek standardını esas alan ulusal yeterliliklere göre belgelendirme amacıyla yapılacak ölçme ve değerlendirme, gerekli çalışma şartların sağlandığı ölçme ve değerlendirme merkezlerinde yazılı ve/veya sözlü teorik ve uygulamalı olarak gerçekleştirilecektir”.

“Ölçme ve değerlendirme yöntemi ile uygulama esasları bu meslek standardına göre hazırlanacak ulusal yeterliliklerde detaylandırılır. Ölçme ve değerlendirme ile belgelendirmeye ilişkin işlemler Mesleki Yeterlilik, Sınav ve Belgelendirme Yönetmeliği çerçevesinde yürütülür”.

Annex K (Continued) – Translations of the Relevant Legislation

-Law on Court Experts

Admission to Legal Expertise, Registry and List of Legal Expertise

Conditions for being admitted as a legal expert

Article 10 – (1) The following conditions shall be fulfilled by real persons to serve as a legal expert:

- a) not to be convicted for the offences against State security, offences against the constitutional order and functioning of this order, embezzlement, corruption, bribery, theft, fraud, forgery, abuse of confidence, fraudulent bankruptcy, collusive tendering, using fraud or trickery in the fulfilment of an obligation, laundering of assets obtained through an offence or smuggling, giving false statements as a legal expert or legal translator, false evidence and perjury; even if the periods specified in Article 53 of the Turkish Criminal Code dated 26/9/2004 and no. 5237 have expired and even if they were sentenced to an imprisonment for more than one year for committing an intentional offence or they were pardoned;
- b) not to be previously excluded from the legal expert registry beyond their own will;
- c) not to be dismissed, in disciplinary terms, from office or public office or be temporarily or permanently banned from producing a work of art or performing an occupational activity;
- d) not to be included in the list of any other commission;
- e) to complete the basic training for becoming a legal expert;
- f) to have de facto worked in the area of expertise where they would serve as a legal expert for a minimum period of five years or, if a longer period is required, to have de facto worked for the required period;
- g) to fulfil the conditions specified in the legislation for serving as a member of the profession and to have diploma, professional competence certificate,

certificate of expertise or similar kind of documents that are the proof of the relevant field of expertise required for performing his profession;

h) to fulfil the conditions determined according to the areas of core expertise and sub-expertise.

(2) In respect of individuals to take office as a legal expert under the roof of a legal entity subject to private law, the conditions specified in paragraph one shall also be sought, and the reports issued shall include names, surnames and signature of these individuals.

(3) Those whose previous applications were rejected for not being found satisfactory for profession cannot re-apply for serving as a legal expert unless one year elapses.

(4) Those who have studied law cannot be included in the registry and list of legal experts unless they certify that they have an expertise in any area other than law and they fulfil the conditions set out in paragraph one.

Application for being a legal expert, procedure of appointment and registration

Article 11 – (1) An application for becoming a legal expert shall be lodged with the regional board to which the concerned individual's residential area or the place where he is performing his professional activities affiliates, or with the judicial commission of the first instance court of civil and criminal jurisdiction. The application shall be in written and be accompanied with the relevant documents. The applications lodged with the judicial commission shall be sent to the regional board.

(2) In case of any deficiency in the documents required to be included in the application petition, the applicant shall be granted a period of fifteen days to complete the documents. Upon the completion of the deficiencies, the regional board shall decide on the application.

(3) In rendering its decision on the application, the regional board shall primarily evaluate whether the applicant fulfils the conditions set out in Article 10 and then elect the most competent ones among the applicants fulfilling the conditions by considering their professional experience, vocational trainings they have attended or documents proving their expertise.

(4) Those who are accepted to serve as a legal expert shall be included in the registry for three years.

Turkish Criminal Code no. 5237

-False Statements by Expert Witness or Translator

Article 276² - (1) Where an expert witness who is appointed by a Court, relevant authority or committee which is legally authorised to hear a witness under oath or to conduct a criminal investigation into an alleged offence makes a false statement of opinion, a penalty of imprisonment for a term of one to three years shall be imposed.

(2) Paragraph one shall apply to a translator, appointed by a person or committee as defined in paragraph 1, who falsely translates any document or statement.

Code of Civil Procedure no. 6100

*Having Recourse to **Translator** and Court Expert*

Article 263 - (1) In the event that the witness does not know Turkish, he shall be heard in company with a **translator**.

(2) In the event that the witness is deaf and dumb but literate, the questions shall be delivered to him in written, and he shall be asked to write down his responses. If he is illiterate, he shall be heard by the judge through a court expert capable of using sign language.

Grounds for re-opening of the proceedings

Article 375 – (1) A request for re-opening of the proceedings may be filed in cases where

- a) The court has been composed not in accordance with the law.
- b) The judge, who is prohibited from dealing with the case or in respect of whom the request for recusation is definitely accepted by the relevant authority, has rendered the verdict or has been involved in the verdict-rendering process.

² The translation of this article was retrieved from the internet. However, before making use of it, the researcher checked the translation for accuracy.

- c) The proceedings have been conducted or concluded in the presence of persons who are not an attorney or representative.
- d) A document which could not be obtained during the proceedings due to any reason unavoidable by the party against whom the verdict was rendered has been obtained after the verdict was rendered.
- e) Promissory note taken as a basis for the verdict was found to be forged or its forgery confessed before the court or official authority.
- f) It has been found established that the witness whose statement was taken as a basis for the verdict provided false testimony.
- g) It has been found established that the court expert or the **translator** deliberately made contrary-to-fact statements concerning the matter taken as a basis for the verdict.
- h) It has been found established through confession or documentary evidence that the party in whose favour the verdict was rendered had made a false oath that was taken as a basis for the verdict.
- i) A provision forming a basis for the verdict was annulled by another final provision.
- j) The party in whose favour the verdict was rendered had engaged in a fraudulent conduct having an influence on the verdict.
- k) After finalization of the verdict rendered at the end of a proceeding, a contrary verdict has been rendered and finalized in the second proceeding where the parties, subject-matter and ground are the same with those of the first proceeding.
- l) It has been established by a final judgment of the European Court of Human Rights that the verdict was rendered in breach of the Convention on the Protection of Human Rights and Fundamental Freedoms and the Protocols thereto.

Former Code of Civil Procedure

Article 270 – If the witness does not know Turkish, he shall be heard in company with **a translator**. In the event that a witness who is deaf and dumb is literate, he shall be provided with the questions in written and asked to write down his responses. If he is illiterate, he shall be heard by the judge through a court expert capable of using sign language.

Notary Act

Prohibition

Article 76³- notary publics, witnesses, translators and experts cannot participate in notary operations in cases as follows:

1. If he/she is personally involved or the person concerned is acting on behalf of him/her,
2. If the concerned parties are married, even though there isn't any matrimonial bond between the concerned parties,
3. If there is any affinity, blood relationship in third degree, ancestor, affinity in second degree (those degrees included) lineal consanguinity or collateral line, adoptive relationship between one of the involved party,
4. If the concerned party is the clerk or the employer of the notary public,
5. If the concerned party is acting on behalf of the person as mentioned in the second, third and fourth points,
6. If the notary process includes an act on one's own benefit or on the benefit of the person as mentioned in the second, third and fourth points.

Regulation for the Notary Act

This regulation includes certain rules as to the records and oath of the translators who will take office in the notary services. The relevant provision of the regulation reads as follows:

Article 96 – Act of translation means the translation of a document from one language to another or from one text to another, as well as its notarization.

³ The translation of this article was retrieved from the internet. However, before making use of it, the researcher checked the translation for accuracy.

The notary public must be undoubtedly convinced that the translator has a good grasp of the relevant language or text by seeing translator's diploma and the other certificates or through other means.

Pursuant to the last paragraph of Article 75 of the Notary Act, **the translator** shall take an oath before the notary public in accordance with the procedure set out in the Code of Civil Procedure. It is mandatory to certify this oath-taking process by issuing a minute which includes name, surname, date of birth, business address, residential address, education status of translator, language(s) or text(s) of which translator has full knowledge, by which means the notary public considers that translator has a good grasp of the language(s) or text(s), the oath-taking process and date of the minute. The minute shall be undersigned by both the notary public and translator.

Affidavits of the persons undertaking a translation work shall be saved in a special paper box at the notary office. The notary public cannot assign a translation work to a person who has no affidavit in the paper box.

Before 2013, there were no standards of the translation profession whereby working conditions are determined. However, in line with this need, the Professional Competency Board carried out studies to establish occupational standards for translators and, to that end, took into consideration the Report on Translators published in 2011 by the Directorate for Administration Development of the Prime Ministry. Accordingly, the National Occupation Standard for Translators (Level 6) was promulgated in the Official Gazette of 29 January 2013. Nevertheless, there currently exists no legal arrangement concerning working conditions of translators. In this sense, there are ongoing studies for the preparation of a bill of law.

National Occupational Standard for Translators (Level 6)

Terms, Symbols and Abbreviations

- Reception: The process of perceiving and comprehending of a content by the receiver depending on his intellectual and cultural background,
- Consecutive Interpreting: Translation of a verbal communication in parts to the target language after the speaker (translation on phone, escort interpreting, community interpreting – including health, court, disaster, emergency situations and etc.),

- Translation memory: A database electronically storing “segments” in both target and source languages to be used in written translation works through special software,
- Multimedia Translation: Translation of linguistic, visual, audial contents and motion images (subtitle, dubbing and voice over),
- Language Level: Language levels that have structured and are accepted according to context of use and different social issues,
- FSEK: Code of Intellectual and Artistic Works
- Characteristics of View: Properties of text such as page setup, layout, layout graphics and, if any, tables,
- Claimant: One or several person or institution who is in the capacity of addressee for the definition of translation work,
- ISCO: International Standard Classification of Occupations,
- ISG: Occupational Health and Safety,
- Job Definition: Information on the work concerning duration of the work, its volume, source language and target language, area of expertise, objective of translation, format and place of translation, required technical equipment and environment as well as budgeting,
- Sign Language: A systematic language through which deaf and dumb persons ensure communication through hand, finger, arm gestures.
- Parallel Text: Other texts that may be referred to in examination of source language and formation of target language.
- Intertextuality: References and contextual interactions between various works in written texts.
- Specific Field Translation: Translation of written texts that require special knowledge in a certain area of expertise.
- Simultaneous Interpreting: Interpretation of a verbal communication to a target language simultaneously with the speaker and by using appropriate technical equipment (whisper translation, sight translation, translation on TV/radio, remote translation, conference, video-conference, teleconference and etc.).

-Literary Translation: Translation of scientific and literary works.

-Localisation: Translation of products such as computer software, webpages, computer games with the aim of adapting to target language and culture by use of information technologies.

-Discourse Analysis: Analysis, by content and environment, of the speaker's strategy, style, manner, tone of voice, body language, linguistic level, explicit and implicit content and implication.

-Glossary: List of terms used in texts.

Introduction

The national occupational standard for translators (Level 6) was prepared by the working group formed by the Vocational Qualification Authority ("the Authority") in accordance with Article 21 of the Law no. 5544 on the Vocational Qualification Authority (Amended on 11/10/2011 by Article 38 of the Decree-Law no. 665).

The national occupational standard for translators (Level 6) was assessed in light of the considerations of the relevant institutions and organizations operating in the sector and ratified by the Board of Directors of the Authority upon being reviewed by the Committee for Media, Communication and Broadcasting Sector of the Authority.

Information on Occupation

-Definition of Occupation

Translator (Level 6) is the qualified person who carries out the translation/interpretation works and preparatory activities within the framework of the relevant legislation and/or contract, Occupational Health and Safety precautions, quality standards and service procedures and who makes interpretation, sign language translation and/or written translation as well as ensures his personal professional development.

In written translation, translator (Level 6) carries out activities for translation and localisation of contents of various documents, literary and artistic works, several media and multimedia materials in one language into a target language, and in oral translation for simultaneous or consecutive translation of verbal communication in one language into target language(s) at environments and negotiations such as meetings and conferences where participants speaking different languages gather. In cases where sign language is

used, translator carries out activities for transmitting communication into sign language to verbal language and any content expressed in verbal or written language into sign language.

Translator (Level 6) is responsible for implementation and management of the role he has undertaken in the translation process. Accordingly, he actively serves as a member of teamwork in certain cases when required by the nature of the work.

-Place of the Occupation within the International Classification Systems

ISCO 08: 2643 (Translators, Interpreters and Other Linguists)

-Regulations concerning Health, Safety and Environment

- Environmental Law no. 2872
- Social Insurance and General Health Insurance Act no. 5510
- Law on Occupational Health and Safety no. 6331
- First Aid Regulation

In addition, it is essential to comply with applicable laws, bylaws and regulations concerning OHS and environment and to make risk assessment in respect thereof.

-Other Applicable Legislation as to the Occupation

- Notary Act no. 1512
- Law on the Protection of the Customer no. 4077
- Public Procurement Law no. 4734
- Labour Code no. 4857
- Act on Fees no. 492
- Press Law no. 5187
- Turkish Criminal Code no. 5237
- Code of Criminal Procedure no. 5271
- Law no. 5362 on Professional Organizations of Tradesmen and Artisans
- Law no. 5378 on Disabled Persons and Making Amendments to Certain Laws and Decree Laws Law no. 5846 on the Law on Intellectual and Artistic Works
- Code of Civil Proceedings no. 6100
- Civil Servants Law no. 657
- Regulation for the Notary Act

In addition, it is essential to comply with applicable laws, bylaws and regulations concerning OHS and environment and to make risk assessment in respect thereof.

-Working Environment and Conditions

Translators (Level 6) takes office in enterprises or public institutions where translation/interpretation services are rendered or works as a freelance. Their working environment is generally offices, meeting halls, congress halls, fields of these public institutions and enterprises or their personal place of work.

Institutions and offices, where written translation services are rendered, should have ventilation-cooling and heating systems, sufficient local lighting system, be equipped with ergonomic office equipment as well as should have an infrastructure providing required communication facilities (internet connection, telephone, facsimile and etc.). A consecutive translator should be in a position where he could easily hear the speaker in the working environment. In simultaneous translation, working environment should comply with the relevant TSI (Turkish Standards Institute) standards.

Translators (Level 6) shall refrain, during oral translation process at site, from any act and environment which would put his occupational health and safety at risk and request the officials to take required preventive measures.

Translation process generally covers acts of analytical review, concentration, research and knowledge acquisition as well as communication. Therefore, information and communication technology means are used. Translation process shall be managed through flexible working hours as required by the work volume and solutions for difficulties arising during this process. In the process of oral translation, ISO/TSI standards as well as maximum working hours and conditions specified in the EU norms must be complied with.

-Profile of the Occupation

Table .. Duties, Processes and Performance Criteria

Duties		Processes		Performance Criteria	
Code	Act to be Performed	Code	Act to be Performed	Code	Explanation
A	To take precautions concerning occupational health and safety as well as environmental protection	A.1	To follow up safe working and personal security methods	A.1.1	Uses equipment and tools in accordance with instructions and procedures of workplace.
				A.1.2	Applies first aid in case of an unfavourable situation occurring at the work place such as an accident.
				A.1.3	Ensures that the working environment be free of risks.
				A.1.4	Ensures that required precautions be taken according to the relevant legislation and standards for the prevention of any situation resulting from occupational activities and likely to endanger occupational health.
		A.2	To assess risks	A.2.1	Follows up procedures adopted by the workplace in order to control risks.
				A.2.2	Determines and reports the risk factors he has encountered and probable risks he may encounter.
		A.3	To apply emergency procedures	A.3.1	Acts in accordance with exit and escape procedures in case of an emergency.
				A.3.2	Makes contributions to periodical trainings, studies and exercises concerning emergency exit or escape.
		A.4	To apply standards and methods of environmental protection	A.4.1	Uses energy, consumables and similar resources in an economical and efficient manner.
				A.4.2	Ensures proper transmission of environmental wastes and recyclable materials at his workplace.
				A.4.3	Makes contribution to trainings or studies carried out for the protection and improvement of environmental quality.

Duties		Processes		Performance Criteria	
Code	Act to be Performed	Code	Act to be Performed	Code	Explanation
B	To make working organization (continued)	B.1	To carry out introductory activities	B.1.1	Prepares introductory documents showing his occupational qualifications and services (CV, information file and etc.)
				B.1.2	Ensures accessibility of introductory documents via information communication technologies.
		B.2	To get information about translation demand	B.2.1	Receives information, in written, about the process, aim, due date, content to be translated as well as job description from the client.
				B.2.2	Informs the client whether he would accept the job on the basis of ethical, legal grounds or his own occupational competences.
				B.2.3	Makes pre-definition of job, together with the client, according to the demand and conditions notified.
		B.3	To prepare translation proposal	B.3.1	Determines scope of oral/written translation work and conditions according to the client's demands (price, duration, aim, payment conditions, legal issues, nature of the work).
				B.3.2	Prepares proposal text/file in line with the format according to the definition of translation work and conditions he has determined.
		B.4	To make a translation contract	B.4.1	Determines conditions concerning the client's translation work such as special terms, legal rights, functions, quality standards, deadline and way of delivery as well as additional terms he deems necessary for assuring quality of the work.
				B.4.2	Make a written contract with the client concerning the terms determined by him as to the translation process.
				B.4.3	Prepares the contract, where terms of translation process and legal requirements are included, in accordance with legal format and makes it ready for signature and ratification.
		B.5	To provide resource text and supplementary materials	B.5.1	Provides source text concerning written or oral translation and/or material to supplement translation process from necessary resources (parallel text, glossary, memories and etc.).
				B.5.2	Makes the documents he has provided ready for use.

Duties		Processes		Performance Criteria	
Code	Act to be Performed	Code	Act to be Performed	Code	Explanation
B	To make working organization	B.6	To make work plan	B.6.1	Makes an assessment of scope and conditions of the translation work he has undertaken.
				B.6.2	Prepares a plan as to the translation work according to his assessments by taking into consideration its duration, phases and materials.
				B.6.3	Makes schedules for his accommodation, travel and etc. according to his plans and requirements.
		B.7	To carry out archival activities	B.7.1	Creates a system for archiving his translation works and the content thereof.
				B.7.2	Files his translation works and the contents according to the system which he has created or which is used.
		B.8	To take precautions for information security during translation processes	B.8.1	Makes a backup of translation records.
				B.8.2	Implements precautions for information security during translation processes and confidentiality as well as the claimant's rights according to legal rules.
		B.9	To carry out financial procedures	B.9.1	Ensures that invoicing and taxation processes as to his completed works would be performed in accordance with laws.
				B.9.2	Issues documents concerning the collection of revenues in accordance with laws.
				B.9.3	Ensures that keeping and protection of accounting records in accordance with laws.
		B.10	To carry out maintenance of translation memory.	B.10.1	Eliminates repeating records in the translation memory.
				B.10.2	Updates and improves the memory in order to keep it tidy by taking into consideration changes in terminology and contextual similarities.
				B.10.3	Ensures expansion of use of translation memory through acts of import and export.
				B.10.4	In case of using the client's translation memory, uses it in accordance with non-disclosure agreement.

Duties		Processes		Performance Criteria	
Code	Act to be Performed	Code	Act to be Performed	Code	Explanation
C	To make preparations before translation (Continued)	C.1	To analyse the source text ⁴	C.1.1	Makes an assessment of the text, in terms of translation process, by considering the demand, type of text and its contextual, structural and visual characteristics.
				C.1.2	Assesses the document according to linguistic performance (terms used, discourse, linguistic level and etc.)
				C.1.3	Assesses the source text in terms of its appropriateness for translation and sufficiency for linguistic level.
				C.1.4	Ensures elimination of inadequacies of the linguistic level used according to textuality criteria.
				C.1.5	Contacts with the source text's author, if necessary in case of an incomprehensible matters in the source text.
		C.2	To conduct researches for translation process	C.2.1	Meets the need for information on the field of the source content, on background information and glossary by way of determining the sources.
				C.2.2	Examines the information on subject-matter, field and background of the source content in the light of the translation purposes.
				C.2.3	Determines the meanings of the source terms in the target language.
				C.2.4	In literary translation, makes an analysis of the author and the work in terms of intertextuality and style.
				C.2.5	In oral translation, makes an inquiry into cultural, social, political characteristics of the speaker(s).
				C.2.6	Analyses translated documents of similar nature for resolution of the problems encountered in the translation process.
		C.3	To define translation strategy	C.3.1	Determines the function of translation and the method to form target text by considering the relation of the content to be translated with non-linguistic elements as well as characteristics required to be inherent in the target text.
C.3.2	Prefers the most appropriate linguistic style for the target group.				

⁴ Applicable to written translation.

Duties		Processes		Performance Criteria	
Code	Act to be Performed	Code	Act to be Performed	Code	Explanation
C	To make preparations before translation	C.4	To arrange the working environment and conditions	C.4.2	*
				C.4.3	*
				C.4.4	*
				C.4.5	In written translation, checks whether technical equipment and software properly operates and makes them ready for use.
				C.4.6	In the process of written translation, makes coordination with the officers of the client.
				C.4.7	Checks availability of the sources he will make use of in the written translation process.

Duties		Processes		Performance Criteria			
Code	Act to be Performed	Code	Act to be Performed	Code	Explanation		
E	To translate (Continued)	E.1	Translate documents of a specific field	E.1.1	Translates source text into target language by considering the client's demand, characteristics of the text, reception conditions, terminology used and the language of the specific field.		
				E.1.2	Examines the translation text in terms of target language, independently of source text.		
				E.1.3	Acts in cooperation with an expert from this specific field for review of target text in terminological and linguistic terms.		
		E.2	To translate literary works	E.2.1	Transfers source text into target language in accordance with its poetic characteristics and reception conditions.		
				E.2.2	Reviews translated text, independently of source text, to determine whether it complies with the usage norms of target language.		
				E.2.3	Ensures consistency of translation work with the sub-type and tradition to which the work belongs, in company with incumbent officers taking role in the publication process.		
				E.2.4	Acts in cooperation, during the publication process, with the other actors of the process, namely editor and redactor, in accordance with the provisions of the FSEK and copyright agreement.		
		E.2.5	In the event where he does not accept the client's request for any change in his translation, justifies the reason for his own choices.	E.3	To make multimedia translation	E.3.1	Translates source content into target language in compliance with several elements such as the client's demand, visual, audial and contextual characteristics of the text, reception conditions, terminology used and language of the specific field.
						E.3.2	Ensures internal consistency of target text in linguistic, stylistic and semantic characteristics.
						E.3.3	Acts in cooperation with an expert from this specific field for review of target text in terminological and linguistic terms.
						E.3.4	Ensures consistency of translation work with the sub-type and tradition to which the work belongs, in company with incumbent officers taking role in the publication process.

Duties		Processes		Performance Criteria	
Code	Act to be Performed	Code	Act to be Performed	Code	Explanation
E	To translate	E.4	To make localization	E.4.1	Translates source text into target language by using relevant software and in compliance with the client's demand, characteristics of the content, reception conditions, terminology used, language of the specific field as well as with the local usage (by also taking into consideration software codes and variables, if any).
				E.4.2	Reviews the content in terms of functionality and visuality in view of textual holism at the stage when the software translation is tested.
				E.4.3	Eliminates any problem as to functionality and visuality, in view of textual holism, of the tested content.

Duties		Processes		Performance Criteria	
Code	Act to be Performed	Code	Act to be Performed	Code	Explanation
F	To carry out quality-related activities concerning translation process	F.1	To manage relationships with the person/institution requesting translation/interpretation (client)	F.1.1	Forms a client portfolio by compiling information about probable and current clients.
				F.1.2	Plans with the client the relationship in a way to cover pre-, during- and post-service / translation processes.
				F.1.3	Conducts his relationship with the client person/institution within the scope of portfolio he has formed and stages he has planned.
				F.1.4	Carries out analysis and assessments in order to satisfy the client and determine the client's expectations.
				F.1.5	*
		F.2	To monitor translation processes	F.2.1	Forms the flow of translation processes, as pre-, during- and post-service/translation, in a traceable and assessable manner.
				F.2.2	Records translation processes according to the flow determined.
				F.2.3	Controls quality of the translated text by considering type of the translation, method, flow and the contract.
				F.2.4	*
				F.2.5	In written translation, takes feedback from the client.

Duties		Processes		Performance Criteria	
Code	Act to be Performed	Code	Act to be Performed	Code	Explanation
G	To carry out activities for career development	G.1	To ensure his personal career development	G.1.1	Gets information on training activities vocational issues from the relevant institutions and determines needs for his personal training.
				G.1.2	Follows-up the developments concerning the occupation and sector from the relevant sources and reflects these developments on his works.
				G.1.3	Follows-up any changes in the legislation and norms concerning their occupation and reflects these changes on his works.
				G.1.4	Plans and implements his short and long term career development according to his own career goal.
		G.2	To make contributions to vocational trainings	G.2.1	Shares knowledge with his colleagues on his working method and experience.
				G.2.2	If requested by his colleagues, gives analytical feedback on translations for occupational principles and issues.

Equipment and Tools Used

- In consecutive translation, microphone and notepad,
- Computer-assisted translation tools,
- Computer and its equipment (printer, scanner, external hard drive and etc.),
- Electronic and/or printed dictionary,
- Communication means (telephone, video telephone, teleconference systems, radio, facsimile, telex, wireless internet access device and etc.),
- Source and application documents (general forms, procedures, job instructions and etc.),
- Stationery (paper, pen, paper puncher, stapler and etc.),
- Office equipment (photocopier, projector, paper shredder, calculator, paper cabinet with locking system and etc.),
- Optic/digital recording and imaging devices (webcam, camera, video camera, CD, VCD, DVD, Blu-ray disc-readers and etc.),
- Equipment and tools for simultaneous translation.

Knowledge and Skills

- Knowledge and skill of research methods,
- Knowledge and know-how on consecutive translation techniques,
- Know-how and skill on information and communication technology tools,
- Know-how and skill on computer-assisted translation tools,
- Skill to access to information and use resource,
- Information on general culture within the scope of working languages (including sign language),
- Skill to have a good knowledge of working languages in a way to make simultaneous and consecutive translation,
- Skill to effectively use working languages (including sign language) to the extent that would cover specific fields and linguistic levels,
- Knowledge and skill to create and manage a translation memory,
- Knowledge of national and international standards and legislation concerning translation services,

- Knowledge of technical terminologies concerning translation processes,
- Knowledge of specific field and terminology on the issues he translates,
- Knowledge and skill to construct multimedia content,
- Skill to make analysis,
- Skill to focus attention and concentrate,
- Skill of teamwork,
- Knowledge and information to construct visual material,
- Knowledge and skill to communicate,
- Knowledge on quality management,
- Skill to keep records and report,
- Knowledge and know-how on simultaneous translation techniques in the field of conference translation,
- Knowledge and skill of crisis and conflict management,
- Knowledge and skill of multicultural communication,
- Knowledge on occupational health and safety as well as environmental protection as to the occupation,
- Knowledge on financial transaction procedures as to the occupation,
- Knowledge and know-how on text and discourse analysis methods,
- Skill to make planning and organization,
- Knowledge and skill to solve problems,
- Knowledge and skill of speaking, diction and addressing in oral translation,
- Knowledge and know-how on note taking techniques in oral translation,
- Knowledge of protocol and good manners in oral translation,
- Advanced verbalization skill in all active languages in oral translation,
- Skill to work under stress,
- Knowledge and skill to prepare introductory file and professional background/CV,
- Knowledge on base pricing,
- Knowledge and skill to prepare terminology and use terminology management tools,
- In localization processes, knowledge and skill to use special software,
- Knowledge and skill of time management.

Conducts and Behaviours

- To be tidy in the working environment,
- To pay attention to implementation of rules of occupational health and safety as well, as environmental protection at the working environment,
- To effectively and efficiently use working time in accordance with the work planned,
- To be planned and organized in his studies,
- To carefully make observations and analysis during the translation process,
- To work in a client-, technical process- and quality-oriented manner during the translation processes,
- To be prudential and prepared against risks during the translation processes,
- To be open to warnings and criticisms during the translation processes,
- To act in a speedy and practical manner in the management of translation processes,
- To pay attention to technical, financial and legal details and rules in the management of translation processes,
- To use initiative in an effective and speedy manner within the limits of his powers, management of translation processes,
- In printed translation works in the nature of intellectual property (including written documents derived from oral translation), to be sensitive about his material rights as a translator and about the fact that his name should explicitly appear on these printed products,
- To obey working discipline and workplace working principles,
- To receive and convey right information from/to right persons for the work, in a timely manner,
- In the process of sign language translation, to refrain from wearing clothes likely to hinder translation,
- To show attention to efficient use of resources,
- In the field of conference translation, to work in compliance with the relevant EU norms and international standards,

- To comply with the principle of confidentiality in performing his occupation,
- To ensure life-long learning on the issues regarding his occupation,
- To be open to innovations and new ideas regarding his occupation,
- To act in compliance with occupational etiquette and ethical principles,
- To take occupational health and safety precautions at the site (disaster, emergency areas and etc.),
- To be aware of national and internal agenda,
- To work in accordance with national and international quality standards, legislation and norms.

Measurement, Assessment and Certification

Measurement and assessment processes to be conducted in order for certification according to national qualifications taking the Translator (Level 6) Occupational Standard as a basis shall be performed both in theory and in practice, in written and/or oral, at measurement and assessment centres where required working conditions are fulfilled.

The measurement and assessment method as well as implementation principles shall be detailed in the national qualifications to be prepared according to this occupation standard. The actions regarding measurement and assessment as well as certification processes shall be conducted within the framework of the Regulation on Occupational Competence, Exam and Certification.

Annex L – Original Oath Text for Legal Translators

**ANKARA ADLİ YARGI İLK DERECE MAHKEMESİ
ADALET KOMİSYONU BAŞKANLIĞI****YEMİN METNİ**

“Görevimi adalete bağlı kalarak, bilim ve fenne uygun olarak, tarafsızlıkla yerine getireceğime namusum ve vicdanım üzerine yemin ederim.”

BİLİRKİŞİ

Adı Soyadı :
T.C. Kimlik No :
Başvuru No :
İmza :

TUTANAK

Ceza Muhakemesi Kanununa göre Ankara Adli Yargı İlk Derece Mahkemesi Adalet Komisyonumuzca 2017 yılı için oluşturulan Tercüman Bilirkişi listesine kabul edilenlerden yukarıda ad ve soyadı ile başvuru numarası belirtilen ilgiliye, Adli Yargı Adalet Komisyonu huzurunda 5271 sayılı Ceza Muhakemesi Kanununun 64 üncü maddesinin beşinci fıkrası uyarınca yemin ettirildiğine dair işbu tutanak birlikte imza altına alındı.08 /12/2016

Başkan

Üye

Üye

TERCÜMAN BİLİRKİŞİ YEMİN METNİ

Annex M – Original Text for Conditions to be a Legal Translator Court Expert

İLAN

04.12.2004 tarihli ve 5271 sayılı Ceza Muhakemesi Kanununun 202. maddesine dayanılarak hazırlanan 28578 sayılı resmi gazetede yayımlanan “Ceza Muhakemesi Kanununa Göre Tercüman Listelerinin Düzenlenmesi Hakkında Yönetmeliğin 1. ve 2. Maddesince ve Ceza Muhakemesi Kanunu 202. maddesi gereğince soruşturma veya kovuşturma evresinde meramını anlatabilecek ölçüde Türkçe bilmeyen ya da engelli olan mağdur, tanık, şüpheli veya sanığın iddia veya savunmaya ilişkin beyanlarının, kovuşturma evresinde iddianamenin okunması ve esas hakkındaki mütalaanın verilmesi üzerine sanığın kendisini daha iyi ifade edebileceğini beyan ettiği başka bir dilde yapacağı sözlü savunmasının, Türkçe'ye çevrilmesi için oluşturulacak, Adli Yargı İlk Derece Mahkemesi Adalet Komisyonu Başkanlığınca düzenlenecek 2018 yılı tercüman listesine başvurmak için, başvuru tarihi, başvuru kabul şartları ile başvuru için istenen belgeler aşağıda belirtilmiştir.

A. BAŞVURU KABUL ŞARTLARI:

1. Türkiye Cumhuriyeti vatandaşı olmak,
2. Başvuru tarihinde fiil ehliyetine sahip olmak,
3. En az ilkokul mezunu olmak,
4. Başvuru tarihinde 18 yaşını tamamlamış olmak, (31/10/1999 tarihi ve öncesi doğumlular)
5. Affa uğramış ya da ertelenmiş olsalar bile, Devlete ve adliyeye karşı işlenen suçlar, 12/4/1991 tarihli ve 3713 sayılı Terörle Mücadele Kanununda yer alan suçlar ile basit ve nitelikli zimmet, irtikâp, rüşvet, hırsızlık, dolandırıcılık, sahtecilik, güveni kötüye kullanma, hileli iflas veya kaçakçılık, resmî ihale ve alım satımlara fesat karıştırma suçlarından hükümlü olmaması veya hakkında hükmün açıklanmasının geri bırakılmasına karar verilmemiş olmak,
6. Disiplin yönünden meslekten ya da memuriyetten çıkarılmamış veya sanat icrasından yasaklanmamış olmak,
7. Komisyonunun bağlı bulunduğu il çevresinde oturmak veya bir meslekî faaliyeti icra etmek,
8. Başka bir komisyonun listesinde kayıtlı olmamak,
9. Tercüman olarak görev yapmak isteyenler 02 Ekim– 31 Ekim 2017 tarihleri arasında mesai saatleri içerisinde İstanbul Adli Yargı İlk Derece Mahkemesi Adalet Komisyonu Başkanlığına ilanımızdaki başvuru formu ve dil beyanı formlarını doldurduktan sonra bu ve diğer istenen belgelerle birlikte şahsen başvurmaları veya mahallî Cumhuriyet Başsavcılıkları aracılığıyla buraya belgelerin asılları gösterilip onaylattırılarak mahalli Cumhuriyet Başsavcılıkları vasıtasıyla APS ile mesai saatleri içerisinde İstanbul Adalet Komisyonu Başkanlığına

gönderilmesi gerekmektedir. 31 Ekim 2017 tarihinden sonra yapılan başvurular değerlendirilmeye alınmaz.

B. BAŞVURU EVRAKLARI:

1. Başvuru Formu,
2. T.C. Kimlik numarasını gösterir resmi makamlarca verilen belgenin fotokopisi (nüfus cüzdanı, ehliyet, pasaport),
3. Adrese dayalı nüfus kayıt örneği,(Nüfus Müdürlüğünden Alınacak)
4. Tercüman olmak istediği dil veya diller ile işaret diline ilişkin diploma, ruhsatname, sertifika gibi belgelerin aslı veya komisyonca onaylanmış örneği, (Onaysız belgelerin, aslı görülmek suretiyle Komisyonca onayı yapılacaktır.) böyle bir belgenin olmaması durumunda tercümanlık faaliyetini yerine getirecek derecede bildiği her dil için ayrı ayrı yazılı beyan,
5. İki adet vesikalık fotoğraf,
6. Mezuniyet durumunu gösterir belgenin aslı veya komisyonca onaylanmış örneği (Onaysız belgelerin, aslı görülmek suretiyle Komisyonca onayı yapılacaktır).
7. Başvuru kabul şartlarından 6. Maddede belirtilen disiplin yönünden meslekten ya da memuriyetten çıkarılmamış veya sanat icrasından yasaklanmamış olduğunu gösterir belge.

CURRICULUM VITAE**Personal Information**

Surname, Name : ÖZER ERDOĞAN, Büşra

Nationality : T.C.

Date and Place of Birth :

Marital Status :

Tel Number :

Email : _____

Education:**Degree****University****Date of Graduation****Experience:****Year****Place****Work**



GAZİLİ OLMAK AYRICALIKTIR..

