

The role of indigenous legal interpreters in Peru: Guaranteeing equality for individuals and promoting collective human rights

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Project:


Translating Cultures: The legislated mediation of indigenous rights in Peru

- Financed by the Arts and Humanities Research Council (AHRC), UK
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- Partners:
 - Ministerio de Cultura (Perú)
 - Servicios Educativos Rurales (Perú)



Peruvian legal framework

- 1993: Constitution. Art. 48 guarantees speakers of indigenous languages the right to an interpreter
- 2003: *Ley de Lenguas* (28106). Indigenous Languages Act
- 2007: *Decreto de Ley de Lenguas*. Executive Order on Languages
- 2011: *Ley de Lenguas* (29735). Indigenous Languages Act
- 2011: *Ley del Derecho a la Consulta Previa* (29785). Right to Prior Consultation Act



Ley de Lenguas (2011)

- Regulates the use, preservation, development, revitalisation, promotion and diffusion of the indigenous languages of Peru
- Art. 4 states that the entitlement to the services of a translator for communication purposes between indigenous people and the public sector is a human right
- Art. 20 states that consultation and citizens' engagement processes pertaining to investment projects will be held in the indigenous language of the people(s) who hold title to the land where the projects are to be developed



Ley del Derecho a la Consulta Previa (2011)

- Aims to reach an agreement or consent between the State and the indigenous or originary peoples [...] by means of an intercultural dialogue which guarantees their inclusion in the decision making processes of the State and the adoption of measures which respect their collective rights (Art. 3)
- Art. 16 guarantees the right to an interpreter in prior consultation processes, **who must be trained in the specific subject matter and registered by the governmental body specialised in indigenous affairs**




Bagua (Amazonia), 5 June 2009

Institutional response

- Training:
 - Intensive basic course
 - Specialised workshops (including Justice)
 - Placements
- Register of indigenous translators and/or interpreters





Interpreting in practice: challenges

- Linguistic and cultural asymmetry:
 - Asymmetry of discursive and text-generic patterns between Spanish and the indigenous languages
 - Clash of traditions and beliefs
 - Language hegemony: Spanish as a supposed *lingua franca*
- Trust-related issues: triadic relation: State-interpreter-communities

The Bagua proceedings

- “Intercultural bilingual justice”
- Initial challenges:
 - Communication between the institutions
 - Presence of interpreters
 - Payment
 - Communication of the Judiciary with the interpreters






Interpreting in the Bagua proceedings

- Two indigenous languages: Wampís and Awajún
 - One interpreter per language → stamina/burnout
 - Commitment to justice and to their peoples' rights
 - (Unfounded) criticisms of the interpreters for:
 - Seeking clarification “too often”
 - Lacking the required subject-specific knowledge
 - Not complying with the international standards (i.e. not using simultaneous interpreting)
- morale





Conclusions

- The ongoing consolidation of the processes that the State has put in place is necessary
- Awareness of the role of indigenous interpreters needs to be raised among:
 - the users of interpreting services
 - civil society



Thank you!

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