

Challenges in Court Interpreting: A Comparative Literature Review With a Focus on Japan

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Abstract

Court interpreters serve as critical intermediaries in ensuring linguistic access to justice for individuals with limited proficiency in the official language of legal proceedings. Despite their fundamental role, court interpreting remains an underexamined field, leading to deficiencies in policy, training, and professional development. This literature review synthesizes Japanese and English academic studies on court interpreting, examining key global challenges such as interpreter shortages, inconsistent qualifications, ethical dilemmas, and the role of cultural mediation in legal contexts. Through comparative analysis of studies in various countries compared to Japan, this study highlights disparities in certification requirements, training programs, and working conditions. Against the increasing foreign resident population in Japan (over 3.4 million in 2023), demand for court interpreters has grown. However, the number of registered court interpreters has seen a declining trend from approximately 5,000 in the early 2010s to fewer than 4,000 in recent years. This gap is exacerbated by the absence of standardized certification, inconsistent training opportunities, and a lack of institutional support for professional development. By examining international best practices, this review underscores the urgency of policy reforms, standardized accreditation, and enhanced training programs to ensure the quality of court interpreting in Japan.

Keywords: court interpreting, legal translation, interpreter certification, access to justice, Japan legal system

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Introduction

Court interpreting is a vital component of judicial systems worldwide, ensuring that individuals who lack proficiency in the official language of legal proceedings have equal access to justice. In multilingual societies, such as Canada, Australia, and the European Union, court interpreting has been formally recognized as a professional field requiring rigorous training and accreditation. The European Union, for instance, implemented Directive 2010/64/EU, which mandates that member states provide high-quality legal interpretation to defendants in criminal proceedings (E.C., 2010). Similarly, Australia's National Accreditation Authority for Translators and Interpreters (NAATI) has established a structured certification pathway to maintain professional standards (Hale, 2007). However, even in countries with developed legal interpreting systems, challenges persist. The United States, despite its certification programs such as the Federal Court Interpreter Certification Examination (FCICE), faces ongoing issues related to interpreter shortages, inadequate remuneration, and high attrition rates (González et al., 2012). In the UK, interpreters have raised concerns over inconsistent pay structures and insufficient government support, leading to declining interest in the profession (Corsellis, 2008). These global challenges highlight the critical need for sustainable policies to support court interpreters and ensure the quality of legal interpretation.

Compared to other developed nations, Japan faces unique difficulties in its court interpreting system, exacerbated by a rapidly growing foreign resident population. As of 2023, Japan's foreign resident population exceeded 3.4 million, a significant increase driven by immigration, international marriages, and an influx of foreign workers (Ministry of Justice (Japan), 2023). Despite this demographic shift, Japan's court interpreting infrastructure has not kept pace with demand. The number of registered court interpreters has decreased from approximately 5,000 in the early 2010s to fewer than 4,000 in recent years (KYODO News, 2020). One of the primary issues is the absence of a standardized accreditation system. Unlike Australia's NAATI or Canada's court interpreter certification programs, Japan does not have a unified qualification process for legal interpreters. Instead, local courts often rely on self-trained interpreters or those with minimal formal training (Nae, 2007). Furthermore, professional development opportunities remain limited, with few systematic training programs available. Studies suggest that many court interpreters in Japan work under precarious conditions, receiving low pay and little institutional support (Nagao, 2001). These factors have contributed to a declining workforce, raising concerns about the accuracy and reliability of legal interpretation in Japan's courts.

This paper synthesizes Japanese and English academic studies on court interpreting to analyze these global and local challenges affecting the profession and explore potential policy solutions.

Methodology

This study is based on a comparative literature review of academic sources published in English and Japanese. Research articles, policy reports, and legal analyses on court interpreting were collected from databases such as JSTOR, Google Scholar, and CiNii. Studies were selected based on their relevance to the themes of interpreter shortages, qualifications, ethical considerations, and cultural mediation. Comparative analysis was conducted between Japan and other jurisdictions, including the United States, the United

Kingdom, Canada, Australia, and the European Union, to highlight disparities in certification, training, and working conditions.

Historical Development of Court Interpreting

Court interpreting has been a foundational element in multilingual legal systems, though its professionalization is a more recent development. Early forms of court interpretation were often ad hoc, relying on bilingual individuals without formal training. In colonial contexts, interpreters served as intermediaries between colonial authorities and indigenous populations, frequently under coercive or unregulated conditions (Manse, 2023). The modern legal interpreting profession began to take shape in the 20th century. In the United States, the Court Interpreters Act of 1978 marked a turning point by mandating the use of certified interpreters in federal courts (González et al., 2012). In Europe, the formal recognition of court interpreting gained momentum with the European Convention on Human Rights and, later, the EU Directive 2010/64/EU, which legally enshrines the right to interpretation and translation in criminal proceedings (E.C., 2010).

In developing countries, court interpreting often faces significant challenges due to a lack of formal accreditation processes and reliance on ad hoc interpreter appointments or bilingual court staff without adequate legal or linguistic training. For instance, in Rwanda, the selection of court interpreters is often informal, leading to concerns about the quality and accuracy of interpretations during legal proceedings (Ngarambe & Ruvebana, 2023).

The scarcity of funding and institutional support further exacerbates these issues, hindering the establishment of professional standards and the sustainability of interpreter training programs. In Zimbabwe, for example, interpreter training faces numerous challenges, including limited resources and a lack of standardized curricula, which impacts the overall quality of court interpreting services. Moreover, linguistic diversity in many developing nations adds complexity to court interpreting. In South Africa, with its 11 official languages, providing competent interpretation services across all languages remains a significant challenge, affecting defendants' ability to understand charges and participate fully in their defense (Wikipedia, n.d.). In regions affected by conflict or political instability, interpreters may also face personal risks, lack job security, and receive minimal ethical guidance. Addressing these challenges requires integrating court interpreting improvements into broader justice reform agendas, emphasizing legal aid, language access, and judicial transparency. For example, in the United Arab Emirates, efforts have been made to explore current practices and propose protocols to enhance the court interpreting profession within the criminal and civil justice systems (Government of UAE, 2022).

Challenges in Global Court Interpreting

Despite this formal recognition, court interpreting around the world continues to face substantial challenges. A global shortage of trained interpreters is among the most critical issues. Interpreter shortages have been reported in the U.K. (The Guardian, 2024), and the U.S. (Chan, 2024), where growing linguistic diversity has outpaced the supply of qualified professionals. Compounding the problem is the lack of standardized training and certification systems in many regions. This has led to significant variations in interpreter quality, which can compromise legal outcomes and infringe on defendants' rights (Eades, 2010).

Interpreters also face ethical dilemmas, particularly when navigating between literal translation and cultural mediation. They may encounter situations where a direct translation fails to capture culturally specific legal concepts or social norms. In such cases, interpreters must decide whether to clarify, adapt, or mediate, often without institutional guidance (Hale, 2007). These challenges are heightened in adversarial legal systems, where precision and neutrality are paramount.

Efforts Toward Professionalization

Recognizing these challenges, several jurisdictions have taken steps to professionalize court interpreting. Australia's NAATI framework includes rigorous testing and a tiered certification structure to maintain high standards (Hale, 2007). In Canada, provincial interpreter programs provide ongoing training and evaluation (Ministry of the Attorney General (Canada, 2019). The EU's Directive 2010/64/EU mandates that interpreters used in criminal proceedings meet a minimum standard of quality and receive appropriate training (E.C., 2010).

Nevertheless, global disparities in interpreter regulation and support continue to exist. Countries with developed infrastructures still face attrition and burnout among interpreters due to low pay and high stress (González et al., 2012), while developing systems often lack funding and institutional awareness. Bridging this gap remains a key task for policymakers, legal professionals, and scholars alike. This study is based on a comparative literature review of academic sources published in English and Japanese.

Interpreter Shortages and Rising Demand

The growing gap between the demand for court interpreters and the available workforce presents a major challenge in many countries. The decline in the number of registered court interpreters is not unique to Japan; similar trends are observed in various judicial systems worldwide. In the United Kingdom, for example, a shortage of court interpreters has led to delays in court hearings and raised concerns about potential miscarriages of justice. An analysis by the Criminal Bar Association revealed a five-fold increase in the number of crown court trials adjourned due to interpreter shortages over a five-year period, with 89 trials adjourned in the year leading up to June 2023, up from 17 in the year leading up to June 2018 (Baksi, 2023).

In the United States, the increasing diversity of the population has heightened the demand for court interpreters across the country. However, there is a notable shortage of qualified interpreters, leading to significant strains on the court system and affecting individuals with limited English proficiency. This shortage has resulted in delays and challenges in ensuring fair trials for non-English-speaking defendants (Niki's Int'l Ltd, 2017).

These global trends underscore the critical need for effective policies and support systems to attract and retain qualified court interpreters, ensuring equitable access to justice for all individuals, regardless of language proficiency.

The primary causes of interpreter shortages across different countries include low remuneration, lack of professional recognition, and high work-related stress. In the United States, for instance, certified court interpreters are in high demand, but the profession struggles with retention due to insufficient pay and burnout (González et al., 2012). A similar situation exists in the United Kingdom, where public service interpreters have voiced

concerns over inconsistent pay structures and unsustainable workloads (Corsellis, 2008). In contrast, countries such as Australia and Canada have implemented structured accreditation systems and financial incentives to mitigate these shortages (Hale, 2007; Ministry of the Attorney General [Canada], 2019). A comparative analysis of court interpreter shortages and responses in different countries is presented in Table 1 below:

Table 1
Court Interpreter Shortages and Responses

Aspect	Japan	Global
Foreign resident population	3.4 million in 2023 (Ministry of Justice (Japan), 2023)	High in multilingual nations
Number of court interpreters	< 4,000, down from ~5,000 (KYODO News, 2020)	Declining in many countries
Certification system	No standardized national system (Nae, 2007)	Australia (NAATI), Canada (Provincial)
Remuneration	Generally low (Nagao, 2001; Sachi, 2018)	Varies; higher in structured systems
Government support	Limited institutional support	Structured programs in some countries
Retention issues	High turnover due to low pay and stress (Nagao, 2001)	Common issue worldwide

Certification and Training Disparities

The disparities in certification and training programs for court interpreters vary significantly across jurisdictions. In countries such as Australia and Canada, interpreters are required to undergo rigorous accreditation processes, ensuring consistent standards of legal interpretation (Hale, 2007; Ministry of the Attorney General [Canada], 2019). Australia's NAATI certification is a well-established model that assesses candidates on both linguistic and legal competencies, whereas Canada operates provincial certification exams to maintain professional quality (NEXPD, 2024).

In contrast, Japan lacks a centralized certification system for court interpreters. Most interpreters are recruited based on recommendations from local legal professionals, with limited formal training opportunities (Sachi, 2018). The absence of a structured accreditation framework leads to inconsistencies in interpretation quality, raising concerns about the fairness of legal proceedings involving non-Japanese speakers (Nae, 2007; Nagao, 2001). A comparative summary of certification and training programs is presented in Table 2.

Table 2
Certification and Training Programs

Aspect	Japan	Global
Certification System	No standardized accreditation (Nae, 2007)	Australia (NAATI), Canada (Provincial)
Training Opportunities	Limited, ad hoc court-based training (Kim, 2021)	Formalized training programs available
Assessment Process	No national standardized test	Structured competency-based exams
Ongoing Professional Development	Minimal institutional support (Nagao, 2001)	Continuous training programs mandated

Ethical Challenges and Role of Cultural Mediation

Court interpreters frequently encounter ethical dilemmas and cultural mediation challenges, particularly in cases involving non-Western legal concepts and linguistic ambiguities. The dual responsibility of faithfully translating legal terminology while bridging cultural gaps creates a complex professional role. In many jurisdictions, court interpreters are required to maintain strict neutrality and ensure accuracy, but the application of these ethical principles varies significantly across different legal systems (González et al., 2012).

In Japan, the legal system follows a civil law tradition with procedural nuances that may not align with the cultural and linguistic backgrounds of foreign defendants. Research suggests that interpreters sometimes adopt advocacy roles, particularly when defendants struggle to understand Japanese legal norms or when legal representatives fail to adequately support them (Kim, 2021). The lack of standardized ethical guidelines exacerbates these challenges, leading to discrepancies in courtroom interpretation practices (Tamura, 2021). Table 3 presents a comparison of ethical challenges in Japan and other jurisdictions:

Table 3
Ethical Challenges

Challenge	Japan	Global
Neutrality vs. Advocacy	Interpreters sometimes act as advocates (Kim, 2021; Tamura, 2021)	Expected to maintain strict neutrality (Mikkelsen & González, 2016)
Legal Cultural Gaps	Defendants may not understand legal proceedings (Tamura, 2021)	Addressed through legal aid services in some countries (Corsellis, 2008)
Training in Ethics	No standardized ethical training (Tsuji, 2020)	Formal ethical training programs exist (Hale, 2007)
Confidentiality	No national code of ethics (Tamura, 2021)	Strict ethical guidelines enforced (E.C., 2010)

Ethical dilemmas in court interpreting are not unique to Japan but are particularly pressing due to the increasing presence of foreign residents in legal proceedings. Some countries, such as Australia and Canada, have implemented training modules that include ethics education, ensuring that interpreters are well-prepared to handle challenging courtroom situations (Hale, 2007; Ministry of the Attorney General [Canada], 2019). In contrast, Japan's reliance on loosely defined ethical guidelines contributes to inconsistencies in courtroom practices (Tamura, 2021).

Best Global Practices and Policy Implications

Several countries have developed best practices in court interpreting that could inform policy reforms in Japan. Countries such as Australia, Canada, and the European Union have implemented structured certification programs, rigorous training standards, and government-supported professional development initiatives (E.C., 2010; Hale, 2007). These measures ensure that interpreters meet high competency standards and receive adequate support throughout their careers. Table 4 shows international best practices for Japan's current situation:

Table 4
Best Practices for Japan's Current Situation

Aspect	Practice
Certification system	NAATI (Australia), NRPSI (UK), FCICE (USA)
Training programs	Mandatory training and examinations
Government support	Government-funded interpreter programs (Canada)
Professional development	Ongoing skill assessments (E.C., 2010)
Ethical guidelines	Standardized codes of conduct (Hale, 2007)

Policy recommendations for Japan based on these best practices include implementing a national certification system similar to NAATI or FCICE, which would ensure consistency in interpreter qualifications. Additionally, establishing comprehensive training modules and providing funding for interpreter education would improve professional competency. Creating pathways for career advancement, continuous education, and fair remuneration would help attract and retain skilled interpreters. Finally, developing and enforcing a national code of ethics for court interpreters would enhance the reliability and accountability of interpretation services in legal proceedings. Implementing these recommendations would help Japan address its court interpreter shortages, improve professional standards, and ensure linguistic access to justice for its growing foreign resident population.

While this paper provides an overview of court interpreting systems with a focus on Japan, it is not without limitations. First, the analysis relies on secondary literature and publicly available data, which may not capture the most recent or nuanced developments in interpreter policy or courtroom practices across all jurisdictions. Furthermore, while the study draws on sources in both English and Japanese, the availability of peer-reviewed literature on court interpreting in Japan remains relatively limited, potentially restricting the scope of insight into localized issues. The comparative framework used, though valuable, may also oversimplify national legal and cultural contexts that uniquely shape interpreter roles. Finally, the study does not include primary data such as interviews or fieldwork with interpreters, court officials, or legal professionals, which would offer a more grounded understanding of current challenges. These limitations suggest directions for future research, particularly empirical studies that incorporate firsthand accounts and localized policy analysis.

Conclusion

The challenges of court interpreting, particularly in Japan, highlight the need for substantial reforms. Interpreter shortages, lack of standardized certification, and ethical dilemmas all impact on the quality of legal interpretation. Comparative analysis suggests that Japan could benefit from adopting best practices seen in Australia, Canada, and the European Union, including structured accreditation, improved professional training, and clear ethical guidelines. Future research should focus on policy implementation strategies to enhance interpreter standards and ensure linguistic access to justice.

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