



# Interpreters and professional secrecy

Professional secrecy is the ethical heart of the conference interpreting profession.

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**The recent USA-Russia summit in Helsinki gave rise to a debate – a debate that should never have taken place - about the professional secrecy of interpreters.** Some Democrat members of Congress wanted to know exactly what the US President had or had not said during the summit. They therefore called for the State Department interpreter to be summoned to testify so she could disclose exactly what had transpired during the talks.

The International Association of Conference Interpreters (AIIC) is the only global representative of the profession, so Article 2a of its Code of Ethics is a good place to start:

*a) Members of the Association shall be bound by the strictest secrecy, which must be observed towards all persons and with regard to all information disclosed in the course of the practice of the profession at any gathering not open to the public.*

(We could add that no statute of limitation applies to professional secrecy because the passing of time does not free the interpreter from this obligation.)

Speaking more generally, the principle of professional secrecy is established in law in several countries. For example Article 226-13 of the French Criminal Code states:

*The disclosure of secret information by a person entrusted with such a secret, either because of his position or profession, or because of a temporary function or mission, is punished by one year's imprisonment and a fine of €15,000.*

Likewise, Article 458 of the Belgian Criminal Code:

*Doctors, surgeons, health professionals, pharmacists, midwives and all other persons entrusted with secrets by dint of their status or profession shall in the event of disclosure be sanctioned with a custodial sentence of eight days to six months and a fine of one hundred to five hundred euros, unless ordered to testify before a court or a parliamentary commission or required by law to reveal said secrets.*

The main rationale for professional secrecy is to protect the secret's "owner". When applied to interpreters this means the people they are interpreting, be they heads of state, pharmacists, farmers or from any other walk of life. A lawyer must not disclose confidential client communications or a doctor patient information. This all makes perfect sense. There are completely understandable exceptions to doctor-patient privilege, for example a case of child abuse that must be brought to the attention of the authorities.

What could justify calling an interpreter to testify before parliament or a court of law (there is in fact provision to do so in the Belgian Criminal code)? We lack the required expertise so cannot claim to provide a legal analysis of such an eventuality; we shall simply take a common sense approach to situations that might arise.

If in the course of his work an interpreter has witnessed the planning of an offence or crime, the authorities might wish to interrogate him and refusal could be tantamount to failure to disclose a crime or offence. This however assumes that those interpreted would be subject to similar legal action. If they enjoy immunity – which is likely to be the case for heads of state - logic dictates that the same immunity would automatically extend to the interpreter whatever his employment status. If it didn't, that would constitute a highly contentious departure from the notion of immunity.

Furthermore, an interpreter working at a political meeting performs a purely practical task (like a driver, an usher or a waiter who might catch snippets of conversation), and could under no circumstances be likened to a diplomat or an advisor with political responsibility. Therefore we cannot see in what capacity an interpreter could be the subject of an inquiry or hearing, unless he is considered an "accomplice" in the commission of a crime or offence, which appears preposterous in the light of the purely utilitarian role he plays.

The imaginations of politicians and the media know no limits, and we are likely to see more such calls to summon interpreters to a hearing in a world where any secret is immensely irritating to those who don't share it. The time has now come for us to consider how to protect interpreters from such demands in the same way that journalists are able to protect their sources in a democratic country. As interpreting is a truly global profession, we could consider an international convention (perhaps within the UN system). Its purpose would be to protect interpreters against any action that might jeopardize professional secrecy, which is our profession's most important ethical foundation. It would be a signal honour for the International Association of Conference Interpreter (AIIC) to set things in motion to achieve such protection, fully realizing that it would be a very long-term project.

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*Translated from [French](#) by [Philip H. D. SMITH](#)*

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