



## Reconsidering the Role of Court-Registered Interpreters in Thailand's Labor Court: Legal Misconceptions and Professional Implications

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### Abstract

Thailand's labor courts play a critical role in adjudicating disputes involving migrant workers, yet the procedures for interpreter qualification remain ambiguously defined. This article examines the legal and procedural misconceptions surrounding the use of "court-registered interpreters" in labor courts and highlights the adverse implications such misconceptions pose to professional interpreters who are not formally registered. Drawing upon Thai legal provisions, international standards, and professional accreditation practices, the article proposes policy reforms to establish clearer, competency-based criteria for interpreter qualifications in labor-related judicial proceedings.

### 1. Introduction

In recent years, Thailand has seen a significant increase in labor migration, necessitating language services in judicial contexts. Despite the evident need, the status and selection of interpreters in labor courts remain poorly defined. A widespread belief that only "court-registered interpreters" are legally authorized to work in labor courts has led to the exclusion of qualified professional interpreters who possess international certifications or relevant experience but have not registered with the judiciary. This article aims to clarify the legal basis (or lack thereof) for such restrictions and examine their impact on justice and the interpreting profession.

### 2. The Nature of Labor Court Proceedings in Thailand

Thailand's labor courts operate under a semi-inquisitorial system, emphasizing judicial oversight rather than adversarial contestation (Phayapthai, 2020). As such, procedures like cross-examination and re-examination are either absent or minimal. According to the Labor Court Establishment and Procedure Act B.E. 2522 (1979), the court has discretion over how evidence is presented and interpreted, but it does not stipulate interpreter qualifications. This procedural flexibility places greater importance on the accuracy and neutrality of interpretation than on procedural formalities such as interpreter registration.

### 3. Legal Basis for Interpreter Use in Thai Courts



While the Civil Procedure Code and Criminal Procedure Code contain general references to interpreter use, there is no statute explicitly mandating that interpreters be "registered" with the court system to perform in labor courts. In practice, the judiciary maintains internal lists of interpreters, but such lists serve administrative convenience rather than legal necessity (Office of the Judiciary, 2018). Misinterpretation of these internal lists as legal requirements has caused confusion and exclusion.

#### **4. Professional Accreditation vs. Court Registration**

Professional interpreters may obtain credentials from international bodies such as the National Accreditation Authority for Translators and Interpreters (NAATI) in Australia or SEAProTI (Southeast Asian Association of Professional Translators and Interpreters). These credentials often involve rigorous testing, ongoing professional development, and adherence to ethical standards (NAATI, 2020; SEAProTI, 2023). In contrast, court registration in Thailand does not require standardized testing or evaluation of interpreting skills. Consequently, court registration should not be mistaken as a proxy for competency.

#### **5. Misuse of Court Registration as a Gatekeeping Tool**

In multiple reported cases, parties to a lawsuit have attempted to reject qualified interpreters by citing their lack of court registration. Such actions, while seemingly procedural, may violate the right to a fair trial under both Thai constitutional law and international human rights instruments. Article 29 of the Constitution of the Kingdom of Thailand B.E. 2560 (2017) guarantees due process, while Article 14(3)(f) of the International Covenant on Civil and Political Rights (ICCPR), to which Thailand is a party, guarantees the right to interpretation in criminal proceedings without discrimination.

#### **6. Consequences for the Interpreting Profession**

The overemphasis on court registration can marginalize highly competent interpreters who choose not to register for ethical, professional, or administrative reasons. For example, interpreters working in specialized fields (legal, medical, forensic) may adhere to international ethical codes that discourage exclusive alignment with state agencies. Furthermore, the absence of transparent criteria for court registration discourages investment in interpreter training and undermines efforts to professionalize the field.

#### **7. International Best Practices**

Comparative jurisdictions have adopted standardized criteria for legal interpreters. The United States' Federal Court Interpreter Certification Examination (FCICE), Canada's CTTIC certification system, and the UK's National Register of Public Service Interpreters (NRPSI) are competency-based and subject to peer-reviewed evaluation (Mikkelsen &



Jourdenais, 2015). These models prioritize professional standards and allow courts to access a broader pool of qualified interpreters without being bound to a rigid registration system.

## 8. Policy Recommendations

To align with international standards and promote fairness in labor court proceedings, Thailand should:

- Develop a national registry of interpreters based on certification and competence, rather than mere registration.
- Allow parties to submit interpreters certified by reputable national or international bodies.
- Provide guidelines for judicial officers on evaluating interpreter qualifications beyond court lists.
- Promote training and assessment programs for court interpreters in collaboration with professional associations.

## 9. Conclusion

Interpreters serve as crucial conduits of meaning in labor court proceedings, particularly for migrant workers. The current reliance on informal and misunderstood court registration processes threatens both the fairness of trials and the development of interpreting as a profession. Reforming these practices in favor of competency-based standards will benefit the justice system, interpreters, and the broader public.

## References

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