



European
Commission



Studies on translation and multilingualism

Document quality control in
public administrations and
international organisations

Summary

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Translation

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EXECUTIVE SUMMARY

The aims of the present study on Document Quality Control in Public Administrations and International Organisations are: (a) to review existing knowledge on the present topic, identifying solutions provided to emerging problems in different institutional contexts; (b) to identify current best practices; (c) to describe the interaction between social needs, cultural aspects, policy-making, institutional practices, assessment practices and institutional change; (d) to highlight the relationship between certain institutional practices and their outcomes (documents); (e) to aggregate data and model findings in order to facilitate comparative assessment.

The first part of the study investigates the subject from both a historical and a comparative perspective. The historical analysis traces how document quality control and clear writing policies and practices have developed over time, and describes the link between such policies and practices and key features of specific legal systems.

The second part of the study analyses the current implementation of document quality control through a survey of institutions, procedures and tools in selected contexts. The survey covers selected national experiences and does not aim to be exhaustive. To facilitate comparison, all national experiences are analysed according to a common grid, although focus may change according to particular features of a particular situation. A short historical overview and a description of the legal, cultural and linguistic contexts are provided, followed by an outline of policies, legal instruments and recent reforms. The survey also describes key actors, procedures, personnel, and main tools. Finally, it highlights critical aspects and emerging trends.

The third part of the study seeks to identify best practices and recommendations. The research team chose to adopt the questionnaire as research methodology, in order to provide a practical overview of actual trends and policies and evaluate as closely as possible the effectiveness of materials and working structures.

The study considers a variety of experiences in both monolingual and multilingual countries, and international organisations. Different document types are analysed, ranging from legislation to informative material. The study deals with very general issues such as the link between document quality control and legal systems, as well as more specific, detailed issues. The study, although not aiming to be exhaustive, is written with the purpose of mapping the key features of drafting practice today.

The research thus provides an inventory of available information on practices followed to provide quality in drafting documents. These include informative texts for the general public, but there is a greater focus on legislative or judicial texts. The questionnaire was designed to collect opinions from civil servants and lawyers, and was developed with the assistance of a group of experts working either in the academic world or in public administrations and international organisations. It follows a 4-stage structure: the conceiving and writing of documents, their translation (if required), revision, and finally publication and feedback.

The need for quality control has emerged over time with a growing demand for transparency. The need for documents to be understandable is fundamental in many fields, for example in medicine, in documents for health care users to express informed consent to medical treatment. In the legal field, transparency of rules is a prerequisite for compliance. We have come a long way, from the notion of a hidden body of precepts controlled by an initiated inner circle (*'sacerdotes'* in Roman times) to the right of any citizen to know the governing norms. The central importance of this demand has attracted much attention to the production of legislation. The balance between the requirement for accuracy and for comprehensibility is also reflected in the

study, as many replies to the questionnaire relate to the legislative process in a variety of countries. Huge efforts have been made to improve the quality of documents in terms of both requirements.

In the past 20 years, accuracy has been connected with movements for better regulation: a number of developments have brought the issue to the foreground at national and international level. Key examples are the 'better regulation' policies launched since the 1995 OCDE recommendations and the Lisbon programme to improve and simplify rule-making at EU level. EU Member States have followed suit by implementing policies to simplify the process of rule-making.

At the same time concern about language issues has increased: the plain language movement has gained strength in Europe, starting from northern European countries, with Sweden at the forefront, and increasingly involving other countries in Europe. Special features apply in eastern European states where innovation has been twofold: both in terms of accessibility of sources of law and in terms of comprehensibility.

The study is not limited to Europe: the common law approach could not be limited to the UK, and some information was gathered from the US and other common law areas. But the need to enlarge the scope of the study was also connected with the problem of multilingualism. The notion of transparency cannot be separated from the need to reach citizens and communities speaking different languages within one state or in the wider international community addressed by international organisations. It was considered necessary to distinguish between situations where a number of languages are used but the cultural background is uniform, and cases where the different languages reflect also different roots (bi-jural systems). The Canadian experience, where both Common Law and Civil law are expressed in English and French, is different from the Belgian effort to align the Dutch and French versions of legislation which both have their origins in the Roman-Germanic tradition.

The process of producing high-quality documents requires the interaction of a number of functions and competences. This involves establishing clear procedures in the workflow. Some countries have introduced a strong control over these procedures, resulting in a degree of rigidity that makes special cases more difficult to cope with. Large international organisations also often have to implement complex procedures that may compartmentalise work and make interaction between drafters and translators less fluid. The most strongly recommended procedure is co-drafting, where approval of a document occurs in two or more languages at the same time, with continual comparison between the different versions. This process enables the structure of all languages involved to be respected, and prevents the final text from sounding translated. Another strong recommendation was that some flexibility be allowed to translators to enable them to avoid having to translate sentence for sentence and creating unnatural constructions where languages have different syntactic structures.

A multidisciplinary approach is recommended in order to achieve improved results. Not only can linguists advise legislators on how to simplify their language, but cognitive psychology studies also confirm the respective advantages of 'fluent' and 'disfluent' texts. The results of research in neuroscience facilitate our understanding of the process of learning, may better motivate those whose work involves communication with large audiences, and may help to improve tools widely used in administrative bodies, such as drafting manuals, guidelines, and databanks. The focus on accuracy and completeness, proper to the legislator, must be combined with strategies to reach a varied audience. A chain of knowledge distribution must be implemented where the competence of communication experts comes after the stage of technical drafting. As legislation cannot be simplified beyond the point where it would lose precision, further

intervention is needed if the final target is a rather less-educated audience. In this case images, diagrams, and simplified messages, falling within the specialist competence of communication experts, may be necessary.

Other significant findings of the research concern training. Drafting is often a general function performed by people who have a legal background but not necessarily advanced skills in drafting techniques. Interaction during the process between people with varied backgrounds usually results in a good general standard. However, when drafting is considered a general function, specific training on legal or legislative drafting techniques should be more consistently provided. A culture of 'good drafting' needs to be better disseminated and this means that training should aim to convey state-of-the-art knowledge in the field. In this regard, the importance of a larger supporting framework should not be underestimated. In fact, in a longer-term perspective, special initiatives, such as prizes for students, new teaching modules, and scholarships, could be introduced to promote legal drafting courses at university level.

The complexity of the field requires a combination of 'know-what' and 'know-how'. The widely-adopted 'learning by doing' method appears to be insufficient alone, but it does provide important insight into the fact that even the most sophisticated knowledge in this field must result in the creation of a very specific kind of product: a document. In other terms, drafting is a practical skill where training, guidelines, tools, and complex workflows are all aimed at producing the best possible document. Both 'best' and 'possible' should be emphasised. The particular nature of this work requires challenging issues such as time constraints and linguistic problems to be dealt with. What is required is the aspiration to continuously enhance results, based on the awareness of the deep implications that this has on crucial democratic values.

The close relationship between substantive and formal issues is one of the most interesting aspects of the questions this study looks at. On the one hand, considering that the law mainly develops and is made known through texts, the quality of documents may be seen as being inherently intertwined with the quality of the law itself. On the other hand, any effort to make the law clearer ultimately has to take account of the specific nature of legal documents, which cannot be oversimplified. Quality cannot be defined in abstract terms and is related to context.

The process must be continuously fine-tuned. Feedback and communication between those who are actively involved in it are crucial in order to achieve better results in a specific case and to provide insight on best bottom-up practices that may be institutionalised and constitute a new standard. Clearly each institution is responsible for promoting the quality of the documents it produces, but circulation of best practices between institutions inevitably occurs and could be further encouraged.

A further factor is that citizens as addressees may make a significant contribution to the culture of drafting. All institutions and organisations could provide tools such as, for instance, a special page on their official websites, allowing users (citizens or other addressees) to send comments and observations regarding document quality. At the end of the day, document quality has to be assessed for its actual ability to satisfy the needs of addressees.

Researchers are increasingly working in this field, and a new level of awareness is seemingly emerging at an institutional level. In this context, this study seeks to offer a contribution to researchers and policy-makers by presenting an inclusive preliminary survey of issues and experiences as a basis for further research and for the development of more effective policies firmly grounded on fundamental rights, democratic principles and, ultimately, the goal of building better societies.

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