

**Lost in Translation:  
Handling language barriers in the Américas**

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International anti-corruption work involves bridging language barriers more often than it does not. In the Americas, this usually means moving from English to Spanish and/or Portuguese, and sometimes French.

The job is much easier if you speak the language. Practitioners can translate compliance policies, conduct interviews in the witness's native language, conduct bi-lingual trainings, and review public records about third parties from original sources. If you do not speak the language, you will need to work with translators.

Based on my own experience both as a multi-lingual practitioner in the Américas and one who has relied on translators in other parts of the world, I offer the following tips, common pitfalls, and lessons learned:

**Use official translators when available.** In many Latin American countries, there is an established curriculum and certification process for legal translators. Much like the greater significance ascribed to notaries public, this process reflects a greater emphasis on and formality of documentation. Failure to use an official translator can make it difficult to use translations in formal proceedings, and leaves the translations subject to challenge. Given the greater reliance on official translations and translators in Latin America, there is also greater supply of this service. One can find translators with expertise in particular subject areas. This greatly increases the quality of the translation, and reduces the risk of misunderstandings.

**Having hired a translator, use the translator to your best advantage.** Even if you speak the language, you should have key documents translated so that you can share them with others (clients, partners, and potentially, the U.S. Department of Justice). Also, even if you speak the language, it is sometimes important to have a native speaker in the room during an interview to catch nuances and head off misunderstandings.

**Do not be afraid to challenge the translation.** Translation is both an art and a science. Often a phrase can be translated more than one way, even by an official translator. Given the importance that translations can have, do not hesitate to ask questions. Press the translator on whether terms and phrases can be translated in other ways that might be helpful or unhelpful.

**Be alert to cultural differences/ misunderstandings.** As FCPAméricas explained in [a previous post](#), it is essential to consider culture when designing and implementing an effective compliance program. In a similar vein, note that some terms can be translated differently in different regions, or among different socio-economic classes. For example, “bribe” can be translated as “*mordida*,” “*soborno*,” “*coima*,” and “*cohecho*” depending on where you are and with whom you are speaking in Latin America. Compliance practitioners should use terminology that is understood by employees at all levels of their organization. They may want to consider incorporating colloquial terms.

**Be alert to false cognates and mistranslations.** Some terms do not have exact translations, which can lead to misunderstandings. Some examples:

- “Compliance”: In English, this word can connote meeting a specific obligation, but it can also have a broader meaning, such as a general state of operating *consistently* within a set of rules or acting in accordance with certain standards, what the Merriam-Webster dictionary describes as “a disposition.” In contrast, the words “cumplimiento” in Spanish and “cumprimento” in Portuguese generally have a narrower meaning, what Merriam-Webster describes as the “completion or fulfillment” of a specific requirement.
- “Audit Rights”: If you do not specify exactly what you mean by this term in Spanish or Portuguese, you might be left with only the right to review the financial statements of the third party. Use specific language to ensure that your company will have the right to examine records (*e.g.*, receipts, invoices, and other sales documentation) related to a specific transaction under review and that you will have the right to interview relevant company personnel.
- “Whistleblower”: In response to a recent post on LinkedIn of the FCPAméricas blog article “[Como se dice Whistleblower?](#),” practitioners throughout the region offered several suggestions, including “denunciador,” “autodenunciante,” “informante,” “delator de ilegalidades,” and “denunciador de ilegalidades.” Ecuadorian attorney Bruce Horowitz provided the following explanation:

The words “soplón” and “chivato” are already in use, but they both start out with the negative connotation of “snitch.” A direct translation of the metaphorical “whistleblower” could be a made-up word, such as “pitador,” related to “pitos” (the whistles used by sports referees and police officers). The verb “pitar” even contains the sense of a loud vocal protest, *e.g.*, “to boo,” which is much more positive than “to snitch.” The down-side of “pitador” is its evocative relation to the smoking of lesser drugs. Clearly, there is no one translation.

Where mistranslation or other misunderstanding is a concern, use examples and descriptions. For example, “petty corruption” is a difficult term to translate (“*corrupción pequeña*” raises

more questions than it answers). But this idea can be communicated through illustrative examples of everyday requests for small payments by police, or extra “fees” that low-level clerical functionaries demand to issue licenses or permits.

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