

Multilingual, multicultural Europe and criminal law

Parental child abduction – a case study

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Abstract. *The European Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings should have been in force by 2014 in all EU countries, and it will further exacerbate the existing problems of finding people to provide effective interlingual and intercultural communication, especially in cases where cultural norms differ, as in the case of family law. Despite the efforts to homogenize European systems, much legal language continues to be used and interpreted according to local cultural norms, even when there is some agreement as to the legal terminology at a more general European level.*

In this paper we focus on criminal cases involving family problems such as cases of minors who have been abducted and taken to another country by one parent, without the consent of the other. We shall trace the cultural and terminological difficulties faced by all concerned during the legal process. Ultimately, this research aims to contribute to the perception of the difficulties in applying the European Directive 2010/64/EU at the everyday level demanded by the agents of the law, many of whom have little perception of legal systems or cultures outside their own and share the general public's lack of awareness of the nature of translation.

Keywords: *Legal translation, Terminology analysis, Multilingualism, Parental child abduction .*

Resumo. *A Directiva 2010/64/UE sobre o direito à interpretação e à tradução em processo penal deverá ser transposta para a legislação nacional de todos os países membros da UE até 2014. Ora, esta circunstância irá acentuar a dificuldade em conseguir encontrar pessoas aptas a estabelecer uma comunicação interlingual eficaz, especialmente em situações onde as normas culturais são diferentes, como é o caso do direito da família. Apesar dos esforços estabelecidos para homogeneizar os sistemas jurídicos europeus, a maior parte da linguagem jurídica continua a ser usada e interpretada de acordo com normas culturais locais, mesmo em situações nas quais existe algum consenso transnacional quanto à terminologia jurídica a empregar.*

O presente artigo tem como escopo determinados processos penais que envolvem diretamente problemas familiares, como é o caso de menores desaparecidos porque são levados para outro país por um dos seus progenitores sem o necessário consentimento do outro. Um dos focos principais passa por salientar algumas das dificuldades culturais e terminológicas enfrentadas por todos os sujeitos envolvidos

ao longo de um processo jurídico desta natureza. Por último, a presente pesquisa tem como objectivo contribuir para a percepção das dificuldades na aplicação da Diretiva 2010/64/UE, quer ao nível funcionalmente pretendido pelos agentes da lei, muitos dos quais sem a intuição do funcionamento intrínseco de outros sistemas jurídicos fora do seu próprio país, quer na falta da consciencialização do público em geral para a natureza da tradução.

Palavras-chave: Tradução jurídica, Análise terminológica, Multilinguismo, Subtração parental de menores.

Introduction

Words can win or lose a case.¹ This is particularly true of official terms used in a legal environment, due to the complexity of their meanings and the resulting interpretations and effects. If one adds two or more different languages to the same lawsuit, one is confronted also with two or more different legal systems and cultures. Language is in fact a massive barrier in famous international cases and can even carry controversial misconceptions and dubious interpretations:

The first question that arises is whether the approximation in translation necessary for a multilingual case law produces a satisfactorily unambiguous case law. (McAuliffe, 2011: 114)

For instance, there is a tendency to disregard the fact that legal terms represent concepts, and that these concepts are part of a legal system that, in turn, reflects the beliefs and attitudes of a specific culture. The attempts of institutions like the United Nations and the European Commission to draw up multilingual legal glossaries can only go part of the way to creating understanding of different legal systems, cultures and languages. It is difficult enough to reach agreement on standard multilingual terminology for the more concrete aspects of fields like pharmaceutical products or engineering; to do the same for the largely abstract concepts of the legal world can at times be well nigh impossible. Despite all the efforts of the European Court of Justice to homogenize European legal terminology, the resulting frustration with the applications in real life is documented in the European Commission's 2012 report *Language and Translation in International Law*, vol. 6/12. This report describes many of the problems encountered when providing translations for various legal documents or documents that have to be translated for legal reasons. Apart from discussing the more general problems of the translation of EU and international law, they also elaborate on two case studies that involved the obligatory labelling of products and the translation of patents.

Yet, as Šarčević (1997: 114) insisted, "the legal competence of the translator presupposes not only in-depth knowledge of legal terminology, but also a thorough understanding of legal reasoning and the ability to solve legal problems and to foresee how a text will be interpreted and applied by the court". Obviously, this professional treatment will be achieved with difficulty, but it can be optimised through the lens of specialised experience.

The Language of Criminal Law

The October 2010 European Directive 2010/64/EU of the European Parliament and of the Council of 20, on the right to interpretation and translation in criminal proceedings, restricts the scope of legal translation and interpretation to criminal law. Although

the intention of the Directive is important and legal professionals have already been confronted with problems that arise from the diversity in legalese, translators and interpreters have not yet been formally consulted, let alone involved in guaranteeing the effectiveness of a good accurate language bridge when bringing justice to citizens. European attempts at harmonising criminal law touch first on safer general principles and values such as *Fair Trial* and *Defence Rights* but, up till now, there has been little progress towards a common vocabulary, let alone a common criminal procedural law.

Language programmes such as the ILEC (International Legal English Certificate), run by Cambridge, do not contain a single paragraph or article dedicated to criminal matters or specific criminal terminology. By contrast, as a general trend, there are multiple courses everywhere about contracts, property and inheritance legislation, as well as about legal drafting and how to analyse the structure of important negotiations between companies. But criminal law is just not considered to be a priority for aspiring legal professionals. It seems as if all the big concerns around Human Rights are on a different level (that of the members from the UN and European Parliament) far away from the routine in local national courts. The legal protection of citizens involved in criminal matters does not offer large enough fees, and it is a weaker option that immediately discourages legal professionals. However, it would be fair to say that local courts are the most demanding in terms of the role of lawyers, interpreters and all actors involved in such proceedings, even if performing under legal aid.

It takes devastating cases of missing minors to attract the world's news media and bring some awareness of the real implications and importance of looking deep into legal language to understand its complexity and how poor quality interpretation may adversely affect a whole case, or sway public opinion in a 'trial by media'. For example, the Madeleine McCann case – where the child of a British couple who were on holiday in the Algarve, in Portugal in 2007, disappeared from their apartment, while they were having dinner at a nearby restaurant and has never been found – illustrated the different procedural and cultural norms assumed by the Portuguese and English authorities. The case drew attention to considerable differences in both cultural interpretations of parental responsibility and correct legal procedures, but the bafflement of English speaking press with the Portuguese term *arguido* is an example of how language can influence attitudes, and introduced the European Portuguese legal terms *arguido* and *assistente* to the British public². Why, the journalists wanted to know, did the Portuguese system fudge the issue by not using straightforward words that meant *suspect*, *accused* or simply *witness*?

This apparently unimportant objection to the terms used reflected different procedures in the Portuguese and English contexts and symbolized many of the misunderstandings that arose from this case. It is not the objective of this article to point to specific injustices, but the various perspectives, at both cultural and linguistic levels, led to xenophobic reactions in the press on both sides that caused serious problems at both political and economic levels. Even today, nearly eight years later, the case not only continues to attract the attention of the media, but has also resulted in ongoing legal battles between the family and people like the policeman originally in charge of the case.

Such term variation is intimately related to the fundamental principle of presumption of innocence. Therefore, the word *arguido* can be translated as 'formal suspect' or even as 'substantial witness', but can never have the weight of a mere 'witness', neither

can it have the weight of a real ‘accused person’ (at least before the trial hearing, while the *inquérito* (investigation) is pending).

According to the official website of the Portuguese Department for Documentation and Comparative Law (*Gabinete de Documentação e Direito Comparado*), *arguido* is a person suspected of having committed a crime, who has been established as a defendant, unofficially or upon request of the Public Prosecution (note: our translation). This different designation confers a specific statute composed of rights and duties that differ from those of other participants in the proceedings.

The differences between legal systems and legal terms are particularly important in criminal law as far as the family is concerned. The media dedicate a lot of news space to the family cultures of the ‘Other’ that they consider to be aberrant when compared to ‘Our’ cultures, but they usually fail to even consider the positive aspects of that culture or its legal system. In February 2008, the then Archbishop of Canterbury, Rowan Williams, called down upon himself the wrath of the British media because he ventured to suggest that there are aspects of Sharia family law that are positive. Yet we do not have to go beyond the countries and languages of Europe to find discrepancies between legal systems.

Focusing on Parental Child Abduction

Let us start with the difficult task of classifying a crime in different cultural and legal circumstances, while trying to find some equivalence between the legal terms used in different languages.

In the current economic crisis, there are lots of broken relationships and people look to emigration as an escape and the possibility of financial security and guaranteed jobs. This means that, when parents decide to emigrate, some take their children to a different country without the authorization of the other parent. According to the English legal system this scenario will be described as the crime of *parental child abduction*. The correct translation into Spanish should be *sustracción parental de menores* (Alcaraz Varó and Hughes, 2008) and in Portuguese *subtração parental de menores* (literally translated as *parental minor subtraction*).

Parental child abduction happens when a family member (usually a parent), who does not have custody or parental agreement to remove the child from the care, access and contact of the other parent and his or her family, abducts the child. These situations tend to occur in cases of separation or divorce, where parental or familial child abduction may include *parental alienation*, a form of child abuse seeking to disconnect the child from that side of family.

The Hague Convention on the Civil Aspects of International Child Abduction (1980) provides a structure for negotiation between countries, although not all countries consider such action to be a crime. As a rule, the mother obtains custody of the (younger) children unless proved incapable, yet some mothers will transfer this custody to the father once the child is 12 years of age. There are movements in favour of equality and fathers’ rights in Western European countries and, in some cases, other members of the family can also obtain custody. However, the tendency is towards more acrimonious custody battles and more abductions. According to statistics from Reunite International Child Abduction Centre³, there has been a 206% increase in the number of children who have been abducted by a parent to a non-Hague country between 2001 and 2011. In

2012, in Portugal, the Central Authority registered 71 parents' requests for their children's return after abduction by the other parent⁴. These Central Authorities in every country are designated for judicial cooperation under a given legal instrument, such as the above-mentioned Hague Convention.

Describing the Equivalent Crime

According to several authors such as Mayoral Asensio (2005: 3), there are 3 levels of interpretation of a word when dealing with legal translation:

- a) Either the term or expression has an abstract meaning in the specialised text (easily sorted by a dictionary);
- b) Or the term or expression has a specific meaning in the specialised text (the documental meaning requires the translator to be familiar with the legal systems and cultures involved);
- c) Or the content of such a document is legally protected, because it evidences the effectiveness of its facts or the relationship of the parties involved (for instance, the in-depth knowledge of extra textual interpretation rules, such as the intentions of the parties, of the claimant or of the defendant, of the legal authority who issued the document, besides knowing the legislation, the legal systems and the cultural diversity involved).

Normally, what happens is that the reality of legal translation, whether carried out by non-professional legal translators, or by some international jurists with no translation skills, does not reflect legal precision and often presents an abusive usage of terms that are chosen by the media to command and attract attention to sensationalist headlines (on this note, Engberg 2002: 375)) with little respect for correct legal terminology. Moreover, in international cases which do receive more visibility, the linguistic bridge is lacking any sort of legal linguistic regulation.

According to Portuguese etymological dictionaries, the Latin word *raptare* means to take away and drag with violence, to plunder, to ravage, while *sequestrare* means to separate, to keep apart (Machado, 2003). Thus, *raptare* requires one to take by force, or snatch, prey, steal; on the other hand, *sequestrare* means to illegally seize someone. In English (EN) one can say an airplane was *hijacked* but not *kidnapped*. In Portuguese, by contrast, the correct term for hijacking would be *sequestro*.

The Online Latin-English dictionary⁵ defines the Latin verb *rapere* in a similar way to *raptare*, where its meaning seems to have continued into old French and early English, but then gradually led to the modern English *rape*. On the other hand, *sequester* is legally used to mean "remove (property) temporarily from the possession of the owner; seize and hold, as the property and income of a debtor, until legal claims are satisfied"; and in international law to mean "to requisition, hold, and control (enemy property)". Kidnap means "to steal, carry off, or abduct by force or fraud, especially for use as a hostage or to extract ransom" and originated from *child (kid)* and *steal (nab)* being specifically used to mean "steal children to provide servants and labourers in the American colonies."⁶ Finally, the word *abduct* means "to carry off or lead away (a person) illegally and in secret or by force, especially to kidnap".

As one can see, *parental abduction* should not be translated as *parental kidnapping* but as a different crime form. Yet, the current options are to name the said crime in Portuguese as *raptare parental* (*parental kidnapping*) or in Spanish (ES) as *secuestro parental*

or in English as *parent illegal restraint* (EN). Moreover, the mere fact of translating such terms into English can be a delicate task and a complicated matter because *kidnapping* does not have all the same legal implications as *rapto* in Portuguese (PT). Again, *rapto* in PT is a more severe form than in ES (see table below), which makes the *secuestro* (ES) resemble half of the legal requirements for *rapto* (PT).

As a result of a poor in-depth specialized search, very disappointing results emerge in search engine tools, such as in this Linguee search (<http://www.linguee.pt/portugues-ingles?query=subtrac%E7%E3o+de+menor&source=portuguese>), where child abduction appears as an equivalent of neglecting a minor or deserting a child.

Não apresentação de menor ou <u>subtracção</u> de menor <i>eur-lex.europa.eu</i>	Neglect or desertion of a minor or a disabled person <i>eur-lex.europa.eu</i>
1105 00 Não apresentação de menor ou <u>subtracção</u> de menor <i>eur-lex.europa.eu</i>	1105 00 Failure to comply with an order to produce a minor or removal of a minor <i>eur-lex.europa.eu</i>

Curiously, in IATE – InterActive Terminology for Europe, the European Commission’s terminology database, the entries for the same term can only be achieved with the former spelling of the Portuguese language (where *subtracção* still appears with double c⁷) and one of the results complicates the correspondence because of a Scottish judge’s decision:

Term	Subtracção de menores(PT) – plagium (EN)
Reliability	4 (very reliable)
Ref. term	Orr v K 30 December 2002 www.scotcourts.gov.uk .
Context	interference with the parental right of custody, by virtue of which the child is in the care and possession of the person from whom it has been taken
Note	the essence of the crime of plagium is the deliberate taking of a child from the custody of a parent or other person who has for the time being the parental right of custody in terms of the statute or under an order made by the Court. The matter does not depend upon the natural relationship which exists between a father and his child. It depends entirely upon interference with the parental right of custody, by virtue of which the child is in the care and possession of the person from whom it has been taken.
Ref context	Origin of the reference: Case law UK_Scotland then Lord Justice General Hope in <i>Hamilton v Wilson</i> 1994 S.L.T.431, quoted in <i>Orr v K</i>

Again, very different results can be found that leave translators trying to extricate correct meanings from confusing information.

Other different forms are *hostage-taking*, *wrongful retention* (where a child has been retained in a foreign country following an overseas trip) or *threat of abduction* (where there is a risk that a child will be taken overseas, but the action has not taken place). One should recognize that *parental child abduction* does not aim to collect a ransom, but rather to keep the child permanently, often in a case where the child's parents are divorced or legally separated. If these linguistic differences are not understood, they will contaminate *a priori* any court case when filing and conducting evidence.

Here are some hypothetical evidence complications that might occur in a scenario of child abduction:

- a) If we compare *parental abduction* of a child to the PT mass media equivalent *rapto parental*, should the public prosecution have to produce evidence of a crime of kidnapping in the abductor parent's attitude? Is there an economic benefit when a parent takes his/her child away? Not really. In the majority of cases, this parent will take on an economic burden in the need to provide health care, schooling abroad and child-sitting expenses while at work. Is there intent of sexual nature? Normally there isn't.
- b) If we compare *parental abduction* of a child by adapting Brazilian Portuguese (PT-BR) into European PT and call it *sequestro parental*, in PT law *sequestro* means to hold someone against his/her will. But there are many cases where the child is actually happy to live permanently with the abductor parent, and not terrified.
- c) And what if the wrong equivalent terminology "neglect of a minor" works for the so-called "child abduction"? Hypothetically, in cases such as when one of the parents takes his/her child abroad without the other parent's consent, let's presume to England, the abductor could be charged with a different legal crime frame. Moreover, if we read into requirements of plagiarism⁸, such a child should be below the age of puberty, a demand that is not taken into consideration in other European legal systems. In Portugal, neglecting a minor (*culpa in vigilando*) is a civil wrong and could even make an entire case fail in the criminal court and be transferred to a civil court, in particular to a family jurisdiction.

When analyzing the table below, it is important to see the mixture of elements in order to realize how difficult accuracy can be when dealing with a higher level of specialised legal terminology documentation. For example, *parental abduction* (EN) is only a crime if an order of custody is issued to another parent (not the one who takes the child away) but the equivalent for *rapto* (PT) has assumptions of violence or threat or deception in order to achieve two purposes: economic benefit or sexual invasion. The term *sequestro* (PT) means the same as *illegal detention* (EN) and the term *secuestro* (ES) means the same as *kidnapping* (EN).

Multicultural Elements

Apart from finding a particular definition, there are cultural elements that bring different weights and penalties to the same criminal matter. In England and Wales and Northern Ireland abduction may be a criminal offence where a child (under 16 years old) is taken out of the UK without either the consent of another person who has parental responsibility, or permission from the courts. However, in Scotland, abduction may only be

Legal term PT	Definition (elements)	Legal term ES	Definition (elements)	Legal term EN	Equiv.
Rapto	161 ^o CP Crime assumptions: Violence, threat or astuteness, for 2 purposes: a) Economic benefit Or b) Sexual invasion	Rapto	Crime assumptions: Violence, without consent and in order to undermine the victim's sexual integrity	kidnapping	partial
Sequestro	158 ^o CP Crime assumptions: to hold someone against his/her will	Secuestro Or Privación ilegal de la libertad (Mexico)	In order to obtain an economic benefit either directly from the kidnapped person or from a third person or even to stop the authorised person from acting. Normally involves a ransom	illegal restraint (closer to the crime of taking of hostage)	partial
Subtracção de Menor	249 ^o CP before 2008: Abduct child, with violence or using threat, or in a repeated and unjustified way, failing to comply with the requirements established for the coexistence of the minor in the regulation of the exercise of parental responsibilities, while refusing, delaying or significantly impeding the child's delivery 249 ^o CP after Law 61/2008 of 31 st October – crime assumptions: Abduct child, with violence or using threat or refusing to deliver child to the custody of a parent or guardian or to whom he/she is legitimately entrusted	Sustracción de menor		Child Abduction (or abduction of a child) or even Crime of Plagium (for Scottish Law)	total
Rapto parental PT-EUR Sequestro parental PT-BR	Term created by the media/press Non-existent in legislation	Secuestro parental	Term created by the media/press Non-existent in legislation	Child abduction	Partial correspondence
Convenção sobre os Aspectos Cíveis do Rapto Internacional de Crianças	Translation used by the European Commission	Convenio sobre los aspectos civiles de la sustracción internacional de menores	Translation used by the European Commission	Convention on the Civil Aspects of International Child Abduction	3 different options = 3 different assumptions

considered a criminal offence where the courts have issued an order concerning the custody of the child or their removal from the UK, but a parent may still have rights under civil law.

And if we then examine the terminology from Portugal and Spain and its usage in their old colonies (respectively Brazil, Mozambique or, Guinea Bissau, or for the old Spanish Empire, Mexico), then one gets multicultural aspects adding value to the absence of the same penalties or even reminding the citizens of different relevant aspects. For example, when searching Latin-American legislation such as the Mexican Penal Code in its article 107 – a person commits kidnapping if s/he *seizes a person through physical or moral violence or deception to satisfy a sexual erotic desire or for marriage*⁹. Those reasons do not exist in Portuguese/Spanish law for the corresponding term. Hence there are very different assumptions and the lexically closest translation option can cause a deviation from the appropriate penalty.

One of the more desperate reasons cited for kidnapping that is totally excluded in European legislation is that of marriage to the kidnapped person, but some African countries that speak Portuguese mention this reason within the scope of the crime. In this matter, cultural differences play a very important part, since African society considers a young woman ready for marriage, even if she is a minor, often under 15 years of age.

To our surprise, as late as 2012, Mozambique law did not even describe *sequestro* (PT) or *illegal restraint* (EN) as a crime, even though its criminal code was introduced in 1886. The practice of *sequestro* was so commonplace in the culture that it was not considered a matter for legal protection.

Different Pleadings of the same Proceedings

The Hague Convention on the Civil Aspects of International Child Abduction (1980) remains neutral in relation to Criminal Law. When filing proceedings, English law has a more informative approach, which recommends an *all ports warning system* when the crime happens, while Portuguese law is more preventive, intended to try to avoid any wrongful action.

In Portugal, there is an automatic passport restriction when a parent travels separately abroad with his/her own child. Many parents need to carry notarized documentation authorizing such a departure and this immediately restricts premeditated action, especially when the custody order is still to be defined by the court. Any person resident in England can register an objection to the child being issued with a British passport. This is a totally different approach, when parents in Portugal will need authorisation and even a translated notarial statement and parents with an English passport won't.

Translators are frequently called in to work on the legal documents that should follow a child abduction case, and they need to be aware of the legal implications for such a form of action. Europol needs fast-track translations of warrants or judicial orders that should be completely clear to the authorities from another jurisdiction. So, at the moment, each case has its own procedure, also meaning its own certificates of accuracy of translation of the documentation involved.

In the UK, after a divorce, where permission is granted to one parent to take a child out of England and Wales for the purposes of contact, especially to a non-Hague Convention country, the court may make the order *conditional* upon the parent obtaining a *Mirror Order* in the destination state. This term does not exist in the Portuguese system, so the explanation that it is a *reciprocal order* by *letter rogatory* is a better solution.

In order to demonstrate the different intensity and weight of apparently equivalent words when translating child abduction proceedings, here are some examples:

- a) the legal term *right of custody* that in the Portuguese language developed into the expression *direito de guarda* (*right of guardianship*) can often be mistaken in translations as the right of access to children, but in Portuguese the right of access is literally translated as *right to visit* (*direito de visita*) and this refers to a totally different level of coexistence in both the English and Portuguese legal systems.
- b) the habitual residence, which in PT is known as the family's address house (*casa de morada de família*) might not be the most used ("habitual") residence;
- c) a non primary carer who is a parent not entitled to the effective guardianship or access to his/her child, and yet guardianship is not the same as a person entitled to custody. The correct terms, in such cases, are respectively, either a *tutor* or a *representante legal*.

Again, what if there are ear-witnesses in this case, for example, if a third party heard a relative talking with the abductor parent in order to prepare the child's withdrawal of the country? Currently, ear-witness testimony has credibility in the UK court system, and so does the often implicit hearsay evidence. Under the common law system and in accordance with 23 exceptions of the FRE (Federal Rules of Evidence), these witnesses will be heard and their evidence is admissible to prove the planning of a crime. By contrast, in the Portuguese legal system such witnesses (*testemunhas de ouvir dizer*) are not taken into consideration as the literal translation of such a term means someone that

heard about the facts, but was not present when the crime happened, so their affidavits are not considered valid. Besides, when asked to plead guilty in the Portuguese legal system the defendant is invited to “confess” (*confessar os factos*) instead of “admission of guilt”, as only the first option acts as a mitigation factor (*atenuante*) for the sentence.

Again, many terms can only offer a partial equivalence, even if cleverly translated into the legal scene. Article 1776 of the Portuguese Civil Code for automatic divorce proceedings to run in the Civil Registry should not be translated only by using the term *Quick divorce*, because although this is the functionally equivalent term it does not offer sufficient correspondence of meaning. Moreover, the PT term for *child maintenance order* can often be transferred with the idea of means of maintenance (child support), being assertively described in Portuguese as ‘food pension’ (*pensão de alimentos*), a solution that will seem linguistically limiting but which fully achieves and respects the terminology adopted by the national civil law.

Conclusion

As we hope we have shown, words represent concepts, and concepts are the products of societies and cultures. Words have their histories and are interpreted differently over time and according to the context in which they are used. If this is true of one language, it is doubly true of any attempt to translate these words from one language to another. The apparent similarity of cognates in two different languages as, for example, *sequester* (EN) and *sequestro* (PT) often turn out to be the ‘false friends’ well known to those teaching and learning a foreign language.

These words can refer to different criminal situations, with different assumptions, legal defence mechanisms and protection elements that might work as immediate equivalents but have to be considered and studied properly prior to any legal translation task. And even if translators presume they have mastered the matching equivalent, they need to think ahead about this immediate textual solution and represent the legal effects that might arise. They need to foresee the frequency and the so-called different “weight of the words”. The standardization of the concept behind an international term does not always represent the interpretation of the concept represented by a national legal term.

The ideal translation at such a level is one where the translated document has all the potential meanings of the original, without giving a margin of discretion for another interpretation. For such a level, the active knowledge of legal conflicts and negotiation implications is highly recommended.

However, all the intentions of harmonizing legal concepts to create a common international rule of law have been going in different directions. Like rivers affected by geographical and climate changes, legal language very much flows from the influence of the media and not the markers of cooperation between linguists and legal professionals. The absence of legislative classification of certain situations is also a reflection on the deficient research of accurate information on this particular issue. Consequently, there is a structured collection of European data on the frequency of these terms but, somehow, the language has not been treated and addressed with sufficient attention.

Of course, the consequences of poor translations and conceptual misalignments can ultimately damage the normal prosecution of parental abduction cases, affecting official reactions, confusing powers, and hypothetically increasing the chances of a delayed response in acrimonious custody battles across countries.

It will take a great deal of research and good will to clarify the doubts that arise every day when analysing what is meant in one language and how this meaning can be presented properly and justly in another. In the meantime, we would simply suggest that anyone reading this article should make sure, if they find themselves in any legal situation involving different legal systems, languages and cultures, that their lawyer understands the multilingual and multicultural implications of the case, which is to say that in every legal action a cautious linguist should be consulted.

Notes

¹As an inference from David Mellinkoff's famous opening quote *The law is a profession of words* in Mellinkoff (1963).

²Portuguese legal terminology being introduced in the following British press releases: a) in 8 September 2007: <http://news.bbc.co.uk/2/hi/uk/6983604.stm> and <http://www.bbc.com/news/uk-13386785> b) in 21 July 2008: <http://www.telegraph.co.uk/news/newstoppers/madeleinemccann/2439530/Madeleine-McCann-Kate-and-Gerry-cleared-of-arguido-status-by-Portuguese-police.html> c) in 26 October 2013: <http://www.dailymail.co.uk/news/article-2476728/From-arguido-assistente-McCanns-apply-prosecutor-status-let-Portuguese-case-files-suspects-face-trial.html>

³<http://www.reunite.org/>

⁴http://www.dgrs.mj.pt/c/portal/layout?p_l_id=PUB.1001.79

⁵<http://latin-dictionary.net/>

⁶Definitions taken from Dictionary.com – <http://www.dictionary.com> and Online Etymology Dictionary – <http://www.etymonline.com/>.

⁷The double *c* probably indicates that the information is rather dated, as the single *c* would have been used ever since the approval of the Acordo Ortográfico (1990), a formal agreement on spelling changes in Portuguese.

⁸In accordance to the Report on Child Abduction by the Secretary of State of Scotland under section 3(l)(e) of the Law Commissions Act 1965.

⁹Our translation of the following proviso: “Comete raptó el que contra la voluntad de una mujer se apodera de ella y se la lleve por medio de la violencia física o moral, del engaño o la seducción, para tener cópula carnal con ella o para casarse” (Mexican Penal Code, 1923: artículo 107).

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