

## **During the interview**

### **Needs of the child**

*It is obvious that an interpreter-mediated interview with a child takes place in the best interests of the child. Since the situation for the child is tense, the child's need for information seems to be the greatest need. In other words: what is happening, how, with whom, where, when and why?*

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Of course, explaining to the child where (s)he is and why (s)he is there is the first thing to do. Next, the child needs to know who the interpreter is and what (s)he is there for. The same applies to the interviewer and, possibly, other people in the room (e.g. who they are and what they are there for). This implies that the interpreter, or preferably the professional, clearly explains what the interpreter does and does not do. It must be stressed that the interpreter is there to enable the child to understand and be understood, since the professional and the child speak different languages. This also means that the boundaries of the interpreter's task must be defined: the interpreter is not there to help with practicalities or to explain procedures; (s)he is not there to be the interviewer's or the child's friend. This does not mean that the interpreter is a machine without feelings or empathy. (S)he is there to ensure the best possible communication: this means that any possible comprehension, cultural, or other issues should be flagged by the interpreter. Transparency with all parties – the interviewer and the child – is of paramount importance. Finally, responsibility for the interview, the outcome, and everything that it entails is exclusively yours as the interviewer!

### **Rules of the game**

*Conversation between two persons sharing the same language is different from a three- or multi-party interaction through and with an interpreter. A child must know in advance the role of each participant and the 'rules of the game' before starting the interview.*

Children are not used to communicating in formal situations; nor are they used to talking via an interpreter. A conversation between two persons sharing the same language is different from a three- or multi-party interaction through and with an interpreter (Mason 2001; Davidson 2002). Interpreters mainly act as "reporters", repeating exactly only what each participant is saying, and occasionally become "recapitulators" when they summarise and report a prior speaker's words. By relaying the conversation they also act as "coordinators" but interpreters are not supposed to intervene as primary participants or take up the role of other professionals, nor act as bilingual legal professionals (Wadensjö 1993; Wadensjö 1998). In order to prepare a child for an interpreter-mediated interview, make sure that the child understands the role of each participant in the interview, introduce the interpreter and inform the child about his/her role before starting the interview. The child should be informed that: the interpreter will interpret everything that each person says for the benefit of the others; speakers will have to stop every now and then to let the interpreter interpret; the interpreter will never talk to anybody outside the room about what is said during the conversation; (s)he only interprets. The child must be informed about the "rules of the game" during the interview. Tell the child that (s)he can ask questions; (s)he can tell the interviewer

if there is something that (s)he is uncomfortable with; (s)he can say 'I don't understand' or 'I don't know' if that is the case; there are no right or wrong answers; (s)he can ask for a break when (s)he feels uncomfortable or tired.

### **Seating arrangements**

*For an interpreter-mediated legal interview, it is highly recommended to consider what the seating arrangement should be. This process best takes place during the briefing phase but do not forget to involve the minor in the discussion! The final goal is to ensure eye-contact between the legal professional and the minor.*

For an interpreter-mediated interview, how all the stakeholders are positioned around the table is important. As the interpreter must express his/her objectivity and neutrality (mentally, emotionally and physically), a triangular arrangement is usually recommended. In this set-up, all the involved persons are at the same distance from each other (the legal professional, the interpreter and the suspect/witness/victim). If there is a lawyer present during a police interview, (s)he will be sitting near his/her client.

This being said, during the [CoMinor I](#) & [CoMinor II](#) research projects, it came out that this type of seating arrangement is not always the most efficient or best way to interview a minor. It is beyond dispute that people naturally look at the persons who are speaking their mother tongue or the language that they know. This means that in a triangular set-up the child will probably look at the interpreter instead of the legal professional who is keen to have eye-contact with the minor. This can then cause for the legal professional both a lot of frustration, as (s)he may feel that they have lost the lead role in the interview, and anger, as it is the interpreter who has the eye-contact with the minor. In our research, we also tried placing the interpreter behind the minor but, as a result, the child always turned around towards the interpreter, which is very disturbing for all stakeholders.

We therefore recommend agreeing on the seating arrangement with the interpreter during the briefing phase. Our recommendation is to move the interpreter closer to the legal professional, who will then have at least the impression of having eye-contact during the interview.

### **Building trust**

*Trust is essential in all interviews involving a child and an interpreter. It must be built and maintained between each pairing involved in the triad: child-interpreter, child-interviewer, interpreter-interviewer. Verbal signs of support can help build trust and rapport-building, as can the seating arrangement and non-verbal communication.*

In a broad consultation by the Council of Europe, children and youths reported a general mistrust of the legal system. Trust is essential in interviews involving a child and an interpreter. It must be built and maintained between each pairing in the triad:

- child-interpreter;
- child-interviewer;
- interpreter-interviewer.

Verbal signs of support such as back channelling, reassuring cues or calling the child by his/her name can help in building trust (Vranjes 2019) and rapport-building, as can the seating arrangement and non-verbal communication. Gaze direction, for example, signals conversational attention and can help manage the interaction (Krystallidou 2014). If the child feels intimidated, ill-judged or mistrusted, (s)he may shut down. If the legal/social/psychology professional and the interpreter do not trust one another, they will be unable to work together successfully and this may jeopardise the best interests of the child which should be pursued “in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies” (UN Convention on the Rights of the Child, article 3, section 1).

In order to build trust with the child it is important to bear in mind that:

- the child might be looking for comfort from one of the professionals involved in the proceedings;
- the child might be looking for help from one of the professionals involved in the proceedings;
- the child senses the relationship between the professionals involved in the proceedings and the general atmosphere;
- the child may have preferences about the gender of the interpreter;
- all the professionals involved should be well aware of their role boundaries;
- all the professionals should share essential background information about the child in order to adopt the most appropriate behaviour.

### **Non-verbal communication**

*Children are very sensitive to non-verbal communication and pay a lot of attention to body language, facial expressions and the gaze, voice, gesture and general attitude of the interviewer and interpreter. Non-verbal signals are particularly important when the child does not speak the language of the interviewer.*

Children are very sensitive to non-verbal communication (Amato & Mack 2021, Keating 2015). They pay a lot of attention to body language, facial expressions and the gaze, voice, gesture and general attitude of the interviewer and interpreter. Non-verbal signals are particularly important when the child does not speak the language of the interviewer. Eye contact during an interview plays an important role in rapport-building (Poyatos 1997). In turn, children may not be able to voice certain needs or feelings but their body language, facial expressions and attitudes may speak for them. Leaving aside signs of significant discomfort like crying or being aggressive, a child might be shy and avoid eye contact or be unfocused, tired or distracted. They may also experience feelings of guilt for what has happened to them and shut themselves in. The norms regulating the interaction between children and adults are culture-specific, as are also, to a certain degree, the meaning of body language and facial expressions. These aspects should not be neglected. In order to optimise interpreter-mediated communication, non-verbal aspects must be taken into account, including body language, which is an essential component of communication. Signals of attention and interest help communication; signals of closure, impatience or anger can jeopardise it. Facial expressions betraying contempt, disgust, despise or pity adversely affect communication. Eye contact is

important to establish and maintain rapport with the child, but it is advisable to avoid staring at him/her. The seating arrangement is important. If possible, let the child choose the seating arrangement that best suits him/her. This puts the child at ease and allows him/her to be physically placed in the best position to perceive non-verbal signals.

## **Emotions**

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Interviews with children, no matter if in a legal or other setting, can raise strong feelings in all participants, interpreters included, and language-use itself is inextricably tied to emotions (Furmanek 2006).

For a child being interviewed by unknown people in a foreign-language setting, the unfamiliar situation may in and of itself be stressful and the child may feel intimidated, scared or under pressure. The topics discussed can evoke painful memories and/or traumatic experiences which are difficult to cope with and/or express. Feelings like frustration, guilt, anger, grief and sadness can all be underlying factors in communication. Silence can be caused by inhibiting circumstances, but may also be deliberate.

Interpreters are trained to keep their emotions under control during their assignments, but they too may suffer the impact of what they hear and interpret, and also risk developing post-traumatic stress disorders. For very demanding situations, make sure to recruit a professional who is experienced in trauma-informed interpreting (Bancroft 2017). In order to take emotions into due account, you should bear in mind that:

- deliberate silence should be respected (Kurzon 1995);
- interpreters called to work in potentially traumatizing settings must be free to decide if they want to accept that job or not (Granhagen et al. 2014);
- the interpreter should be offered counselling after a potentially traumatizing interview (Amato Mack 2015);
- interpreters who work in potentially traumatizing settings on a regular basis should be offered supervision (Costa 2016).

## **Critical situations**

*Critical incidents with the interpreter can happen: how should you deal with them? Of course the bottom line should always be the best interests of the child. It is important to discuss this during the briefing.*

Critical incidents with the interpreter can happen and can be challenging: you need to know how to deal with them in the best interests of the child. This may even mean that you need to interrupt the interview and look for another interpreter. Such situations can be avoided if you hire a professional interpreter from the outset and if, during the briefing, you discuss all the critical points as described. On the other hand, you can never be fully certain that a critical incident might not occur, since every

interview is unique. When confronted with critical incidents, it is crucial to debrief on why and how they happened. A full list of possible incidents is hard to give but one obvious example is when communication proves impossible because the interpreter has insufficient knowledge of the languages: you can usually ascertain this for your own language but only suspect this for the foreign language (interpretations are shorter/longer; the child does not answer the questions or answers them in the wrong way; the body language of the child suggests that communication is not happening, etc.). The interpreter may also show insufficient knowledge of legal proceedings or demonstrate an unprofessional attitude. This can manifest itself either as impatience, frustration, anger, (subtle) abuse of power towards the child by forcing him/her to answer, and breaches of silences, or as a display of too much empathy towards the child, or a lack of neutrality or impartiality (concepts that are not synonymous with being indifferent or cold). Research shows that children do not accept some attitudes and are very sensitive in detecting them (an impatient or uninterested interpreter for example). It is also possible that the interpreter, despite being a professional, is unable to control his/her emotions in a very specific situation, since (s)he too is human and may be confronted with an unusual situation. You should then either interrupt the interview and resolve the issue with the interpreter, or otherwise adjourn the interview completely if you need to find a replacement interpreter.