

CO-MINOR-IN/QUEST



With financial support from the Criminal
Justice Programme of the European
Commission DG Justice



Cooperation in interpreter-mediated questioning of minors - JUST/2011/JPEN/AG/2961



CO-Minor-IN/QUEST

Current practice: survey findings

Katalin Balogh & Heidi Salaets
KU Leuven , campus Antwerp



Outline

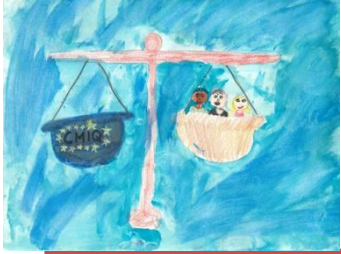
- Project presentation
- Workshop
- Survey: questionnaire
- Results (quantitative research)
- Results (qualitative research)
- Conclusions





Outline

- Project presentation
- Workshop
- Survey: questionnaire
- Results (quantitative research)
- Results (qualitative research)
- Conclusions



Project presentation

- Partners: Belgium ([KU Leuven](#))
 - Katalin Balogh
 - Heidi Salaets
 - Dominique Van Schoor
 - Eric Van der Mussele : youth lawyer – external expert
- The Netherlands ([Ministerie van Veiligheid en Justitie, Raad voor Rechtsbijstand](#))
 - Evert-Jan van der Vlis
- France ([ISIT](#))
 - Christiane Driesen
 - Lucie Solem
- United Kingdom ([Heriot-Watt University](#))
 - Ursula Böser
 - Christine Wilson
- Italy ([Università di Bologna](#))
 - Amalia Amato
 - Gabriela Mack
- Hungary ([Eszter](#))
 - Szilvia Gyurkó
 - György Virág





Project presentation

- How to start?
→ **get to know each other**
- **Literature:** very little – interview techniques with minors, behavioural models/psychology etc. but NOT with an interpreter (**Dominique Van Schoor**)

See:

[https://www.arts.kuleuven.be/forms/tolkwetenschap/projecten/co minor in quest/interpreter-mediated-interviews-of-child-witnesses-and-victims-status-quaestionis](https://www.arts.kuleuven.be/forms/tolkwetenschap/projecten/co%20minor%20in%20quest/interpreter-mediated-interviews-of-child-witnesses-and-victims-status-quaestionis)

- **Definitions:** vulnerability and extreme vulnerability



Project presentation

- **Directive 2012/29/EU**
- vulnerable interviewees who need extra support because of
 1. age (i.e. under 18) cfr. definition of victim
 2. native language (cfr. right to understand / to be understood + right to interpretation/translation)
 3. procedural status (either as a **victim, witness or suspect**).



Project presentation

- **Extremely vulnerable interviewees** who need extra support because of
(see classification *Ágota Szekeres & Gabi Mack*)

Physical impairment :

- ✓ hard of hearing - - → deaf
- ✓ visual impairment - - → blind
- ✓ speech disorders
- ✓ ...

Psychological “impairment” - problems

- ✓ Trauma
- ✓ Deprivation
- ✓ ...





Project presentation

Intellectual impairment, variable according to

- ✓ Age
- ✓ Cognitive ability
- ✓ ...

Spectrum disorder/autism – behavioral disorders
(*hyperactivity, impulsivity ...*)

- ✓ Speech disorders
- ✓ Affects verbal communication (reluctance to speak)
- ✓ ...



Outline

- Project presentation
- **Workshop**
- Survey: questionnaire
- Results (quantitative research)
- Results (qualitative research)
- Conclusions



Workshop with...

- Legal practitioners: police officers, police trainers, (youth) judges, (youth) lawyers, ...
- Child support services: social workers, youth workers ...
- Psychologists, psychiatrists...
- Interpreters : legal interpreters involved in working with minors



Goal





Workshop and field visits where we learned about ...

- Examining abused children
- Questioning techniques – **protocols**
- **Teamwork** amongst the different participants
- **Extreme vulnerability** and **how to define it** (see previous slides)
- Necessity of **code of conduct** for every professional working with children
- ...





Workshop and field visits where we explained to the other professionals...

- **Who is the interpreter?**
- What is his/her **role**? What are his/her **role boundaries**? His/her **code of conduct**?
- **What do other professionals know** about him/her?
- What does **the interpreter know about the other participants in the setting** and their way of working?
- **Why literal translation is impossible?**
- **Why preparation and briefing is ALSO necessary for the interpreter**, not only for the other professionals
- ...





But most of all...

to understand...



**THE ART OF
LISTENING**





...how children experience



**this threatening
situation ????????????**



Outline

- Project presentation
- Workshop
- Survey: questionnaire & methodology
- Results (quantitative research)
- Results (qualitative research)
- Conclusions





Information page

1. Choose language for the survey (DU, FR, I, HU, EN)
 - introduction about the aim of the questionnaire
 - participant information page
2. Choose professional group
3. Job title
4. Country – region
5. Education
6. Experience



Type of questions

Combination of ...

- **open** questions → **qualitative** research purposes
- closed questions/**MC** → Likert-scales
→ **quantitative** research purposes

Triangulating with interviews /focus groups

→ CO-MINOR II (?)



Design

- Based on the experience of the workshop
- Design of the questionnaire with expert: Szilvia Gyurkó
- **Main challenges**
 - **Before**
 - **During**
 - **After**

the interpreter-mediated questioning of minors

Such as: **briefing** before

Role of the interpreter

Position of the interpreter (where does he/she sit?)

Debriefing afterwards

Code of ethics?





Samples

- **4 groups:** legal actors/policing – psychologists – child support workers – interpreters – (other)
- Originally in 6 countries of consortium members: B, NL, Fr, UK (Scotland), HU, I
- Non-probabilistic sampling method:
network/snowballing

SNOWBALL >>>>>>





Respondents

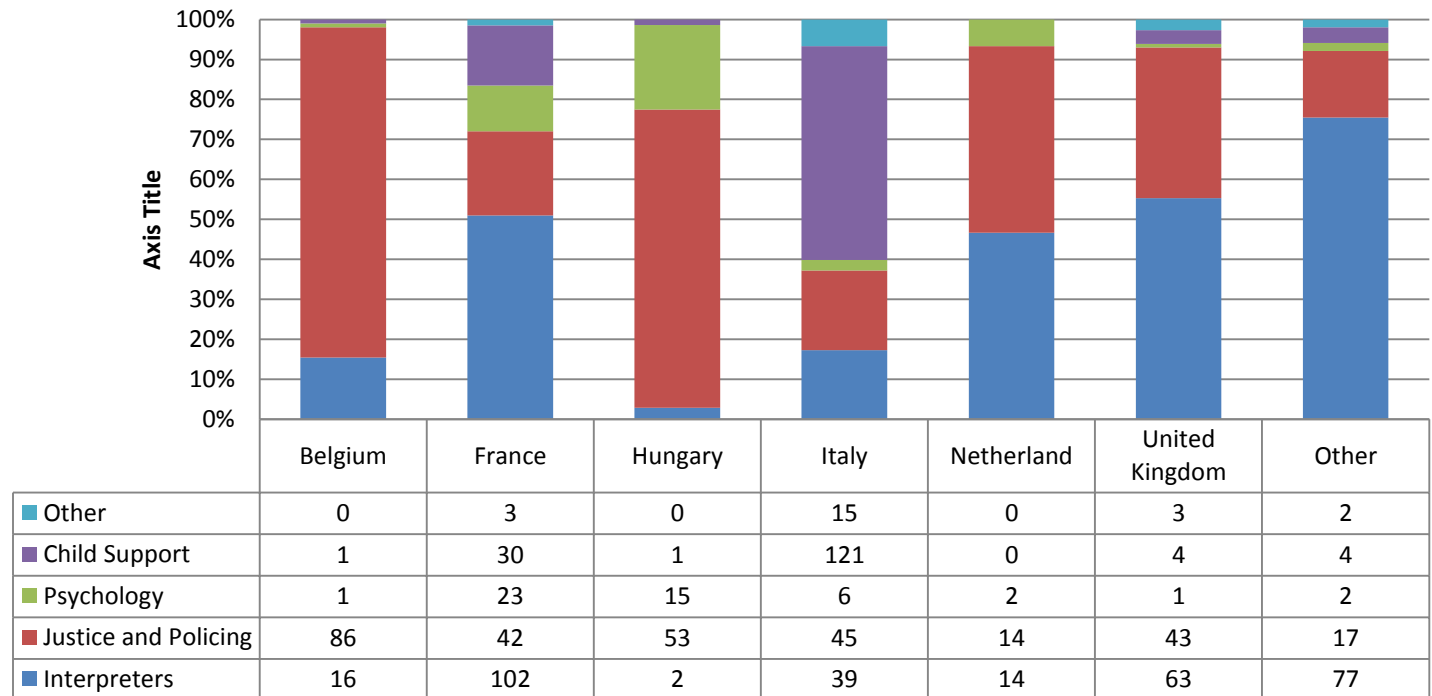
- Incomplete answers: 1263 started the survey
- Complete answers : **610**
- From the partner countries but also Norway (> 50 answers), Slovenia, Spain, Trinidad, Australia, Greece, Serbia ...
- Back translation of the I, Fr, Hu, Du answers into English





Area of work per country

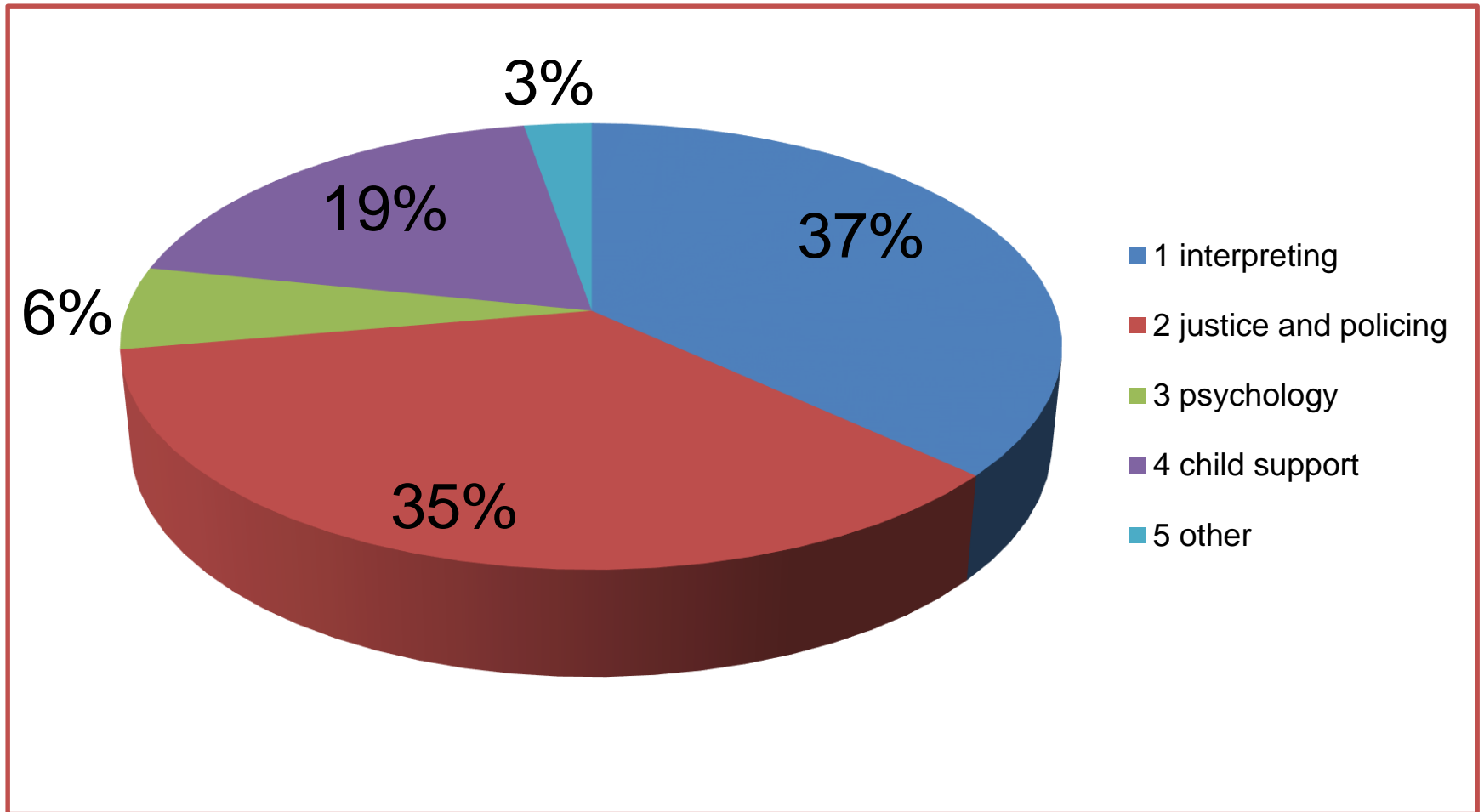
Professionals per country





Area of work

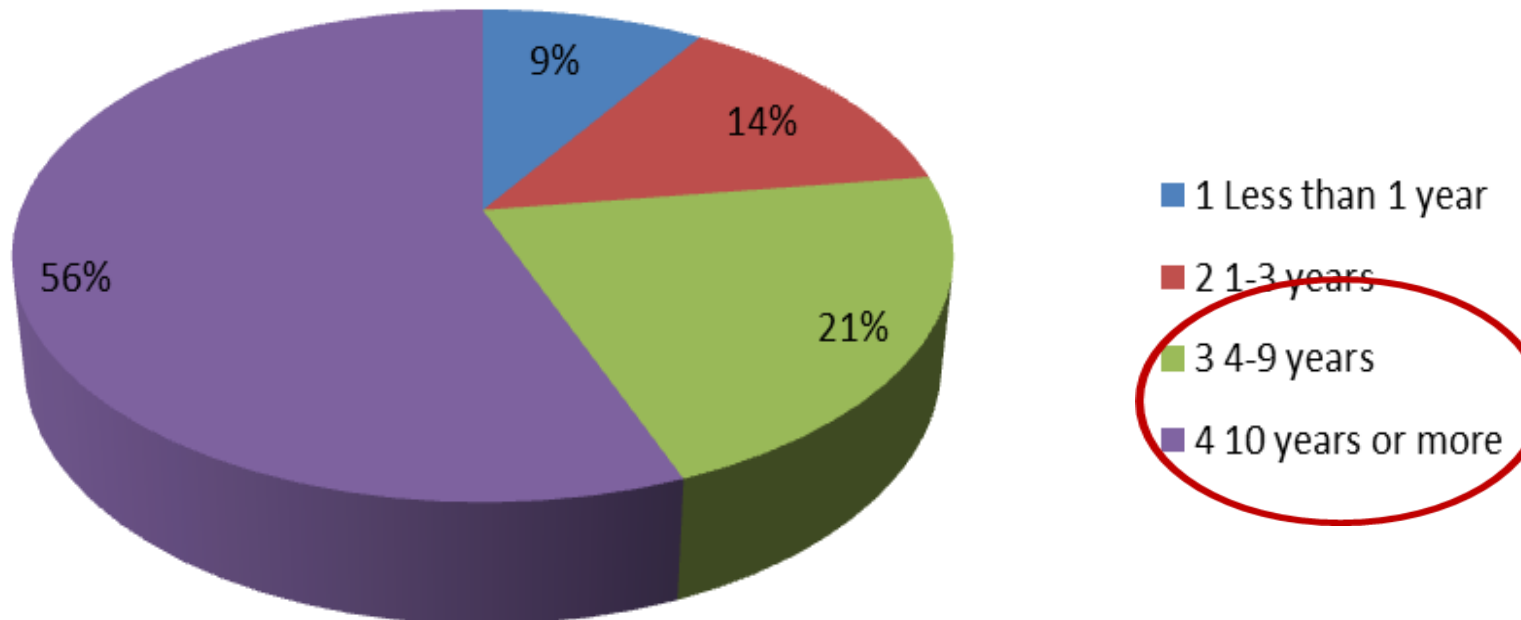
Area of work





Experience (with minors)

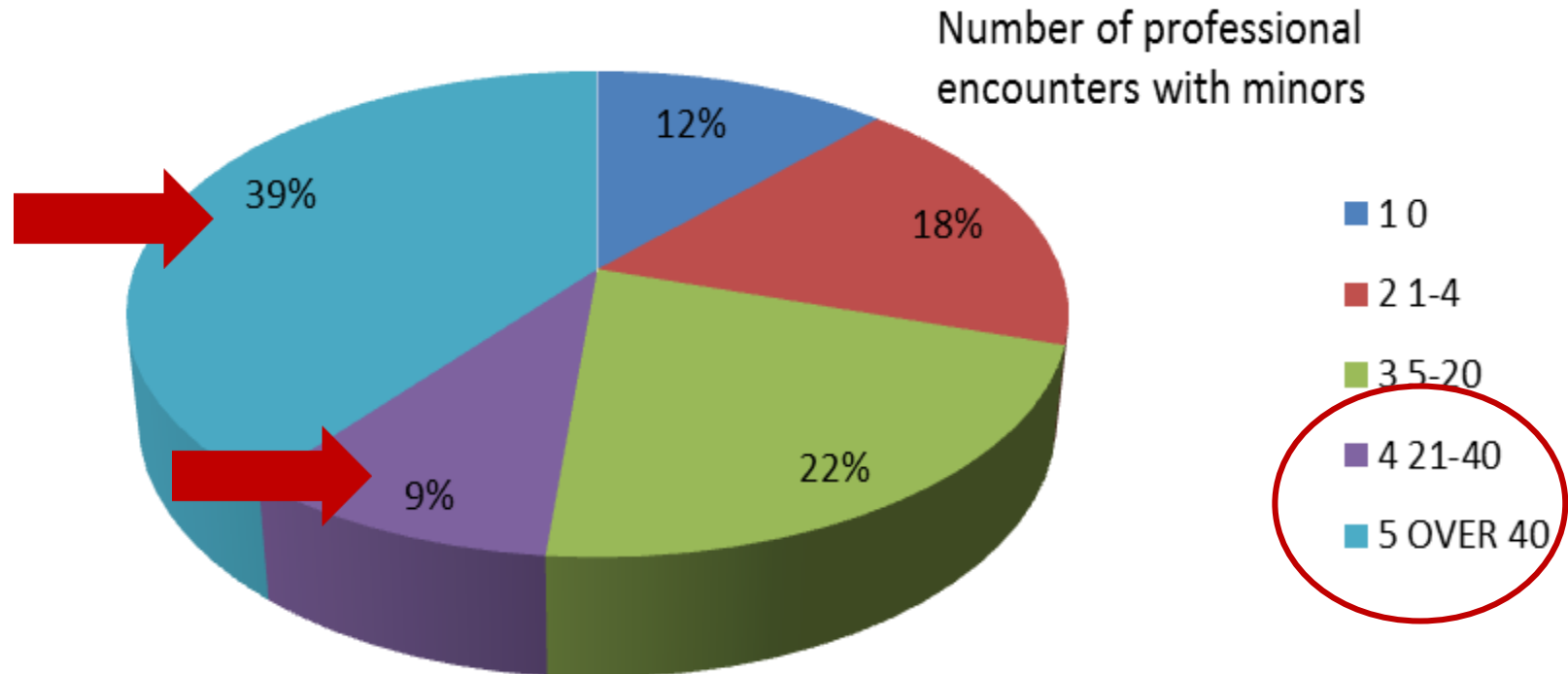
Experience (*working with minors*)





Recent experience in working with minors (3years)

Recent experience (*last 3 years*)

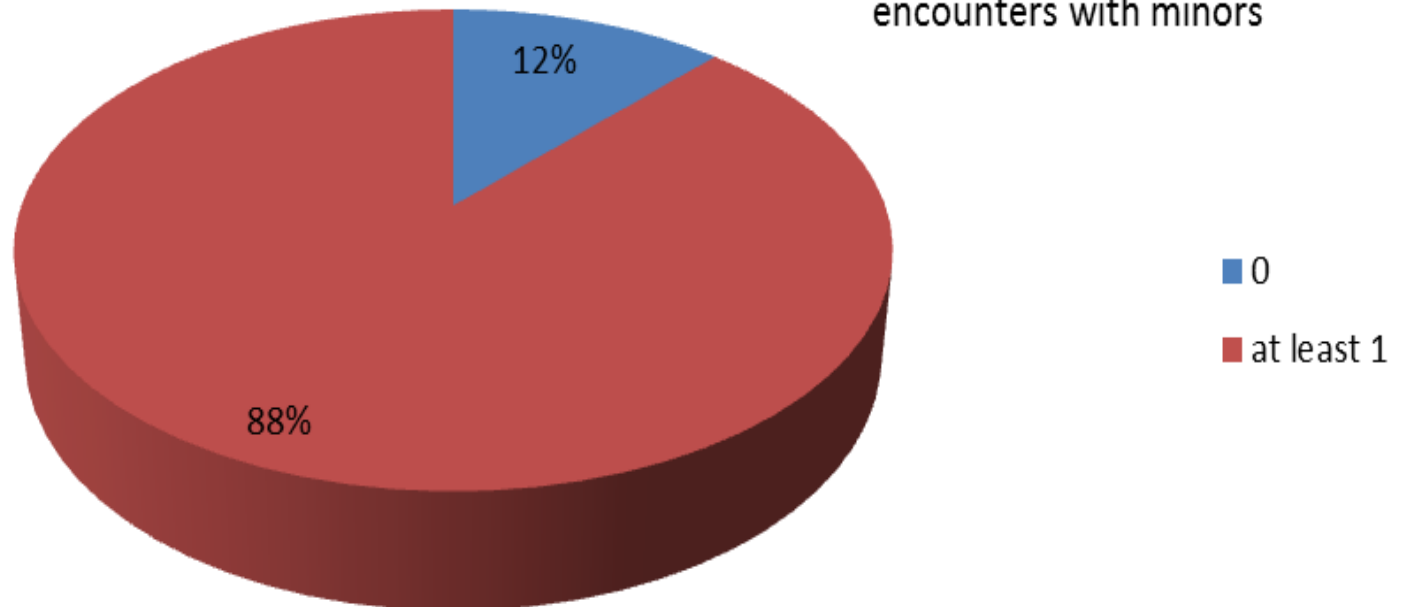




Recent experience $><$ no encounters

Recent experience (*last 3 years*)

Number of professional encounters with minors





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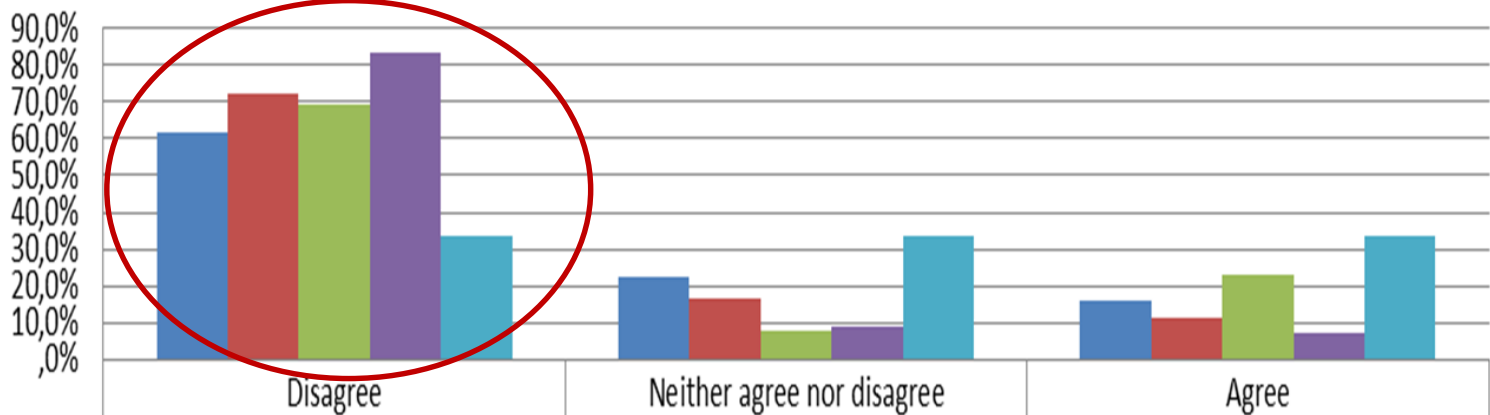
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Interpreter supports the minor?

The interpreter supports the minor



■ 1 interpreting

61,6%

22,2%

16,2%

■ 2 justice and policing

72,2%

16,7%

11,1%

■ 3 psychology

69,2%

7,7%

23,1%

■ 4 child support

83,6%

9,0%

7,5%

■ 5 other

33,3%

33,3%

33,3%



Interpreter supports the minor?

NO! (even if it is hard)

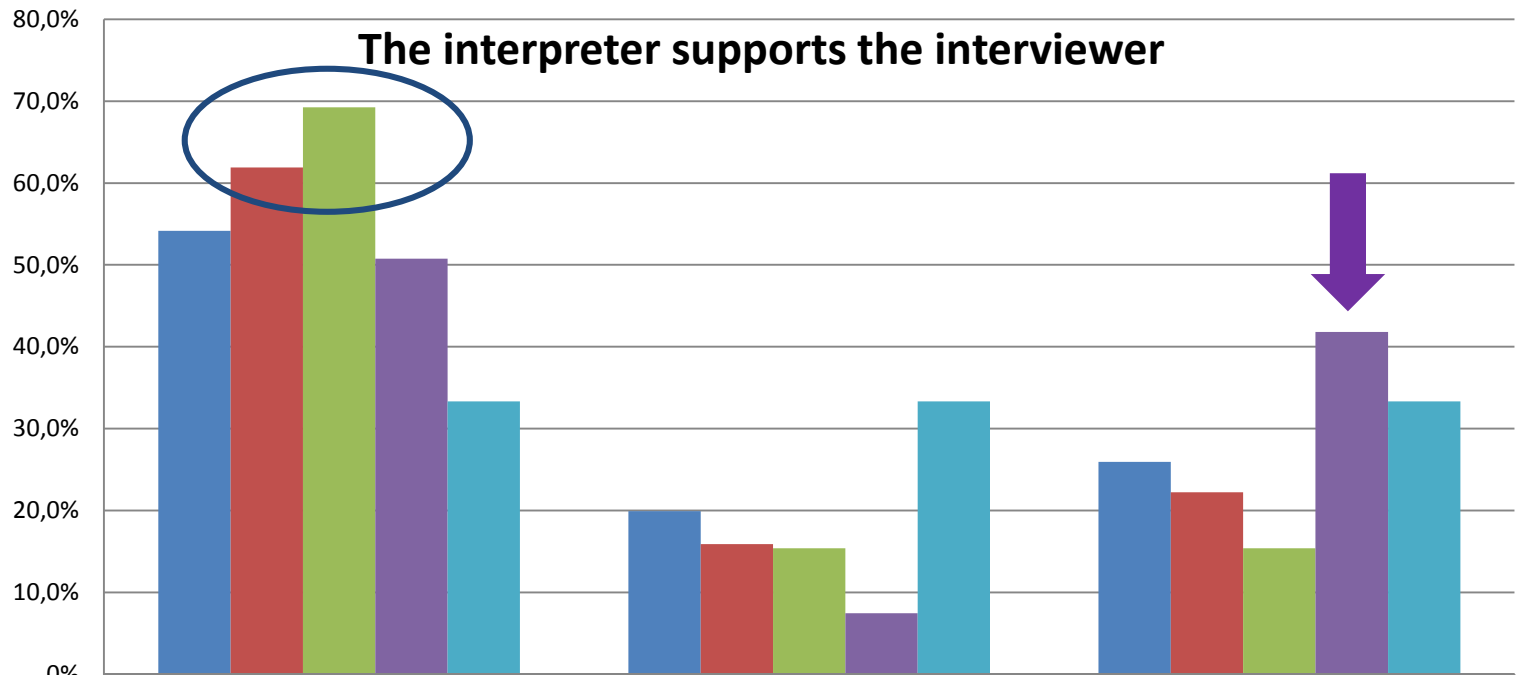
- *The complexity comes from the fact that the minor should have the support of an appropriate adult who should not be the interpreter. **The interpreter 'should' provide an unbiased and neutral perspective during the interview, it is for the appropriate adult to support the minor.** (Legal Practitioner, UK)*
- ***Staying impartial when the heart is breaking** (Interpreter, UK)*

YES! (it is only human)

- *... you have to **win the trust of the minor**. You cannot say to the minor just like that 'I am only your interpreter.' A minor has to trust you before he starts to speak to you. (Interpreter, NL)*
- *Sometimes a **«warm/kind» way of treating children helps and is correct at the same time**. A «cold» interpreter is maybe more correct but makes the minor feel uneasy (Psy, I)*



Interpreter supports the interviewer?



	Disagree	Neither agree nor disagree	Agree
■ 1 interpreting	54,2%	19,9%	25,9%
■ 2 justice and policing	61,9%	15,9%	22,2%
■ 3 psychology	69,2%	15,4%	15,4%
■ 4 child support	50,7%	7,5%	41,8%
■ 5 other	33,3%	33,3%	33,3%



Interpreter supports the interviewer?

NO (way)!!

- *I don't communicate with the interpreter in the first place, but I am turning to the minor. (Psychologist, HU)*
- *I am insisting on being positioned in a place that allows me to "be forgotten/invisible" as soon as possible. (Interpreter, B)*
- *Police officers are not always able to understand the interpreting job, anyway, for them an interpreter is just there to translate ... (Interpreter, I)*

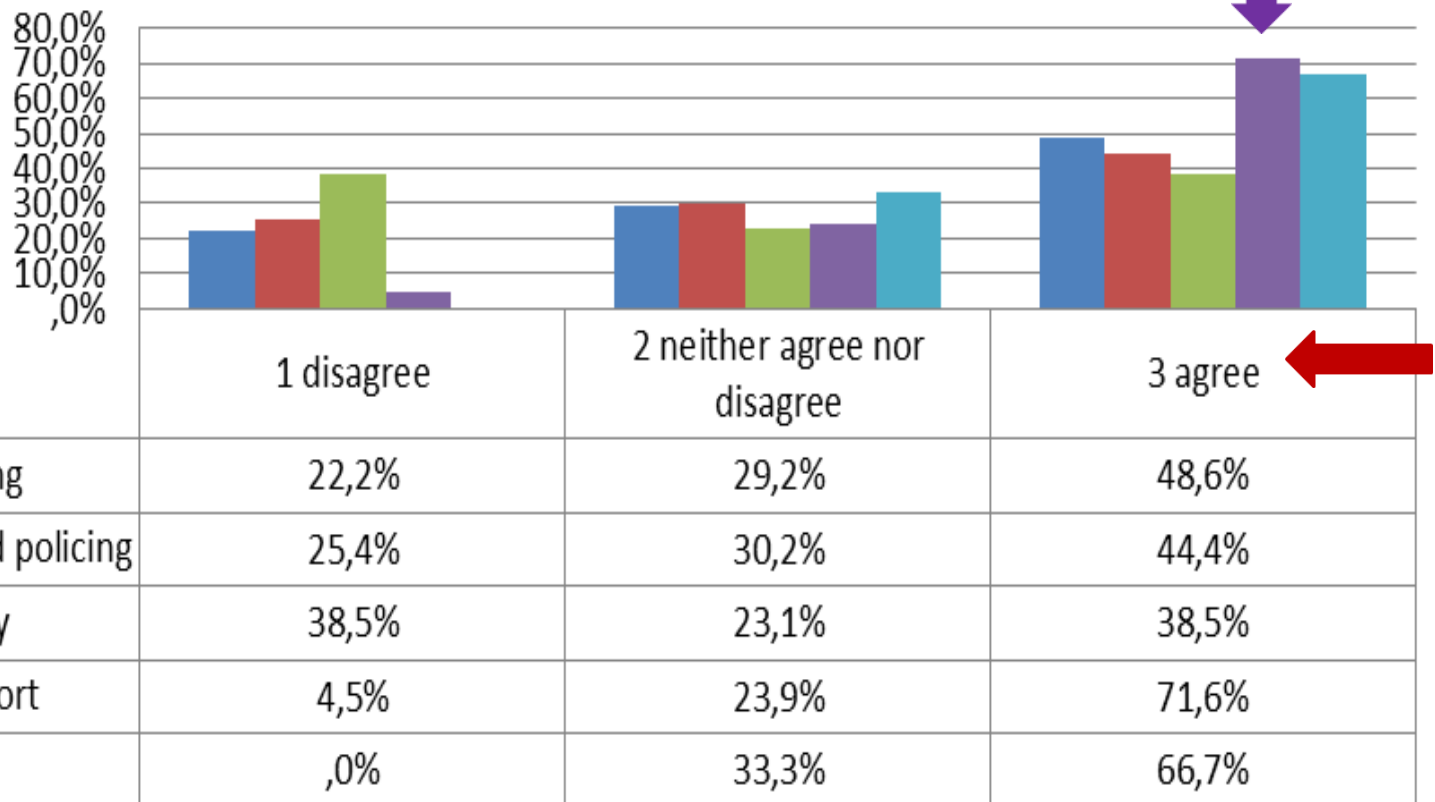
WHY NOT – at least teaming up?

- *If the interpreter can cooperate with the other professionals there is no reason to worry. But it is very difficult to convince the other professionals about this. (Interpreter, NL)*
- *The interpreter cannot take initiatives but can make some suggestions to the interviewer. It is the police officer who then decides if he/she agrees with it or not. (Legal practitioner, B)*



Interpreter puts the minor at ease

The interpreter puts the minor at ease





Interpreter puts the minor at ease

NO (way)!!

- It is the **interviewer** who takes time to put the child at ease. (Legal Professional UK)

No: be careful!

- In police interviews, the interpreter should be careful of taking the initiative in certain aspects of the interview i.e. adjusting language used by the interviewing officer as this could change the context of the interview in a way the officer does not wish. **Also by taking the initiative to put a person at ease the interpreter could be doing the opposite of what the interviewer is seeking to achieve.** (Legal Professional UK)

Maybe if...

- The interpreter can put the minor at ease **if the magistrate agrees with it.** (Legal professional B)



Interpreter puts the minor at ease

YES (it is only human)

- *... and try to make the atmosphere as easy as possible to obtain as much information as possible from the minor - **building bridges of trust by not sounding too strict** when talking with the minor. (Interpreter UK)*
- *the delicate content of the interview entails the creation **of a relationship of trust**. This is not easy in the short period of time that runs from the moment one gets to know each other until the moment they start asking questions about the personal and intimate sphere (interpreter, I)*

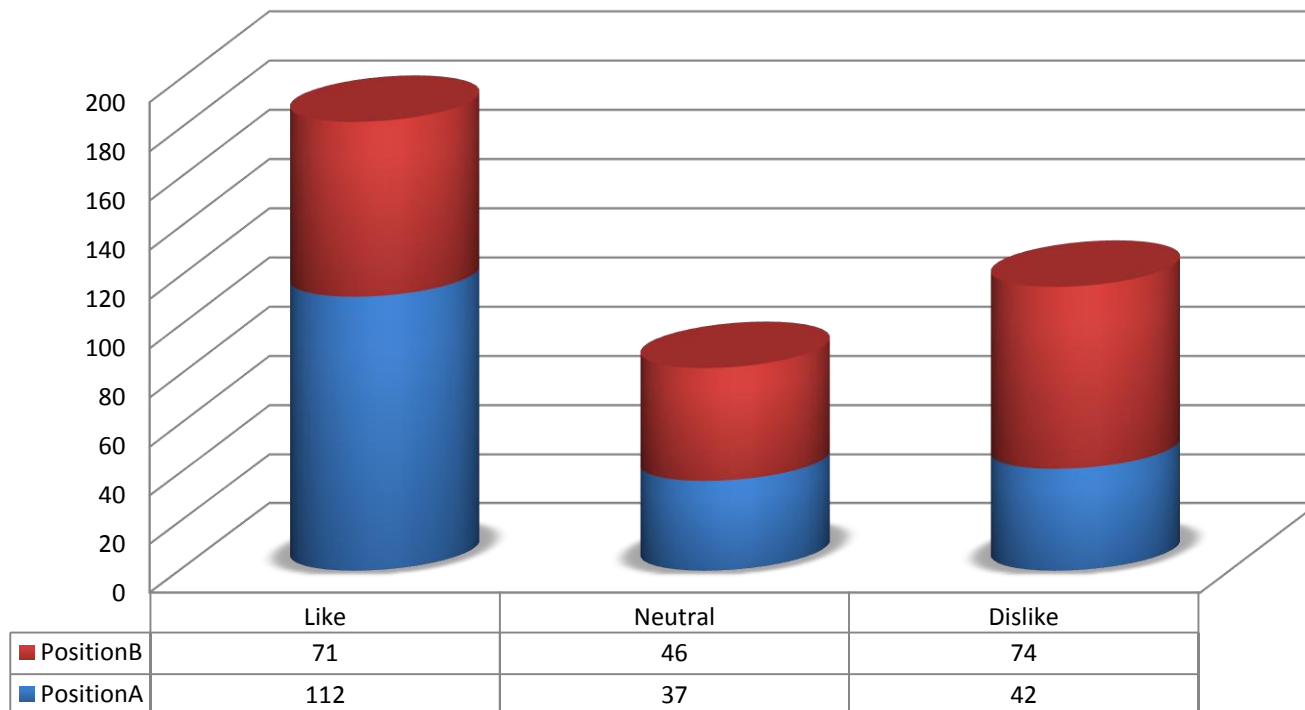
Seating arrangements

Spoken language Interpreters



- Position 'A' (blue) = Minor is **facing** the Interviewer
- Position 'B' (red) = Minor is sitting **next to** the Interviewer

Seating arrangement





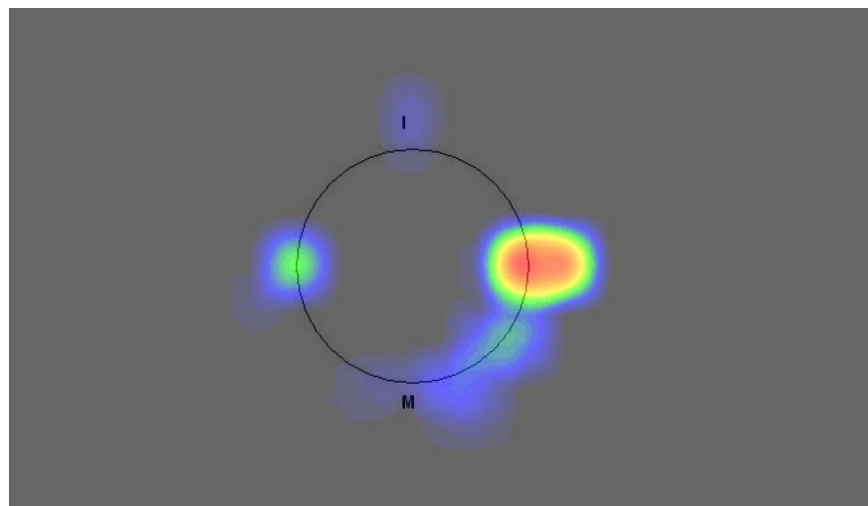
Seating arrangements

Spoken language

Interpreters

Position A

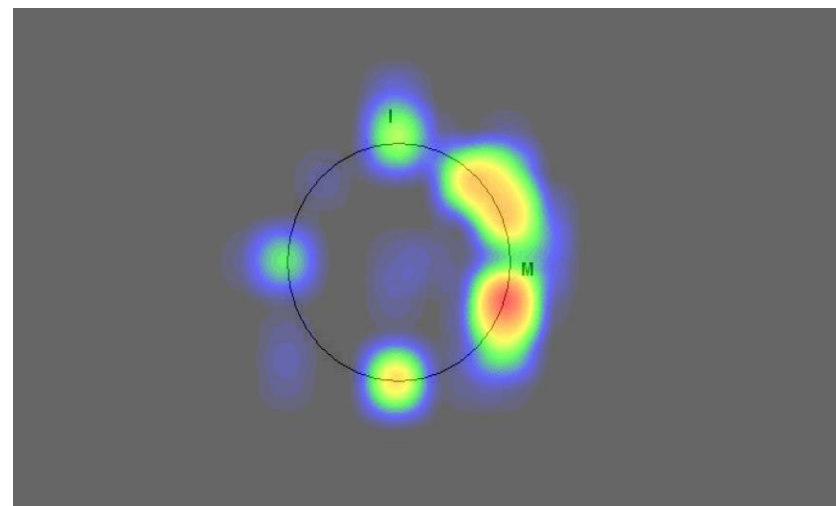
Minor facing the interviewer



Statistic	Value
Total Responses	107

Position B

Minor next to the interviewer



Statistic	Value
Total Responses	70



Seating arrangements: narratives

Spoken language Interpreters

- **NO CHOICE:** I never had any choice in positioning. **The seating was pre-set in video suites. I had to sit in seats allocated by the interviewer.** In most cases, these were located so that I had the same angle of vision towards the minor, i.e. I was sitting nearer to or next to the interviewer, almost side by side with him/her, almost facing the minor. (UK)
- **WHO IS IN CHARGE DECIDES:** I have done this job many times and there may be a standard position however it does not seem to me there is such a thing, and **it pretty much depends on who is taking control of the interview.** (UK)
- **THE INTERPRETER INSISTS for deontological reasons:** I am insisting on **having a place that allows me to ‘be forgotten’ as soon as possible.** (B)



Seating arrangements

Spoken language Interpreters

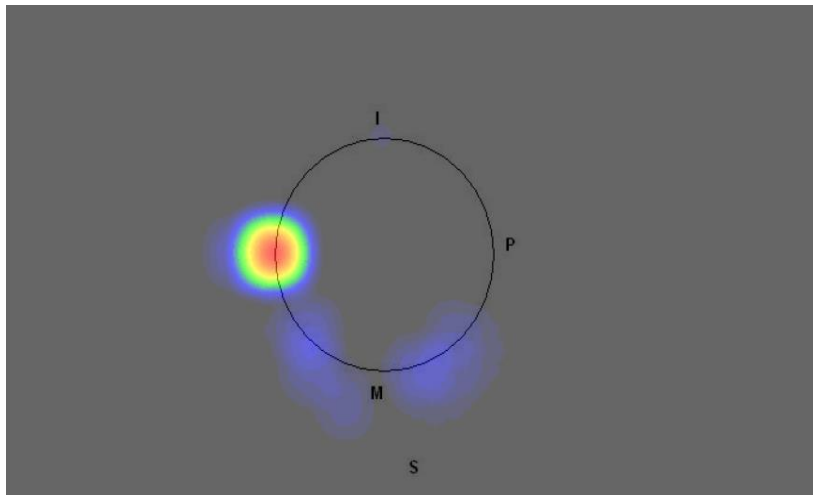
Position 'A'

Minor facing the interviewer

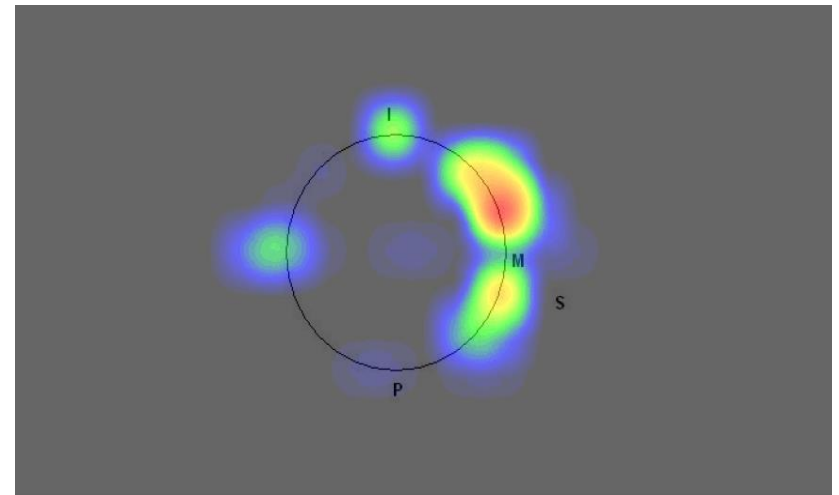
Position 'B'

Minor next to the interviewer

With a Psychologist and a Child Support Worker



Statistic	Value
Total Responses	108



Statistic	Value
Total Responses	67



Seating arrangements : narratives

Spoken language interpreters

- **Be aware of the effect of the position on the minor:** When two participants are present and an interpreter, **the position is not indicated well, namely the position of the interpreter, policeman and other is too threatening**, three adults in front of a child, it is too formal for a good conversation. (B)
- **Interviewee in front of interviewer(s):** In England In most places the interviews take place in a room with rectangular table with interviewer(s) on one side and person interviewed on the other side. In an adult interview I position myself either at the shorter side of the table equidistant from both interviewer and interviewee if possible , if not next to interviewee. **If the interviewee is a minor I position myself at the side of the minor to establish contact and trust (UK)**



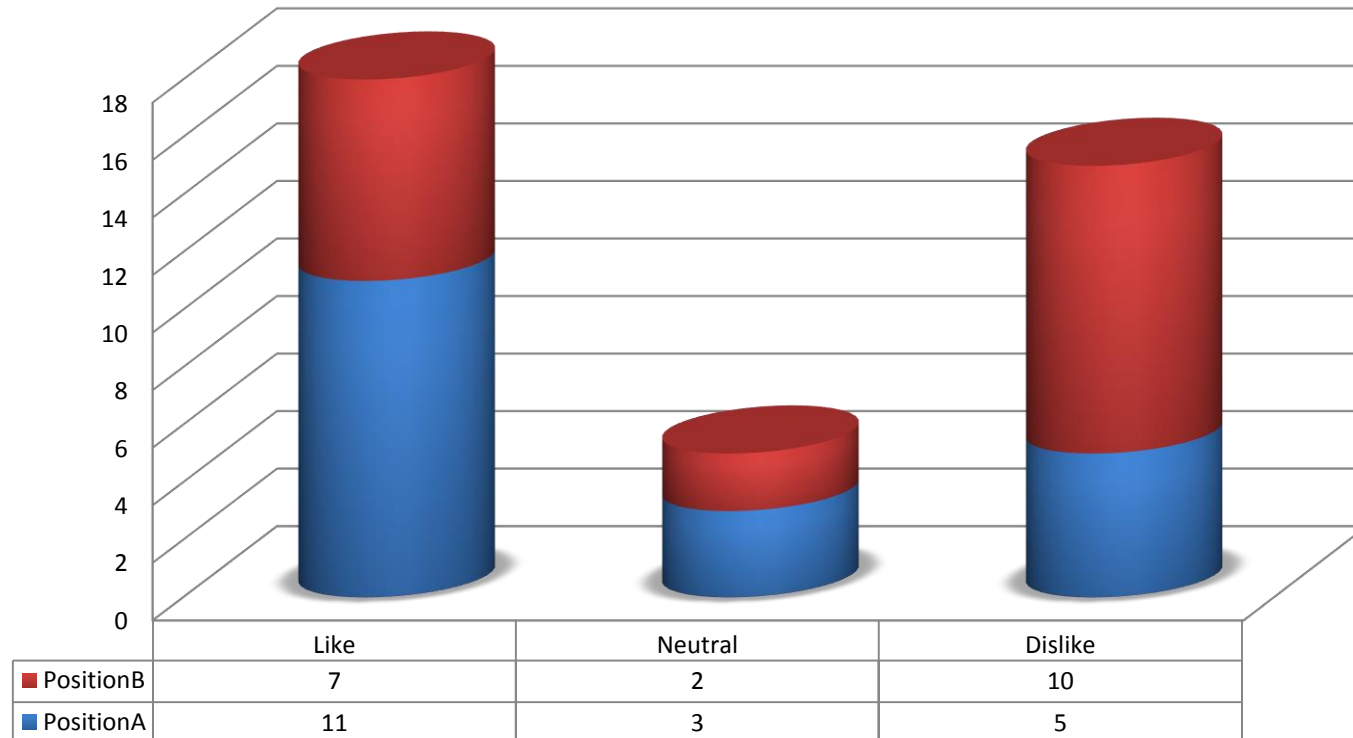
Seating arrangements

Signed language Interpreters

Position 'A' (blue) = Minor is **facing** the Interviewer

Position 'B' (red) = Minor is sitting **next to** the Interviewer

Seating arrangement



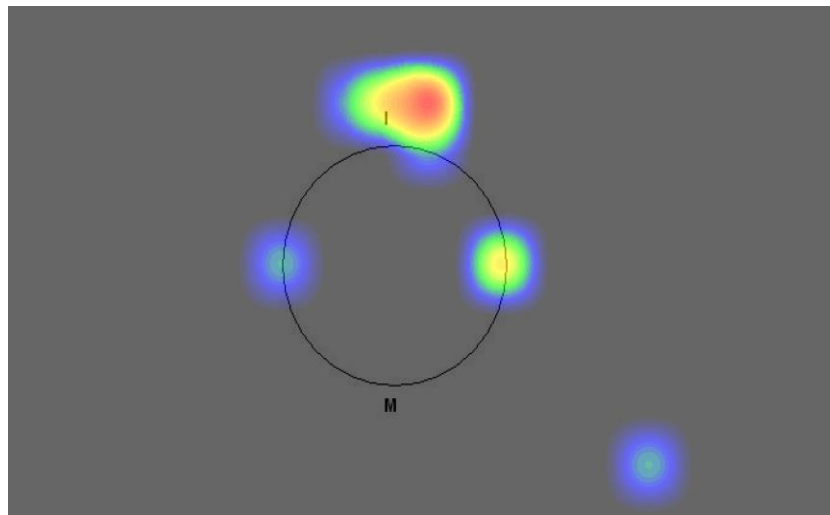


Seating arrangements

Signed language Interpreters

Position 'A'

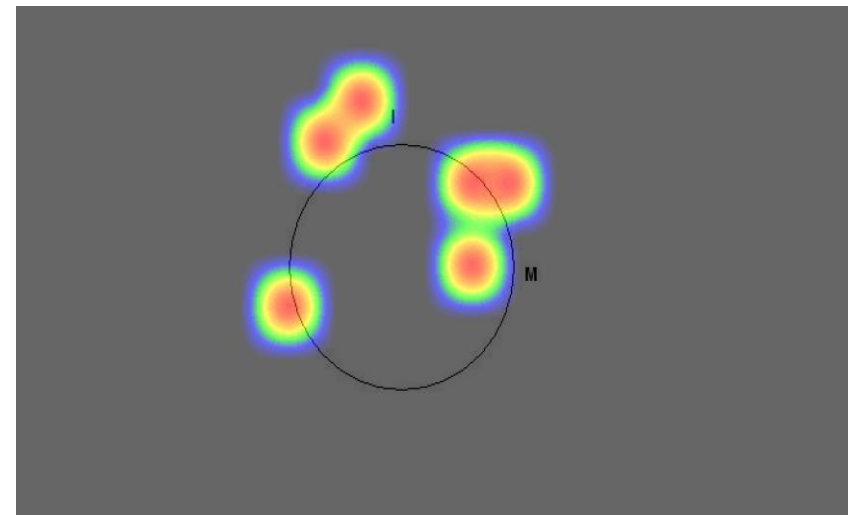
Minor facing the interviewer



Statistic	Value
Total Responses	11

Position 'B'

Minor next to the interviewer



Statistic	Value
Total Responses	6



Seating arrangements

Signed language Interpreters

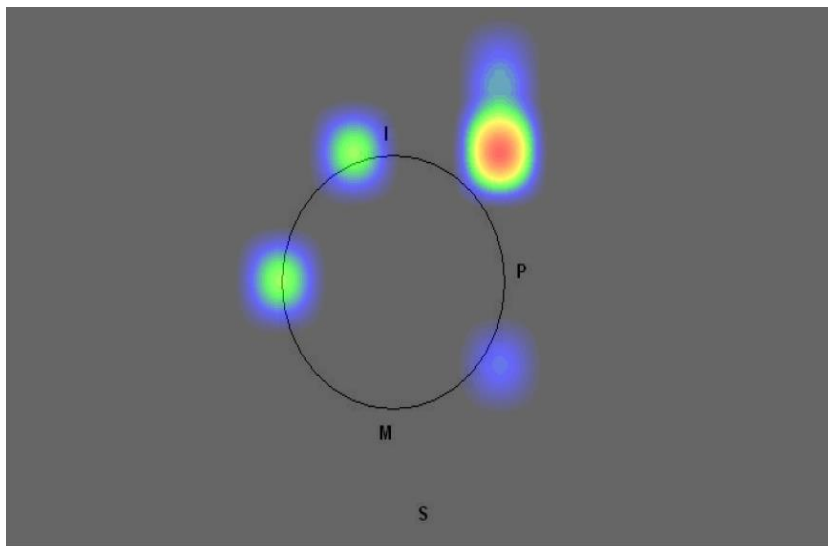
Position 'A'

Minor facing the interviewer

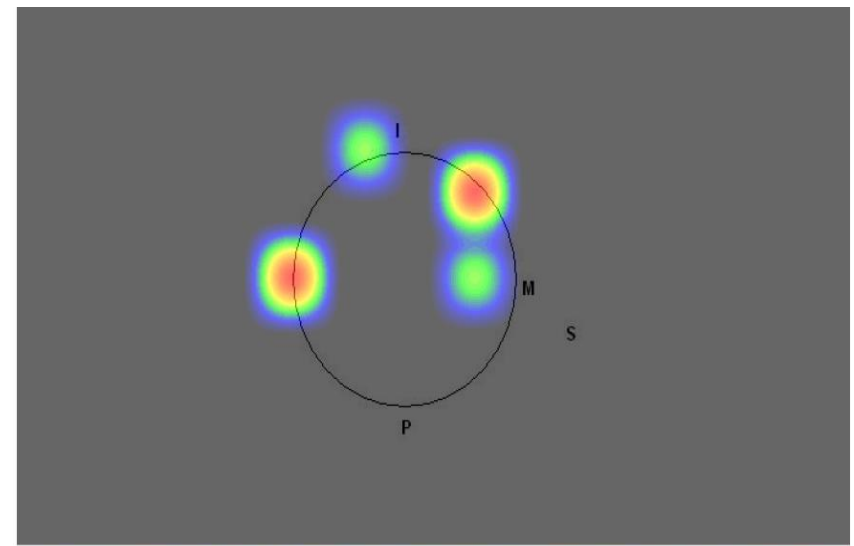
Position 'B'

Minor next to the interviewer

With a Psychologist and a Child Support Worker



Statistic	Value
Total Responses	11



Statistic	Value
Total Responses	6



Seating arrangements: narratives

Signed language Interpreters

1 clear rule: the Deaf person must SEE the SL interpreter

- **Minor is deaf so must have good and clear eye contact, away from glare from windows. Interpreter can (and I do!) move according to best place for minor!(UK)**
- **As a sign language interpreter, I have to sit always in ‘the line of sight’ behind the person who is talking at most. (NL)**
- **Everything depends on the place of the hearing person. The SI interpreter will sit next to this person, a little bit behind so that the Deaf person can see the hearing interlocutor and the interpreter in the same visual field. (F)**





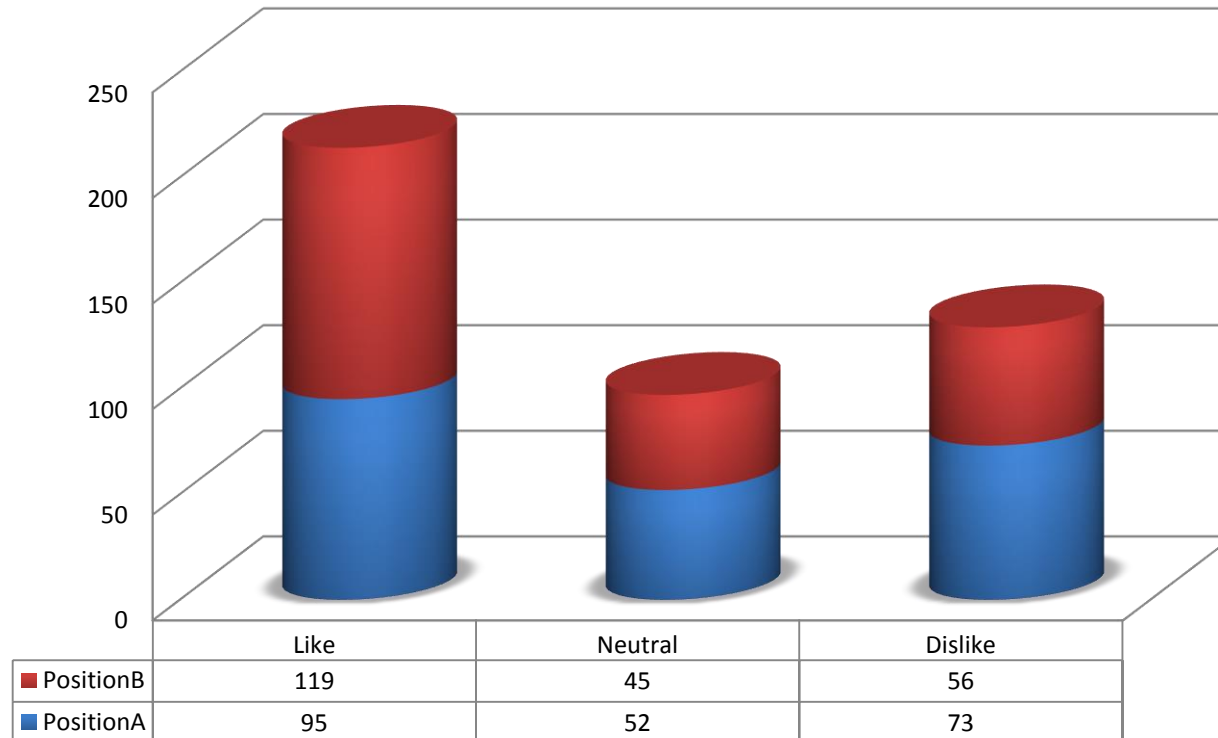
Seating arrangements

Other Professionals

Position 'A' (blue) = Minor is **facing** the Interviewer

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Seating arrangement



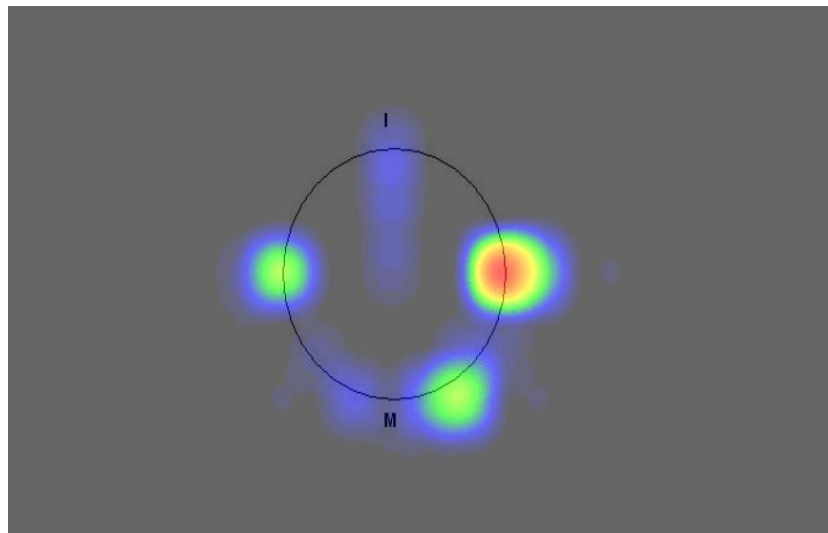


Seating arrangements

Other Professionals

Position 'A'

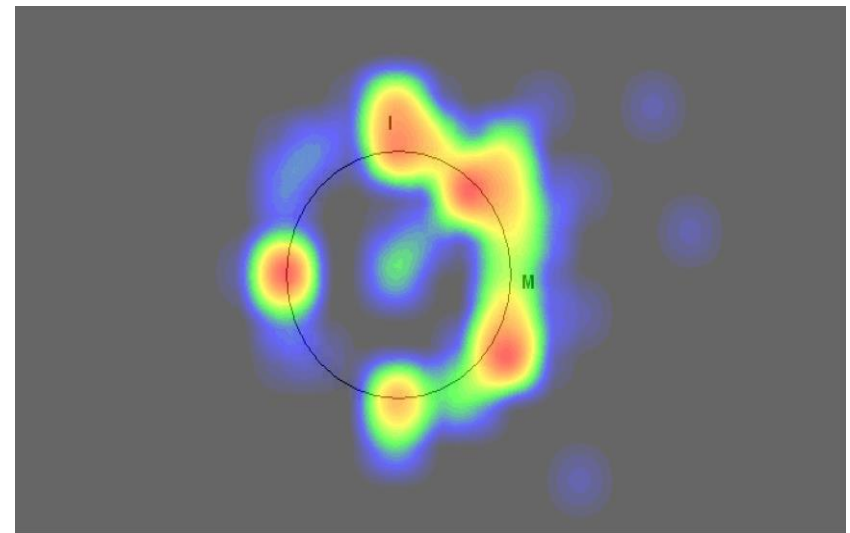
Minor facing the interviewer



Statistic	Value
Total Responses	91

Position 'B'

Minor next to the interviewer



Statistic	Value
Total Responses	111



Seating arrangements: narratives

Other Professionals

No fixed rule, coincidence

- It is **always by coincidence** how we go to sit down around the table. **Recently** I asked the interpreter to sit down next to me. A bit further from the child, but next to me. (Hu)

An opinion on the position, but no standard rules:

- I'm not aware of there being a "standard position". If the interview takes place in the **child's home**, the positions are usually **dictated by the available seating** although I would try to avoid sitting directly opposite the child. / If the child is being interviewed as a suspect in a **police station** I would **normally sit opposite them across a table**. (UK)





Seating arrangements

Other Professionals

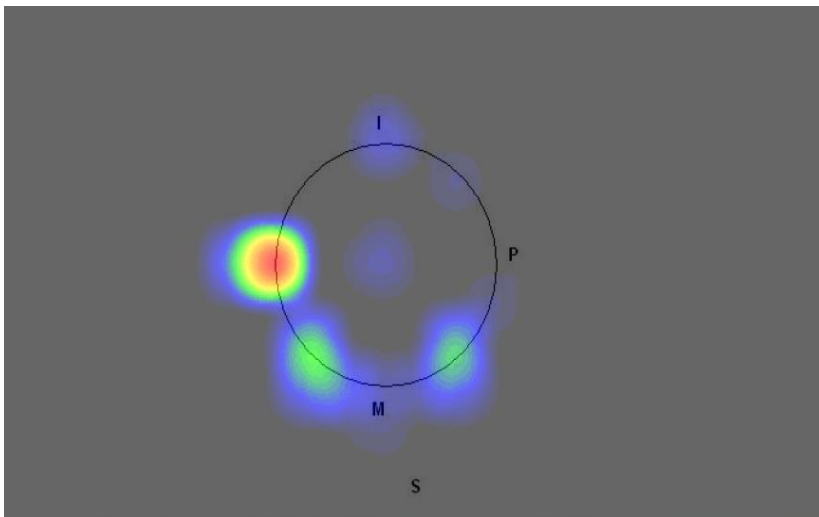
Position 'A'

Minor facing the interviewer

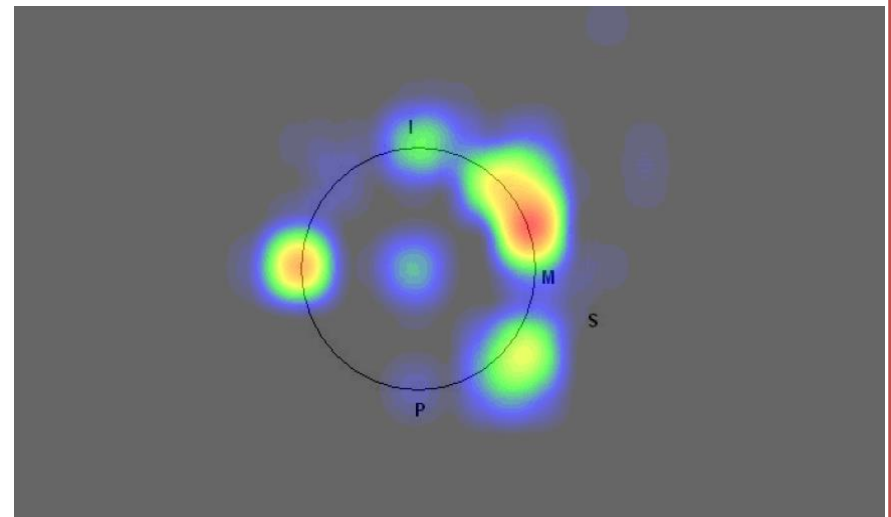
Position 'B'

Minor next to the interviewer

With a Psychologist and a Child Support Worker



Statistic	Value
Total Responses	91



Statistic	Value
Total Responses	109



Seating arrangements: narratives

Other Professionals

In reality: no psychologist present

- The psychologist is never allowed in the video room of the questioning. **He is sitting in the central control room.** One trust person is allowed but most minors want to have a conversation without trust person. In the cases I had, the trustperson has never been present. (B)

It would be better not to have everybody in the room

- During the interview of a minor there are **TOO MANY people in the room.** The child can be less attentive. (NL)

One central position: minor and interviewer (all others are less important)

- **The psychologist places himself a little bit behind, on a chair where he can see the minor, so not to hinder the conversation. The same goes for the interpreter, seeing the minor is not necessary.** The investigator must remain the only interlocutor of the minor (B)



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- **Conclusions**





Some contradictions YES – MAYBE - NO

- **No trust** among the professionals involved
the **will to collaborate**
↔
- **No clear definitions of standard “rules” and of each other’s “rules”**
↔ “I know MY rules, don’t intervene!”
- The interpreter is **an active participant**
↔ “interpreter-is-there-just-to-translate” **machine view**



TEAM of professionals?

Cooperation... Talk with each other... Brief... Provide more time for the interview... Debrief...







TRAINING





Joint training to create...

AWARENESS



Joint training to create...

- ✓ more knowledge about the other professionals' job
 - interviewing techniques
 - interpreting techniques (modes , notes , role etc.)
 - ethical codes
 - developmental stages of a child
 - ...
- ✓ to better understand each other's work/intentions/doubts
- ✓ to achieve the ultimate goal: the best interests and rights of the child!



Child's best interests

Awareness

Training

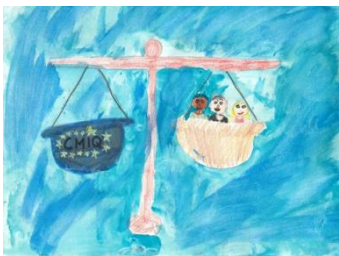
CO-MINOR-IN/QUEST II ???



17-11-2014 !!

KU LEUVEN





A basic and important start: flyer in Du, Fr, En, I, Hu

PROJECT PRESENTATION

The CO-Minor-IN/QUEST project focuses on interpreter-mediated interviews with vulnerable victims, suspects and witnesses under the age of 18 (vulnerable for two reasons: age and native language) and how to provide the necessary information, support and protection to this group.

In a first stage the project has concentrated on the questioning of children in the pre-trial phase of criminal cases. This very specific setting was investigated by sharing expertise on how to implement a child-centred approach. This exchange involved a multi-disciplinary team including child support workers, legal actors (lawyers, police officers and examining magistrates) and interpreters.

By means of an international online survey, we undertook a first mapping of the existing needs in the partner countries. In a second stage, we are focusing on particularly vulnerable interviewees (such as traumatised children, children from minority groups or with special needs, and deaf & hard of hearing children) who require the assistance of an interpreter to communicate.

Finally, our findings are presented and disseminated by means of a final conference (13-14 November 2014, Antwerp) and a publication (February 2015). Recommendations are also formulated for all stakeholders and other member states. It is hoped that the dissemination practices above will advance the interdisciplinary exchange of knowledge, expertise and best practices in the field, in both academic and professional domains.



PROJECT PARTNERS



- * University of Leuven (BE)
- * ISIT (FR)
- * Università di Bologna (IT)
- * Heriot-Watt University (UK)
- * Eszter Foundation (HU)
- * Ministerie van Veiligheid en Justitie(NL)

Visit our project website:

http://www.ec.europa.eu/justice/programmes/just-international_research-projects/co_minor_in_quest/index

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CO-MINOR-IN/QUEST

Cooperation in interpreter-mediated questioning of MINORS

(JUST/2011/JPEN/AG/2961)



**RECOMMENDATIONS
FOR INTERPRETERS
AND OTHER PROFESSIONALS WHO WORK
WITH CHILDREN**





... German, Ru, Es and SL(VGT) ?

BEFORE THE INTERVIEW

INTERPRETERS

Request a briefing from the other participants about:

- * the interviewing strategies planned.
- * the case (any particular issues or special needs),

Stress to the other participants that in order to provide high-quality interpreting, you must be able to prepare as in any other profession.

Agree an appropriate seating arrangement with the other professionals.

Agree the interpreting mode and whether to interpret in the first or the third person when addressing the minor.

Disclose any potential difficulties you might have in handling the child's language or the demands of the situation and discuss coping strategies.

Bear in mind that impartiality must be maintained from the moment all parties gather.

OTHER PROFESSIONALS

Request a professional interpreter as soon as you become aware that your language is not the child's first or preferred language.

- * You must not use family members as interpreters.
- * You should check that the interpreter appointed masters the language of the child.

Enable the interpreter to prepare, like any other professional, in order to provide high quality interpreting (e.g. by offering access to relevant documentation).

Brief the interpreter in a separate room about:

- * the case (highlighting any particular issues or special needs),
- * your interviewing strategies.

Agree the interpretation mode, and the strategies for cooperation and interaction.

Agree an appropriate seating arrangement with the interpreter. Ensure that impartiality is maintained from the moment all parties gather.



DURING THE INTERVIEW

INTERPRETERS

Ask to be introduced and for your role to be made clear before the interview starts.

Reflect the child's use of language (e.g. register, word choice, marked non-verbal signals, etc.).

- * Do not take the lead in the communication process.
- * Do not interrupt the child's story.

Channel requests for clarification or repetition through the other professionals, if you need to address the child.

Remain neutral and do not display your emotions or allow your interpreting to be influenced by them

Respect the child and avoid any patronizing behaviour.

Do not take initiatives such as adapting the language to the needs of the child. This is the responsibility of the other professionals involved.

Do not fill any 'empty' gaps in the communication, because silence may be a part of the process.

OTHER PROFESSIONALS

Introduce the interpreter and explain the ground rules for communicating together before the actual questioning starts.

Take the lead in the interaction; you are responsible for:

- * adapting the language to the age, maturity and needs of the child,
- * explaining difficult words and technical/legal terminology,
- * asking for clarification if necessary.

Replace the interpreter if they are not the right person for that particular job.



AFTER THE INTERVIEW

INTERPRETERS

Request a debriefing with all the professionals as an opportunity to raise any concerns related specifically to the interpreting.

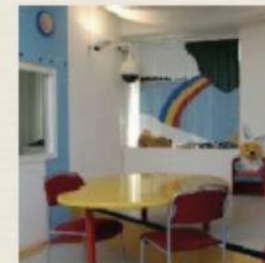
Do not give your personal opinion, even if you are asked to do so.

Do not retain any documentation or your notes after the interview.

Be aware that you might be affected afterwards: if you find that the effect is prolonged or recurring, ask the institution which employed you or your professional body to facilitate access to counselling.

OTHER PROFESSIONALS

- * Request a debriefing with all the professionals to give the interpreter the opportunity to highlight any issues relating specifically to the interpreting.
- * Do not ask the interpreter to give their personal opinion regarding individuals or on the case.



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BOOK Feb. 2015, Intersentia

Children and Justice: Overcoming Language Barriers Cooperation in interpreter-mediated questioning of minors

This book sets out the **key findings from a survey** conducted in the project partners' countries (Belgium, France, Hungary, Italy, the Netherlands and the UK) targeting the different professional groups involved in child interviewing. Both the quantitative and qualitative analysis of the respondents' answers is discussed in detail.

The book also provides **hands-on chapters**, addressing **concrete cases of children involved in criminal procedures** who required the assistance of an interpreter to ensure their rights were fully protected.

Finally, a **set of recommendations is offered to professionals working in this area.**



Website

- Google: **RG Interpreting Studies KU Leuven**
- [http://www.arts.kuleuven.be/english/rg_interpreting_studies/research-projects/co minor in quest/index](http://www.arts.kuleuven.be/english/rg_interpreting_studies/research-projects/co_minor_in_quest/index)





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If you don't understand my
SILENCE,
How will you understand my
WORDS?