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



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The role of the Interpreter in investigative interviews with minors

Ursula Böser and Christine Wilson
Centre for Translation and Interpreting
Studies in Scotland (CTISS)





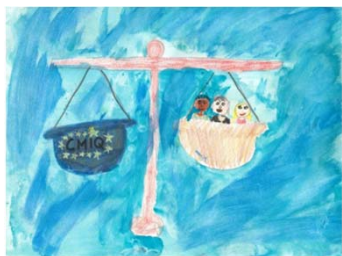
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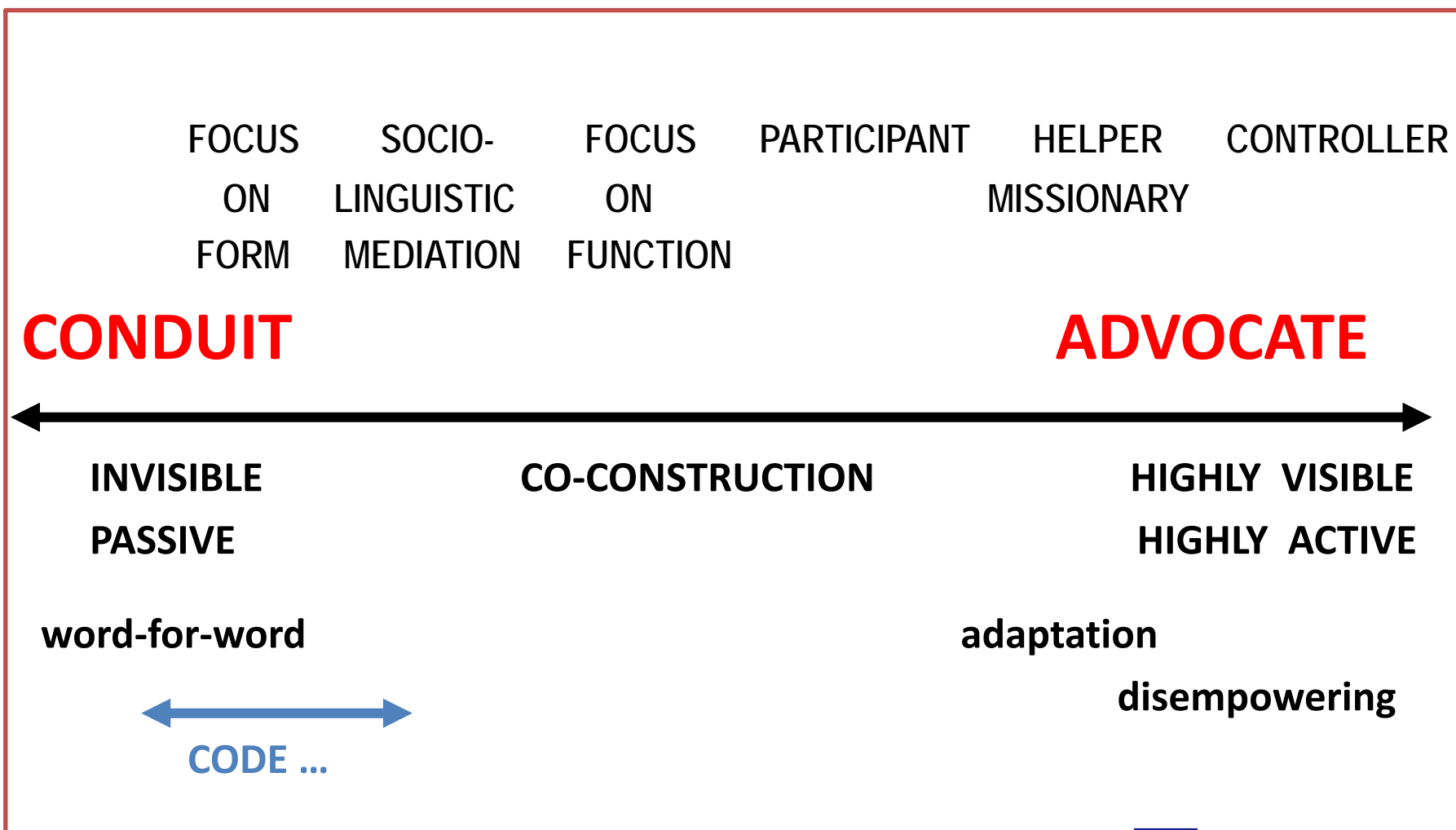
This presentation will:

- outline conceptualisations of the role of the interpreter in face-to-face institutional settings;
- focus in on role issues which research identifies in interpreted encounters involving children;
- propose fundamental principles of role definitions for investigative contexts involving minors which reflects research and the voice of practitioners.





Role of Interpreter





Role of Interpreter



CONDUIT MODEL

Linguistic expressions (words, sentences, paragraphs, texts, etc.) are vessels / conduits into which thoughts / ideas / meanings are poured and from which they can be extracted, exactly as they were sent, accomplishing a transfer of possession.

REDDY, Michael J. (1979) "The conduit model - a case of frame conflict in our language about language", in Andrew Ortony (ed) *Metaphor and thought*. Cambridge: Cambridge University Press pp284-324





Role of Interpreter





Role of Interpreter



MAIN TENETS - Code of Practice

- respect **confidentiality**
- act in an **impartial** and professional manner
- **convey the exact meaning** of what has been said without adding, omitting or changing anything; making explanation only where a cultural misunderstanding may be occurring, or where there is no direct equivalent for a particular term.
- **declare any difficulties** you have with dialect or technical terms
- **not give advice**, legal or otherwise, to an accused person or witness in the case, nor enter into discussion with them (other than to confirm language/dialect match)





Role of Interpreter



MAIN TENETS - Code of Practice

- **interrupt** the interview/proceedings **only** (1) to ask for **clarification** (2) to point out that a **party may not have understood** something (3) to alert the parties to a **missed cultural reference** (4) to **advise that there is no equivalent term** in the language concerned to the term being used and (5) to **advise that you require a break** due to the potential for lapses in concentration to occur during lengthy periods of simultaneous or consecutive interpreting.

*CODE OF PRACTICE FOR WORKING WITH INTERPRETERS
IN THE SCOTTISH CRIMINAL JUSTICE SYSTEM (2008)*





- The “Linguistic burden” (Lamb 2009: 157) of any legal encounter will weigh more heavily and differently on children and adults.
 - Practice in forensic child interviewing can call upon a substantive body of research in designing interviewing techniques whereby interviewing can be undertaken in a developmentally appropriate way.
 - Where children do not speak the dominant language of a particular jurisdiction.
 - the “linguistic burden” they encounter
 - the interactional and linguistic devices designed to elicit evidence in a child-aware fashion will be passed on by and through an interpreter, who plays a part in the co-construction of meaning
- So what are the challenges faced by interpreters in an investigative context involving minors?
- How should these be reflected in the conceptualisation of their role?



How do children respond to interpreting?



Nilsen (2010). Observation of four children of between three and six and a half years of age during an experimental set-up of informal, interpreted interactions (Norwegian/English).

Questions:

- **Do (very) young children understand the difference between interpreter and primary participants?**
- **How do they respond to interpreters' translating and co-ordinating activities, in particular the management of turn-taking?**

Main Findings:

- Conversational turn-taking expertise seems to carry the children in through interpreted communication.
- Children seem able to distinguish between interpreters' interruptions and interruptions which occur in their own language.
- Significance of linguistic profile for engagement with interpreting.





Managing participant status through face-work



Interpreter has to navigate conflicting demands:

- **establish trust with child to support communication;**
- **avoid slippage into the role of primary participant and ensure inclusion of other interlocutor(s);**
- **avoid withdrawal of trust/feeling of rejection on the part of the child as translating role is maintained.**
- **Role of non-verbal language, (e.g. gaze, tone of voice, speed of speaking) as well as the use of objects (book in the hands of the primary speaker) play an important role in assisting the interpreter's attempts to maintain the desired participation framework.**





Children's status as participants of interpreted encounters



Wadensjö (1998). Analysis of an interpreted medical examination of a seven-year-old Russian girl in a Swedish context.

Interlocutors who may be

“unskilled in the art of following or maintaining the common focus of interaction” such as children

frequently assume a

“highly flexible status as co-interlocutors” as they can “abruptly be transformed/ transform her or himself from a person talked and listened to, into an object talked about and vice versa” (185).





Participant status and the interpreter's role



- In Wadensjö's medical example, the interpreter:
 - aims to ensure the involvement of the child
 - demonstrates loyalty to the intentions of the nursing staff
- extends and adapts role from prescribed standards (e.g. impartiality)
- co-ordinating activities take precedence over translating and this results in a closer rapport between interpreter and child than between interpreter and nurse





Children's status as participants of interpreted encounters



- Keselman et al (2010): Asylum hearings with twenty-six unaccompanied 14 to 18 year old minors (Russian/Swedish)

Question: How is children's participant status co-constructed in monolingual side-sequences that go beyond "repair" initiatives (Schegloff :1977).

- “The repertoire of communicative practices available for the minor is limited by his or her lack of command over the linguistic resources or contextualization cues salient for the achievement of shared understanding of the event (Gumperz 1993)”.





Participant status and the interpreter's role



Findings: Evidence of Children being positioned as non-persons, as:

- interpreting is simply suspended during procedural discussions;
- distorted, as an interpreter with insufficient knowledge of both languages, steers negotiation of meaning towards distorting results;
- interpreter and caseworker call the credibility of the minor into question by discrediting him as informant;
- interpreters are shown to use monolingual sequences to guide minors towards what they consider to be the “right” answer.

Instances are identified “as sources of misalignment or miscommunication”(90) by the case worker or minor but allowed to continue.





Conclusion from these findings



Research identifies:

- **Underlying asymmetry in multi-party talk involving minors in institutional settings.**
 - **Role conflict for interpreters.**
- **Need to keep the minor involved in and focused on communication → building and maintaining rapport/ trust.**
- **Yet, even where they are faced with deeply traumatised children, this rapport has to remain “instrumental” in nature, i.e. informed by loyalty to translation role and communicative objectives.**





Conclusions



Pressure of these conflicting demands on normative role boundaries.

In the context of asylum hearings described, interviewer and interviewee co-operate in restricting the child's participation rights and silence and distort his/her voice.

In the medical context described, the interpreter changes between the status of primary speaker and mediator and facilitates the cooperation of the child.

In an investigative interview with a minor, both role expansions by the interpreter would invalidate any evidence retrieved.

→ This generally seeks to elicit an account "that may withstand scrutiny of the court as legally sound testimony. " (p.24.) (Guidance on Joint Investigative Interviewing of Child Witnesses in Scotland, <http://www.scotland.gov.uk/Publications/2011/12/16102728/0>, p.24)

Institutional contexts and agendas "exert considerable influence on how meanings are negotiated and exchanged" (Jacobsen 2009: 159). An awareness of the specific context and objectives of an interaction must inform our understanding of the role of the interpreter and particular the degree of permissible latitude which is permissible in enacting this role.





Recommendations



The interpreter's role comprises both translation and cultural mediation, i.e. interpreters will provide:

- pragmatically accurate interpretation (including salient markers of how something is said)
- access to culturally specific concepts

The role of the interpreter is not to turn a linguistically inappropriate interview into an appropriate interview e.g. during the interaction s/he will not adapt language to make it developmentally appropriate through the translation.

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Recommendations

- The interpreter's role comprises co-ordination:

they may make text-oriented (e.g. request for clarification, ask for repetition)

or interaction-oriented (e.g. request to let the interpreter talk, signal conflict of interest) contributions.

The interpreter will not:

suggest answers,
give counsel,
provide advocacy,
express opinions.





Recommendations



The role attributed to the interpreter in exchanges before and after the interaction must reflect legal requirements and answer to the following limitations:

Meetings with minor prior to the interaction:

provide interpreters with the opportunity to build rapport and trust (brief self-introduction)

subject to approval by lead interviewer and on record (e.g. audio-visual)





Recommendations



De-briefing

Interpreters may not be relied on as experts of areas beyond the scope of their remit.

They may provide expertise on the use of different modes of interpreting or on linguistic and general cultural issues.

They cannot be expected to provide assessment of language age, communication needs, forensic evaluations of language. They cannot be expected to provide expertise on specialist cultural issues (such as child legislation in another jurisdiction).





Recommendations

VULNERABLE CHILDREN with specific communication needs may require different working practices and adjustments to be made. Taking d/Deaf children as an example:

- Interpreters should be consulted on making appropriate seating arrangements and recording arrangements, and regarding lighting and visual noise, given the visual-gestural nature of signed language.
- Interpreters should be given the opportunity to establish the child's (signed) language development and sense of cultural identity.
- Interpreters may assist in explaining the background of language acquisition and the implications for the minor.
- Interpreters should be given the opportunity to explain features of sign language (e.g. role shift) and communication style (storytelling) which are particularly relevant when working with a minor in an investigative setting.
- Interpreters may use their expertise to “footnote” or unpack certain terms (e.g. cultural items), but any initiatives must be flagged and made explicit.

NB: a vulnerable child may be particularly “isolated” e.g. Deafblind (requiring restricted visual frame / hands on signing); Deaf + from a BME family.





Recommendations

The interpreter's role is based on a joint understanding reflecting the above principles.

- It will be made **explicit** and ratified prior to the interview.
- Role slippage (e.g. side-sequences, child's orientation towards the interviewer) will initiate **role being reset** by lead interviewer.
- It will be **explained** to the minor by a member of the interviewing team.
- Speaking through an interlocutor in the role of an interpreter will be **subject to rehearsal** in the course of a pre-substantive trial interview.





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Ursula Böser

U.Boser@hw.ac.uk

Christine Wilson

C.W.L.Wilson@hw.ac.uk

