

## Current practices in child interviewing: the legal perspectives

Raffaella Pregliasco - Honorary Judge of the Youth Court of Florence

- The role of interpreting in criminal proceedings has become crucial.
  - Migratory routes
  - Couples from different origins
- Interpreter mediation is even more sensitive in relation to child's interviewing
- Due to the enactment of art. 12 of CRC the number of children interviewed all over EU countries is rising.
- This complexity is widened by the fact that specific training is not always and everywhere provided, neither for legal professionals nor for interpreters as well



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### **1. How do you manage interaction in this particular interview setting? How do you see interpreting or language support? Is it helpful or rather an obstacle?**

First of all, it is a fundamental right of the offender/victim **to access justice, defense and due process** (as the right to be informed, to be heard, to be defended and to be represented), as recommended and guaranteed by the European Court of Human Rights.

It is essential to adopt a transparent and clear methodology: 1. the judge **has to explain how he intends to proceed** 2. the judge **has to make short sentences** that allow the interpreter to better translate their content.



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The judge should also remind the interpreter that it is essential to be clear about **what needs to be translated**. Therefore, if the interpreter does not know the meaning of some legal terms, it is necessary **to clarify their meaning before proceeding** with the translation.



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**1. How do you manage interaction in this particular interview setting? How do you see interpreting or language support? Is it helpful or rather an obstacle?**

The support of an interpreter, in cases in which the offender/victim **does not understand or speak the language of the judge**, is **essential and it invalidates** criminal proceedings if not provided. It 's definitely helpful if carried out in the manner indicated above.

Anyway there are some risks in case the interpreting is not adequate or when the interpreter is emotionally involved



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**1. How do you manage interaction in this particular interview setting? How do you see interpreting or language support? Is it helpful or rather an obstacle?**

Many legal professionals declare that interpretation is not necessary/not used very frequently. The use of **an interpreter is often avoided, unless it is absolutely unavoidable**, since it makes communication difficult.

But..

It becomes necessary if the decisions rely not only on very simple facts (what time of the day was it?) but on subjective elements (what did you think, when did you hit x?) or things relevant to design educational measures.

For some judges the language is not so much of a problem but making sense of things when the children come from a very different cultural background.

Interpreter: NEUTRAL BUT KNOWLEDGE OF CULTURAL BACKGROUND



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### **2. What do you expect from interpreters? What can you (not) offer as an interpreter?**

The task of an interpreter is to enable the offender/victim to understand what happens and what is asked by the police/judge. The task of the interpreter is also to enable the police/judge to receive clear answers from the offender/victim.



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**3. Have you already encountered particular problems in an interpreter mediated interview? If so, how did you try to resolve them?**

- Sometimes the interpreter does not translate in detail the questions of the police/judge to the offender/victim and the answers of the offender/victim to the police/judge.

- Emotional involvement







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### **4. Do you know of best practices in child interviewing and training therein?**

- Adopting a transparent and clear methodology (Italy)
- Guidelines of child's hearing (Finland)
- Few questions



## **5. Have you some recommendation for working with interpreters in this particular interview setting?**



The interpreter's knowledge of the legal terms is important : he or she must understand the technical meaning used by the judge or by the police and moreover he or she must be able to translate them in a clear manner so as the child can understand.

Investigative procedures can also influence a child's testimony, even if unintentionally. In our view, the use of video recording is justified in pre-trial investigations because then the process can be monitored and sources of errors are discernible.

## **5. Have you some recommendation for working with interpreters in this particular interview setting?**

An appropriate treatment of children means ensuring that the investigation of the offence (preliminary investigation and trial) does not cause additional harm to the child.

Particularly in cases of sexual abuse, a child may be the only witness to the alleged offence.

It's paramount to avoid pressure on the child.

Interpreter should be taken from a national register of professional interpreters, if it exists.

## **5. Have you some recommendation for working with interpreters in this particular interview setting?**

Based on weaknesses in the Italian system:

1. To maintain proper distinction between the skills of the interpreter and translator;
2. Crucial importance of the person who appoints the interpreter;
3. Guidelines for assessing the degree of knowledge of the Italian language by the offender/victim;
4. Establish criteria to assess the suitability and competence of the interpreter
4. The importance of joint training in juvenile and family law.



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**THANK YOU FOR YOUR ATTENTION**