Procedural safeguards in the EU
Interpreter mediated questioning of minors in criminal procedure:
results of the CO-Minor-IN/QUEST project

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Co-funded by the Justice Programme of the European Union 2014-2020
Outline

- Co-Minor-IN/QUEST
- Joint training with the Federal Police (T.A.M.)
- Concrete example of joint training
- Co-Minor-IN/QUEST II
- Conclusion: networking to team up
Coordinators:
Heidi Salaets & Katalin Balogh
Dominique van Schoor (research assistant) and consortium
FR, HU, I, NL, UK

Co-funded by the Justice Programme of the European Commission DG Justice

Cooperation in interpreter-mediated questioning of minors - JUST/2011/JPEN/AG/2961
• **Directive 2010/64/EU:** the right to translation and interpreting in criminal proceedings

• **Directive 2012/29/EU:** establishing minimum standards on the rights, support and protection of victims of crime

  **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**).
Method: questionnaire

Combination of ...

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

Method: distribution

• **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
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
Design questionnaire

• Based on the experience of the workshop with all professionals involved in ImQM
• 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?**
### Professionals per country

A bar chart showing the distribution of professionals per country and sector.

<table>
<thead>
<tr>
<th>Country</th>
<th>Other</th>
<th>Child Support</th>
<th>Psychology</th>
<th>Justice and Policing</th>
<th>Interpreters</th>
</tr>
</thead>
<tbody>
<tr>
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<td>86</td>
<td>16</td>
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<tr>
<td>United Kingdom</td>
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<td>4</td>
<td>1</td>
<td>43</td>
<td>63</td>
</tr>
<tr>
<td>Other</td>
<td>2</td>
<td>4</td>
<td>2</td>
<td>17</td>
<td>77</td>
</tr>
</tbody>
</table>

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Area of work

- 37%: 1 interpreting
- 35%: 2 justice and policing
- 19%: 3 psychology
- 6%: 4 child support
- 3%: 5 other
Experience (working with minors)

- 56%: 4 10 years or more
- 21%: 3 4-9 years
- 14%: 2 1-3 years
- 9%: 1 Less than 1 year

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Recent experience

Recent experience (last 3 years)

Number of professional encounters with minors

- 39%: 10
- 22%: 21-4
- 18%: 35-20
- 12%: 421-40
- 9%: 5 OVER 40

70%
Qualitative part: Conclusion = Lack of:

**Time and Trust**
- < training – professionality of interpreters?
- < training of Other Professionals (OP) in working with an interpreter

**Knowledge about**
- < role and requirements of interpreter
- < role and requirements of OP

**Knowledge about the profession of “the other” involved in interpreter mediated questioning of minors (ImQM)**
- < Question technique? Youth law?
- < Child development? Mental age? Learning difficulties? Impairments/intellectual disabilities and vulnerability?
- < Interpreting?
Interprofessional joint training

Best interests of the child

Joint training

Awareness

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Team-work: briefing/ interview / debriefing

Legal Professionals
Legal Interpreters
Forensic Psychologists
Child Support Workers

…
A basic BUT important document:
flyer in Du, Fr, En, I, Hu
BEFORE THE INTERVIEW
INTERPRETERS

Request an interview with the other participants on:
* 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 on 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 on the interpretation mode, and the strategies for cooperation and interaction.

Agree on 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 natural and do not display your emotions or allow your interpreting to be influenced by them.

Respect the child and avoid any patronising 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.

REPLACE THE INTERPRETER

Use of the interpreter

* 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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academics, interpreters (spoken and SLI), interpreter trainers, youth lawyers, police officers specialized in questioning minors, youth judges, forensic psychologists, child support workers, psychiatrists, children’s rights experts, international family mediator, expert learning difficulties and intellectual disabilities

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T.A.M. is the French and Dutch acronym for **Technique of Audio-visual questioning of Minors**.

- **What** is interpreting?
- **Interpreting exercises** (memory, recall, ...)
- **LIT training in Antwerp**
- **Interpreter competences** (consec, sim, sight translation, remote and VCI)
- **European directives** (2010/64/EU and 2012/29/EU)
- **SLI - Justisigns project**
  
  [http://www.justisigns.com/JUSTISIGNS_Project/About.html](http://www.justisigns.com/JUSTISIGNS_Project/About.html)
T.A.M. • T.(E).A.M. work with interpreters

CMIQ- project

- Before the questioning
- During the questioning
- After the questioning

Almost 500 police officers

- 2 trainings in Fr
- 2 trainings in Dutch
Joint training with the Federal Police: part II

T.A.M. trainers
("chargés de cours – docenten")
= about 50 trainers of the 500 other
T.A.M police officers

- training in Fr
- training in Dutch

With role plays:
French / Dutch
Hungarian
Signed language
T.A.M. trainers ("chargés de cours – docenten") = about 50 trainers of the 450 other T.A.M police officers

3 role plays from the database of the police (x 2 in French and in Dutch)

- A 6 year old French speaking boy who saw how his mother was killed
- An 11 year old Hungarian girl victim of domestic violence
- A 16 year old Deaf boy that has been raped
What came up?

✓ **Comments** on the way questions were translated -> of course this was only **possible in French**, not in Hu or SL!

✓ **FAITHFUL** translation took the place of **LITERAL** translation

✓ **Positioning** (not the classical triad, certainly not with Deaf minors) because of report building T.A.M. – minor

✓ With **consecutive** you “lose” some contact with the minor (because of the delay) – **chuchotage**? To be discussed beforehand (recordings?)

✓ **For SLI: the table in between** is an obstacle if the minor is signing “low” or “small” (almost under the table)
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Role-play: interviewer (T.A.M.) – Hungarian victim – interpreter Hungarian/Dutch - trustperson

Interviewer (TAM)  Trustperson  Hungarian victim

Legal Interpreter Hu/Du

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The Federal Police has nominated us as candidates for the “Society award of Human Sciences” for Co-Minor research.

We received an “honourable mention” and could present our research and the way we work with the Federal police (role play and illustration of methodology).
Police Academy

- A permanent module at the Police Academy: how to work in an interpreter mediated questioning of minors

- A permanent exchange of students police and students of legal interpreting
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CO-MINOR-IN/QUEST II
Extension to asylum settings (Terre des Hommes)

• 5 project meetings (minutes & internal reports/recommendations)
• Project website

**METHODOLOGY (qualitative)**
Expert training in organizing focus groups and analyzing data

(1) 4 focus group discussions (in each partner country) with all stakeholders of ImQM
→ present the most striking results of ImQM first project
→ ask for the most urgent needs each of them has for a joint training programme
CO-MINOR-IN/QUEST II

(2) 11 interviews with children (in each partner country) in experimental settings on the effect of the presence of the interpreter (10 hearing, 1 Deaf)

METHODOLOGY (naturalistic)

• Design of joint training modules with the information gathered in previous stage(s)

• Pilot the modules and the role-plays (interactive, practice-oriented, effective) in a real training context with a “crossover section” of training modules with following instruments:
  ✓ toolkit 1: to determine which professionals we will invite
  ✓ toolkit 2: to know what their prior knowledge is

• Participant and non-participant observation notes
→ adapt/enhance final training modules
DISSEMINATION

- Hands-on training module
- Manual with sustainable training material
- Training video for professionals
- 2 animation movies for minors (2 age groups)

HANDS-ON CONCLUSIVE WORKSHOP
to present all these materials
20 - 6 -2018 (World Refugee Day)
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COLLABORATE…

- Put our expertise together
- COMMUNICATE our findings to stakeholders
- COMMUNICATE our findings to the authorities
- DISSEMINATE !!
- JOIN FORCES!!
The first step to getting anywhere is deciding you're no longer willing to stay where you are.

OUR WEBSITE

https://www.arts.kuleuven.be/english/rg_interpreting_studies/index
Co-Minor-IN/QUEST


Co-Minor-IN/QUEST II

Thank you~~~

Question time!!!

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