

Training interpreters to work with foreign gender violence victims in police and court settings

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Abstract. *Violence against women is a type of gender based discrimination suffered by women all over the world and it affects different groups of women in different ways. Migrant women who do not speak the host country language are especially vulnerable due to their cultural, social and linguistic isolation. To guarantee their rights, governments have an obligation to provide means for such victims to understand and be understood, including the provision of quality translation and interpreting. This paper defines the characteristics of police and court interpreting for gender violence (GV) victims and ascertains the training needs of interpreters to work in these contexts. Fieldwork results from the SOS-VICS¹ Project were analysed, including the questionnaire and interviews with agents² working with GV victims, as well as the survey carried out on interpreters providing attention to victims. The results confirm that interpreters require specialised training for their role in building communication bridges between the public services and the victims.*

Keywords: *Interpreter training, victims of gender violence, legal interpreting, police interpreting.*

Resumo. *A violência contra as mulheres é um tipo de discriminação de género de que são alvo mulheres de todo o mundo, e que afeta diferentes grupos de mulheres de diferentes formas. Devido ao seu isolamento cultural, social e linguístico, são particularmente vulneráveis mulheres migrantes que não falam a língua do país de acolhimento. Para garantirem os seus direitos, é obrigação dos governos assegurar os meios para que essas vítimas compreendam e sejam compreendidas, o que inclui garantias de tradução e interpretação de qualidade. Este artigo elenca as características da interpretação de vítimas de violência de género (VG) em contextos policiais e judiciais, e especifica as necessidades de formação dos intérpretes para estes contextos. Analisam-se os resultados do trabalho de campo do Projeto SOS-VICS³, incluindo o inquérito e as entrevistas com agentes⁴ que trabalham com vítimas de VG, bem como o inquérito com intérpretes que prestam assistência a vítimas. Os resultados confirmam que os intérpretes necessitam de formação especializada para desempenharem o seu papel na construção de pontes de comunicação entre os serviços públicos e as vítimas.*

Palavras-chave: *Formação de intérpretes, vítimas de violência de género, interpretação jurídica, interpretação policial.*

Introduction

Gender violence is a scourge with international dimensions and regrettably continues to be on the rise, as highlighted by recent studies (FRA – European Union Agency for Fundamental Rights, 2014; DGVG - Delegación del Gobierno para la Violencia de Género, 2015). Many women who are gender violence victims are also immigrants and this condition makes them even more vulnerable and unprotected (Amnesty International, 2007). The different factors that prevent such victims from escaping violence include: precarious work situation, family burdens, family disintegration, cultural beliefs that discourage challenging male authority, etc. An additional factor is the inability to speak the host community language, which contributes to their isolation and lack of protection, and which in turn can be a dissuasive element for requesting help. As Huelgo *et al.* (2006: 5) point out “language access plays a central role in the ability of survivors to progress in their journeys to safety”.

Countless efforts have been made on the legislation and assistance fronts with a view to preventing and combating all types of violence against women. International, European and national rules have also followed suit in order to ensure preventive actions and guarantee all such victims the right to assistance and help.

At the EU level, this is evident in *Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime*. This Directive recognises the special attention required by certain groups of victims, such as foreign women who are more vulnerable, because they do not have a command of the host country language. Even though this Directive is not specifically concerned with translation and interpretation, it nevertheless deals with the linguistic problems faced by victims and to that end dedicates its Article 7 to ensuring the provision of linguistic assistance to victims, during the judicial process (Hertog, 2015b). On the other hand, the need for the professionalization and specialisation of those who interpret during the criminal process is also reflected in the earlier *Directive 2010/64/UE of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings* (Hertog, 2015a; Giambruno, 2014; Del Pozo and Blasco, 2015).

However, the reality is that when these women need access to public services and require interpreters to communicate, they are mostly assisted by individuals who are not professionals and not specifically trained to work in such contexts. This results in the absence of any quality assurance regarding the interpretation, which can lead to serious miscommunication. Therefore, there arise two serious consequences: increased vulnerability and lack of protection of the victim’s rights. This issue requires action as recently pointed out in a report from the Royal Commission on Family Violence by the Victoria Government in Australia, which includes among other recommendations, the need for training interpreters to understand the nature and dynamics of family violence.

The availability of professional and independent interpreting and translating services is inadequate. Professional accreditation standards for interpreters should be amended to incorporate minimum requirements relating to understanding the nature and dynamics of family violence. (2016: 34)

The SOS-VICS project, which includes 9 participating universities, was born within this scenario with co-financing from the EU’s Criminal Justice Programme. The project was

carried out in Spain and the main objective was to develop a specialised interpreter-training program to work with foreign female gender violence victims, based on the needs identified. The project also intended to raise awareness among the agents involved in assisting GV victims of the need to work with professional and well-trained interpreters in order to comply with international and EU legislation (Naredo, 2015; Abril, 2015).

Interpreting for GV victims in legal settings

Provision of attention and assistance to GV victims in Spain is mainly performed in legal, health and psycho-social settings (Toledano and Del Pozo, 2015). The legal setting is in turn divided into police and court settings.

Police settings provide protection and security for victims and the individuals involved here are law enforcement staff, especially those responsible for attending women GV victims. Encounters in this setting have different communication objectives such as: taking notes of victim's statements when lodging a complaint, assessment of risk level and victim protection, or follow-up, etc. Such encounters may take place in police stations or at the place where the police attend her.

Court settings include the victim's encounters with legal professionals such as judges, public prosecutors, lawyers, etc. with a view to protecting and defending her rights (Ortega *et al.*, 2015). Interpreting services are often used to provide advice and legal assistance through a lawyer, recording of victim's testimony by a judge or court interrogation during trial.

Legal advice to victims can also be provided outside these contexts as an integral part of centres specialised in GV, where the centre's lawyer provides counselling even though he/she may not be the legal representative in court. In such cases, the dynamics and characteristics of the communicative situation are more relaxed than in typical court settings.

Forensic doctors can be involved in both health and court settings (Valero *et al.*, 2015: 217–224). Forensic examination tries to gather evidence of physical and psychological abuse, which is recorded in a forensic or health report that details injuries and physical and psychological sequelae. Examinations can also be performed in a hospital when a forensic doctor is called in by the health care staff during emergencies or in integral examination units connected to courts.

Research aims and methodology

The aim of our research is to define the characteristics of the communicative situations that take place between foreign GV victims and agents in legal settings (police and court) and ascertain the training required by interpreters to work in such contexts. To that end, we analysed SOS-VICS' fieldwork results on the communication needs and the procedures used for providing linguistic assistance, in court and police settings in Spain to foreign female GV victims, who do not speak Spanish or the other co-official languages. This helps us to understand the training needs of interpreters who work in such contexts.

Project fieldwork was carried out using mixed research methods in accordance with the objectives and the target population, and included:

1. Two focus groups with representatives from all stakeholders involved in communicating with GV victims (agents, victims and interpreters). The first focus group

was held at the beginning of the project to obtain first hand information on how assistance is provided to foreign victims and on communication problems that arise. The second focus group was held after the draft deliverables of the project were ready, in order to get agents feedback on the same.

2. A questionnaire survey of 586 agents with experience in assisting foreign female GV victims (social, health, police and court fields⁵).
3. A questionnaire survey of 27 interpreters who had experience in assisting foreign female GV victims⁶.
4. Semi-structured interviews with 12 victims and 12 agents⁷.

Detailed information on the methodology used for the questionnaire and the Delphi interview is contained in project reports (Del Pozo *et al.*, 2014a,b). This paper focuses on the data from the questionnaire survey of agents (police and court staff) and on the results from interviews with interpreters which helped ascertain the training and professionalization needs specific to police and court interpreting. Moreover, and in order to enhance research results, qualitative information from the focus groups and interviews with agents has also been analysed (Hale and Napier, 2013: 12).

Interpreting for GV victims in legal settings in Spain: characteristics and training needs

Characteristics

The 2015 Violence against Women Macrosurvey carried out by the DGVG (Delegación del Gobierno para la Violencia de Género) states that the prevalence of gender-based violence among foreign women is twice that among Spanish women. This is also reflected in the testimony of agents who assist such victims surveyed by SOS-VICS (Del Pozo *et al.*, 2014a: 136). Even though these data refer to all contexts surveyed, the average number of victims assisted during the past year by each agent was 78 for Spanish women and 48 for both foreign women and victims with unknown nationality. However, the maximum number recorded for a single agent was 4381 Spanish victims and 2100 foreign female victims during just the one year.

When asked about the quality of attention given to victims, 94% of police staff and 86% of court staff considered that Spanish and foreign victims received the same attention. However, both groups acknowledged the presence of obstacles that hampered their job. To be more precise, 69% of all agents indicated that the linguistic barrier was important when providing assistance to victims. Other factors mentioned were a lack of knowledge of existing services (76% considered it to be important) and mistrust of such victims towards services offered (73% considered it to be important).

Spanish law obliges the provision of interpretation in the different stages of the criminal process to those who do not speak Spanish, and therefore, interpretation in most encounters with victims in the fields of justice and security is guaranteed by law⁸. The right to an interpreter is therefore recognized in the legal field as one of the aspects needed to fully guarantee the rights of foreign female GV victims (on par with, for example, the right to free justice when a woman is an illegal immigrant or access to social services). In this respect the questionnaire results show that 82% of court staff surveyed and 81% of police staff indicated they used interpreters at least sometimes to communicate with victims. When providing this service, 78% of police staff and 63% of court staff

mentioned the presence of a specific action protocol although only 62% of police staff and 57% of court staff said they actually followed the protocol.

However, such assistance to victims is not guaranteed at all stages of the legal process, something that agents regret as reflected in this extract taken from one of the agents surveyed:

104. Some questions cannot be answered with a YES or NO because the work of a lawyer involves contact with the professional interpreter only in judicial statements. The number of times an interpreter accompanies victims later in the interviews with the lawyer is anecdotal, because this kind of job must obviously be a paid job and free legal aid does not cover this service. This would be one of the biggest demands, i.e., improving assistance provision to victims with an interpreter throughout the entire process, not only during judicial actions. (Del Pozo *et al.*, 2014a: 94)

Prior to making a complaint in the police station or court, victims can ask for specialised legal assistance through the municipal services, which inform them about how and where they can make complaints, other rights they are entitled to and the procedures and encounters in which they will have the help of an interpreter. Another agent laments the paucity of resources for assistance in these and later stages of the intervention process and complains of the lack of efficacy of the services in police stations and the resultant consequences of the same for the victims.

91. There is little access to interpreters when attention provision to victims is basically an advisory function and in later stages of the complaint. However, it is fundamental that they understand the entire process and the resources available to them. In our case, there is a considerable delay before the interpreter arrives at the police station and the victim may possibly have decided not to lodge a complaint by then. (Del Pozo *et al.*, 2014a: 94).

In order to assure full protection of victims, we need to guarantee linguistic assistance throughout the process, so that these women can act with full knowledge of their rights, the procedures involved and the consequences of any of their decisions. Therefore, this is an essential element for the empowerment of women.

There is discrimination in access to justice when an interpreter is not provided, because the foreigner understands some Spanish and no account is taken of the complexity of legal language. This is also the case when the foreigner is also a victim. This latter situation is the one in which most migrant women victims of domestic violence find themselves. Many women have to approach a lawyer without any guarantee that they will be accompanied by an interpreter to facilitate full comprehension of the consequences of their action. And this right is not guaranteed to victims who also have the added difficulty of linguistic barriers. (Gascón and Gracia, 2004: 7)⁹

Furthermore, the quality of interpretation is often poor since language services in these settings are provided in Spain by companies who normally hire unqualified interpreters with no special training to assist victims whatsoever (Del Pozo and Blasco, 2015). For instance, of the 586 agents surveyed, 126 affirm that interpreters take part (advise, consult), but 131 note that interpreters converse with the victim and then do not translate, and 152 say that interpreters are unaware of the terminology.

The analysis of the questionnaires and discussions held during the focus groups also provided information on how interpreter-mediated encounters take place in these settings. Generally speaking, it appears that they are not always performed in a way that guarantees adequate linguistic assistance and quality service to victims. Aspects such as the absence of reserved space for encounters with victims, changing of interpreters during the process, requesting interpreters to summarise testimonies, or allowing the interpreter to spend time alone with victims are situations which are more or less common with GV victims in police and court settings. Although percentages recorded are not high, they are nevertheless significant to indicate non-provision of interpreting according to professional guidelines and ethical principles such as precision, confidentiality and neutrality.

Confidentiality can literally be a matter of life and death for victims of domestic violence, especially in remote communities. The advocate should ask the interpreter whether or not he or she knows the victim, the perpetrator or the children. The advocate should also ask the client or victim whether or not they know the interpreter. Even if the interpreter is not asked, the interpreter should disclose any familiarity and potential conflict of interest. Depending upon the situation, the victim and advocate may ask the interpreter to continue or may dismiss the individual and secure a different interpreter. (Polzin, 2007: 23)

In this study, 34% of police staff and 53% of court staff stated that they do not ask the interpreter about conflicts of interest. Additionally, 52% of police staff and 65% of court staff do not offer victims the possibility of changing the interpreter. In the court setting, interpreters are often asked to interpret for both victim and aggressor, which can clearly be considered a conflict of interest and which undermines the victim's trust in the interpreter.

As shown above, communication with foreign female GV victims presents specific challenges. The following section deals with the training needs of interpreters working in these contexts, compiled from the fieldwork survey carried out on both agents and interpreters (Del Pozo *et al.*, 2014a,b).

Training needs

The opinion of agents

Most agents working with GV victims stated that the use of professional interpreters improved the level of assistance to victims and they emphasized that it must be considered to be a right of the victims.

There is currently no accreditation system for interpreters in Spain or indeed in many other European countries to guarantee the quality of training in the different specialisations. This is particularly important when translation and interpretation provision is obligatory by law, but where the total absence of training and experience is often accepted as normal (Giambruno, 2014; Ortega *et al.*, 2015). According to our research, 70% of police staff and 41% of court staff claimed that they asked interpreters for accreditation prior to letting them on the job, but this being only their ID card or Translator ID card. It is obvious that this does not ensure any sort of competence since they are simply identification documents or cards issued by the same companies that hire unprofessional interpreters for the service. In this respect one of the responses received from a surveyed agent was:

331. My experience over the years was always with interpreters that the victims themselves brought along. Women with no knowledge of Spanish have never come to my service. These interpreters have always been friends of victims and occasionally even family members. We in the association act as the private prosecutor. Lawyers complain that declarations in police stations and courts are done through non-official interpreters, who are foreigners that speak a language and offer to translate. At times, we have doubts as to what is being translated and the same translator is normally used for both victim and aggressor. We think that official interpreters are only used in courts. (Del Pozo *et al.*, 2014a: 93)

The great complexity of GV and the multiple needs of victims require specialisation of not only services and means of assistance, but also of the agents and operators involved. Professionals who assist victims must be aware of the existing resources, the legislation and measures placed at the disposal of women and they should act from a gender point of view in a coordinated manner, following specific protocols for each field with a view to ensuring efficient service and preventing the double victimization of these women (Toledano, 2015: 18). In fact, specialisation of professionals that intervene in the information, assistance and protection process of victims is one of the guiding principles outlined in both national and international legislation (Naredo, 2015). In a court setting, the specialisation of service providers and agents linked with assisting GV victims is considered essential and is recognised by the Expert Group on Domestic Violence & Gender of the Spanish Judiciary (CGPJ) in its report for 2011 (2011: 28).

It appears that this requirement is being implemented in Spain because about 98% of court professionals and 92% of police staff stated that they received specialised training about gender violence. When asked whether they considered this training enough, 68% of the court staff and 51% of police staff said yes. However, when asked whether they would like to receive more training 84% and 87% also said yes.

When asked whether interpreters should also receive special training to work with GV victims, more than half of those surveyed from court settings considered that interpreters must be trained to work in their field, while more than half of those surveyed from police settings (54%) considered it to be important. However, these figures equally show that many agents are still unaware of the importance of working with qualified interpreters specially trained to work with GV victims as required by international law. When all agents surveyed were asked about the basic knowledge and skills an interpreter must have to be able to work in GV cases, high importance was given to knowledge of the legal system (22%), gender violence (19%), language: terminology, mastery of both languages, (18%) and psychology (18%). In so far as basic interpreter skills are concerned, the most valued aspects were empathy (51%), communication ability (20%), capacity to listen (13%) and patience (12%). These figures show that they consider that interpreters who work with GV victims should acquire and develop skills that are different from other legal interpreting settings, where for instance empathy would not be so crucial.

The police staff surveyed mentioned high (47%) and medium (27%) satisfaction with interpreter knowledge and high (45%) and medium (31%) satisfaction with interpreter skills. However, the level of satisfaction of court staff was lower in both cases: medium (39%) and high (29%) for knowledge, and medium (44%) and high (23%) for skills. The difference in their replies could be due to the fact that one of the most visible signs of interpreter performance is their knowledge of specific terminology. Since the use of

complex terminology is more common in court settings than in police settings it becomes evident that the lack of interpreter training would be more noticeable to court staff than to police staff.

The opinion of interpreters

The opinion of interpreters on training needs for the performance of their tasks in these contexts is also fundamental to complete this analysis and to design materials for such specialisation. As seen in the Delphi survey (Del Pozo *et al.*, 2014a) carried out with 27 professional interpreters with experience in this context, interpreters indicated that there is a lack of specialised training and that it is difficult to access GV training. During the interview, they were asked about training deficiencies, barriers for professional training encountered and the best mechanisms for overcoming such barriers. On the subject of training needs concerning content and issues considered important for specialisation in GV interpretation, the responses were grouped around questions related to interpreting, psychology and specific subjects for the fields of intervention. On the issue of interpreting, they gave high importance to good communications skills, mastery of working languages and specialised terminology, adequate use of pragmatic aspects and the different interpreting techniques. Mention must also be made of the importance afforded to good practices and professional deontology, not forgetting the way they actually interpret. In order to be able to mediate in GV and minor abuse encounters, Huelgo *et al.* (2006: 6) highlighted the importance of interpreters knowing the implications and the ethical and legal requisites of performing their tasks, with special emphasis on confidentiality, neutrality and precision.

Even though many of the aspects related to interpreter training mentioned by our interviewees are common to all legal interpreting training, there are quite a few specific issues that should be given special consideration when training interpreters to work with GV victims. For instance, gaining victims' trust is crucial and in this respect interpreters must emphasise the confidential nature of their intervention; even more so, when the same interpreter is used for both aggressor and victim. Interpreter impartiality and neutrality are equally important to gain victim's trust and get her to talk about her pain and suffering. Interpreters must also be trained about cultural stereotypes, values and prejudices, so that they can identify and overcome them.

Other subjects and content to be included in specialised training course that were mentioned by interpreters are related to psychology, i.e., how to act with victims, as well as stress and emotion management. Interpreters must be trained to handle emotionally-charged situations, since they can lead them to either reject the victim or over-empathise with her. This in turn can lead to inaccuracy when interpreting incoherent descriptions, contradictory statements or rude utterances, all common characteristics of victims discourse. As pointed out by Abril *et al.*:

Both the emotional state of the woman and the hardship of the experiences told can result in an emotional burden, which is very hard for interpreters to handle. It can even prevent him/her from doing his/her job correctly and even affect the way he/she greets. Abril *et al.* (2015: 71)¹⁰

High importance is given to knowledge of issues linked to each intervention setting. In the specific case of police and court settings, they mentioned knowledge of legislation, (rights of victims, legal framework for gender violence, persons involved and procedures), as well as the protocols, documents and forms used. One must bear in mind that

assistance provided to GV victims is different from that provided to other persons and is often performed by professionals belonging to special units who have received special training for the same (Abril *et al.*, 2015: 70). In the legal settings, specific courts and procedures have been created to deal with this crime (Ortega *et al.*, 2015). Interpreters would greatly improve their performance if they know the specific legislation, resources and conversational dynamics.

Interpreters require specific GV training in other aspects, which include, but are not limited to: understanding the concept of gender as a social construct, awareness of the effects of violence on the victims and their behaviour, and recognition of our own prejudices and stereotypes in order to be able to work under the principles of integrity and neutrality whilst showing empathy.

On the subject of obstacles that hamper performance of their tasks, interviewees mentioned the absence of specific training and support for the same. For instance, interpreters are not included in training initiatives organised by national or regional governments. Another important factor is the lack of collaboration from other professionals who work in these contexts. In police and legal settings interpreters complain that they are not provided with information about the event prior to their assignment and on many occasions they are left alone with the victims or are asked by police and court staff to do things that go beyond their role.

And lastly, on the issue of the methods considered most appropriate for specialisation in GV and directly related to the settings discussed, they mentioned the training of interpreters, both separately and jointly with agents via courses, simulations, attendance at court trials, practice with professional interpreters, access to real testimonies and collaboration between agents, trainers and interpreters. Also mentioned was the training of agents and courses for the justice administration staff on how to work with interpreters (Borja and Del Pozo, 2015). Even though many of the issues related to training police and judicial staff on how to work with interpreters are common to other legal settings, there are specific issues related to GV settings. These are dealt with in great detail in the good practice guide for working with interpreters in GV settings elaborated by SOS-VICS (Borja and Del Pozo, 2015), which includes recommendations such as not using the same interpreter for the victim and the aggressor, not leaving the interpreter alone with the victim, making sure that interpreters do not have conflicting interests, etc.

Conclusions

The increasing incidence of violence against women worldwide has provoked a response from national and international bodies and has led to the creation of legislation to combat this crime. Protocols and special mechanisms have been established to enforce victims' rights that are enshrined in the legislation.

The analysis of the SOS-VICS project data in police and court settings shows that GV interpretation has special characteristics that are distinct from other types of interpretation, and therefore there arises the need for interpreters to receive specific training in order to be able to work with GV victims in police and court settings.

But the reality, at least in Spain, where this study was carried out, is that language assistance services in police and court settings for GV victims who do not speak Spanish or the co-official languages, do not seem to follow a rights-based approach. Interpreters

are not included in training initiatives organized by the State for agents and therefore interpreters have many difficulties to acquire specific training. The study also highlights the need for training police and court staff on how to best work with interpreters because such agents are oblivious of the interpreter's communication role or their needs for successful linguistic mediation. All of this hampers the full assistance provision to victims which is inscribed in law.

The SOS-VICS project has attempted to provide a response to the needs detected during the project by creating a good practice guide to work with interpreters (Borja and Del Pozo, 2015) besides an interpreter training manual (Toledano and Del Pozo, 2015) and a website¹¹.

Notes

¹All results from the Speak Out for Support (SOS-VICS) project can be accessed through the project web site: <http://cuautla.uvigo.es/sos-vics/>.

²Following EU terminology, the word "agents" refers to all professionals involved in assisting GV victims: medical doctors, nurses and other health professionals, psychologists, lawyers, community workers, police, the judiciary, violence against women helplines, victim support organizations, social workers, etc.).

³Os resultados do projeto Speak Out for Support (SOS-VICS) encontram-se disponíveis no website do projeto: <http://cuautla.uvigo.es/sos-vics/>.

⁴Em conformidade com a terminologia da UE, utiliza-se a palavra "agentes" para referir todos os profissionais que prestam assistência a vítimas de VG: médicos, enfermeiros e outros profissionais de saúde, psicólogos, juristas, prestadores de serviços comunitários, polícia, agentes judiciários, linhas de apoio à violência contra as mulheres, organizações de apoio à vítima, assistentes sociais, etc.).

⁵For a complete report on the questionnaire, see Del Pozo *et al.* (2014a).

⁶For a complete report on the Delphi survey, see Del Pozo *et al.* (2014b).

⁷For confidentially purposes only project partners have access to the transcripts of the interviews with agents and victims.

⁸Directive 2010/64/EU of the European Parliament and of the Council on the Right to Interpretation and Translation in Criminal Proceedings was transposed into Spanish legislation in 2015 (Del Pozo and Blasco, 2015; Ortega *et al.*, 2015).

⁹Translated by authors.

¹⁰Translated by authors.

¹¹Web de formación de SOS-VICS: <http://sosvics.eintegra.es/>

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