

CHILDREN AND JUSTICE:
OVERCOMING LANGUAGE
BARRIERS

Cooperation in interpreter-mediated
questioning of minors

Edited by

Katalin BALOGH AND HEIDI SALAETS



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Katalin Balogh and Heidi Salaets

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PREFACE

This book is the result of a research project entitled CO-Minor-IN/QUEST (*JUST/2011/JPEN/AG/2961*), carried out under the supervision and with the support of the Criminal Justice Programme (DG Justice) of the European Union.

The project was developed in response to Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JH. Within the group of victims, we decided to focus on a particularly vulnerable group: minors. Once the project started, it became clear that was not easy to completely set victims apart from other procedural categories in criminal proceedings (e.g. suspects and witnesses). A suspect may ultimately appear to be a victim, or a victim can be an important witness, or a witness can even become a suspect upon closer investigation. Along the way, it also became less self-evident to define vulnerability as a concept as such in an interview context involving minors. Children are vulnerable by definition and that is why it was particularly difficult to draw the line between vulnerability and extreme vulnerability. In this publication, however, we try to offer some suggestions on the subject without pretending this to be the absolute truth.

First, the project acronym requires some further explanation: *cooperation in interpreter mediated questioning of minors*. The meaning of the CO-prefix can be read in a double way. It first of all symbolises the cooperation between the members of the project's research consortium located in six Member States: Belgium, France, Hungary, Italy, the Netherlands and the United Kingdom (Scotland). Secondly, it represents the cooperation between the different professionals involved in interpreter-mediated questioning of minors: legal actors (ranging from police to judges and lawyers in court), child support workers, psychologists, other professionals (e.g. paediatricians) and of course – specific to this context – interpreters.

It is clear that the term “Minor” in the title refers to children and young people under the age of 18, as defined in the 2012/19/EU Directive.

The abbreviation IN refers to the figure of the interpreter. Both letters are capitalised because in this particular setting the interpreter may often be considered a rather unexpected participant, one you do not think of at first. However, one can easily imagine that the presence of this key participant is

absolutely crucial when young child interviewees do yet not master the language of the host country (e.g. unaccompanied minors) or when traumatized children simply cannot understand and speak the language of the proceedings and cannot express their deepest feelings in a language and a culture that is not (yet) their own.

QUEST is an abbreviation that stands for the questioning itself, an interview with a minor (either as a suspect, victim or witness) as part of criminal proceedings. At the same time it is also a reference to a *quest* – not for the Holy Grail, of course! – but definitely a search. Together we are searching for the best possible way to provide the necessary support to these young people who come into contact with justice and do not speak the language of the proceedings. Our second aim is to improve collaboration in this delicate context where not only the interviewer and the interviewee are involved, but also other professionals can be present in the room (e.g. a lawyer, trust person and/or a psychologist). The interpreter is visibly present as well. In total, up to five people can sit next to the child. The child does not know anybody of them, except maybe for the trust person.

Another important question is: do all the professionals in the room know each other? Do they really know how the other professionals actually work and what the rules of their profession are? Are they aware of the role boundaries of each participant? In short: do they know how to work as a team in the best interest of the child? Our research project revealed much goodwill, but also showed that there is a great need to improve cooperation and to get to know each other better as professionals.

Before jumping to conclusions already, we briefly want to outline the content and structure of this book. The contributions in this publication are written from different angles. This resulted in a constructive ‘constellation’ of co-authors from six different countries and various professional backgrounds: academics, interpreters, and people from the working field with daily experience in psychology, psychiatry, child support work, policing and juvenile justice.

In the introduction, the research coordinators (Katalin Balogh, Heidi Salaets and Dominique Van Schoor) extensively describe the general framework of the Co-Minor-IN/QUEST-project. Subsequently, the legal framework surrounding the project will be explained by Eric Van der Mussele and Szilvia Gyurkó.

The next part of the book contains a concrete case with an interpreter-mediated child interview (scenario written by Hans De Wiest). By means of this case, we aimed to give practitioners the opportunity to comment on this situation and to explain how they would handle this particular case, while offering suggestions for *best practices* from their point of view. A police officer (Hans De Wiest),

a psychologist (Beatrice Bessi) and a spoken and signed language interpreter (Katarzyna Skrzyniarz and Ann Davis respectively) will shed their light on case 1.

The second part of the publication deals with highly vulnerable children involved in interpreter-mediated questionings. As stated before, we first need to clarify what is meant by 'highly vulnerable' (György Virág). An overview of possible disorders and disabilities can be a first step to a protocol that can be used by interviewers to detect whether children are highly vulnerable (Ágota Szekeres). It is also important to know how interviewing techniques can be adapted to this group of highly vulnerable minors (David La Rooy).

Here again, a second case of an interpreter-mediated questioning (written by Hans De Wiest), this time involving a highly vulnerable minor, is commented on by different practitioners: a police officer (Hans De Wiest) but also a youth lawyer (Eric Van der Mussele), a child support worker (Éva Kerpel) and two interpreters (Carmen Tonitza, a spoken language interpreter, and Catherine King, a signed language interpreter).

Finally, the CO-Minor-IN/QUEST research findings will be discussed by the research team. Szilvia Gyurkó has taken on a major part of the quantitative research (e.g. generating statistics, cross tables and explaining the representativeness). Heidi Salaets and Katalin Balogh present the preparatory phase of the research (the expert workshop) and the methodology of the survey. The questionnaire was distributed in the six project partner countries, but had a larger outreach thanks to the snowball-method (non-probabilistic sampling method).

Thanks to a mixed method, the researchers collected both quantitative and qualitative results and were able to uncover the doubts, opinions and needs of all professional groups involved in interpreter-mediated questioning of minors (ImQM): interpreters, legal actors, child support workers and psychologists. Since the researchers were confronted with a massive amount of data, they decided to provide a summary of the most salient findings and most frequent needs expressed by all professionals.

Christine Wilson and Ursula Böser then focus on the role and position of the interpreter in the ImQM, while Amalia Amato and Gabi Mack examined the data collected on briefing, debriefing and support of the interpreter.

Lucie Solem analyses in depth the best suitable interpreting techniques in an ImQM. Her conclusion is that there are no fixed rules: each individual case must be treated differently.

At the end of this publication, György Virág (psychologist), Eric Van der Mussele (youth lawyer) and Christiane Driesen (legal interpreting expert) suggest, each from the point of view of their own profession, possible ways to organize joint training on ImQM. This joint training would enable the

professionals involved to both learn from each other and inform each other about their professional roles and ways of working.

Designing these joint trainings would be an exciting new step that could lead to more efficient and more professional ImQM, which would definitely serve the best interest of the child, the most vulnerable participant throughout the entire proceeding.

The project coordinators
Heidi Salaets and Katalin Balogh

The project research assistant
Dominique Van Schoor

For further information, visit our project website:
https://www.arts.kuleuven.be/english/rg_interpreting_studies/research-projects/co_minor_in_quest

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