Detention Monitoring Briefings

Briefing N° 3

Using Interpreters in Detention Monitoring

Since its founding in 1977, the Association for the Prevention of Torture (APT) has promoted the regular and independent monitoring of places of detention as an effective means for preventing torture and other forms of ill treatment in detention. The new *Detention Monitoring Briefing Series* makes APT's pioneering research-analysis and our counterparts' best practices available to practitioners at national and international levels around the world. It aims to complement and provide more detailed consideration of aspects introduced in the APT publication, *Monitoring Places of Detention: A Practical Guide*.

Feedback, comments or suggestions on the content of the series are welcome and should be sent to apt@apt.ch.

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1. INTRODUCTION

1.1 How to Use this Briefing

This briefing is designed for use by organisations that carry out detention monitoring at a national or international level and whose monitors may need to interview authorities or persons deprived of their liberty but do not speak their language. It outlines policy issues that can be addressed by monitoring organisations that use interpreters. It then considers the respective roles of the monitor and the interpreter and addresses some key considerations for each one. A final table sets out guidelines for both monitor and interpreter, identified from international and national best practices.

1.2 Initial Considerations

Detention monitors often work in contexts where they do not speak the language of one or more persons deprived of their liberty or the relevant authorities. As a consequence, they may require the assistance of persons to interpret, whether professional, non-professional or selected on the spur of the moment.[1] The challenges of cross-lingual, cross-cultural and indirect communication further complicate the difficult monitoring task.

For a detention monitor, working with an interpreter requires a set of innate and/or acquired skills. Interpreting itself is also, or course, a highly demanding activity. It requires the interpreter to balance several different functions in pursuit of complex objectives. Miscommunication can occur due to a lack of preparation and training on the part of the monitor, the interpreter or both. Such a problem can impact not just on the interviewing process but on the credibility of the monitoring organisation.

As ever, there is no blueprint for dealing with the challenges that monitoring using interpreters presents. They have to be overcome pragmatically, guided by adequate preparation and policy, ethical principles and well thought-out methodology.

2. POLICY ISSUES

Detention monitoring organisations may regularly and predictably require the services of interpreters. Alternatively, they might only occasionally face that necessity. Both eventualities should be planned for as much as possible. In either context, they may choose to use regular interpreters, occasional interpreters or, if no other option exists, persons present on the spot to interpret. Whichever the case, they should take the time to prepare a policy on interpreter use in order to standardise practice, ensure quality and avoid difficulties in action. Some issues to be considered include:

[1] For the purpose of this briefing, the term 'interpreter' will be used to refer to professionals and non-professionals carrying out interpreting functions as well as persons chosen to interpret on an *ad hoc* basis during a monitoring visit.

2.1 Recruitment and Screening

Professional or non-professional: First decisions will inevitably include whether the organisation's work requires – and it can access – professional interpreters. If not, the organisation must consider how to prepare and deploy non-professionals. In either case, it is preferable to put formal and consistent contractual arrangements in place that establish the duration of the contract, the terms of reference, the remuneration and modalities of payment, and the conditions of service. A personnel file should be opened for each interpreter.

Payment and costs: Whether professionals are to be used or not, can the organisation afford to pay for their service? Even if volunteers are used, which other costs should the organisation meet, including those of transportation and food? Is there an alternative benefit that can be arranged for volunteers such as professional development opportunities?

International or national: International organisations often have the option to hire interpreters who speak the national languages but do not live in the target country. This provides greater security for the interpreters than in the case of individuals who remain behind afterward. However, it means that the interpreter may be quite removed from the national reality and less able to fulfil the role of cultural interface (see below). It also has cost implications.

Local or non-local: Security considerations suggest that it is better not to use local (resident in the part of the country where monitoring is to be conducted) interpreters as it puts them at risk. Using 'locals' also risks a perceived or real lack of independence given possible interpreter affiliations. Furthermore, using a local interpreter increases the possibility of confidentiality breaches. On the other hand, some interviewees prefer to speak to someone they know of, or with whom they can relate. As such, using local interpreters can have advantages for confidence building and for the role of cultural interface.

Ethnicity, gender, age and talents: Organisations should ideally have the flexibility to draw on interpreters of different ages, genders, cultures, ethnicity and talents as well as linguistic abilities in order to adapt to the identities and needs of interviewees.

Screening: It is extremely important to work with interpreters who are not only competent to communicate across the language barrier but also capable of abiding by professional standards and ethical practices. It is also essential that they be *perceived* as doing so. Unfortunately, it is not unheard of for interpreters to take advantage of their position as interpreter with peers in their community. Monitoring organisation should screen potential interpreters through careful interviewing, the use of case studies, requesting references and contacting relevant UN agencies, NGOs, the candidate's community or national authorities as appropriate.

Ad hoc interpreters: Detention monitors may unexpectedly find themselves wanting to interview someone who does not speak the same language and not have an interpreter present. In this situation, the first thing the monitor should do is establish if they can in fact manage to communicate. This can be done by posing questions that require full sentence answers but are not so common that non-native speakers would be familiar with them automatically, giving a false impression of their fluency. If it is clear that adequate communication is impossible, the monitor should arrange for an interpreter to come. If that is not possible, s/he can arrange to return later with an interpreter.

However, that may not be possible or, most importantly, may put the person at risk in the meantime. They might even be transferred elsewhere.

In this context, the monitors may have to turn to people present in the situation who can act as interpreters. This should be a last resort as these people will likely not have the ideal skills. They may not understand the necessity to respect confidentiality or may in fact have ulterior interests and motives. Even as a result of good intentions, family members or friends may adulterate the communication by inserting their own opinions and information. Alternatively, the interviewee in question may not want to discuss certain issues through family members or other persons present.

In this situation, it is probably best to use someone the detainee in question proposes. If there is no such person but others persons present volunteer, monitors should observe closely the reactions of interviewee and manage the subject matter assiduously. The interviewee may be reluctant to express a desire not to use that person for a range of reasons.

Whoever is chosen to interpret, the monitor should briefly clarify for him/herself who the potential 'interpreter' is, what their relationship is with the prospective interviewee and explain at the outset what their objective role should be. If a monitor is unsure about an *ad hoc* interpreter, it is better to err on the side of caution and try to find someone else or another solution such as delaying the interview until a suitable person can be found.

2.2 Internal Guidelines on Detention Monitoring and Interviewing

For consistency and quality, monitoring organisations should develop clear internal guidelines on the conduct of interviews. These should be shared with interpreters and should address issues including but not limited to:

- Issues of access and accreditation for interpreters;
- When to use male or female interpreters for reasons of security and effectiveness;
- When, where and under which conditions to conduct interviews;
- Who should be present;
- What the scope and limits of each actor's role should be;
- What the process for the interview should be;
- Communication issues;
- Interviewing persons from vulnerable groups;
- Other interpreter tasks.

2.3 Information, Training and a Code of Ethics and Conduct

In the case of *ad hoc* interpreters, monitors should agree simple instructions pre-established by the organisation with them prior to beginning an interview. This helps them understand their role and the monitor to manage the process.

Regular interpreters working with the monitoring organisation, whether professional or not, should be given a code of conduct to study and sign which establishes the ethical

standards by which they are expected to act.[2] They should also be given the internal guidelines on monitoring and interviewing referred to above.

These documents and other relevant issues should be discussed and agreed in specific and periodic training session for both monitors and interpreters, preferably with the participation of experienced interpreters and detention monitors. Case studies and role plays should form a central part of this process. The training should provide an opportunity for interpreters to relationship-build with monitors as well as understand methodology. Where appropriate, new interpreters can also be given an induction to the organisation in order to understand the larger picture of their work.

2.4 Support to Interpreters

Interpreters can suffer deleterious psycho-social consequences as a result of their work with persons deprived of their liberty. This can include anger, stress, depression, burnout or vicarious trauma. They may also encounter difficulties in their working relationships with monitor colleagues or need to resolve other issues relating to their work. Monitoring organisations should seek to create conditions under which interpreters can overcome these challenges. Some ways to do this include:

- Provide interpreters with a 'point of contact' in the monitoring organisation who can give support and advice but who is not a monitor;
- Provide information on the possible psycho-social impact of the monitoring work on the interpreters themselves and how they can deal with it[3];
- Address the issues of food, breaks, working hours and other needs in the internal guidelines and training for monitors who work with interpreters;
- Be clear from the outset on additional tasks expected of the interpreters;
- Ensure that monitors brief and debrief with interpreters before and after interviews or monitoring visits as appropriate;
- Periodic performance evaluations according to transparent criteria to assist interpreters develop.[4]

2.5 Security and Reprisals

Interpreters working in detention monitoring can be victims of reprisals and other undesirable actions. In addition, the actions of interpreters can potentially put other persons involved in the monitoring process at risk. Monitoring organisations should seek both to prevent such possibilities and also be prepared to respond to them if they occur. How to do so will depend on the particular context but in general, interpreters and their families or friends should have a means to contact the monitoring organisation twenty-four hours a day. There should be a strict prohibition of bilateral contacts between local authorities such as the police and interpreters. If an interpreter is approached in relation to the monitoring by the authorities, they should direct them to contact the monitoring organisation directly. Approaches by the authorities for any reason should be reported to

[2] For example, see Medical Foundation for the Care of Victims of Torture, *Code of Practice and Ethics for Interpreters and Practitioners in Joint Work*, 2005; UNHCR, *Interpreters in a Refugee Context: Self-Study Module 3, Annex I,* 2009

[3] See UNHCR, *Interpreting in a Refugee Context*, 2009

[4] For evaluation guidelines that could be adapted to the monitoring context, see The International Medical Interpreters Association, *Medical Interpreting Standards of Practice*, 2007 and The National Council on Interpreting in Health Care, *National Standards of Practice for Interpreters in Health Care*, 2005

interpreters' point of contact in the organisation. Under no circumstances should interpreters have access to general file storage, individual case files or databases holding confidential information.

3. CONCEPTUAL AND OTHER CHALLENGES

3.1 Ethical Considerations for Detention Monitors and Interpreters

The ethical principles for monitors are considered in the APT publication *Monitoring Places of Detention: A Practical Guide*. They are important not just for ensuring consistency and professionalism in the interviewing process but also for facilitating greater predictability - and therefore control - for interviewees.

Interpreters should also take ownership of relevant ethical standards. A written code of ethics/conduct and working method guidelines for interpreters and monitors are essential as outlined above. This can help avoid conflict, confusion and errors.

It is important at the outset to seek feedback from interpreters on their ability to follow through on ethical and other expectations as what makes sense in one context may not in another. An open discussion can help improve the code and guidelines and avoid practical difficulties. Key principles that should be covered in the ethics code for interpreters include:

- Do no harm
- Confidentiality
- Impartiality
- Accuracy
- Respect
- Sensitivity
- Non-discrimination
- Professional distance

Interpreters should have the responsibility and right to turn down or leave assignments they feel unable to fulfil in a professional manner. This may be for reasons of conflict of interests, personal values or having to interpret in situations before which they feel untrained or unqualified.

3.2 The Role of the Monitor

The question of professional role boundaries is likely to arise in the context of detention monitoring interviews using interpreters. The resultant issues should be dealt with openly before monitoring together in order to avoid difficulties in practice.

Even though working with interpreters, monitors continue to have full responsibility for ensuring that the ethical, professional and procedural objectives for the interview are met. Monitors and not interpreters are responsible for managing the interviewing process. Nonetheless, monitors should respect and learn to objectively take advantage of interpreters' skills and knowledge.

It is helpful for monitors to take time with interpreters before working together to ensure that both parties share a common understanding and expectations. This can help to prepare for expected challenges. In some contexts, monitor-interpreter teams establish signals for use during monitoring visits and interviews. These may be verbal or physical and relate to issues such as the need to suspend the interview; when to change track; when there is a problem; when they need to discuss something among themselves; asking to speak slower or faster, etc.

3.3 The Role of the Interpreter

Professional interpreters understand the profound complexities and dilemmas of what can appear a simple task to others. In general terms, the appropriate role for the interpreter at any time during an interview is the least invasive one possible to ensure effective communication. In addition, s/he must work at all times so that the primacy of the monitor-interviewee relationship is not undermined in relation to the monitor-interpreter or interpreter-interviewee relationships.

The main roles for the interpreter during an interview are those of:

1) Conduit
2) Cultural interface
3) Clarifier
4) Advocate

Conduit: This is the default role of the interpreter, in which most time should be spent. It involves rendering in one language the meaning and register of what has been said in the other without additions, omissions or changes. The interpreted message should remain in the first person used by the interviewee. The conduit role should be adopted unless the interpreter perceives a clear potential for misunderstanding by either interviewer or monitor. The interpreter has a role in managing the flow of communication to ensure the fidelity of the interpreting.

Cultural interface: Language is rooted in culturally based beliefs, perceptions, values and assumptions that systematise subjective reality. In the role of cultural interface, the interpreter provides a necessary framework for understanding the message being interpreted in either direction. Interpreters should take this role when cultural or other differences interpreted literally may lead to an erroneous or inadequate understanding on the part of either monitor or interviewee. Nonetheless, both monitors and interpreters should be aware of the limits of the interpreter's own subjective cultural interpretation. No matter how much factual information s/he has about beliefs, values, norms and customs, adherence to cultural frameworks are subject to imperfect understanding and vary from sub-group to sub-group and individual to individual. The role of cultural interface is more intrusive than that of conduit.

Clarifier: In this role, the interpreter adjusts register and explains complex concepts, terms that have no precise linguistic equivalent or whose linguistic equivalent may not be understood, and checks for understanding. In the context of detention monitoring interviews, this is a crucial role the interpreter plays toward the monitor. However, the monitor is primarily responsible for clarifying - through the interpreter – when the interviewee does not understand. Only if this fails should the interpreter take on the role of clarifier toward the interviewee, and with the express consent of the monitor.

Advocate: The interpreter should only assume the role of advocate in the most extreme situation, having exhausted all other options of communication with the monitor, and as an absolute last resort. In this role, the interpreter takes over control of the situation and brings the interview to an end. This is as done as a result of the monitor either losing control of the process entirely or acting in a manner that may have a serious detrimental impact on the human rights or well-being of the interviewee. If such a scenario does take place, the monitoring organisation should conduct a review of the conduct of both monitor and interpreter to ensure non-repetition.

3.4 Other Common Tasks for Interpreters

Note taker: It is an established good practice that when detention monitors interview persons deprived of their liberty in pairs, one leads the discussion while another takes notes. In the case of interviewing through interpreters, this becomes more complex. Having two monitors plus the interpreter may be impractical, undesirable or intimidating to potential interviewees. With just one monitor and the interpreter, the monitor can opt to take notes as well as lead the conversation but this detracts from his/her interaction with the interviewee. The interpreter can usefully take notes. However, this can equally distract from his/her primary task. Therefore, at the very least, the interpreter should take notes of key data such as dates, times and names that can assist the monitor afterward.

Source of feedback/ideas: An interpreter experienced in monitoring can be an essential source of perception to complement a monitor's own understanding of the interviews. However, the more monitors involve interpreters in their own analytical role, the more chance that conflict or competition may occur between the two.

Logistics and translation: Especially for international monitoring bodies, interpreters often take on a logistical role. They may be called upon to organise transportation, telephone calls, restaurant bookings or appointments. Given that monitors often receive documents in a local language, interpreters are also often called upon to provide translations. Monitors should take care to not exploit or abuse what may strictly speaking represent additional functions for the interpreter.

3.5 Other Issues for Monitors and Interpreters

Many other challenges exist for monitors and interpreters that should be discussed beforehand if possible. Some of these include:

Challenging interviewees: Many interviewees find it difficult to give information in the focussed, systematic, chronological, 'relevant' and clear manner that monitors would prefer. Some will talk for long periods of time without pause. The monitor should try to explain to the interviewee the need to go step by step in order to understand his/her account. If that fails, the monitor/interpreter can interrupt periodically but this may disturb the interviewee's train of thought. As a result, the interpreter may be obliged to summarise what is reported to the interviewer. This is not ideal and the monitor will have to compensate by asking questions to check his/her understanding periodically or after the general account has been completed.

Whispered or Consecutive Interpretation: Some monitors prefer to have the interpreter whisper the translation in their ear so as not to interrupt the flow of the interviewee.

Others prefer consecutive interpreting where the monitor/interviewee pauses at intervals for the interpreter to translate. Still others adopt either approach depending on the communication style of the interviewee.

Managing Conflicts between Monitor and Interpreter during Interviews: On occasion, the relationship between the monitor and interpreter can become unbalanced during an interview. The monitor is responsible for managing this situation, whatever the cause. S/he should control his/her body language and facial expression so that the problem does not become evident to the others present. S/he should then communicate calmly to the interviewee that s/he wants to check his/her understanding of something with the interpreter. Still calm, s/he should then remind the interpreter of the need to maintain their credibility before those present and should refer to the organisational guidelines if necessary. If the problem cannot be resolved quickly, the interview should be stopped in a manner that does not make apparent what has occurred to those present and that causes no discomfort or confusion to the interviewee. The interpreter and monitor can then discuss the issue outside and return if necessary or arrange an alternative if their differences appear irreconcilable at the time.

3.6 The Unknown Factor: The Interviewee Situation and Perspective

Each individual interviewee's history, experiences, psycho-social situation, context in detention, motives, and views can rarely be known beforehand by monitors. At the same time, the way in which interviewees perceive the monitors and the interpreters are also difficult to predict. Some may be suspicious of an interpreter from close to home and react well to people from elsewhere. Others may be reassured by someone 'familiar' and distrustful of foreigners or other perceived as being very different. Some may prefer to discuss certain issues with people of a specific ethnicity or gender. The possibilities are endless. All these factors will affect the ability and approach of the interviewee to interacting with the monitor and interpreter. They will have to be astute enough to assess such issues and respond to them in the moment.

4. GUIDELINES

It is convenient to consider the relationship between monitor and interpreter in three phases: before, during and after the interview. The following are guidelines for monitors and interpreters respectively during each phase:

MONITORS		
Guidelines for Working with Interpreters		
	Do	**Do not**
Before	• Brief the interpreter beforehand on your expectations for the interviewing process. • Invite the interpreter to advise you on cultural or other issues. • Ensure that interpersonal issues between yourself and the interpreter are put aside before the interview. • Give interpreters copies of written materials to be provided to the interviewee ahead of time. • Give consideration as to how many persons should be involved in the interview in order to avoid intimidating interviewees.	• Begin the interview without familiarising yourself with the interpreter first.
During	• Introduce yourself. If you know a few words in the detainee's language, introduce yourself directly before handing over to the interpreter. • Introduce the interpreter and explain his/her role. • Elicit from the interviewee if s/he would prefer not to use the interpreter. • Pay close attention to the non-verbal cues which may indicate the interviewee's discomfort with the interpreter or other factors. • Be aware of cues from the interpreter with regard to the interviewee or other factors. • Sit directly facing the interviewee with the interpreter to one side and in full, comfortable view of both of you. Alternatively, sit in an equilateral triangle or in a circle if there are more of you. • Look at the interviewee while speaking to him/her or listening to the interpretation. • Use appropriate eye contact and be aware of your body language. • Speak more slowly and clearly than usual to assist the interpreter and reassure the interviewee. • Keep your language simple and provide plain, accurate information. Keep questions short by formulating them in your head prior to speaking. • Pause every two or three sentences to allow the interpreter to relay your message. • Use direct questions and statements, *e.g.* 'Do you remember what colour the walls were?' and not 'Ask him if he remembers what colour the walls were.' • Be prepared to reformulate your questions. • Be patient. Interpreted interviews take longer than direct interviews. • Wait for the interpretation to finish before responding even if you think you have understood the interviewee's response. • Summarise periodically when complex issues are involved or the interviewee finds it difficult to relate in a structured manner. • Use purposefully inaccurate summarising questions to check your understanding.	• Speak unnecessarily loudly. • Ask multiple questions. (An example of a multiple question is: 'What happened when you arrived; did they take your name, or search you, and what did they say?'). • Try to save time by asking the interpreter to summarise unless absolutely necessary. • Cede your control of the interview to the interpreter. • Allow the interpreter to take over the interview.

	• Before completing the interview, consult the interpreter on any perceptions or observations that need to be addressed. • Keep asides with the interpreter to a minimum and give some explanation to the interviewee if they last more than a few seconds. • Be cautious with using jokes. Humour may not translate well.	
After	• Debrief with the interpreter on the substance of the interview in case you need clarification, information and, if appropriate, an additional opinion. • Debrief constructively with the interpreter on your joint work methods in order to improve in future. • Treat the interpreter with respect and recognise his/her work.	

INTERPRETERS		
Guidelines for Working with Detention Monitors		
	Do	**Do not**
Before	• Take a notebook and pen(s). • Consult the monitor on any procedural, linguistic or other doubts you may have. • Inform the monitor on important relevant cultural issues including dress, greeting customs, hierarchy, registers of address, gender issues, etc. • Disclose any reason you feel you should not participate in the interview.	
During	• Sit in comfortable view and hearing of both monitor and interviewee. • Take notes of details such as dates, figures and names to assist the monitor later. • Codify sensitive information in the notebook. • Note down things to come back to or discuss with the monitor afterward. • Use direct translation as much as possible and not reported speech. • Be aware of your own body language and facial expressions • Clarify questions you do not understand with the monitor but do not question the monitor's questions unless there is a risk of serious cultural offence or something that might impair the interview. • Avoid making sentences too long. • Interrupt the detainee if he says too much or speaks too quickly. This must be done tactfully and at appropriate points. It is more delicate with the authorities. • Assist the monitor to stay in charge of the interview.	• Try to do the job of the monitor. • Allow your own values and beliefs to affect your interpreting. • Change, fill out or enhance the questions or answers you interpret. • Answer the interviewee's questions to the interviewer or vice versa even if you know the answer. • Leave your notebook behind. • Anticipate the monitor's questions no matter how many times you have followed the procedure previously.
After	• Respect the confidentiality of the monitoring process. • Broach any difficulties with the monitor in the feedback.	

5. CONCLUSION

Overcoming the challenges posed by interviewing through an interpreter requires both a clear policy on the part of the organisation and discipline, good practice and astute improvisation by monitors and interpreters.

It is essential to keep in mind that the welfare, comfort and interests of detainee-interviewees should at all times be the primary concern of detention monitors. The monitor is responsible for the conduct of the interview which includes facilitating the interpreter's work. In turn, the interpreter's difficult principle role is to provide a cross-lingual and cross-cultural channel in the least invasive manner possible in order to maintain the integrity of the information transfer. However, his/her other roles are essential, particularly in the case of international monitors working in unfamiliar contexts.

There is a need to be realistic. Research suggests that even a professional interpreter working under ideal conditions can translate only 70-80% of what is said. Patience on the part of both monitor and interpreter are critical to making detention monitoring interviews as effective as possible for securing the human rights of persons deprived of their liberty.

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Note: This briefing draws on the experience of APT staff and their counterparts. It also adapts materials from, among others: UN DPKO, *Prison Support Guidance Manual: Annex 4: Guide to Working with Interpreters*, 2006; Massachusetts Department of Public Health, *Best Practice Recommendations for Hospital-Based Interpreter Services*, date unknown; Centre for Victims of Torture, *Closing the Gap: Using Trained Interpreters*, Feb-March 2001; European Committee for the Prevention of Torture, *Framework for the Training Session on the Effective Use of Interpreters during CPT Visits*, 2001; National Council on Interpreting in Health Care, *National Standards of Practice for Interpreters in Health Care*, 2005; International Medical Interpreters Association, *Medical Interpreting Standards of Practice*, 2007; Australian Ministry of Health, *Guide to Working with Interpreters in Health Settings*, date unknown; Medical Foundation for the Care of Victims of Torture, *Code of Practice and Ethics for Interpreters and Practitioners in Joint Work*, 2005; UNHCR, *Interpreters in a Refugee Context: Self-Study Module 3,* 2009; OSCE, *Working with or as an Interpreter,* date unknown; and www.diversityrx.org