

**Language interpreting during the forensic
interview: A social work investigation**

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**LANGUAGE INTERPRETING DURING THE
FORENSIC INTERVIEW: A SOCIAL WORK
INVESTIGATION**

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OPSOMMING

SLEUTEL WOORDE: forensiese maatskaplike werk, vertolking.

Seksuele mishandeling van kinders in Suid-Afrika, en dwarsoor die wereld, is kommerwekend besig om n daaglikse verskynsel te word. Seksuele mishandeling van kinders vind plaas binne alle kulture, rasse en klasse. Forensiese maatskaplike werkers is aangestel tydens die ondersoek proses van n kriminele saak (met betrekking tot seksuele mishandeling van kinders) om te bepaal of daar n waarskynlikheid is van seksuele mishandeling of nie. Die probleem in Suid-Afrika is tweeledig: eerstens is daar n beperkte hoeveelheid gekwalifiseerde forensiese maatskaplike werkers en meeste van hierdie forensiese maatskaplike werkers is blanke dames wat Afrikaans sprekend is en nie al 11 van die land se tale verstaan of praat nie.

Ten spyte hiervan word kinders van alle rasse, tale en klasse seksueel misbruik. Dit verplaas die fokus op die taal probleem wat mag ontstaan tussen die forensiese maatskaplike werker en die beweerde slagoffer van seksuele mishandeling.

Die aanstelling van tolke tydens die forensiese onderhoud is tans die enigste oplossing vir die taal probleem, dus is daar n groot behoefte aan tolke. Die rol van die tolk in Suid Afrika is van baie waarde ten opsigte van die forensiese onderhoud.

Ten spyte van hierdie behoefte aan tolke ondervind forensiese maatskaplike werkers baie probleme met die aanstelling van tolke tydens die forensiese onderhoud; die forensiese maatskaplike werkers het tot die gevolgtrekking gekom dat die teenwoordigheid en gedrag van die tolke so n negatiewe impak op die proses van forensiese assessering het dat hulle eerder verkies om sonder n tolk dienste te lewer.

Die taal probleem bestaan voort en dus moet die probleme, geassosieer met die aanstellings van tolke tydens die forensiese onderhoud, dringende aandag geniet sodat forensiese maatskaplike werkers effektiewe dienste mag lewer, met die oog op geregtigheid. .

Die navorser is van die opinie dat die huidige kommunikasie probleem wat tussen die forensiese maatskaplike werker, die beweerde slagoffer van seksuele mishandeling en die tolk bestaan, n ernstige probleem is wat dringende aandag verg om te verseker dat effektiewe dienste gelewer word binne die regsstelsel van Suid-Afrika.

SUMMARY

KEY WORDS: forensic social work, interpretation.

The sexual abuse of children in South-Africa, and across the world, is becoming a daily phenomenon. Such abuse of children takes place in every class, culture and race. Forensic social workers are appointed for sexual abuse cases to assess the alleged victims of sexual abuse in order to determine the likelihood that sexual abuse actually took place. The problem in South-Africa is two-fold: first, only a few social workers are qualified forensic social workers and second, most of the forensic social workers in South-Africa are white females who cannot speak or understand all the 11 official languages of South-Africa. Yet the children who are victims of sexual abuse come from cultures and races where these 11 languages are spoken. This then raises the problem of the language barrier between the forensic social worker and the alleged victim of sexual abuse.

The appointment of language interpreters for forensic interviews is evidently the only way to overcome the language barrier. There is a great need for language interpreters as their role is crucial to the forensic process. However, many forensic social workers have experienced serious problems with language interpreters during the forensic interviews and have remarked that the mere presence and behaviour of the language interpreter is often so detrimental to the forensic assessment that they prefer to do without them. The problem of the language barrier remains, however, and the problems of the appointment of the language interpreters have to be addressed to enable forensic social workers to conduct forensic assessments successfully and thereby assist in ensuring justice in such criminal cases.

The researcher in this study believes that the communication barrier that exists between the forensic social worker, the alleged victim of sexual abuse and the language interpreter is a crucial issue that requires immediate attention to ensure effective service delivery in the judicial system of South-Africa.

FOREWORD

The article format was selected in accordance with Regulation A.11.2.5 for a Master's degree in (Social Work in Forensic Practice). The article complies with the requirements of the Journal CARSA.

INSTRUCTION TO AUTHORS

CARSA is a national journal that promotes academic and professional discourse amongst professionals involved in child-care work in South Africa. It publishes high quality, peer-evaluated, applied, multidisciplinary articles focusing on the theoretical, empirical and methodological issues related to child abuse in the light of the current political, cultural and intellectual topics in South Africa. Authors of articles submitted for review will remain anonymous. The comments of the reviewers and peer evaluators should be constructive and helpful and designed to aid the authors to produce articles that can be published. The authors may then use these comments to revise their articles. However, the final decision on whether or not to publish an article rests with the editor. There should be an interval of at least two issues between articles published by the same author.

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Main headings should be typed in upper case and begin at the left margin. No indentation is allowed. Dates should be written as follows: 9 January, 2000. Bold, italics and underscore should be formatted as such in the original document. The recommended style for reference purposes is the abbreviated Harvard technique, for example, "Child abuse is rising (Author 1999:10)" OR "According to Author (1999:10), child abuse is rising". In the case of legal articles, footnotes will be allowed.

To work toward uniformity in the alphabetical bibliography at the end of an article, the following examples of format are given:

Books:

Kuehnle, K. 1996. Assessing allegations of child sexual abuse. Sarasota: Professional Resource Press.

Articles:

Collings, SJ & Payne, MF. 1991. Attribution of causal and moral responsibility to victims of father-daughter incest: an exploratory examination of five factors. Child Abuse and Neglect (15)4:513-521.

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Sexist: Each respondent was asked whether he wanted to participate. The child should have enough time to familiarise himself with the test.

Non-sexist: Respondents were asked whether they wished to participate. Enough time should be allowed for the child to become familiar with the test.

LANGUAGE INTERPRETING DURING THE FORENSIC INTERVIEW: A SOCIAL WORK INVESTIGATION

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ABSTRACT:

The high incidence of sexual abuse of children requires the professional intervention of forensic social workers. However, the language barrier between the alleged victim of sexual abuse and the forensic social worker often hinders effective service delivery.

The role of and need for language interpreters is therefore crucial, yet the use of language interpreters during forensic interviews frequently leads to problems that undermine effective service delivery and may be to the disadvantage of the alleged victim of sexual abuse. These problems need to be addressed and overcome so that the best interests of the child can be met, and justice served.

1. PROBLEM STATEMENT

Forensic social work is a specialized field in social work, and, although it is common in first world countries such as the United States of America, forensic social work has only recently been introduced in South-Africa. Training in this field has been initiated in the form of a Master's degree at the North-West University, Potchefstroom. Ms A. Grobbelaar (2008), in a telephonic interview, reported that only a small number of social workers had enrolled for the course. Not only are there a few qualified forensic social workers in South-Africa, but, also, according to Faller (2007:164), "interviewers are predominantly white, female and middle class". However, since sexual abuse takes place in all cultures and classes (Poole & Lamb, 1998:9), the problem of language becomes evident.

Disturbing statistics reveal the imbalance between the number of sexually abused victims and the number of trained forensic social workers. For example, Branfield, the Director of Bobbie Bear, stated in 2007 that her organization received 20-30 reports of rape each month (Premdev, 2007:4). Police statistics for 2006/2007 reported 52671 cases of rape. Branfield emphasizes that “the reported figures only give us part of the picture. Research suggests that the extreme majority of sexual offences are not reported to the police”.

These statistics are confirmed in *Beeld* (Raubenheimer (a), 2007:10), where trade union, Solidarity, maintains that every 24 minutes a child is raped, and every eight minutes-, a child is molested in South-Africa. This supports the view that many sexually abused victims need the intervention of a forensic social worker.

Pool and Lamb (1998:9) state that estimates (of child sexual abuse) “consistently confirm that child maltreatment is a widespread problem that cuts across social classes and historical periods”. Because sexual abuse takes place in all cultures where different languages are spoken, the need for language interpreters is evident. Especially in a country like South-Africa, a country “that has 11 official languages and a multitude of cultures and ethnicities”. It is therefore likely that many “psycholegal examiners will derive from very different backgrounds as from their examinees” (Kaliski, 2006:5).

A clear need exists for more qualified forensic social workers in South-Africa. According to Du Toit, a forensic criminologist (Raubenheimer (b), 2007:15), the percentage of convictions in Gauteng, of perpetrators of sexual offences against children, is shockingly low and currently stands at 9%. Du Toit ascribes this to a lack of experienced police officials to deal with such cases and to victims of sexual abuse (children specifically) who have to repeat their experience of sexual abuse on more than one occasion. Consequently, children think they are not believed, and, they then adjust their stories.

Apart from the limited number of forensic social workers in relation to the high number of sexual abuse cases, forensic social workers, when conducting forensic interviews, also have to overcome the language barrier that may exist

between them and alleged victims of sexual abuse. Hiltz and Anderson (2002:12) state that the possibility of forensic social workers being able to communicate in clients' mother tongue is often remote". The best option when considering the language barrier during the forensic interview, at this time, is to make use of a qualified language interpreter, so as to support the forensic interview process".

According to Raval and Smith (2003:6-31) "The necessity of appointing language interpreters are in need in order to support practitioners to carry out culturally congruent assessments and interventions, yet the availability and use of interpreting services may develop a reluctance on the part of the health care practitioners to make use of such services". They conclude that this reluctance may originate from "negative prior experiences and insufficient training in carrying out multicultural services with interpreters". The use of language interpreters may thus also be hampered by professionals' negative experiences of language interpreters in forensic interviews.

Language interpreters are used in forensic interviews to assist forensic interviewers when the alleged victims communicate in a language that is different to the interviewers'. The lack of trained language interpreters, inaccuracies in interpreting, - which may defeat the purpose of the forensic interview in the first place, and "a sense within the health care professionals that interpreters are taking over the work", have also been identified as possible problems when appointing language interpreters for forensic interviews (Raval & Smith, 2003: 6-31).

There are many benefits, however, to appointing language interpreters. Because of a lack of information on the use of language interpreters, specifically during forensic interviews, a comparison will be drawn between forensic social workers using language interpreters and health care professionals using language interpreters in a study done by Jacobs et al. (2004:867). The study revealed that "providing professional interpreting services in a hospital increased the delivery of health care to patients with limited English proficiency; yet it was also found that the majority of the increase in costs of care was attributable to the provision of interpreting services". The study concluded that "the interpreting services enhanced the

patient's access to primary and preventative care for a moderate increase in cost". Applying this finding to the use of language interpreters during forensic interviews, it could be assumed that more victims of sexual abuse, not able to speak the language of the forensic social worker, would then be able to disclose their experiences with the assistance of a language interpreter. However, the availability of funds to employ professional language interpreters to assist forensic social workers who work in police departments or in non-government organizations (NGO's) remains a problem.

Apart from the possibility of the language interpreter not interpreting the disclosure of sexual abuse accurately (as the terminology used by the victim of sexual abuse may not be interpreted correctly, and the sensitivity of the situation may cause him or her not to disclose the information to a second party), other problems, as mentioned above, also exist.

According to Fouché (2005:115) the reader has to be persuaded that relevant research is urgently needed by various individuals and groups in society. The shortage of professionally trained forensic social workers needed to deal with the high number of sexually abused victims reported each year in South-Africa has been highlighted above. The significance of this particular study is that it focuses on *one* of the many problems in forensic social work, that is, the appointment of language interpreters for forensic interviews.

Ultimately it will be the victims of sexual abuse and the courts that will benefit from this study and future studies. Once the problems in forensic social work have been identified and solved; the process of prosecuting perpetrators and providing therapeutic services to victims of sexual abuse will be facilitated.

The following questions emerge from the preliminary information:

- 1.1 Is there a need for language interpreters during forensic interviews?
- 1.2 What competencies should language interpreters have when they are appointed for forensic interviews?

2. LIMITATIONS OF THE STUDY

A major limitation of the study is the limited literature on the subject of the study. There was also not ample literature, in the South-African context, regarding language interpreting during the forensic interview.

Also, because of the limited number of qualified forensic social workers in Gauteng and the North-West Province, only seven participants were interviewed during the course of the study.

3. AIM

To investigate the level of competence of language interpreters appointed for forensic interviews.

Objectives of the research:

- 3.1 To investigate the need for language interpreters.
- 3.2 To investigate the competencies required by language interpreters in interpreting dialogue correctly during forensic interviews.

4. CENTRAL THEORETICAL ARGUMENT

If competent language interpreters are appointed for forensic interviews, language barriers can be overcome, thus benefiting the children and court concerned.

5. RESEARCH METHODOLOGY

The method of investigation includes a literature study and an empirical study.

5.1 LITERATURE STUDY

According to Mouton (Fouché & Delpont, 2005:127), a literature review “encapsulates more than just the reviewing of literature”, but, rather, it is a study of all significant sources of information. Even though information from the South-African literature was needed for this study, especially because South-African language and cultural diversity are important elements of the research topic, very little South-African research has been conducted on forensic social work and the problems of appointing language interpreters for forensic interviews. Accordingly, international books and articles were studied to ensure comprehensive information and findings.

Data-bases consulted: South African journals, Social Sciences Index, ERIC, EBSCO Host Web.

5.2 EMPIRICAL RESEARCH

During the empirical study, personal interviews were conducted by the researcher with each of the seven participants. The schedule focused on the need for, and competencies of language interpreters. The research will be of a quantitative and qualitative nature. “Mixed methods research is an approach to inquiry that combines or associates both qualitative and quantitative forms. It involves philosophical assumptions, the use of qualitative and quantitative approaches, and the mixing of both approaches in a study” (Creswell, 2009:4).

5.2.1 RESEARCH DESIGN

Research design refers to the “plan or strategy of shaping the research” (Henn et al., 2006:46). According to Bless and Higson-Smith (Fouché & De Vos, 2005:106) exploratory research is “conducted to gain insight into a situation or phenomena”. This research design was followed as this study arose “out of a lack of basic information on a new area of interest”. According to Hiltz and Anderson (2002:12), “there remains a distinct lack of information research specific to utilizing interpreters with children in forensic interviews”.

The exploratory research design was used to investigate the need for language interpreters during forensic interviews and the problems of their use. Wessels (2008), of the Department of Social Work at the North-West University (Potchefstroom Campus), confirms that little research has been conducted on this topic in the South-African context.

5.2.2 PARTICIPANTS

Seven social workers who functioned as forensic social workers in the Gauteng and North-West Provinces participated in this study. The small number can be attributed to the fact that few social workers are qualified to conduct forensic interviews.

The non-probability sampling technique was used. In non-probability sampling “the odds of selecting a particular individual is not known because the

researcher does not know the population size or the members of the population” (Strydom, 2005:201).

The researcher made use of snowball sampling which “usually commences with one respondent, because these are situations where very little knowledge and/or few respondents are available” (Strydom & Delport, 2005:330). “Snowball sampling is a form of purposive sampling, where the intention is to obtain a pool of respondents that is appropriate for the study, and which is largely determined by the judgement of the researcher” (Henn et al. 2006: 133).

Once the researcher had identified the participants of the present study, she contacted them telephonically to request their participation and to brief them on the purpose of the study. She then discussed possible dates, times and venues for the interviews to take place. Once these arrangements had been made and confirmed by each participant, the interviews were conducted in accordance with the pre-determined dates, times and venues.

5.2.3 MEASURING INSTRUMENTS

Semi-structured one-on-one interviews were conducted. Researchers generally make use of semi-structured interviews in order to gain a detailed picture of participants’ beliefs about, or perceptions or accounts of, a particular topic (Greeff, 2005:296).

The benefit of this form of interview is that it is highly flexible and allows the interviewer to ask a set of pre-determined questions on an interview schedule- but the interview is merely guided by this schedule and not dictated by it. The researcher can thus follow up on any interesting avenues that may emerge, enabling the participant to provide a fuller picture. During the interview, the participant should be considered the expert on the subject and given maximum opportunity to tell his or her story (Greeff, 2005:296).

According to (Greeff, 2005:296), a schedule is a questionnaire that is written to guide an interview. It provides the researcher with a set of pre-determined questions that can be used to engage the participant and “designate the narrative terrain”. Schedules are used in qualitative, in-depth, one-on-one

interviews with the aim of capturing the viewpoint of the participant and not the concerns of the researcher (Henn et al. 2006:162).

The schedule was pre-tested to eradicate potential problems. The objective was to determine the need for language interpreters during forensic interviews and to explore the problems experienced by forensic social workers when appointing language interpreters for forensic interviews.

5.2.4 PROCEDURES

- The snowball sampling technique was applied in the study; once a participant had been identified, that participant identified other suitable participants for the study.
- The participants were contacted telephonically; the purpose of the study was explained to them and dates, times and venues for the interviews were scheduled.
- The participants were contacted telephonically, prior to the interviews, by the researcher to remind them of the scheduled interviews
- The researcher conducted the interviews with each of the participants.

5.2.5 ETHICAL ISSUES

According to Strydom (2005:56) “researchers have two ethical responsibilities, a responsibility towards those who participate in the study and towards the discipline of the study, by being honest and accurate in providing their findings”.

- **Informed consent** is defined by Babbie, Thomas and Smith (Strydom, 2005:59) as “voluntary participation” will be ensured to each participant within the sample. During the research process, the participants were respected and their identities remained anonymous. No deception occurred, and any problems that arose were dealt with.
- **Confidentiality:** “Once the guarantee of confidentiality is given, the researcher stands under stringent (moral) obligation to do whatever is required to make certain confidentiality prevails. To be careless of the obligation is to do a moral harm to the source of privileged information”

(Gregory, 2003:52). Protecting the identity of the participant or any information related to the participant during the study is to the confidentiality of the participant (Henn et al., 2006:85). The researcher confirmed (verbally) to all the participants that no information provided by them, during the study would be discussed in a manner that would associate their personal identity with any of the obtained data. Identifying details of each participant were not requested for the completion of the study.

5.2.6 DATA ANALYSIS

The researcher analyzed the qualitative data according to themes and sub-themes. The quantitative data were analyzed by plotting data onto histograms, doughnut graphs and pie charts. This quantitative data were analyzed by the researcher.

6. DEFINITIONS

6.1 Forensic social work

“A specialized field of social work that focuses on the interface between society’s legal and human systems and is characterized by the social worker’s primary function of providing expert testimonies in courts of law with the primary client being the judiciary system” (SA Council 2008:1).

6.2 Forensic interview

“A forensic interviewer is the professional person who conducts the interview in order to determine whether or not the particular child has been sexually abused or not (Faller, 2007:3). A forensic interview is a fact-finding procedure during which a structured assessment protocol is applied (Faller, 2007:6).

6.3 Interpretation

“An interpretation of something is an opinion about what it means” (Collins Cobuild Advanced Learner’s English Dictionary: 760).

6.4 Interpreter

“An interpreter is a person whose job is to translate what someone is saying into another language” (Collins Cobuild Advanced Learner’s English Dictionary: 760).

A forensic social worker thus interviews a child who has allegedly been sexually abused so that the forensic social worker can provide expert testimony in court regarding the likelihood of whether sexual abuse took place or not. A forensic interview can be conducted only by a trained and qualified forensic social worker.

Because of the frequent language barrier between forensic social workers and alleged victims of sexual abuse, language interpreters are appointed for forensic interviews to help forensic social workers carry out their duties. A language interpreter interprets what the alleged victim says and also what the forensic social worker says to alleged victim. The sole function of a language interpreter is thus to interpret what is being said.

7. DISCUSSION OF FINDINGS

The seven participant's opinions, on whether language interpreters are needed during forensic interviews, will first be discussed here in conjunction with what the literature says on the subject. The researcher will also give her opinions.

This will be followed by a discussion of the problems (experienced by the seven participants) with the appointment of language interpreters for forensic interviews as well as their professional opinions on what competencies are required by language interpreters to overcome such problems, if any. The literature on the subject incorporating the views of other researchers will then be discussed to enable the researcher, and the reader, to draw comparisons and conclusions, which will be followed by appropriate recommendations.

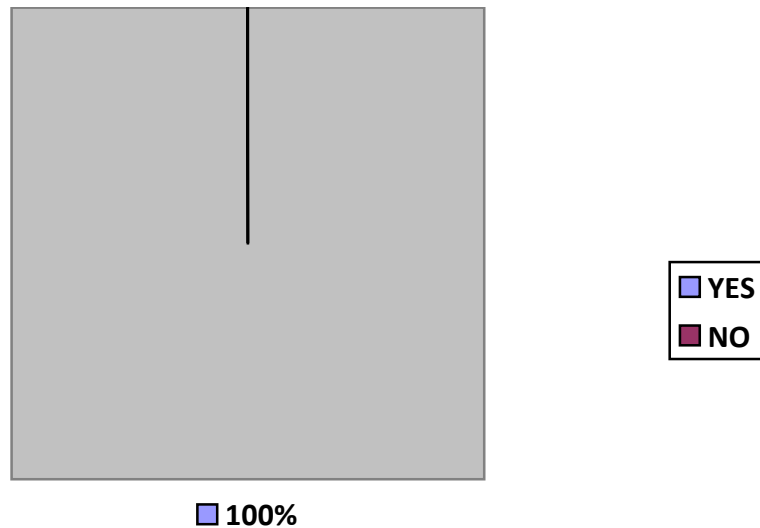
During the course of the study the researcher interviewed seven participants all of whom are forensic social workers who have interviewed alleged victims of sexual abuse with the help of language interpreters in cases where such services were required.

The aim of the study was to determine whether need exists for language interpreters during forensic interviews, and if so, what problems can arise in appointing language interpreters. These problems may then indicate what competencies language interpreters require in order to deliver effective services.

During the in-depth interviews with the seven participants, the researcher asked questions to determine whether they regarded the role of language interpreters as important and/or necessary during forensic interviews.

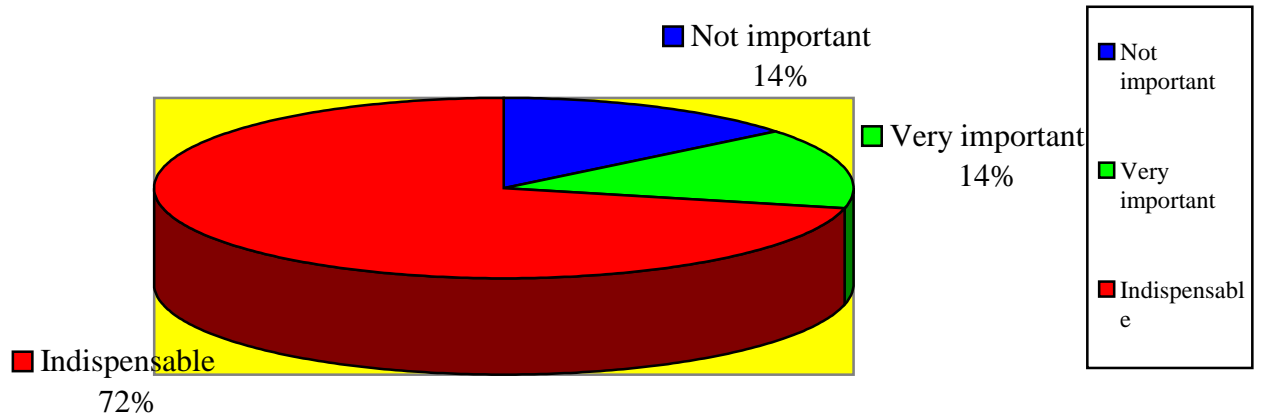
7.1 Need for a language interpreter

FIGURE 1: Have you conducted an interview with an alleged victim of sexual abuse who spoke a language different to your own language?



When asked (Figure 1) whether they had ever interviewed an alleged victim of sexual abuse who spoke a language different to their own all seven participants (100%) answered 'Yes'.

FIGURE 2: Importance of a language interpreter



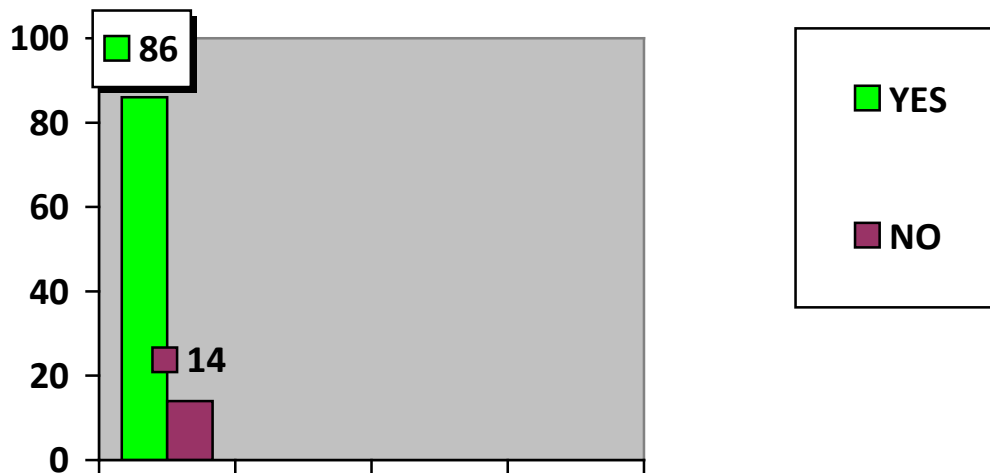
The researcher asked the seven participants to indicate the importance of the role of language interpreters during forensic interviews when the alleged victim and forensic social worker spoke different languages.

Most of the participants, as shown in Figure 2, namely five (72%) of the seven participants, rated the importance of language interpreters as 'Indispensable'. One (14%) participant regarded the role of language interpreters as 'Very important', and one (14%) participant regarded the role of language interpreters as 'Not important'. None of the seven participants rated the role of language interpreters as 'Slightly important' or as 'Important'.

One can therefore conclude that not only is there a need for language interpreters but that the role they fulfil is indispensable.

Walker (1999:74) argues that even a child who, for example, speaks English as a second language, is at risk during a forensic interview. "Children from other cultures who speak English as a second language bear at least six additional burdens in forensic interviews, they are at risk because, first, deciphering what is heard in a second language is more difficult for anyone. Rapid speech rates, regional accents and lack of familiarity with idioms, speaker intention, and the subtleties of the English language add to problems already posed by the fact that as children, they are still in the process of linguistic and cognitive growth" (Walker 1999:74).

FIGURE 3: Appointment of a language interpreter



When the seven participants were asked whether they had appointed a language interpreter during such interviews (where the alleged victim spoke a language different to their own), six (86%) of the seven participants answered 'Yes', and one (14%) participant referred the case to another forensic social worker.

The seven participants evidently thought language interpreters were of great importance; it is also clear that forensic social workers are generally faced with the challenge of having to interview children who speak a different language to their own- hence the need for language interpreters. The one participant who did not make use of a language interpreter needed one but was deterred by the problems of appointing a language interpreter (which will be discussed later). Problems relating to the use of language interpreters need to be identified before they can be resolved.

Zaal (2003:166) confirms the views of the seven participants when he says that "the use of interpreters is the primary method of overcoming language differences". This indicates how few options there are when it comes to addressing the problem of language barriers. Faller argues that when the first language of the child and the first language of the interviewer differ "a significant barrier to accurate communication" can arise (Faller, 2007:170).

She adds that a great need for language interpreters exists in such cases as a “lack of language competency can impede disclosure” (Faller, 2007:171).

Matthias (2003:32) says that the segregation laws in South-Africa during apartheid resulted in child care professionals working only with individuals from their own racial group. Consequently, they were never able to develop “multi-cultural competence”. Post-1994, however, these same child care professionals are expected to work with individuals from different racial and cultural backgrounds. Matthias (2003:33) states that organizations were then faced with the problem of child care professionals who could neither communicate with such individuals nor understand the “intricacies of other cultures besides their own”. A study conducted by Matthias (2003:33) comprised 39 social workers and 12 legal professionals, and the findings revealed that most of the participants considered cultural and language barriers a serious problem when working with children from different cultures.

Matthias’ (2003) study showed, that language differences were the major problem in working with children from different cultural backgrounds is language differences. More specifically, the pilot study conducted by Matthias (2003:39) suggested that cross-cultural work was more difficult in cases of child abuse, more specifically child sexual abuse, thus highlighting the need for competent language interpreters especially during forensic interviews. “Data generated by the main study includes responses which confirm that particularly serious difficulties are likely to confront professionals who undertake cross-cultural work with abused children” (Matthias, 2003:39). According to Matthias (2003:39) particular problems arise in child abuse cases where a professional is of a different cultural/language familiarity to the child. One particular response by a respondent interviewed by Matthias (2003:40) stated: *“Sexual abuse is such a sensitive issue- if you don’t understand the child’s language, how are you going to understand exactly what happened? For one thing, there are so many different words that children use to describe the private parts”*.

In Matthias’ (2003:40) study, nine (18%) of the participants specifically said that the slang some children use to describe body parts would be familiar only to someone of the same language/culture. This supports the view that a

definite need exists for language interpreters during forensic interviews when the forensic social worker is not of the same culture as that of the alleged victim of sexual abuse.

According to another participant interviewed by Matthias (2003:36): “A significant subgroup of respondents of the study comprised professionals who were of the view that it is especially in cases where children have to give evidence relating to abuse of themselves or others that cultural or linguistic barriers become problematic”. This supports the view that problems arising from the use of language interpreters, in the context of forensic interviews, can have a major negative impact on the alleged victim and the presentation of testimony.

It is during forensic interviews that questions are asked to determine whether a child has been abused or not; understanding the child is therefore essential for gathering accurate information. Zaal (2003:163) also maintains that the “linguistic barrier adversely” affects many children who appear in court. The children are “stressed and hindered in their attempts to communicate” resulting in “legal adjudicators being less likely to reach correct decisions where this barrier exists” (Zaal, 2003:164). Language interpreters are consequently needed when the forensic social workers interview children who speak a language different to that of the forensic social workers. Without accurate interpreting, incorrect decisions may result, permanently affecting the lives of all those involved, especially the victims of sexual abuse.

With the emphasis on correct interpretation as a pre-requisite for effective service delivery in forensic social work, it is important to determine whether implications, with the appointment of language interpreters, exist, which will in turn, be indicative of the competencies required to ensure efficient interpretation during the forensic interview.

7.2 Implications of appointing language interpreters during forensic interviews

The researcher interviewed the seven participants to ascertain their experiences with language interpreters during forensic interviews including any problems that arose. The literature on the implications of the appointment

of language interpreters (during forensic interviews) will now be discussed, followed by the opinions and experiences of the seven participants regarding the same subject.

According to Zaal (2003:166), “interpreters tend to interact inappropriately with children even where there is not a problem, translations may not be accurate. Under the present system, the use of interpreters as the primary method of overcoming language differences must therefore be viewed as problematic”. In other words, the use of language interpreters can be problematic because of the behaviour of language interpreters and inaccurate interpreting. Problems with interpreting have to be identified before they can be resolved, so that effective services can be rendered by forensic social workers.

In Matthias’ (2003:37) study, a participant said that she had observed that when a child, who speaks a different language to that of the commissioner, appears in court, the commissioner often relies on the evidence of the social worker rather than questioning the child directly. The participant concluded that commissioners would put fewer questions directly to children if it meant that interpreting services would have to be used. Consequently, “children’s participation in child proceedings tends to be reduced where there is a language barrier” (Matthias, 2003:37). The cause for concern arises from the fact that questions (during court proceedings) will now be directed to the social worker (as opposed to the alleged victim) who has gathered his or her information from the language interpreter (who may have inaccurately interpreted what the alleged victim said, or the language interpreter may have made his or her own assumptions). Inaccurate information may, consequently be given to the commissioner resulting in a wrong verdict.

The following problems experienced by the seven participants, with the appointment of language interpreters during forensic interviews, may help to identify the competencies needed by language interpreters in order to provide an efficient interpreting service.

7.2.1 Inaccurate interpretations

With regard to the problem of inaccurate interpretations, the seven participants were asked how the appointment of a language interpreter affected their assessment during a forensic interview.

The following answers were given:

PARTICIPANT 1

- *“It caused me to fear that the victim may not understand me correctly or that I may express myself in a faulty way”.*

PARTICIPANT 2

- *“It made it very difficult because the interpreter gives you a summary of what was said, not the child’s exact words”.*

PARTICIPANT 3

- *“The interpreter was unable to explain the ‘sayings’ of the child’s specific culture”.*

PARTICIPANT 4

- *“I was uncertain whether the questions repeated by the interpreter, to the child, were actually correct- this creates uncertainty”.*

PARTICIPANT 5

- *“The interpreter places words in the child’s mouth; they also don’t give answers or ask questions as exact”.*

PARTICIPANT 6

- *“The language interpreter changes the format of the question”.*

PARTICIPANT 7

- *“The language interpreter provides his own interpretation of the child’s answer”.*
- *“They assume because they know the child’s culture and language that they already know the answer”.*

These responses show that accurate interpretation is in question and that the behaviour of language interpreters indicates their lack of understanding of

why the **exact** response of the child should be given to the forensic social worker, and vice versa. Poole and Lamb (1998:62) argue that “interviewers should avoid offering their own evaluations during forensic interviews”. This also applies to the language interpreters who repeat the questions of forensic social workers, to the alleged victims of sexual abuse. The reasoning here is the “serious problems which arise when evaluative comments are contingent on explicitly misleading assertions”.

The answer provided by the seventh participant deals with assumptions made by language interpreters. Steinmetz (1997:29) warns interviewers “never to assume that a word used by the child is either understood by the child or is being used correctly; as children will use words which they have heard without having a coherent understanding of them”. It is therefore critical not to assume what the child means or to assume that one already knows what the child is saying.

Five of the seven participants referred to their fear that the questions they asked, were not posed *exactly* in that format by the language interpreters to the alleged victims of sexual abuse. How questions are asked during forensic interviews is crucial to determining the true facts. Steinmetz (1997:30) confirms the importance of questioning: “Improper phrasing can lead to a child omitting important information or providing an inconsistent answer”.

The third participant said that the language interpreter was unable to explain the “saying” of the child. Kaliski (2006:6) cites a case where a Tswana-speaking medical student offered to interpret what a Tswana patient (from the Northern Cape) was saying. A professional nurse interrupted the medical student claiming that he “was not conveying the full sense of what the patient was trying to convey” and that he “obviously did not understand the rural Tswana idiom” (Kaliski, 2006:6). This example and the response of the third participant highlight the fact that a language interpreter should be fluent in the alleged victim’s spoken language and the associated culture in order to be able to translate and interpret exactly what he or she is trying to convey to the forensic social worker.

According to Moeketsi and Mollema (2008:33), the role of a language interpreter is simply to “translate orally from one language to another everything that is said, preserving the tone and level of the original language” without adding or omitting any information. A language interpreter should therefore be competent in the basic function of interpreting the message to the listener without changing the content of the message.

In his study Zaal found that another factor leading to inaccurate interpretations was the tendency of language interpreters to “simplify or paraphrase what is said to or by the children” (Zaal, 2003:166).

The participants in the study conducted by Matthias (2003:36) confirmed that language difficulties were the biggest problem in “working with children from different cultural backgrounds”. In the same study, “several respondents in this group discounted the effectiveness of interpreters as a solution to language differences. One of the respondents, a social worker, explained that making use of an interpreter causes many difficulties in working with children as the results are not always satisfactory”. She explained “most often, you find that you really have to repeat questions and so you wonder whether the translation is accurate. And with the child’s responses, you don’t always get what you want – the quality isn’t always there” (Matthias, 2003:36). A social worker (participant) in Matthias’ (2003:37) study commented as follows:

“With interpreters, sometimes your message or question gets turned and then you don’t get the full picture from the child...this is especially difficult with child abuse matters”.

Another social worker in the same study said (referring to the use of a language interpreter) when “*working with children, it can be very difficult to get the core of the problem, to really understand the feeling of the child*” (Matthias, 2003:37).

Pruss (2007:3) refers to the problem of the interpreter taking over the interview and determining what information is relevant and what information is not and thus also determining what information to share with the interviewer. This results in the interviewer not knowing what information, if any, has been lost in the interpretation.

According to Gile (quoted by Pruss, 2007:8), there are different types of interpreting one of which is “consecutive interpretation”. This type of interpreting involves note taking during the interpretation, which may be disruptive. “Since the consecutive interpreter is not listening and speaking at the same time, theoretically it is possible that the interpreter can devote more time to output monitoring”. Spending more time on output than on input can result in inaccuracies when interpreting what is being said.

The problems of “misinterpretations and over interpretations” can result in false allegations that lead to injustice, according to Poole and Lamb (1998:19).

7.2.2 Competence

Given the problems that can follow the appointment of language interpreters for forensic interviews, the researcher asked the seven participants in what areas they believed language interpreters should be competent. The following answers were given to this question.

PARTICIPANT 1

A language interpreter should

- “have knowledge on sexual abuse”,
- “understand the dynamics of sexual abuse”,
- “be professionally trained in interpreting”.

PARTICIPANT 2

A language interpreter should

- “have the stamina to continue, and not get tired”,
- “be competent in reading, writing and speaking both languages”,
- “be patient”,
- “be able to interpret and translate without changing the content”,
- “be educated in the forensic assessment process”.

PARTICIPANT 3

A language interpreter should

- “have received tertiary training”,
- “have a passion and ability to work within a team”,
- “be emotionally and intellectually mature”,
- “have insight into secondary trauma, debriefing and maintaining a balance in life”.

PARTICIPANT 4

A language interpreter should

- “have emotional and intellectual maturity”,
- “be transparent”,
- “have good communication skills”,
- “have received an introductory course in forensic social work”.

PARTICIPANT 5

A language interpreter should

- “have listening skills”,
- “be good in both languages”,
- “be able to reflect”,
- “translate without changing the content”,
- “be able to maintain confidentiality”,
- “be empathetic”.

PARTICIPANT 6

- “The language interpreter must be trained on how to exactly ask the question as the forensic social worker asked it”.

PARTICIPANT 7

A language interpreter should

- “be emotionally mature”,
- “be professionally trained”,
- “be a professional person”.

From the answers provided by the participants, competency in the following areas gained the majority vote:

1. Professional training.
2. Education in forensic assessment and/or the dynamics of sexual abuse.
3. Emotional maturity.

According to the seven participants, language interpreters used during forensic assessments should be emotionally mature and have some form of professional training. Experience in working in sexual abuse cases and knowledge of the dynamics of sexual abuse were regarded as part of the competence of language interpreters in the field of forensic interviewing. Faller (2007:172) confirms a “professional interpreter should be familiar with issues of sexual abuse”.

Two of the seven participants also said that a competent language interpreter should be able to translate without changing the content of what was said. Faller (2007:171) states that a language interpreter should be able to “translate the interviewer’s questions so they are communicated accurately to the child”.

Once the required competencies had been identified by the seven participants, the researcher asked them whether, in their experience, language interpreters actually possessed these competencies.

In response to this question, the seven participants could answer either ‘Yes’, ‘No’ or ‘Yes and No’.

FIGURE 4: Do language interpreters possess the competencies identified by participants?

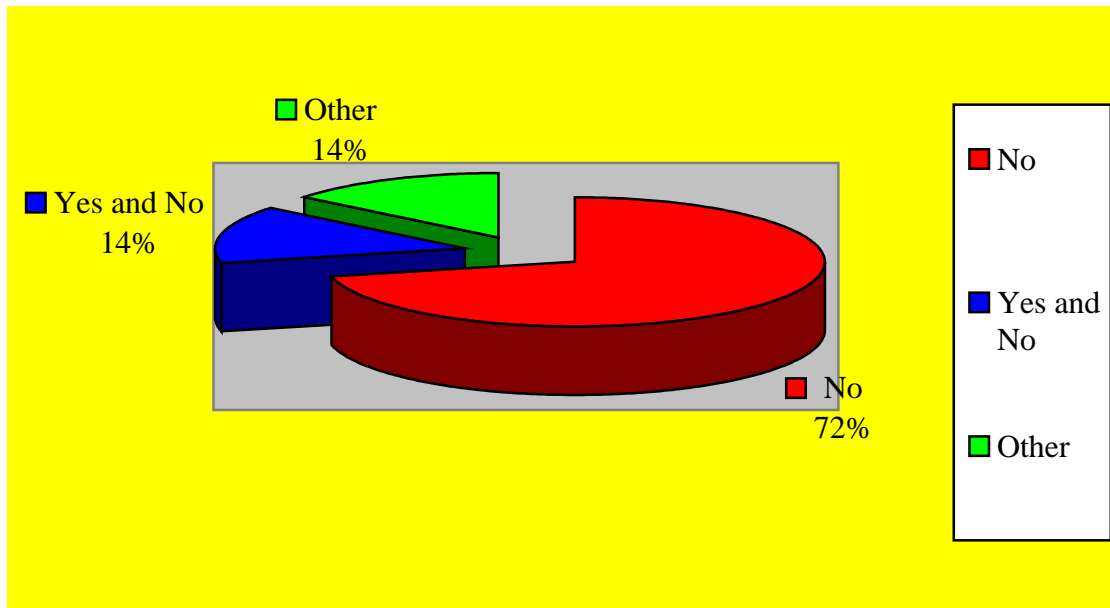


Figure 4 show that most language interpreters (as experienced by the seven participants in this study) do not possess the competencies identified by the seven participants. Five (72%) of the seven participants answered 'No'. None of the seven participants answered 'Yes', and, one (14%) of the seven participants answered 'Other' – this participant informed the researcher that she referred all her cases to a forensic social worker who could indeed understand the language of the alleged victim as an alternative to appointing a language interpreter when she could not understand the language of the alleged victim. The remaining participant answered 'Yes and No'.

Based on the competencies identified in 7.2.2 and the fact that five (72%) of the seven participants stated that (in their experience) language interpreters did not possess these competencies, one could be concerned about the possible detrimental effect language interpreters can thus have on the outcome of cases involving forensic assessments of alleged victims of sexual abuse.

7.2.3 Presence of language interpreter

The first aspect related to the presence of language interpreters during forensic interviews is that of the emotional maturity of language interpreters. With regard to the question answered in 7.2.2, three (43%) of the seven participants said that a language interpreter needed to be emotionally mature/stable. Therefore, the presence of the language interpreter becomes problematic when he or she lacks such maturity. Emotional maturity affects the behaviour and therefore the presence of the language interpreter. Emotional maturity is essential, especially when working with a child who has possibly been subjected to sexual abuse.

A second aspect of the presence of the language interpreter is the question of time and energy. The presence of the language interpreter makes the forensic interview last much longer. Three (43%) of the seven participants said this was problematic for them. The question was:

“Were there any implications in your assessment process as a result of the presence of the language interpreter?”

Three (43%) of the seven participants replied as follows:

- *“It took too long, it was timely, the child became tired and thus became inaccurate... I lost information”.*
- *“I had to think carefully... I did not have energy”.*
- *“It was very time-consuming”.*

Clearly, a forensic interview can become a timely process when everything said by the alleged victim of sexual abuse has to be repeated by the language interpreter to the forensic social worker, and everything said by the forensic social worker has to be repeated by the language interpreter to the alleged victim of sexual abuse. This may affect the energy levels (and consequently concentration levels) of the alleged victim, the forensic social worker and the language interpreter, which in turn may affect the accuracy of the interpretation and the provision and documentation of information. One of the participants said that a language interpreter needed “stamina to continue and not get tired” in order to be competent in the task at hand.

Murray and Wynne (quoted by Pruss, 2007:3) conclude that “a participant’s response tends to be shorter when interacting with an interpreter and interviewer, since the flow of the conversation is interrupted by the exchange between the interviewer and the interpreter”. This implies that an alleged victim of sexual abuse will provide a short answer to a question as an alternative to an elaborate/descriptive answer, which will take more time to give as the message first ‘travels’ to the interpreter and then to the forensic social worker. Consequently, certain facts may be omitted and, a partial answer given in order to prevent a lengthy interview. This, in turn, affects the task of the forensic social worker as he or she will then not have all the information.

According to (1997:32), “an interviewer has to be cognizant of the child’s capabilities and limitations and proceed appropriately”.

7.2.4 Behaviour of language interpreter

Kuehnle and Connell (2009:276) identify the “context of the interview” as a factor that can have a major influence on a child’s suggestibility. Context refers to “biased interviewer statements, pressure and the general style or demeanour of questioning”. The behaviour of the language interpreter is thus crucial in determining the response of the alleged victim in a forensic interview.

In response to the question ‘***What problems have you experienced with the appointment of a language interpreter?***’ two (28%) of the seven participants mentioned this as a problem during forensic interviews. A participant informed the researcher of a specific case where the language interpreter said the following to the alleged victim, who was struggling to talk about the sexual abuse:

- “*Okay, if you have fokkal to say, then you can go.*”

This language interpreter behaved in a completely unprofessional and insensitive manner, which may have contributed to the failure of the prosecution. Steinmetz (1997:20) believes that “a child may become reluctant to share the details if the question is not presented therapeutically”. The behaviour of the language interpreter in this instance was clearly not

therapeutic and the questions posed to the alleged victim earlier, were probably also not framed in a therapeutic manner.

“An interviewer should not that disclosing is not a simple decision for a child” (Steinmetz, 1997:46). This knowledge can be gained only through specialized training in sexual abuse and the related dynamics. If the above mentioned language interpreter had known this, he or she might not have responded the way he or she did.

The researcher believes this kind of behaviour will cause victims of sexual abuse not to request ‘professional help’ in the first place or not to do disclose any information. The problem of behaviour can also be traced to a lack of specialized and additional training and education, as discussed below. Had the particular language interpreter been given additional training in the dynamics of sexual abuse and the process of disclosure, he or she might have known that not all victims of sexual abuse disclose immediately and that disclosure is a process.

The second participant answered the same question as follows:

- *“I have experienced language interpreters who laugh at the child being interviewed”.*

This is again clearly inappropriate and unprofessional behaviour, which causes one to query the content of the training programmes provided by language schools and universities. Although only two of the seven participants mentioned the behaviour of the language interpreter as a problem, the literature mentions this implication more than once.

The inappropriate behaviour of language interpreters is confirmed by Zaal (2003:164-165) who questions the way some language interpreters relate to children and their ability to interpret accurately. It is further noted that some language interpreters are impatient with- and unfriendly toward children and that this affects the way children testify and what they say and what they don't say. All this will “add significantly to the feelings of fear and intimidation caused by other factors in the court environment” (Zaal, 2003:164-165).

Some of the participants in Zaal's (2003:165) study reported that some language interpreters had been seen laughing or frowning at children when they did not believe what the children had said. Another participant claimed that the need of the language interpreter to impress the audience in the court room was another factor that caused language interpreters to treat children witnesses inappropriately (Zaal, 2003:165).

The literature again points to other problematic behaviour of language interpreters during forensic interviews: intimidating behaviour as a result of their being in a rush to finish a case, due to high case load, and the expectation of the magistrates that language interpreters will act in a formal manner. Intimidation may result in children not giving accurate testimonies (Zaal, 2003:165).

The notion that the behaviour of the language interpreter has some impact on the alleged victim of sexual abuse during forensic interviews is supported by Bottoms et al. (2007:151) who refer to the consistent finding that "children's accuracy is either enhanced or unaffected by highly supportive interviewers". Bottoms et al. (2007:151) thus argue that "supportive interviewers would probably elicit more true disclosures but not more false disclosures".

7.2.5 Availability of language interpreters

One (14%) of the seven participants said that language interpreters were not readily available when their services were required.

Penn (2007:66) claims that language interpreters are not always available resulting in family members or other lay individuals being asked to interpret between the client/patient and the professional person. "*While existing language legislation promotes the use of interpreters in all health care sectors, common practice indicates that in most cases a trained interpreter is usually not available and at best, interpreting is performed in an ad hoc way using family members, nurses etc.*" (Penn, 2007:66).

Faller (2007:171) also disapproves of the use of family members or lay people to fulfil the role of language interpreters as she believes that they are unable to serve as "unbiased and accurate interpreters".

Even though this is not a problem mentioned by all seven participants, it nevertheless remains a problem as lay people are appointed, according to Penn (2007: 66), to fill positions of professional language interpreters. This may result in a greater dilemma since it has been found that problems can arise even when trained language interpreters are used to deliver interpreting services.

7.3 Proposed solutions indicating the importance/necessity of additional/specialized training

The importance of specialized and/or additional training for language interpreters is highlighted by the responses of the seven participants to the following question:

“What solutions could be put in place to address the identified problems?”

PARTICIPANT 1

- *“Screening and training of language interpreters”.*

PARTICIPANT 2

- *“Training in forensic social work; developmental phases and terminology specific to forensic social work”.*

PARTICIPANT 3

- *“An introductory course in forensic social work. Perhaps forensic social worker should rather be trained in interpreting”.*

PARTICIPANT 4

- *“Develop a course on ‘the phenomenon of sexual abuse and questioning’ for interpreters”.*

PARTICIPANT 5

- *“Interpreters should be trained on how to ask questions as originally asked by the forensic social worker”.*

PARTICIPANT 6

- *“They should be professionally trained; attain knowledge on sexual abuse”.*

PARTICIPANT 7

- *“Training in forensic social work”.*

It is thus the professional opinion of all seven participants that many language interpreters lack specialized training in interpreting and in forensic social work. The implication is that language interpreters will not be able to interpret accurately (during forensic interviews) unless they have some background knowledge of the dynamics and processes related to forensic interviewing, questioning and sexual abuse.

In their article, Drennan and Swartz (2002:1856) state that, in the health care sector a language interpreter is needed when the “data are presented in a language the clinician does not understand”. However, they maintain that a language interpreter without psychiatric training can be a source of interference and distortion in the receiving and processing of raw data. “In this way the extent of the interpreter’s psychiatric concepts places tremendous constraints on the quality of the access to a patient’s mental state that a clinician is likely to achieve. The impact on the quality of the assessment that is possible when working in a hurried way with an unqualified interpreter and a psychotic patient is profound” (Drennan & Swartz, 2002:1856).

This can also apply to a forensic social worker who uses a language interpreter to interpret what is disclosed by an alleged victim of sexual abuse. It can thus be concluded that another problem in appointing language interpreters, is their lack of specialized training, which can affect the quality of their interpretations.

In Zaal’s (2003:175) study, a magistrate (participant) *“argued that it is essential for court adjudicators and court staff who work with children to be given proper education regarding the developmental stages and behaviour of children”*. This argument was supported by other participants who also recommended training for court staff on how to interact with children, more specifically, traumatized children. “In view of the cultural and language barrier problems noted by these respondents it was recommended that intensive courses of cultural and language training need to be included as part of the training of all court staff” (Zaal, 2003:175).

The importance of specialized training in sexual abuse and questioning techniques is also mentioned by Poole and Lamb (1998:57) who state that “many researchers have shown that misleading questions can influence children’s answers”. This further underlines the need for training for language interpreters to enable them to understand how questioning should be done during forensic interviews. For example, not leading alleged victims of sexual abuse into answering questions in a certain way or making false statements.

8. Conclusion

- The number of sexual abuse cases in South Africa is rising. Loffell (2004:25) states that the “phenomenon of child sexual abuse forms part of the ‘culture of violence’ that has taken root in South-Africa in the course of our particular history. Recent data indicates that a generation of young people are growing up with the belief that sexual coercion is a normal part of life”. Consequently, the demand for the professional services of the forensic social worker is on the rise. Since sexual abuse knows no boundaries and takes place within every culture and population group, forensic social workers will be expected to assess and interview alleged victims of sexual abuse who may either speak a language known to the forensic social worker or a language that he or she is unable to speak or understand. Poole and Lamb (1990:9) states that “child maltreatment is a widespread problem that cuts across social classes”. A situation has arisen where the few professionally trained forensic social workers in South-Africa have to assess a huge number of alleged victims of sexual abuse, many of whom speak different languages.
- Because of the language barrier between forensic social workers and alleged victims of sexual abuse, forensic social workers in South-Africa are dependent on the services of competent language interpreters to perform their forensic social work functions. A great need thus exists for language interpreters in such cases.
- The literature supports the findings of this study, namely that problems can arise in the appointment of language interpreters for forensic

interviews. These problems indicate that many language interpreters lack various essential competencies.

- The identified competencies that are (according to the literature and the participants in this study) lacking in many language interpreters appointed for forensic interviews can complicate an already difficult and complex task (forensically assessing alleged victims of sexual abuse) and adversely affect the outcome of a forensic interview. Steinmetz reports the same outcome in criminal cases when questions are asked in a forensically unsound manner. “Asking the right question in the right way not only means asking a developmentally appropriate question, but also asking a forensically and therapeutically appropriate question. An interviewer can miss gathering the details of an event if the question is not age appropriate” (Steinmetz, 1997:20). Since language interpreters basically interview the alleged victims of sexual abuse, they require thorough training in questioning techniques in forensic interviews.
- The lack of competencies in many language interpreters is an important factor in forensic social work that requires urgent attention since language interpreters play a crucial role in the investigation of sexual abuse cases. This is because of that language barrier that often exists between forensic social workers and the alleged victims of sexual abuse. Before a forensic social worker can conduct a proper forensic interview, he or she needs to fully understand what the alleged victim of sexual abuse is saying. Without such understanding, the forensic social worker will not be able to draw correct conclusions thus highlighting the crucial role of that language interpreter.
- Ensuring that language interpreters possess the required competencies for a forensic interview is essential for effective service delivery, prosecution of perpetrators and the protection of victims of sexual abuse thereby ensuring that justice is not compromised.
- Very few mental health professionals speak indigenous African languages. “Significant shifts in the recruitment policies of training

institutions are variable, and as a result the language demographics of these groups of professionals are likely to change slowly. In spite of this long term view, there was no provision made for official interpreter posts in health care in recent revision of the public services post structure. As a result, interpreting services will continue to be patchy and ad hoc” (Drennan & Swartz, 2002:1854).

- There is not only a great need for language interpreters, but such language interpreters also require additional training in the questioning/interviewing of alleged victims of sexual abuse as well as background knowledge of the phenomenon and dynamics of sexual abuse.

9. Recommendations

- More social workers should be trained at tertiary level to become forensic social workers to ensure effective management of the huge number of sexual abuse related cases.
- A specialized training programme for language interpreters who work in a forensic social work setting needs to be designed and implemented at tertiary level to enhance the competency of such language interpreters. “It is imperative that the interviewer possess the essential qualifications and characteristics. If the interviewer is not well-suited for the role, there is a strong likelihood that the interview will fail (Steinmetz, 1997:42).
- The problems of appointing language interpreters for forensic interviews should be considered when designing a specialized programme for language interpreters.
- Forensic interviews (with victims of alleged sexual abuse) should not take place either in the absence of a qualified forensic social worker or in the absence of a qualified language interpreter who has received specialized training in aspects of sexual abuse and the forensic assessment process. Such training is needed to provide an effective interpretation service, since “an interviewer can contaminate or destroy

an entire criminal case if the questions are not asked in a forensically sound manner” (Steinmetz, 1997:20).

- More in-depth research should be conducted on the training and education of language interpreters to ensure that they have the necessary skills and knowledge to work effectively in the field of forensic social work and sexual abuse cases.
- Language interpreters who work in the forensic social work field should be supported and supervised to prevent burn-out.
- Key role players should examine the language and communication-related problems in the field of forensic social work and devise effective solutions that should be implemented as soon as possible to prevent possible injustice.
- Once the identified problems have been resolved, language interpreters should be monitored and evaluated by a special committee to ensure continuous professional conduct.

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