

## Principles for Interpreters in Domestic Violence, Sexual Assault, Abuse and Human Trafficking Settings

Interpreters follow a unique set of ethical obligations and principles to become a conduit of communication. Their role helps remove communication barriers so that individuals with Limited English Proficient (LEP) are afforded full and equal protection under the law. Victims of domestic violence, sexual assault, abuse, and human trafficking with LEP rely on accurate and impartial interpreting to preserve their story. This requires that interpreters be highly skilled and trained professionals and understand how ethical principles are adapted for working with victims and survivors. While maintaining the highest standards of ethical compliance, interpreters should also be aware that these nuances in ethics and principles affect how the victim will tell his or her story.

The following principles guide interpreters on how their perceptions and actions affects interpreting, specifically for victims of domestic violence, sexual assault, abuse, and human trafficking.

### **1. Accuracy**

#### **- Fidelity to Original Utterance**

Interpreters must be able to understand the victim to interpret the victim's story accurately.

The interpreter must interpret the exact intent of the speaker without omitting, adding, changing, or summarizing anything. This process includes tone and register.

Interpreters must interpret obscene language, terms of violence, sex terminology, and parts of the male and female anatomy exactly as described by the speaker. For example, if a victim states, he made me have sex, and you interpret he had sex with me, this could make a difference between consensual or forced sex.

#### **- Maintenance of register**

Interpreters should not interchange synonyms when speakers are at two different registers.

This procedure applies in areas such as sexual assault, for example, using clinical academic terms to sterilize the story by using "had intercourse" instead of "had sex."

If the speaker uses slang, the interpreter must interpret it into equivalent slang.

If the speaker uses sophisticated terminology, the interpreter must interpret at that same level of sophistication.

#### **- Full and complete rendition**

Victims may speak faster, refuse to pause, or speak more softly to cope with the trauma.

Therefore, interpreters should take decisive judgment as to when to interrupt the victim or switch from consecutive to the simultaneous mode to perform their duties accurately.

It is critical for an advocate, attorney, judge, or law enforcement officer to determine the speaker's credibility or make informed judgments or conclusions. Without accurate and complete interpreting, this cannot be accomplished.

- No additions or explanations

For a victim to tell their story, they must feel empowered to do so through their own voice. It is not up to the interpreter to add or explain anything that the LEP speaker or the English speaker conveys but up to each person to explain themselves. Each person's role, job, and individuality must be respected.

## 2. Integrity

- Interpreters should not accept assignments for which they are not qualified or cannot perform with complete neutrality and impartiality concerning the subject matter of abuse or sexual violence.

Interpreters that are survivors themselves or have been affected in any way directly or indirectly by a similar situation must, in all honesty, ask themselves if they can remain neutral and be able to interpret all the material exactly as it is being conveyed.

Interpreters must prepare themselves for vocabulary that explicitly describes violence and trauma.

Interpreters must not sterilize vocabulary to maintain a false sense of decency.

If the interpreter feels they are unable to interpret the vocabulary involved in sexual violence and trauma due to personal, cultural, or religious reasons, they should recuse themselves immediately. A victim's safety and life can be jeopardized.

- Honesty in the presentation of qualifications

Interpreters must provide their training, experience, qualifications, and certifications accurately. Training certificates are not certification.

Agency-specific evaluations are not certifications.

## 3. Impartiality

- No bias for or against any party

Interpreter misconceptions, stereotypes, and projections about domestic violence, dating violence, and sexual violence can result in bias and inaccurate interpreting.

It is important to be aware of tone or facial expressions perceived as bias or judgment.

All persons must be treated with complete respect and dignity

- No relationship with any of the parties

Victims from LEP communities often feel isolated culturally and linguistically. Interpreters must maintain professional roles and inform victims that prevention of forming a relationship is not due to the victim's trauma or circumstances but is the profession's role.

- No stake in the outcome

Interpreters should not interpret cases where a relative or friend has a monetary or other interest in the outcome of a case.

#### **4. Professionalism**

- Adhere to all protocols for interpreters working in legal settings, including agency-specific protocol.

An agency may have specific protocol and confidentiality requirements. The interpreter must become familiar with an agency's requirements.

Interpreters should inform the advocate, attorney, and victim of their role during their initial introduction so that all parties understand and know the interpreters' role.

The interpreter's suggested seating position during interviews could create a barrier to communication. Victims of domestic violence, sexual assault, abuse, and human trafficking may be uncomfortable with an interpreter seated behind or close to the victim. It is necessary to be flexible and aware of how the interpreter can adjust the environment to assist the victim better.

- Professional in dress

Interpreters should always dress appropriately. Shorts, sandals, or flip flops, for example, are not appropriate in any interpreting assignment.

- Professional in demeanor

Interpreter discomfort is a significant barrier to addressing victims' experiences or vulnerabilities to domestic violence and sexual violence. Facial expressions, reactions, and tone could be interpreted by the victim as disapproval, judgment and will hold off on disclosing histories of violence.

The gender and age of an interpreter may affect the victim's comfort level with the interpreter and the victim's willingness to disclose histories of violence. This could also be cultural as many victims adhere that disclosing biological or sexual details among the opposite gender is rude, inappropriate, and may cause embarrassment. Therefore interpreters should be aware of these possible barriers and not take offense if a victim or a provider requests a different interpreter.

- Maintain a professional relationship with all parties

Interpreters must treat all persons with equal respect and maintain a professional and kind attitude with all clients. There is no reason for interpreters to appear cold and rigid. This could cause a victim or survivor of violence to feel uncomfortable and withhold disclosure of intimate information of violence.

At the same time, interpreters should not behave in an overly friendly manner. They must maintain personal boundaries to allow the victim and provider to develop their own professional relationship.

## **5. Confidentiality**

-Interpreters must treat all case information and interviews, including medical records, as confidential.

Interpreters must understand the difference between confidentiality and privilege.

Must abide by the attorney-client privilege. Attorney/client privilege is a much higher standard.

Confidentiality also includes not greeting the individual in public places for possible safety reasons. For example, a greeting by the interpreter could jeopardize the safety of the victim.

-No public comment

Interpreters must refrain from discussing assignments with anyone. Many communities are small, close-knit communities and information disclosed by the interpreter will spread, putting a victim's life in danger. Interpreters should not speak to members of the media even if the information is public knowledge. This can create distrust of an interpreter among the parties and a victim.

There are other rules of confidentiality and even secrecy within an agency or a setting; an interpreter must become acquainted with those rules. For example, interpreting in a grand jury setting is secret. The interpreter cannot even say they have or are going to interpret for the grand jury. Another example, domestic violence shelters are secret. The interpreter cannot disclose the location of a shelter.

## **6. Scope of Practice**

-Interpreters are not licensed therapists, medical doctors, attorneys, or cultural anthropologists. They cannot give legal advice. It is unlawful to practice law without a license. They cannot give personal advice. An interpreter is summoned to assist all persons in communication and is not an active participant.

-Interpreters cannot provide cultural advice. Many interpreters have been away from their country of origin for many years, and over time, laws and culture change. In addition, there are different cultures within each country by region and even within different family units.

Interpreters are not trained or hold a degree in cultural anthropology.

Interpreters in legal settings should remain neutral and not advocate. Advocacy is the role of the attorney or victim's advocate, and the interpreter should not usurp the role of other trained professionals.

-Interpreters should not provide services other than interpreting. They should not be conveying information on their own but only interpret the information. Interpreters should not be providing rides.

## **7. Duty to Report Impediments to Performance**

- Physical

If an interpreter is unable to hear the speakers, they should request that speakers speak louder

- Linguistic

If the interpreter is not familiar with a specific term or concept, they should request clarification or permission to look it up in their dictionary.

Interpreters cannot interpret accurately if they cannot hear the speakers or understand certain terminology or concepts.

- Personal

Interpreters who previously suffered from trauma should be aware of any potential triggers from the LEP victim's testimony. Interpreters should remove themselves from cases where there may be emotional triggers to interpreting. Interpreters should recognize and address any symptoms of vicarious trauma. Suffering from vicarious trauma can create barriers to proper interpreting by allowing judgment to surface through physical facial expressions or creating mental blocks to listening.

## **8. Duty to report ethical violations**

Interpreters need to inform the proper supervisor or judicial official of any attempts to induce them to violate their professional responsibilities or to break the law.

## **9. Commitment to Continued Professional Development**

Improve interpreting skills

- Keep linguistic skills up-to-date

Inadequate language skills and discomfort with sexuality, abuse, violence, and anatomy affect an interpreter's ability to interpret accurately and can impact a case outcome.

- Deepen subject matter expertise

The field of domestic violence, sexual assault, and human trafficking have an evolving vocabulary that has both political and personal meanings for victims. For example, many individuals prefer to use the term "survivor" over "victim." Therefore, the interpreter must always interpret the exact words being used by the speakers. However, understanding the difference can impact an interpreting session.