

Irish Translators' and Interpreters' Association Submission on the Garda Síochána Corporate Strategy 2007-2009

The Irish Translators' and Interpreters' Association (ITIA) is made up of approximately 500 members, including professional, ordinary, student and corporate members. See our website on <http://www.translatorsassociation.ie> for more information. It is the only such association in Ireland and is committed to the professionalisation of translation and interpreting.

In April 2003 we sent a submission to the Garda Commissioner expressing our concerns about the poor standard of interpreting in garda stations. Two members of our executive committee met with members of the Garda at Phoenix Park Garda Headquarters. In 2004 it seemed that there might be some changes. According to the **Evaluation of the Garda Síochána Policing Plan 2004**:

12. The Interpol Office will propose an effective policy for the use of translators and interpreters in An Garda Síochána.

_ During 2004 an implementation plan for the establishment of a Language Co-ordination Unit within An Garda Síochána was drafted by staff from the Interpol Office. The Unit will manage, in a cost-effective manner, the operational needs, policy, and training requirements of An Garda Síochána. Full-time translators/interpreters will be recruited for permanent attachment to this unit.

We understand that a Language Coordinator was appointed. Also, two members of An Garda Síochána took the Graduate Certificate in Community Interpreting course at Dublin City University in 2005. However, no full time interpreters have been recruited. In fact, the whole issue of interpreting appears to have gone off the agenda despite the considerable increase in immigration to Ireland.

Here are some examples from Garda documents:

The only mentions of language issues in the **Policing Plan 2005** were:

- Enhancement of the foreign language capability within An Garda Síochána.
- Number of Gardaí undertaking foreign language courses.
- Establishment of a database of language skills.

Strategic Goal 6 Ethnic and Cultural Diversity makes no mention of interpreting.

The **Evaluation of the Garda Síochána Policing Plan 2005** (included in the Annual Report) mentions:

- Conflict resolution training was provided to 34 GNIB personnel to assist communication with Foreign Nationals where language barriers are problematic.
- Enhancement of foreign language capability within An Garda Síochána. This covers French and German only.
- Six members are taking a course in Mandarin Chinese.
- Database of language skills within the Garda.

In the **Policing Plan 2006** there is no mention of interpreters and the only mention of language (again in Strategic Goal 6 Ethnic and Cultural Diversity) is:

- Provision of service in languages other than English and Irish

Unfortunately no further details are provided on the type of service in question.

However, the **Garda Action Plan for the Implementation of Human Rights** April 2005 Priority 5 Community Engagement, Involvement and Partnership, does include a mention of interpreters:

Objective	Actions	Action by	Lead Responsibility	Start date/milestone dates	Finish date
5.3 Develop ways to overcome language barriers.	1. Publish more information in the main minority languages spoken in Ireland. 2. Establish and accredit a network of interpreters who will be trusted by all concerned. 3. Enhance the language skills of Gardaí.	Garda Strategic Human Rights Advisory Committee, And Assistant Commissioner, Human Resource Management, And Assistant Commissioner, Strategy and Services	Assistant Commissioner, Human Resource Management	1st July, 2005 REVIEW DATES Actions 1, 2 and 3: 30/06/06 31/12/06 30/06/07	31st December 2007

Perhaps there is an intention there to take some action. If so, there is no backing for action in other documents such as the above mentioned Policing Plans and Evaluations of Policing Plans. More worryingly, there is no mention whatsoever of interpreting or Interpreters in the **Garda Síochána Corporate Strategy 2005-2007**. Recent reports have put the number of people living in Ireland but born elsewhere as high as 10%. Clearly, this figure includes native English speakers but it also includes a lot of people with varying levels of English.

We will develop Garda services which are responsive to the unique needs of ethnic and culturally diverse communities, with a view to earning their trust and protecting their rights.(Garda Corporate Strategy 2005-2007)

How can people's right be protected in the present circumstances? How can their trust be earned if they cannot access competent interpreting? Conflict resolution training and cultural diversity training are not going to solve the practical problems of questioning a suspect or a witness or taking a statement with the help of an interpreter. Language enhancement for Garda may be helpful but there is always going to be a need for interpreters.

The **European Convention on Human Rights Act 2003** guarantees the right of defendants to an interpreter in the case of criminal offences. Interpreters are usually provided in garda stations for defendants and witnesses who do not speak English well. However, these interpreters are neither trained nor tested. Consequently, they may interpret inaccurately or merely engage in summary interpretation. They may not be aware of ethical issues such as neutrality and confidentiality. They probably are not aware of the **Garda Síochána Act 2005** Article 62 (1):

A person who is or was a member of the Garda Síochána or of its civilian staff or who is engaged under contract or other arrangement to work with or for the Garda Síochána shall not disclose, in or outside the State, any information obtained in the course of carrying out the duties of that person's office, employment, contract or other arrangement if the person knows the disclosure of that information is likely to have a harmful effect.

(f) results in the identification of a person—

(i) who is a witness in a criminal proceeding or who has given information in confidence to a member of the Garda Síochána, and

(ii) whose identity is not at the time of the disclosure a matter of public knowledge,

(5) A person who contravenes subsection (1) is guilty of an offence and is liable—

(a) on summary conviction, to a fine not exceeding €3,000 or imprisonment for a term not exceeding 12 months or both, or

(b) on conviction on indictment, to a fine not exceeding €50,000 or imprisonment for a term not exceeding 5 years or both.

The C.72 Information sheet for Persons in Custody makes no mention whatever of interpreters or the right to an interpreter.

The EU Network of Independent Experts on Fundamental Rights was set up by the European Commission at the request of the European Parliament. Each country's report goes through the different articles of the European Convention on Human Rights and either says 'nothing to report' or provides further information. The 2004 report on Ireland by Donncha O'Connell considered the right to an interpreter:

Reasons for concern

Although available for the purpose of court proceedings there are real problems with the availability of interpreters in locations outside Dublin. The problems are particularly acute in situations where foreigners are being interviewed by police as distinct from participating in court proceedings. *Language problems at the police interview stage can have adverse implications later at the trial stage for both the defence and prosecution.*

Intercultural Ireland Your Changing Community was drawn up some years ago by the Garda Racial and Intercultural Office in Harcourt Square. It provides some basic information for the Garda on how to work with an interpreter. This is in accordance with practice in the UK for example where statements are taken down in the foreign language by the interpreter and translated afterwards for the benefit of the police. However, in practice in Irish garda stations statements are written down in English. While the interpreter provides a sight translation of the statement for the defendant/witness, the actual document in the foreign language would obviously be preferable in order to ensure that the defendant/witness understands exactly what (s)he is signing.

As far as the ITIA is aware, there are no official guidelines for gardaí working with interpreters. Most gardaí assume that they are working with qualified interpreters. We believe that the garda deserve to work with the best possible interpreters.

How can the Garda improve this situation?

In the short term:

- The C72 form should be updated to include the right to an interpreter.
- A comprehensive set of guidelines for garda officers should be drawn up.
- Similarly, a set of guidelines for interpreters working in garda stations is needed.
- Translation agencies that supply interpreters should be asked to provide details of all interpreters' qualifications and experience.
- Interpreting should be a central issue in the Garda Corporate Strategy.
- A record should be kept of all spending on interpreting and translation. Information should also be compiled on the languages used.
- All interpreted sessions should be recorded on video.

In the medium term:

- Work should commence on compiling a register of the best qualified interpreters on the Irish market at present.
- The Garda should insist on professional qualifications such as the Chartered Institute of Linguists Diploma in Public Service Interpreting or the Dublin City University Graduate Certificate in Community Interpreting.
- Training in how to work with interpreters is needed. This should commence in Templemore College and also be provided to all members of the force.

In the long term:

- There will have to be a testing system for all interpreters who wish to work with the Garda. This will be difficult to organise and the languages most in demand will have to be prioritised. All successful candidates would then be included on the Garda Register.
- Ongoing training should be provided to interpreters.

Please note that we would be happy to meet with the Garda to discuss this in further detail.

For and on behalf of
The Irish Translators' and Interpreters' Association
Cumann Aistritheoirí agus Teangairí na hÉireann

Annette Schiller
Chairperson

Mary Phelan
Honorary Secretary

June 2006

Further Information

From *Intercultural Ireland Your Changing Community* (Garda Intercultural Office)

Use of Interpreters

When a person who does not understand either the Irish or English language is to be questioned, it will be necessary to secure the service of an interpreter. The following procedures should be observed:

1. The person should be questioned through the interpreter who should record the statement in the language in which it is made.
2. A verbal translation should be made as the statement is taken so that any ambiguities can be rectified at the time.
3. All statements should be read over to the person making the statement and signed.
4. An official Irish or English translation should then be made and proved by the interpreter, as an exhibit with the original statement.

(Crime Investigation Techniques 4.34)

Points to Note

1. The interpreter will require an outline of the subject matter of the incident prior to the interview.
2. Give the interpreter enough time to construct sentences into the appropriate language.
3. The interpreter, while an important aid to an investigation, is an independent party.

Note

An example of Information for Interpreters drawn up by West Midlands Police is available at: <http://www.west-midlands.police.uk/interpreters/index.asp>