Sanctuary for Families

Tips for Interpreting for Survivors of Domestic Violence, Sex Trafficking, and Related Forms of Gender-Based Violence

Sanctuary is committed to ensuring an inclusive approach to serving survivors of gender-based violence. That approach includes equitable access to appropriate language services. Ensuring that all survivors have equal access to accurate, reliable, and trauma-informed interpretation is a critical component in the effort to close the access to justice gap for survivors. Thank you for making this commitment with us. We hope that the best practices set forth in this tip sheet will help both attorneys and interpreters work more effectively with their clients.

Getting Started

- **All information exchanged while interpreting for a client and their legal team is strictly confidential and subject to the attorney-client privilege.** Interpreters must agree that they cannot reveal any information, including the client's name and other personal identifying information, to anyone outside the client's legal team.
- The interpreter should be **cognizant of professional boundaries, truly fluent in both languages, and neutral and impartial**. For this reason, family members and friends should not act as interpreters.
- **Every effort should be made to ensure the same interpreter is used in every client session.** This helps to build trust and increases the comfort level for the client, who will often be revealing very difficult facts about their life.
- The interpreter should be aware that their **role is to act as a language conduit**, i.e. interpreting language directly without adding, omitting, or modifying what is said or intervening in any way. The interpreter is not responsible for interviewing the client or clarifying what they say.
- Prior to the meeting, the interpreter should **confer with the attorney and get a sense of the length of the meeting and the subject matter of the meeting**. This will allow them to refresh their subject matter foreign-language terminology.
- When first meeting the client, **both the interpreter and the legal team should introduce themselves**. The interpreter should explain that they will be directly interpreting everything the client says to the attorney or legal team and vice versa, and that the interpreter will keep confidential all client information and is subject to the attorney-client privilege.

- The attorney should explain that they will be **using short sentences for ease of interpretation**, and prepare the client for the possibility that the interpreter will ask them to repeat something or slow down. The client should have the opportunity to ask any questions about the interpretation process.
- If possible and applicable, **the interpreter should sit slightly behind the client while interpreting to facilitate eye contact between attorney and client**. Note that some survivors may feel uncomfortable with this and may prefer the interpreter sit directly beside them. You may defer to the client.
    - The interpreter should **facilitate visual communication between attorney and client** as much as possible. This includes not meeting the attorney's eyes during interpretation to encourage the attorney to look at the client.
- It is important to be mindful that **clients can sometimes have a strong response to an interpreter**, who might be a member of their community or come from their country. Clients might also have a strong preference that the interpreter be of their gender identity.
    - For example, a client might feel more comfortable with the interpreter than with the rest of their legal team, and ask the interpreter that they not translate certain things, or try to have a side conversation with the interpreter. The interpreter should gently remind the client that their job is to relay everything the client says to the attorneys. It is important in these situations to be mindful of professional boundaries. **Under no circumstances should the interpreter meet with the client outside of the interpretation sessions.**
    - In contrast, a client might feel uncomfortable sharing personal information with someone from within their culture, for example in instances where they experienced severe persecution in their home country. The interpreter should be mindful of this dynamic and remind the client that they are not there to judge the client's experiences, simply to translate them without bias. They should also remind the client that they are bound by strict confidentiality and privilege rules.
    - **If a client has a particularly strong negative reaction to an interpreter from their community, the attorney should seriously consider finding another interpreter.** Some language communities are very small, and the interpreter might discover that they share a social network with people referenced by the client in their story (e.g., if the person was trafficked in New York by people from their home country). The legal team should always defer to the client if they express strong discomfort or concerns.

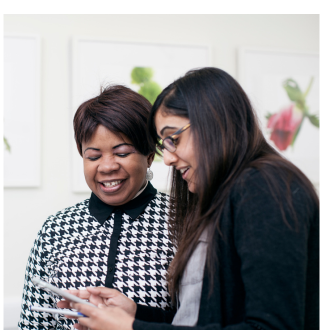
Effective Communication: Notes for the Attorneys

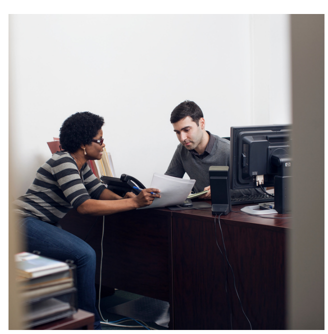
- **Maintain eye contact with the client throughout the interview**, even when the interpreter is speaking. Position your body language toward the client. Ask the client how they would like to be addressed.
- **Direct questions to the client, not to the interpreter.** For example, if you want to know where the client lives, you should ask the client, “Where do you live?” You should not say to the interpreter, “Ask the client where she lives.”
- **Keep sentences relatively short, with pauses in between complete thoughts/questions for interpretation.** Do not feel pressure to ask a follow-up question immediately after the client provides an answer. It is preferable to take a short pause and develop your question in a concise way. Speak slower rather than louder.
- **Avoid asking compound questions with multiple parts**, which can be confusing for the client and challenging for the interpreter.
- **Only one person from the team should speak at a time.** If multiple attorneys are participating in the interview, assign separate sections of the questioning ahead of time, and alert the interpreter of the plan at the outset of the meeting.
- **Refrain from using idioms, jargon, or slang.**
- **Check in with your client outside of interpretation sessions** (using Google translate or another interpreter) to confirm that the client is comfortable with the interpretation being provided. Do this especially if there seems to be a lot of confusion during interpretation.
- **Take care of yourself.** Listening to a client’s traumatic and often heartbreaking story can take a toll. You could experience vicarious trauma, depression, or your work with the client could trigger your own personal past traumatic experiences. Be aware of this possibility and check in with yourself after client meetings. **Engage in self-care, set boundaries, and reach out to someone if you begin to feel overwhelmed.**

Relaying Information: Notes for the Interpreter

- **Translate questions word for word, without adding any additional phrasing.** For example, "Where do you live?" should be interpreted as "Where do you live?" It should not be interpreted as "They would like to know where you live."
- **Interpret everything, even if it appears to be insignificant.** Do not make any judgement calls about what is and is not important. The legal team needs to understand every word the client says to prepare their case properly.
- If there is apparent confusion, continue to interpret what each party (client and attorney) is saying to the other. **Allow the parties to iron out any issues in communication on their own** (unless the issue relates to an interpretation problem).
- **Only insert yourself into the conversation if you are unable to interpret what each party is saying** and you need to make the parties aware that you are having interpretation difficulties. For example, feel free to ask the attorney or client to speak slower, to repeat the sentence, to pause to allow for interpretation, etc.
- **Do not engage in independent conversation** with the attorneys or the client during the interview.
- If you come across a term that has a culturally specific connotation of which an attorney might not be aware, **you may pause the session to briefly provide the cultural context of the term to the legal team**. If this is the case, explain the reason for the pause to the client so they do not feel confused or worry that they are being talked about.
- However, never add anything to, or elaborate on, the message you are interpreting. Do not try to make a client's story more articulate, logical, or clear. **Interpret exactly what the client states even if you think it is confusing or contradictory.** It is the job of the interviewers to parse out a client's story and ask them any necessary follow-up questions.
- **Do not "water down" any vulgar or potentially offensive language.** For example, if a client's abuser/trafficker emotionally abused them by calling them derogatory and offensive names, it is important that the legal team know the language and names the client conveyed so that the team can properly document the abuse that the client suffered.
- **Mirror the client's word choice as closely as possible.** For example, if the client says they were "raped" the interpretation should be that the client was "raped," not that the client was "sexually assaulted."

- **Never express bias or judgment** to the client or the legal team at anything the client says.
- **Maintain impartiality and refrain from counseling and advising.** Simply relay—directly — the advice and counsel provided by the legal team.
- **Be attentive at all times during the interview.** If you make an error while interpreting, it is important to admit to that error promptly and correct it. It helps to have a notepad and use it to jot down notes while listening so you can refer to the notes while interpreting.
- Always feel free to **ask for breaks** when you need them.
- **Take care of yourself.** Interpreting a client's traumatic and often heartbreaking story can take a toll. **You could experience vicarious trauma, depression, or your work with the client could trigger your own personal past traumatic experiences.** Be aware of this possibility and check in with yourself after client meetings. Engage in self-care, set boundaries, and reach out to someone if you begin to feel overwhelmed.

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