

Deontology for translations and interpretations

OFFICE OF THE COMMISSIONER GENERAL FOR REFUGEES AND STATELESS PERSONS



On the occasion of the reform of the asylum procedure in 2007, the CGRA began exploring ways to improve the quality of its work, in particular the processing of asylum applications. To this end, four working groups were created to study and discuss the following subjects in depth: how to assess credibility and ascertain facts; how to use objective information (COI); how to prepare and conduct an asylum interview; and how to create a favourable context for the interview.

The recommendations put forward by the working groups, as well as recommendations from several dissertations will be implemented at the CGRS in the short or longer run, depending on the extent of change involved. At the same time, the CGRS is taking part in several European projects on quality such as the European Asylum Curriculum (EAC), a training program for the asylum officers working for the asylum departments of EU member states. The EAC covers many subjects which were already examined within the working groups on quality.

A general quality enhancement project has also been developed at the CGRS, with partial funding from the European Refugee Fund (ERF).

A distinct logo has been designed to facilitate the identification of the activities which are part of the CGRS' quality project. This brochure – and its subject – is part of the CGRS' quality enhancement project.

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More information on the Office of the Commissioner General for Refugees and Stateless Persons in general and on the asylum procedure in particular is available at www.cgra.be.

Cette brochure existe aussi en français et en néerlandais.

Deze brochure bestaat ook in het Nederlands en Frans.

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INTRODUCTION

In its daily operations the CGRS is mostly faced with asylum seekers with no knowledge of French, Dutch or English. In order to make a hearing with these persons possible within the framework of their asylum case, the CGRS uses interpreters. These interpreters are also asked to translate all sorts of documents that are deposited by the asylum seekers during their asylum procedure.

A specialized service within the CGRS, the Interpreters Service, takes care of the practical organization of the translation and interpreting assignments. Only the Belgian asylum agencies can request a translator-interpreter and this solely for personal interpreting (on the spot) and written translations within the asylum procedure.

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The interpretation and/or translation assignments are given to the translators-interpreters by the Interpreters' Service according when needed. To this end, translators-interpreters are mostly contacted by phone. They are free to decide themselves whether or not to accept the assignment.

The following deontological guidelines, which apply to the work of the translators and interpreters, have been drawn up as part of a quality plan at the CGRS in order to ensure a better quality of the interviews and to guarantee a good collaboration and a good relationship between the translators-interpreters and the staff of the CGRS. They describe the duties as well as the rights of the translators-interpreters. In case of a violation of the deontological guidelines, these rights and duties can be referred to. The code of conduct is, as it were, the 'constitution' of the Interpreters Service of the CGRS for the translators-interpreters and for the staff of the CGRS who are in contact or work with a translator-interpreter.

In order to preserve as much as possible the clarity and readability of the text, the translator-interpreter is referred to as he instead of he/she, which means that the latter can be a man or a woman alike.

INTERPRETATION/TRANSLATION

- The translator/interpreter's task is, in substance, to **translate completely, faithfully and objectively the statements** of the parties in the asylum procedure. These statements may be made orally, during the asylum interview, or may be written, such as documents presented or transmitted by the different parties.

A CGRS staff member or the Interpreters' Service may also ask an interpreter to perform other forms of interpretation, for instance during a phone call.

- The translator/interpreter commits himself to **regularly maintain his knowledge and expertise** and, if needed, to improve it.
- The translator/interpreter is under the obligation to translate meaning, content and intent as **completely and faithfully as possible**, without any **additions, omissions or modifications**.

When a literal translation is impossible and a description is required for the asylum applicant and the CGRS' interviewer to understand each other, the interpreter has to mention this. The translator/interpreter cannot, whether on his own initiative or on request, give information other than the information that has to be translated. The interpreter should never discuss the content of the interview.

The interpreter must translate everything that is said by the different parties during an interview, including offending words, shocking colloquial speech or unpleasant statements. The interpreter must also translate words directly addressed to him by one of the parties as well as comments with no immediate bearing on the interview.

- The interpreter is allowed to **take notes** to make his work easier. These notes are to be handed over to the CGRS' interviewer at the end of the interview. In particular, names of persons, places, political parties, military ranks etc. must be rendered with the utmost care and should be written down whenever possible. If necessary, the interpreter will ask the asylum applicant to confirm this kind of information.

- When translating the asylum applicant's words for the CGRS' interviewer and vice versa, the interpreter uses alternatively the **first person singular** (I) and the **second person singular** (you).
- The interpreter speaks in a **clear and understandable** way. He adjust his interpretation to the asylum applicant. The interpreter never interrupts the speaker except in case an excessively long utterance has to be interrupted in order to guarantee a proper translation or when he doesn't understand a word or an expression.
- The interpreter may also convey through his intonation **the intentions and emotions** of the parties, but should not exaggerate this.
- The translator/interpreter only accepts tasks for which he has **the required skills** and if he can guarantee the quality of the result. He is personally responsible for the execution of the tasks he has agreed to take on.

When a translator/interpreter is unable to carry out a task correctly, he will immediately hand it back to the person who entrusted him with it or to the Interpreters' Service, so that it may be given to another translator/interpreter. The same applies when a translator/interpreter thinks he cannot pursue a task on emotional or psychological grounds, or for reasons of conscience.

IMPARTIALITY

- The interpreter adopts a position of complete **objectivity, neutrality and independence** with respect to both the asylum applicant and the interviewer of the CGRS. The interpreter is not at the disposal of the asylum applicant nor of his lawyer, guardian, or person of confidence. This means that he never translates directly between the asylum applicant and his lawyer/guardian/person of confidence without the interviewer's consent.
- Regarding the requirements of independence, objectivity and neutrality, the translator/interpreter agrees to undergo a **security check** by the National Security Authority according to the laws of 11 December 1998 on security authorizations and their implementing decrees. Basic police and judicial information will be checked as well as whether the translator/interpreter is known by the Belgian intelligence and security services.
- The interpreter **introduces himself** to the asylum applicant and his lawyer/guardian/person of confidence as 'the interpreter for X (=source language)' so as to establish his neutrality. The CGRS' interviewer will explain to all parties why the interpreter is present. If the interviewer fails to do this, the interpreter has to explain his role, by pointing out that he :
 - will translate everything (without addition, omission or modification);
 - is bound by professional secrecy;
 - will use the pronoun I (1st person singular) while interpreting;
 - plays no part in the processing of the asylum application besides that of interpreter and has no influence on the final decision.

The CGRS guarantees that the interpreter's anonymity will be preserved. To this end, the CGRS never gives personal data to the asylum applicant or his lawyer/guardian/person of confidence.

The interpreter refrains from any familiar or friendly behaviour with the interviewer in the presence of the asylum applicant and his lawyer/guardian/person of confidence.

- The translator/interpreter is bound by **professional secrecy**. He is not allowed to use, for personal ends or for the benefit of outside parties, information, knowledge and contacts obtained as part of his work for the CGRS. Nor will the translator/interpreter allow the use or misuse of this information by others.

If the integrity and/or security of the translator/interpreter or of a third party is at risk, his duty as a citizen to notify the competent authorities takes precedence over his professional secrecy.

While showing a degree of empathy necessary to carry out his task, the interpreter keeps a proper professional distance towards the different parties and treats all information confidentially.

- The interpreter **refrains from any comment**, except when relevant for his interpretation task. If need be, he may intervene (referring to himself as 'the interpreter') to
 - ask for clarification in case something wasn't clear;
 - indicate that **one of the parties** misunderstood or didn't understand;
 - indicate that **he can no longer function properly as an interpreter**, for instance because of fatigue, illness, excessively long sentences,

As an exception to this rule, the interpreter can advise the CGRS' interviewer about the language or dialect spoken by the asylum applicant, provided that he is able to give a competent opinion in this matter, that he agrees to give it and that he is expressly asked to do so by the CGRS' interviewer. Culture-specific terms, concepts and/or behaviour may exceptionally be explained, when all parties agree to it.

At one of the parties' request and if need be, a short discussion may be held after the interview on purely technical matters pertaining to the interpretation task.

RESTRICTIONS

- The interpreter accepts that it is the **CGRS' interviewer** who **conducts** the interview and decides what is relevant or not for the applicant's case. The interpreter shouldn't put himself at the centre stage of the interview or impose himself in any way. Neither should he try to influence the content or steer the course of the interview, for instance by volunteering questions to the applicant or asking him additional explanations.

The interpreter should never react on his own initiative to unpleasant, shocking or offending remarks or show his emotions in any way.

- The interpreter should never engage in conversation with the asylum applicant or his lawyer/guardian/person of confidence, whether before, during or after the interview. In order to prevent such an occasion from arising, the interpreter will never enter the waiting room for asylum applicants alone on his own initiative and **as a rule he will never stay alone** in the interview room with the asylum applicant.
- The interpreter should never on his own initiative try to prevent or settle **problems, frictions or conflicts** between the asylum applicant and his lawyer/guardian/person of confidence on the one hand and the CGRS' interviewer on the other.
- When a translator/interpreter realizes the asylum applicant being interviewed with his assistance or for whose dossier the translation of a document is asked, is **a relative or acquaintance** of his, or when there is a link of any other kind between them, he should immediately inform the CGRS' interviewer or the CGRS' Interpreters' Service of this fact.
- If the asylum applicant speaks **another language or dialect** than the source language or dialect from which the translator/interpreter was asked to interpret, the latter should tell this to the CGRS' interviewer, even when he is able to interpret from this language or dialect. The interpreter will then comply with the interviewer's instructions.
- As a rule, the interpreter has to switch off his **mobile phone** during the interview. In consultation with the CGRS' interviewer, he may keep his mobile phone in vibrating mode if he's expecting an urgent call.

RESPECT

- The translator/interpreter behaves in a **proper and respectful** manner towards the staff of the asylum authorities, other interpreters, asylum applicants and their lawyers/guardians/persons of confidence, regardless of their nationality, ethnicity, religion, sex or sexual orientation.
- The translator/interpreter has a **neat appearance** and wears appropriate, unobtrusive and unprovocative clothing.
- The translator/interpreter should under no circumstances avail himself of his position to receive **gifts or compensations** from the parties involved.
- The translator/interpreter is of **irreproachable conduct** and is acquainted with the rules and legal provisions governing his profession and his tasks.
- The interpreter has to be punctually present at the time agreed for the interview. A 15 minute **break** will take place after approximately 1 hour and 30 minutes. Extra breaks may be introduced if necessary for the proper functioning of the interpreter. Unless otherwise agreed by mutual arrangement, a lunch break of at least one hour will be held.

REMUNERATION

- For the tasks he carries out at the CGRS' request, the translator/interpreter is **remunerated** according to the relevant rules and provisions. He is not allowed to ask for additional remuneration from one of the parties involved.

CONTACT

- For information, problems, complaints etc. concerning this code of conduct or any other matter regarding interpretation or translation tasks for the CGRS, the translator/interpreter may always contact the CGRS' Interpreter's Service.

Interpreters' Service:

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NOTES

A series of horizontal dotted lines for writing notes.



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