



Challenges faced by court interpreters while interpreting for children in South African courts

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Declaration

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I declare that this research study, entitled:

Challenges faced by court interpreters while interpreting for children in South African courts,

is my work and all the sources that I have used or quoted have been indicated and acknowledged using complete references.

A handwritten signature in black ink, appearing to read "H. Chikele", written over a horizontal line.

Heather M. Chikele

Date



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Abstract

The study investigated the challenges faced by court interpreters in South Africa when working with child witnesses within the legal system. The objectives of the study included investigating interpreter challenges, identifying their role in safeguarding children's well-being and rights, and evaluating the effectiveness of interpreter training. The country's linguistic diversity, characterized by 12 official languages and distinct cultural distinctions, adds layers of complexity for interpreters (Powell, et al., 2017). The problems encountered during the process includes linguistic barriers, encompassing the clear conveyance of child testimonies, interpretation of child-friendly legal terminology, and ensuring the child's understanding of legal proceedings. The study recognized the involved interplay of language, culture and age, which highlights the need for interpreters to address the emotional state, comprehension level, and communication capacities of child witnesses.

To tackle these challenges, the study highlighted the crucial requirement for specialized training and support for court interpreters handling cases involving children in South African courts (Moeketsi & Wallmach, 2005). This involved cultivating a sophisticated understanding of child psychology, cultural sensitivity, and legal terminology to effectively bridge communication gaps (Jianqing, 2008). By doing so, the study contended that South Africa could strengthen its commitment to safeguarding children's rights and welfare within the legal system, ultimately ensuring equitable access to justice for all residents. The study utilized a quantitative research methodology, utilising a structured questionnaire distributed through Google Forms. The questionnaire was designed to gather insights from court interpreters about their experiences and challenges. The questions were crafted to elicit detailed responses on topics such as the impact of the child's age on interpretation, linguistic and cultural challenges, and training and qualifications of court interpreters. The research focused on obtaining valuable information directly from court interpreters through the survey instrument, so as to understand their perspectives in a more streamlined manner (Cheung, 2014).



Theoretical Framework

The study was grounded in the Interactant Model of the Interpreting Situation by Pöchhacker (2005; 2016), recognizing the dynamic interaction between language, culture, and age in the courtroom setting. This theoretical framework guided the exploration of the challenges faced by court interpreters and informed the development of recommendations for specialized training programs.

Findings

The study revealed that court interpreters faced multifaceted challenges, necessitating specialized training in legal frameworks (Aririguzoh, 2022), child psychology, and cultural competence (Wang, 2017). It highlighted the complex demands of interpreting for children, emphasizing the importance of addressing emotional and psychological needs. The research highlighted the pivotal role of court interpreters in ensuring the well-being and rights of children, advocating for a patient, supportive, and empathetic approach. Additionally, it examined the effectiveness of training programs, emphasizing the need for a comprehensive approach encompassing language proficiency, legal knowledge, child psychology, and cultural sensitivity.

The study recommended that there is a critical need for specialized training for court interpreters, outlining a roadmap to address unique challenges in working with child witnesses in South Africa. It contributed to strengthening the country's commitment to children's rights, emphasizing complex court interpretation for children. The research advocated for systemic changes to ensure equitable access to justice, particularly for vulnerable child witnesses.



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CHAPTER ONE

OVERVIEW OF STUDY

1.1 Introduction

This chapter will introduce the study, emphasizing the challenges encountered by court interpreters when interpreting for children in South African courts. The background and rationale explored the complexities of language interpretation in legal settings, with minors. The research statement, objectives, and questions guided the inquiry, creating a background for a deeper understanding of the unique challenges faced by interpreters in this context. The subsequent sections focused on the research methodology, a theoretical framework, and the particulars of data collection and analysis. Ethical considerations were carefully outlined, followed by an exploration of the study's limitations and a roadmap through the upcoming chapters. A clear definition of terms laid the foundation for the discourse, and as this chapter concluded, the scene was set for a comprehensive exploration of the multifaceted role of court interpreters in facilitating communication for children in legal proceedings.

1.2 Background to the Study

Interpreting for children within a legal context is a detailed, intricate, and sensitive task that extends beyond linguistic translation to encompass the complex task of bridging cultural gaps. Powell et al. (2017) emphasize the pivotal role of court interpreters in ensuring a fair and just legal experience for vulnerable children. In the realm of court interpretation, the process transcends from a mere transfer of words to navigating the cultural complexities inherent in legal proceedings. Jianqing (2008) notes that interpreting for children introduces an additional layer of complexity, as interpreters grapple with the challenge of bridging between cultural elements.

The challenges of interpreting for children are emphasized by Amato and Mack (2017), who highlight two critical points. Firstly, interpreters shoulder the responsibility of adapting professional language to align with a child's cognitive development stage. Secondly, interviews with children introduce a unique set of psychological concerns. This intricate task of balancing linguistic precision with cultural sensitivity becomes a focal point for investigation.



As a court interpreter, the researcher is intimately familiar with the details of this process, as she has first-hand experience of the challenges faced when interpreting for children. The impact of court proceedings on children is profound, given their varying abilities to comprehend and communicate. This ontological observation aligns with Vidal et al.'s (2018) findings, which highlight that children may encounter challenges during court proceedings due to factors such as age, developmental stage, cultural background, or language proficiency. The courtroom which is intended as a space for justice, can become an intimidating and confusing environment for children.

The realization that the lack of a definition of the role of court interpreters affects the quality of court interpreting in South Africa adds another layer of complexity to this scenario. Lebes (2013, p. 1) rightly notes that the absence of legislation defining the role of court interpreters in the country results in legal officials forming their own opinions about the interpreters' role. This ambiguity allows interpreters to find themselves performing tasks beyond the scope of their duties, thus compromising the integrity of the interpreting process.

In essence, the challenges faced by court interpreters when working with children intersect with broader systemic issues. This research aims to comprehensively highlight these challenges, advocating for the formulation of a clear and comprehensive definition of the role of court interpreters, especially within the context of interpreting for children.

1.3 Research Problem

This study focuses on the numerous challenges encountered by court interpreters in the South African legal system when tasked with interpreting for children. The absence of a clearly delineated role for court interpreters, combined with the distinct complexities inherent in interpreting for children, necessitates a meticulous examination of their experiences and the consequential impact on the quality of court interpreting in South Africa. Navigating the details of interpreting for children within a legal setting introduces numerous hurdles for court interpreters. The lack of specific guidelines creates room for subjective interpretations, potentially compromising the efficiency of the interpreting process. In the realm of court proceedings involving children, where linguistic and cultural nuances are pivotal, the undefined



boundaries for court interpreters contribute to an environment where their roles may become ambiguous.

This study aims to comprehensively explore and understand these challenges, with a specific focus on court interpreters' experiences when interpreting for children. By shedding light on these complex dynamics, the study aspires to offer valuable insights that can inform improvement in training, guidelines, and support mechanisms for court interpreters in South Africa, ultimately enhancing the quality of court interpreting services for children.

1.4 Aims of the Study

The aims of the study are to identify challenges encountered by court interpreters when interpreting for children and propose recommendations to contribute to literature in court interpreting and easing the tasks involved in interpreting for children.

Interpreting for children in South African courts, with twelve official languages, presents unique challenges (Powell, et al., 2017), therefore investigating for solutions towards these problems is very crucial. Interpreters must bridge linguistic and cultural gaps, which are particularly challenging with children (Jianqing, 2008). Amato and Mack (2017) emphasize that interpreters should adapt professional language in accordance with the children's cognitive stages and addressing psychological concerns. The manner in which interpreters manage these aspects in the legal setting requires further investigation.

1.5. Research Question

This study aims to address a fundamental question, with a secondary inquiry that further enriches the investigation. By digging into these inquiries, the research seeks to contribute valuable insights and foster a deeper understanding of the subject matter.

Primary research question

What challenges do court interpreters face while interpreting for children in South African courts?

Secondary research questions

- a. What challenges do interpreters face when interpreting for children in court?



- b. What is the role of court interpreters when interpreting for children in ensuring the well-being and rights of children?
- c. How can the training provided to court interpreters be effective in helping interpreters interpret for children in South African courts?

1.6. Research Objectives

The objectives of this study are to:

- a. investigate challenges that court interpreters face when interpreting for children.
- b. identify the role of court interpreters who interpret for children.
- c. examine the effectiveness of training provided to court interpreters in interpreting for children.

1.7 Theoretical Framework

The theoretical framework used for this study is the Interactant Model of the Interpreting Situation by Pöchhacker (2005). The IMIS is rooted in the field of interpretation, communication, and linguistics. It also provides a valuable lens through which to understand the complex dynamics involved in the interpreting process. Central to this model are the key participants in any communicative event involving an interpreter: the source speaker, the interpreter, and the target speaker. The interactions among these participants are influenced by contextual factors, including the setting, cultural backgrounds, and communicative goals.

The application of the Interactant Model of the Interpreting Situation in the study facilitated a broad analysis of interactions amongst the key participants. The challenges faced by court interpreters were examined with a particular focus on source speakers, legal professionals, witnesses, and target speakers, when they are specifically involved with children in legal proceedings. The model enabled an exploration of how contextual factors, including the legal setting, cultural backgrounds, and communicative goals, impacted the interpreting process in child-related legal cases in South Africa. The analysis was structured using the Interactant Model, with a specific focus on how cultural backgrounds and unique communicative goals in legal proceedings with children pose challenges for interpreters. The Interactant Model of the



Interpreting Situation provided a theoretical foundation to comprehend the complexities inherent in interactions within the South African court system involving children.

1.8 Research Paradigm

The research paradigm for this study aligns with a pragmatic approach, recognizing the need to address practical issues and enhance the effectiveness of court interpretation for children in South African legal settings. Pragmatism, as a research paradigm, emphasizes the practical application of knowledge and the importance of outcomes that contribute to real-world solutions (Kelly & Cordeiro, 2022). In the context of court interpretation, a pragmatic paradigm acknowledges the dynamic and evolving nature of the legal system, requiring interpreters to navigate linguistic, cultural, and emotional challenges. By adopting a pragmatic perspective, this study aims to bridge the gap between theoretical insights and practical implications, offering recommendations and solutions that can be applied to improve the quality of interpretation services for children in the South African judicial system. The focus is on addressing the immediate and tangible challenges faced by court interpreters, with an emphasis on enhancing the overall efficiency and child-centred nature of the legal process.

1.9 Research Methodology

The study adopted a qualitative research design, utilising questionnaires and content analysis to comprehensively explore challenges encountered by court interpreters when interpreting for children in South African courts. The qualitative approach facilitated an in-depth examination of the subject, unravelling the complexities of the involved dynamics (Creswell & Creswell, 2017). The questionnaire, as the primary data collection tool, was aimed at soliciting responses that explore the details of challenges faced by court interpreters in this context. Simultaneously, content analysis was employed to examine relevant texts within the field of interpreting, enhancing the understanding of the distinctions of the interpreting process. By triangulating data from questionnaires with insights derived from content analysis, the study is aimed at providing a holistic understanding of the challenges faced by court interpreters in the interpretation process involving children.



1.9.1 Data Collection

Effective data collection strategies are pivotal in comprehending the challenges encountered by court interpreters when working with children in South African courts (Powell, et al., 2017). To address this issue, the study employed a selective strategy, depending mostly on an electronic questionnaire delivered using Google Forms as the primary data collection technique. Roopa and Rani (2012) explain that the questionnaire's design ensures a systematic and consistent approach, presenting each court interpreter with the same set of questions. This intentional structure facilitates the discovery of recurring patterns and allows for the comparability of results, mitigating variability often associated with open-ended interviews or less organized data collection methods (Lochmiller, 2021).

Court interpreters occupy a unique vantage point to witness the difficulties faced by children in the legal system. As a result, they were invited to articulate their experiences, viewpoints, and concerns comprehensively and systematically. The sample for the study included ten court interpreters in ten courts, including both District and Regional courts in four Magistrate courts in the province of Gauteng, who were both male and female Africans, aged between 25–65-year-olds with a minimum experience of 3 years working with children in court. The questionnaire was emailed to the participants in a form of Google Forms. They were provided with a link which directed them to a Google Form comprising two distinct sections. The initial section encompassed a consent form, through which participants expressed their agreement to participate. Subsequently, the second section contained the questionnaire for data collection purposes. Participants actively granted their consent by navigating through the provided link, thus formalizing their voluntary involvement in the study. The insights gathered through the questionnaire offer valuable perspectives for policymakers, legal professionals, and researchers, contributing to a profound understanding of the challenges in this context (Oliver & Boaz, 2021).

The electronic administration of the questionnaire via Google Forms enhanced efficiency by automating data recording and organization in an Excel spreadsheet. This did not only save time but also reduced the risk of data entry errors, ensuring the integrity and accuracy of the collected data.



1.9.2. Data Analysis

Data analysis is a process of examining, purifying, manipulating, and modelling data to extract relevant information, reach conclusions, and help decision-making. This can be done by using a range of methods and instruments to arrange and analyse data, identify patterns and trends, and draw conclusions from big, complicated datasets (Provos & Fawcett, 2013).

The data analysis presented in the study is aimed at investigating the challenges faced by court interpreters when interpreting children in South African courts. The study utilized questionnaires and qualitative methods to gain insights into this critical issue. Several scholars' works and theoretical frameworks are referenced to provide a comprehensive analysis. As stated by Marshall and Rossman (1999) thematic analysis can be divided into six phases: organising the data, generating categories or themes, coding the data, testing emergent understandings of the data, searching for alternative explanations of the data, and writing up the data analysis and in this study each of these phases were employed. The process began with organizing the collected data, followed by the generation of categories or themes to encapsulate the key findings. Coding of the data was then undertaken to identify patterns and connections within the dataset. The emerging findings were rigorously tested, and alternative explanations for the data were explored. Finally, the results were synthesized and presented in the data analysis, providing a comprehensive presentation of the challenges faced by court interpreters when interpreting for children in South African courts.

1.10 Limitations of the Study

While this research focused specifically on the experiences and perspectives of court interpreters when interpreting for children, it is essential to acknowledge certain limitations. The study predominantly focuses on the insights of court interpreters, providing a comprehensive understanding of their challenges. However, it does not encompass the direct viewpoints of the children involved or those of their guardians. The absence of these perspectives could be considered a limitation, as it narrows the scope of the study to the interpreter's vantage point, potentially overlooking detailed aspects of the experiences faced by children and their guardians in the legal context.



1.11 Organization of the Study

This study is structured into five chapters to systematically explore the complexities of court interpretation for children. Chapter One provides the foundational aspects of the study, introducing the research problem, aims, and the research methodology adopted. It offers insights into the background and rationale behind the study, acknowledging its limitations.

Chapter Two presents extensive review of existing literature on interpreting, both locally and internationally. The exploration includes various definitions from scholars, shedding light on the diverse perspectives regarding the roles and responsibilities of court interpreters.

Chapter Three outlines the methodological approach, detailing the research procedures, data collection methods, and the chosen analytical techniques. This chapter serves as a guide to understanding how the study was conducted.

Chapter four is devoted to the comprehensive analysis and interpretation of the data collected through electronic questionnaires, specifically focusing on challenges encountered by court interpreters when interpreting for children. The analysis seeks to uncover the impact of these challenges and recommend solutions that will improve the work of interpreting within the unique context of children interacting with the legal system.

Chapter Five is the conclusion which focuses research results to provide comprehensive conclusions. It also puts forth recommendations emphasizing the significance of clearly defining the role of court interpreters. These recommendations propose specific inclusions in the definition to enhance the effectiveness and quality of court interpreting, contributing to the broader discourse on this vital aspect of legal proceedings.

1.12 Conclusion

The study investigated the multifaceted function of court interpreters in the South African legal framework, particularly when interpreting for minors. The primary objectives included a thorough assessment of the challenges that interpreters encountered, clarification of their varied roles in facilitating communication for minors, and a critical examination of the effectiveness of training programs. The study is intended to provide significant recommendations for policy suggestions and improvement by shedding light on the challenges involved in protecting



children's rights in legal procedures. The study sought to contribute to improving the legal process, establishing a linguistically accurate and sympathetic system attuned to the special needs and rights of children in the South African court landscape, by studying complex dynamics and evaluating training program performance and relevance.



CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This literature review aimed to contextualize and deepen the understanding of challenges identified in the study by exploring existing scholarly work on court interpretation, particularly in the context of interpreting for children. The review commenced with an examination of literature discussing the broader challenges faced by court interpreters, including linguistic complexities, cultural nuances, and the emotional dimensions of the interpreting process. Subsequently, attention was given to studies addressing the specific challenges and considerations related to interpreting for children in legal settings. This review sought to synthesize relevant insights, identify gaps in existing knowledge, and inform the development of recommendations to enhance the quality of court interpretation services for children in South Africa.

2.2 Interpreting

Pöchhacker (2016) describes interpreting as the process of orally translating spoken, written or signed language from one language source to another. It entails a competent expert known as an interpreter who listens to the speaker and then accurately conveys the message to the intended audience in the target language. Thus, interpreting is an intermediary role played between the audience of the language source and those of the target language in terms of conveying messages. This study investigates the historical growth, the modes of interpreting that being consecutive interpreting, simultaneous interpreting, and note taking to gain a better understanding of the evolution and importance of the practice. Miletic, et al., (2006) explain that to provide successful communication between people who do not speak the same language, interpreting is the process of translating spoken or written messages from one language to another.

2.1.1 History of Interpreting

Interpretation which is the process of translating spoken, written or signed language in real-time, has a long history dating back to ancient civilizations. It has been a vital instrument for aiding communication between individuals or groups who speak different languages (Gile,



1995). Throughout history, interpreters have played a crucial role in facilitating trade, diplomacy and international interactions. This section aims to explore the history of interpretation and the various methods used by interpreters to promote accurate and efficient communication (Berg & Van Dyke, 2020).

Interpreting has been used in ancient cultures to converse with foreign delegations, translate sacred texts, and facilitate trade and diplomacy (Napier, 2013). For instance, in ancient Egypt, interpreters were used to communicate with foreign delegations, while in ancient Greece, “hermeneutai” interpreters were used to translate sacred texts and oracles. During the Middle Ages, interpreters played an essential role in international diplomacy. As international trade and travel increased in the early modern period, the need for interpreters grew (Bendazzoli, 2013).

The profession of interpreting saw significant changes in the twentieth century, with the introduction of simultaneous interpreting. This method enabled interpreters to translate in real-time without disrupting communication, leading to more efficient and accurate communication. Following World War II, the Nuremberg trials highlighted the critical role of interpreters in ensuring accurate and impartial communication in during legal proceedings (Mikkelson, 2017). Today, interpreting is crucial for fostering understanding and communication across linguistic and cultural barriers.

Interpreters employ a variety of strategies to promote efficient communication. Consecutive interpreting, where an interpreter listens to a speaker and then offers a translation in the target language, is one of the most popular methods. This technique is frequently applied in the legal and medical fields. Simultaneous interpreting is another method in which the interpreter listens to the speaker while simultaneously translating. This approach is commonly used in conferences and calls for highly qualified interpreters (Setton & Dawrant, 2016).

Interpreters also rely on note-taking and memory strategies to ensure precise and efficient communication. Memory techniques entail the interpreter memorizing crucial aspects of the



message to enable a more flowing interpretation, while note-taking involves writing down important points during a speech to assist in interpretation (Hale, 2007).

The telling point is that interpretation has a lengthy and fascinating past that stretches back to early civilization era. Throughout history, it has played a crucial role in facilitating communication between individuals or groups who speak different languages. Today's interpreters employ a variety of methods, such as simultaneous and consecutive interpreting, note-taking, and memory techniques, to promote efficient communication. Interpretation has always been crucial in promoting communication between individuals and groups from various linguistic, cultural, and racial origins. To connect and work together on a variety of subjects, from business and politics to art and literature, interpreters have helped to extend beyond linguistic and cultural barriers. Berg and Van Dyke (2020) state that in a world that is becoming more and more varied and linked, interpreting is essential for bridging linguistic and cultural gaps, and enabling successful communication. Interpreters help people from various backgrounds to exchange ideas, knowledge, and experiences, fostering international understanding and collaboration whether in diplomatic, medical, business or ordinary contacts.

The function of interpretation is expected to keep on changing as the future is being influenced by emerging technology (Fantinuoli & Dastyar, 2022) and as universal trends change influencing how people communicate and relate to one another. It seems unlikely that the fundamental value of interpretation in promoting communication and collaboration across languages and cultures would lessen, as the world becomes more interconnected. There will be an ever-increasing need for qualified interpreters, making the study and practice of interpretation an essential and beneficial endeavour for future generations as the world becomes more globally connected. The need for skilled interpreters in various modes of interpreting will definitely increase as the world becomes more interconnected, making the study and practice of interpretation both essential and beneficial. The next section will discuss the modes of interpreting.



2.1.2 Modes of Interpreting

There are various interpretation modes, each with its own set of qualities and applications (Erickson, et al., 2006). There are five commonly recognized modes of interpreting namely: Consecutive interpreting, Simultaneous Interpreting, Liaison Interpreting, Whispered Interpreting and Sight Translation. This study concentrated on consecutive interpreting that is explained below. It has been stated that in the world of legal settings, it is essential to communicate across language boundaries, and usage of particular interpreting techniques is essential to ensure that justice prevails.

2.1.1.1 Consecutive Interpreting

Consecutive interpreting as described by Hale (2007) involves translating a message into the target language after the source-language speaker has finished or paused. It allows the interpreter to ask for clarification or more information, making the translation more accurate and detailed (Setton & Dawrant, 2016). This is particularly valuable when interpreting for children who may struggle to express themselves clearly.

2.1.1.2 Simultaneous Interpreting

Simultaneous interpreting entails both hearing the speaker in the source language and interpreting what they are saying in the target language at the same time (Setton & Dawrant, 2016). Thus, simultaneous interpreting is a type of interpreting in which the interpreter listens to the speaker while simultaneously interpreting. Setton and Dawrant (2016) further observe that while this approach is commonly used in conferences, it may have limited applicability in court settings. This should be true especially in court interpreting that involves children considering the complexity of simultaneous interpreting and the potential challenges it presents. It is thus crucial to explore alternative techniques that are more suitable for interpreting for children.

2.1.1.3 Note-Taking and Memory Strategy

Note-taking involves writing down important points during a speech to assist in interpretation, while memory strategies entail the interpreter memorizing crucial aspects to enable a more flowing interpretation (Hale, 2007). Memory strategies, on the other hand, involve memorizing specific aspects of a speech to ensure a more fluent and uninterrupted interpretation.



Understanding these strategies helps in identifying any challenges faced by interpreters when working with children and in developing suggestions that promote effective note-taking and memory techniques specific to interpreting for children. The two main modes used are consecutive interpreting and simultaneous interpreting, according to Mikkelson and Jourdenais (2015). In the framework of law, these modes have different functions which are as follows:

- Consecutive interpreting renders spoken content after the speaker has finished a section. It is widely used when questioning defendants and witnesses who come from a variety of linguistic and cultural backgrounds. This technique enables accurate and contextually rich interpretation, thus promoting efficient communication in the courtroom.
- Simultaneous interpretation, on the other hand, takes place in real-time and involves the interpreter communicating the spoken message alongside the speaker. This style of communication is frequently employed in legal procedures to guarantee that all participants, regardless of language, can understand and follow the subject matter at hand.

Furthermore, court interpreters translate a variety of texts, including transcripts and legal documents. They could additionally carry out sight translation, which involves reading aloud and translating documents during the proceedings. In this regard, these translation and interpreting activities are crucial components in ensuring that people with different linguistic origins have fair access to justice within legal systems.

2.2 Court Interpreting

In South Africa, court interpreting has been an important aspect of the justice system since the country's colonial period. During this time, court interpreters were primarily used to facilitate communication between British colonial officials and indigenous language speakers. However, the use of court interpreters became more widespread during the apartheid era, when the government instituted policies that marginalized and oppressed non-white citizens (Finlayson & Madiba, 2002). Thus, the policies of the time allowed discrimination and unfair treatment in the legal system owing to diverse linguistic and cultural backgrounds.



There are various types of interpreting such as sign language, conference interpreting and court interpreting among others. This study explains court interpreting only as it is the main focus of this study. Court interpreting is a type of interpreting that takes place in the court of law and interpreters who work in a court are called court interpreters. It is a type of interpreting that enables communication between parties participating in a legal procedure who speak different languages. It is also known as legal interpreting or judicial interpreting (Hale, 2004).

Mikkelson & Jourdenai (2015) postulate that court interpreting extends beyond the courtroom and plays a crucial role in many different areas of the legal system, including court proceedings, police interviews and legal consultations. Due to the field's extensive use in the legal system, phrases like legal interpreting, forensic interpreting and judicial interpreting are frequently used interchangeably. Court interpreting is a vital link for clear communication in all legal situations, despite being typically linked with criminal cases. Its importance extends beyond the realm of criminal procedures, illustrating its essential role in guaranteeing justice, fairness and accessibility in judicial proceedings of various kinds and degrees of complexity. South Africa is a country governed by laws and statutes, therefore accused persons have rights to a fair and just trial, which includes their rights to interpretation as alluded below.

2.2.1 Accused Persons' Rights to Interpretation

Section 35 Subsection (3)(k) of the Constitution addresses the rights of those who have been imprisoned, accused and arrested, and states that it is important that the accused has "to be tried in a language that the person understands or, if that is not practicable, to have the proceedings interpreted in that language" (Constitutional Assembly, 1996). It is a fundamental legal principle that underscores the importance of ensuring a fair and just legal process for individuals accused of crimes. Presumption of understanding is based on the premise that people who have been accused of a crime should be able to understand the judicial procedures against them. They must have this understanding to properly exercise their rights, take part in their defence and make decisions throughout the legal process.

In the same breath, Lebesse (2014) states that fairness and practicability are crucial during court proceedings; however, the principle acknowledges that it might not always be possible to hold a trial entirely in the accused person's native language. This might be the result of a lack of



qualified interpreters, the difficulty of the case, or other practical limitations. Even under these circumstances, the legal system is required to make sure that interpretation services are offered to close the communication gap. Hertog (2016) adds that the legal system works to protect the accused person's rights to a fair trial, proper proceedings, the capacity to put up a convincing defence by offering interpretation services or holding trials in a language they can understand. These fundamental rights may be violated if this is not done (Constitutional Assembly, 1996).

Finally, one of the pillars of maintaining a fair and just judicial process is the idea that an accused person should be tried in a language they understand or that interpretation services should be made available when necessary (Fawzia, 2003). It protects the accused person's right to understanding, involvement, and a convincing defence, all of which are important elements of justice in the legal system.

2.3 Court Interpreter

A court interpreter is a professional in a judicial environment who facilitates communication despite language barriers between the litigants and court personnel (Mikkelson, 2017). Moving in one accord (Mikkelson & Jourdenais, 2015) it becomes clear how important court interpreters are to the justice system. These professionals are crucial in breaking down the language barriers that frequently separate individuals in a courtroom from others who are not fluent in the language of the court. Court interpreters ensure that all parties can take part fully in the judicial process by providing good communication. In addition to upholding the values of justice and fairness, this protects everyone's rights regardless of their linguistic background. Their work emphasizes the significance of inclusivity and fair access to justice in a diverse society. The interpreter ensures that one expresses themselves in a language they feel comfortable in. Court interpreters are responsible for facilitating communication between parties who do not speak the same language (Martin, 2012).

To promote accurate and efficient communication, interpreters employ a variety of strategies. Understanding these strategies can identify potential challenges that may arise in the context of interpreting for children and develop suggestions to solve the existing challenges. Finlayson and Madiba (2002) observe that, in such a context, court interpreters became essential in ensuring that these individuals understand and participate effectively in legal proceedings.



In this regard, it necessitated the need for strategies in court interpreting to mitigate linguistic diversity and bridge cultural backgrounds. The need for strategies encompasses aspects of the population including children whose needs of service may vary greatly to those of other groups. In addition, interpreters take an oath before they perform their duties and this is a serious commitment which is essential for assuring efficient communication in a variety of contexts.

2.3.1 Taking an Oath

Court interpretation has developed over centuries to become a crucial part of the legal process. It is a profession rooted in history and driven by ethical values. A crucial step in this evolution is taking an oath which serves as a formality as well as an important reminder of the interpreter's solemn duties to uphold justice. Court interpreters bear a heavy burden as they are charged with the serious obligation of facilitating communication between speakers of various languages. The act of taking an oath, which represents their commitment to impartiality, accuracy, and faithfulness to the law, is vital to their duties. Lebes (2014, pp. 192-193) alluded that court interpreters must take an oath which is discussed below before they can work in a court of law.

“In terms of Rule 68 (1) of the Magistrates' Court Act 44 of 1944 (as amended), every interpreter is required to take an oath or make an affirmation, in writing, before a judicial officer. The oath reads as follows:

I,, (full name) do hereby swear/truly affirm that whenever I may be called upon to perform the functions of an interpreter in any proceedings in any magistrate's court I shall truly and correctly to the best of my knowledge and ability interpret from the language I may be called upon to interpret into an official language of the Republic of South Africa and vice versa” (Lebes, 2014).

In South Africa, the Magistrates Court Act 32 of 1944 emphasizes the crucial part that interpreters play in ensuring impartial court proceedings. Their oath represents their dedication to impartiality and accuracy in addressing linguistic barriers. This pledge upholds the fundamental idea that everyone should have access to justice, regardless of linguistic difficulties, which is necessary for a fair judicial system.



Carstensen and Dahlberg (2017, p. 51) explains that

“when the interpreter arrives at the law court, he/she is treated as an outsider. In contrast to legal counsel, the interpreter is searched before being allowed into the courthouse building, and hence is not viewed as a trusted or reliable person. When the proceedings commence, the interpreter enters the courtroom at the same time as the parties and legal counsel. It is customary that the interpreter introduces him/ herself to the person for whom he/she should interpret either just outside or inside the courtroom (i.e., there has usually been no prior contact between interpreter and client before the trial is about to begin). When the proceedings begin, the interpreter is presented to the court. The interpreter should take an oath in which he/she promises to perform his/her duties to the best of his/her abilities, although this oath has only to be sworn once at each court.”

The way interpreters are treated in the legal system reveals a unique contradiction. They are necessary for ensuring fair and accurate communication between people who speak various languages. On the other hand, their initial doubts and the unfamiliarity they experience could undermine their confidence in their reliability. This circumstance serves as a good illustration of the difficult position that interpreters occupy: they must bridge linguistic gaps in situations with high stakes while frequently keeping distant from their clients until the very last second. The taking of an oath represents the interpreter's dedication to their job. Recognizing their importance and strengthening their participation in the legal system, however, could improve the legal system's overall effectiveness and justice.

2.4 Interpreting for Children

Children's cases call for specialized knowledge and gentle handling. In South Africa, there has not been much research done on how children engage with court interpreters and what their requirements are. Instead, numerous studies have been done on how adults communicate with court interpreters, but none have been done on how children interact with court interpreters (Matthias & Zaal, 2002). Interpreting for children is a very difficult and complex text if proper knowledge and understanding are not employed. Hence training is crucial for court interpreters.

The Constitution of the Republic of South Africa (1996) protects language rights, giving adults and children the essential right to understand and participate in legal procedures in the language



of their choice. Interpreters play a crucial role in maintaining these rights and are essential to the process. The Children's Rights Act (2008) as amended highlights the need to include children in legal matters that affect them and emphasizes the necessity for interpreters to skilfully facilitate communication between children and all relevant stakeholders whilst also ensuring meaningful participation.

2.4.1 How do Children Give Evidence or Testify in Court?

Everyone under the age of eighteen (18) is considered a child (Children's Act 38 of 2005, 2008). A child witness testifies in an area separate from the close courthouse, usually located near the main courtroom; this dedicated space is known as the private testifying room. The child and the intermediary can both sit comfortably here throughout court hearings. If there is room, there might also be a tiny couch where the child can rest if they get tired or sleepy while telling their testimony. To allow communication between the private testifying room and the main courtroom when the child witness is testifying, the private testifying room has been furnished with either a video camera or a one-way mirror (Powell, 2018). The intermediary is given earbuds or earphones so they may hear the courtroom proceedings. The exchanges between the child and the intermediary is captured on the live video stream, and the child will hear the questions and get the answers.

The child witness, along with other interested parties like the audience in the gallery, go unnoticed and unheard. Closed-circuit television systems or one-way mirrors are set up in the courtroom to allow stakeholders to watch and listen to the child witness and the intermediary from a separate, private testifying room. Stakeholders can hear and see the child witness and the intermediates throughout dialogue through the usage of a live video stream. During this process, no video is captured during the child witness' testimony; only audio recordings are created.

2.4.2 Age-Appropriate Language and Linguistic Challenges

The complexity of interpreting legal terminology and concepts into a language that is age-appropriate and understandable for the child is one of the main issues faced by court translators when working with child witnesses or accused children. According to Paetsch et al. (2017), moving in agreement describes how children's opinions are taken into account, their rights are



protected, and how the legal system handles their testimony. Saywitz, et al (1990) states the importance of striking a balance between accuracy and ensuring that the child understands what is being said because there is a possibility that children might not have a broad vocabulary when it comes to legal phrases and vocabulary. Therefore, interpreters must address any potential communication breakdowns between the child, themselves and the case's stakeholders. In addition, striking a balance between the need for accuracy and age-appropriate language can be challenging for interpreters.

2.4.3 Child-Friendly Communication

It is crucial to create a communication style when interpreting for children so as to win their trust and promote open dialogue. This means employing simpler sentence patterns that are better suited to their comprehension, including visual aids that benefit their visual learning, and putting interactive procedures in place that actively involve them in court proceedings (Colliver, 2017). Interpreters bridge the gap between complex legal environment and a child's comprehension by speaking in a manner that is child-friendly, giving children a secure environment in which to express themselves. Colliver (2017) claims that an excellent strategy not only provides accurate interpretation but also equips children with the skills they need to participate in the legal system. Finally, an interpreter's adaptability and capacity to create a welcoming environment can have a significant impact on a child's comprehension, comfort and readiness to participate in the process.

2.4.4 Guiding the Child Through Legal Procedures

Children are assisted by intermediaries in understanding the legal system and receiving direction during questioning and cross-examination (The Constitution of the Republic of South Africa, 1996). For instance, it is stated in the Youth Justice Criminal Evidence section 29(2) of England and Wales that the intermediary communicates to the witness questions put to the witness and any person asking such questions the answers given by the witness in reply to them. The intermediary is also required to explain such questions or answers to the extent necessary to enable the witness or person in question to understand them (Cooper & Mattison, 2017). This part is crucial to the research issue because it clarifies the potential difficulties court interpreters could encounter while interpreting complicated legal terminology.



2.4.5 Cultural and Socioeconomic Diversity

Due to the diverse range of cultures and communities present in South Africa, children participating in court matters come from various linguistic origins and have their distinctive communication styles. The task of an interpreter is difficult because, in addition to overcoming linguistic barriers, they must comprehend cultural differences (Kletečka-Pulker, et al., 2019). By doing so, they can make sure that the interpreted material respects the children's culture and makes sense to them. Due to the numerous ethnic groups and languages that made up South Africa's past, its culture and society are diverse. This diversity is crucial when children are involved in legal proceedings. It has an impact on the languages children know, the vocabulary they possess and how they speak (Bishop, 2014). It is observed that children who speak multiple languages, for instance, may find it challenging to comprehend and participate in judicial trials that use unfamiliar languages or jargon.

2.4.5.1 What society considers to be taboo?

What society considers to be taboo are words, phrases, behaviours, or topics that are viewed as insulting, inappropriate, or socially or culturally unacceptable. These taboos may cover subjects like religion, sex, body functions, death, and more, and they can differ greatly from one society to another (Gao, 2013). For the sake of upholding social conventions and avoiding upsetting others, people frequently refrain from using taboo terms or talking about forbidden concepts in polite conversation. As societal norms change over time, taboo words may also alter.

According to Oxford Dictionary (2024), taboo is “a social or religious custom prohibiting or restricting a particular practice or forbidding association with a particular person, place, or thing.”

Translators have to successfully deal with the cultural differences between the Source Language (SL) and the Target Language (TL) to translate taboo phrases. Taboos are very context-dependent since they are firmly rooted in cultural norms, beliefs, and history. In certain languages, a word that is deemed forbidden may not have the same impact in another language. As a result, a professional translator needs to be both linguistically proficient and culturally informed.



Nazari, Robati and Zand (2017, p. 2). hold that “As taboos are part of the culture of each language, when translating a taboo, the translator must be familiar with both source and target languages in order to know whether the taboo word in the SL, is known as taboo in the TL or not.”

Translating taboo phrases is a challenging and delicate undertaking that necessitates a thorough comprehension of both the cultures of the source language (SL) and the target language (TL). Taboos are not universal; instead, they are closely related to the particular customs, ideologies, and cultural backgrounds of every community. To properly translate a message while preserving cultural nuances and avoiding offense, a professional translator needs to be fluent in the target language as well as have cultural sensitivity and understanding (Nazari Robati & Zand, 2017). Translators must exercise caution when using words that are prohibited in the target culture, taking into account possible effects and meanings. In order to maintain the integrity of the message while abiding by cultural standards, this entails making informed choices about whether to provide a literal translation, a euphemism, or perhaps a completely new word altogether.

Furthermore, Gao (2013) states that the art of translating taboos ultimately emphasizes the significance of the translator’s function as a cultural mediator, promoting intercultural understanding while maintaining polite and transparent communication. It demonstrates the depth and complexity of language and culture; emphasizes the need for ongoing education and flexibility in the constantly changing field of translation. Professional translators can overcome barriers and enhance communication by embracing these obstacles and using tactics that prioritize both linguistic correctness and cultural sensitivity.

2.4.5.2 Idioms

Idioms are expressions or phrases with a deeper meaning than the literal meaning of the words that make up the phrase. Idioms can be difficult for non-native speakers to grasp because they are frequently strongly embedded in a language and culture environment; and their meanings are not always clear (Ibrahim, et al., 2016). Idioms are used to vividly and metaphorically express thoughts, feelings, or concepts. They are frequently used in ordinary speech and



writing, and they provide language complexity and depth. As an illustration, the expression “kick the bucket” refers to death but has nothing to do with kicking a real bucket.

Nengovhela (2017, p. iv) states that

“in translating idioms, the translator encounters various difficulties that are not usually easy to overcome mainly due to lack of equivalence. It is rare to come across an idiom in the source language that shares the same form and meaning in the target language”.

Nengovhela (2017) further advised that to deal with the problems that arise in the process of translation, translators use various strategies. Among others, the translator must have extensive knowledge about the function of idioms in the source and target languages. Idioms are not just used in artistic expression but also in professional contexts, such as the legal profession. Understanding idiomatic expressions is essential for accurate communication between parties involved with court interpretation, for example. Idioms frequently find their way into negotiations and business talks in the corporate world (Adelnia & Dastjerdi, 2011).

Moreover, for non-native speakers looking to improve their language skills and bridge the gap between literal and figurative language, learning idiomatic idioms can be a helpful tool. Idioms are essential for efficient communication and are more than just language abnormalities. Firstly, learning idioms improves one’s communication abilities by enabling them to define complicated concepts and feelings in a simplified manner. Secondly, idioms give insight into a culture by reflecting the historical circumstances and differences of a language. Idioms therefore facilitate deeper adaptation to culture for non-native speakers (Akbari, 2013). On the same wavelength, because they are frequently employed in everyday speech, idioms are essential for understanding and participating in everyday conversations. As a result, including idioms in learning a language promotes social inclusion as well as fluency. Idiomatic expressions are crucial tools for efficient communication since they can greatly increase language competency, cultural comprehension, and social engagement for non-native speakers.

2.4.6 Cultural Sensitivity and Contextual Understanding

For court interpreters, South Africa’s diverse cultural blend adds another level of complication. Interpreters must have a thorough knowledge of these cultural differences because children



from diverse ethnic backgrounds may have different cultural viewpoints on legal issues. Wadensjo (2013) explains that court interpreters must be competent in the language as well as informed about cultural norms and beliefs that could influence how a child interprets words or situations. To interpret for children in court, one must have a solid awareness of the greater legal and social context in which the proceedings take place. Understanding both South Africa's evolving legal system and laws about children's rights and protection is crucial to ensuring accurate interpretation; in order to fully comprehend the child's words in a way that reflects their feelings and intentions.

Therefore, interpreters who work with children in court must take into account both the difficulties posed by trauma and language obstacles as well as the psychological components of a child's development (Cicchetti & Carlson, 1989). Thus, court interpreters can contribute to making sure that the legal proceedings are just, courteous and supportive of the well-being of the children involved; by being aware of their special requirements and adapting their approach towards those needs.

2.4.7 Cultural Sensitivity in Interpreting for Children

When interpreting for children, interpreters should be aware of the children's cultural backgrounds and life experiences. It is observed that the multilingual society of South Africa is distinguished by a diverse array of languages, traditions, and religious practices (Kaschula, et al., 2008). As a result, accurate communication depends on an interpreter's capacity to understand and appreciate these differences. For instance, the interpreter should be mindful of cultural norms that may affect communication methods and emotional expressions when providing interpretation for a child from a traditional society. Kletečka-Pulker, et al. (2019) observed that understanding the particular difficulties children may encounter in legal procedures, such as anxiety, perplexity and a potential reluctance to speak openly about sensitive subjects, is another aspect of cultural sensitivity. To facilitate children's sharing of their experiences and build trust, interpreters must take into account the child's cultural background.



2.4.8 Emotional and Psychological Impact of Legal Proceedings on Children

Children may experience emotional and psychological distress throughout legal proceedings. Interpreters must pay close attention to the child's emotional state and adjust their manner of interpretation accordingly. Effective communication requires the use of age-appropriate vocabulary and tone, as well as the application of tactics for lowering tension and anxiety (Louw, 2016). Going through a legal process may be extremely stressful and intimidating, but for children, it can be very devastating. Stress and anxiety may increase as a result of unfamiliar surroundings, challenging legal jargon and possible caregiver separation. According to repeated findings in the literature, children who are exposed to legal procedures may experience feelings of anxiety, perplexity and powerlessness (Silberg, 2022). Such emotional discomfort may have long-lasting psychological effects, including a higher likelihood of depression, post-traumatic stress and anxiety disorders (Petersen, et al., 2013)

Interpreters might use a variety of strategies to ease stress and tension during court sessions. Building trust between the child and the interpreter requires both active listening and empathy. Meetings with the child before the session can help them get to know the interpreter and feel more at ease throughout the procedures. In addition, giving breaks when necessary and providing emotional support might lessen how stressful the situation is.

The responsibility to protect the emotional and psychological health of the children they represent is especially important for interpreters in judicial processes involving minors (Bateman & Fonagy, 2019). A vital element of successful interpretation is emotional and psychological sensitivity. This is a supplemental quality that interpreters must provide. Interpreters can greatly help children have a more helpful and less painful legal experience by tailoring their approach to the child's emotional state, using appropriate language and tone and implementing stress-reduction tactics. This implies that court interpreters must be taught how to deal with situations sensitively towards children, identifying warning signals of discomfort and changing their approach accordingly. Interpreters also need to be ready to handle possibly upsetting or emotional topics while dealing with child abuse victims or witnesses.



2.4.9 Children's Rights According to the Law

Government Gazette (1991), The Constitution of South Africa (1996), international treaties like the Convention on the Rights of the Child, and national laws combine to form a comprehensive framework that protects children's rights in South African law. Together, these legal provisions give the welfare of children and their full participation in society a top priority. A child's right to survival and growth, non-discrimination, and safeguarding the best interests of the child in all decisions and acts are essential values central to this norm. These principles serve as a framework for the development and delivery of laws, programs and services focused on safeguarding children from harm, giving them access to education and healthcare, and promoting environments that support their physical, mental, and emotional development. South Africa's aim to construct a just and equitable society for its most vulnerable citizens is shown in its commitment to children's rights.

The Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996) states that the foundation for defending children's rights in South Africa is the country's 1996-ratified constitution. This fundamental law's Section 28 is devoted solely to safeguarding and advancing the rights of children. It clearly states that "every child has the right to basic nutrition, shelter, basic health care services, and social services," and Section 35 2 (e) further provides that "every detained person and sentenced prisoner has the right to adequate nutrition". Section 7 (2) of the Constitution requires that the "State must respect, protect, promote and fulfil the rights in the Bill of rights" (Agriculture, 2012).

This clause emphasizes the state's fundamental obligation to ensure that all children living within its borders have full access to these essential services. South Africa shows its commitment to fostering the well-being and development of its youngest citizens by enshrining these principles in its constitution and ensuring they have the fundamentals needed for a healthy and promising future. A crucial step toward an equitable society is represented by this constitutional vow. This constitutional promise is an essential step in creating a society that is fair and just for all South African children.

The non-discrimination concept is the basis of children's rights in South Africa. This principle, which is enshrined in the Constitution, categorically outlaws' discrimination on a variety of



grounds, including race, gender, religion and nationality. As a result, it creates a solid foundation for equality where every child, regardless of their socioeconomic status or personal circumstances, is given the same rights and opportunities. This dedication to eliminating discrimination prepares the way for an inclusive society where every child is given the tools they need to succeed, creating an atmosphere where their potential can be realized in its fullness. In addition to honouring its constitutional ideals, South Africa's commitment to safeguarding children's rights through non-discrimination helps to build a just and equitable future for the children, ensuring their ability to thrive without prejudice.

The United Nations Convention on the Rights of the Child serves as the foundational legal document for the main principle of protecting a child's best interests under South African law (The Presidency, 2005). The Children's Rights Act 38 of 2005 alluded that this fundamental legal principle states that children's growth and well-being must come first in all decisions and acts involving them. This idea serves as a guide for the judiciary in the country, legislators and service providers by ensuring that children's needs and rights are honoured and safeguarded. This principle requires all parties to put the needs of the child first, whether they are related to detention, education, healthcare or any other aspect of a child's life. This encourages a legal system that is dedicated to protecting and nurturing the nation's children.

In South Africa, the right to survival and development is a crucial aspect of children's rights, showing the country's dedication to safeguarding the welfare and development of its youngest citizens. This includes a variety of vital services that are essential to fostering children's physical and intellectual development, such as healthcare, education and social assistance. The South African Schools Act of 1996 underlines the fact that all children in South Africa have a fundamental right to education. By requiring the government to provide both free and high-quality education, this act assures children's access to a fundamental education. The goal is to remove obstacles to learning to give every child, regardless of socioeconomic status, an equal chance to succeed academically.

Additionally, through specific regulations, the South African government acknowledges the value of Early Childhood Development (ECD). The ECD policy emphasizes the significance of a child's formative years and aims to foster their overall development. It underlines the



importance of having access to high-quality early learning and care programs because they are essential for preparing children for primary school and beyond (Government Gazette, 1991).

South Africa has been vigilant in putting numerous programs and initiatives targeted at protecting children's rights into action to achieve these goals. These initiatives demonstrate the nation's dedication to giving its children the greatest possible start in life, including access to basic needs and educational opportunities that support their growth and development, in addition to being required by law.

In this connection, through specific regulations, the South African government acknowledges the value of Early Childhood Development (ECD) (Government Gazette, 1991). The ECD strategy emphasizes how crucial the Numerous legal frameworks in South Africa recognize that securing children's rights depends in large part on the provision of healthcare. Among other laws, the National Health Act (2003) and the Children's Act (2005) specifically outline children's rights to healthcare services. Access to immunizations, medical care for illnesses, and regular physicals are all included in these rights.

Every child has the right to obtain high-quality healthcare services, according to the South African National Health Act (2003). This includes preventative steps like vaccines, which are crucial for protecting children from illnesses that can be fatal. On the same wavelength Additionally, it guarantees that children, irrespective of their financial status or circumstances, have equitable access to medical care when they get feeling sick.

There is, of course, no denying that the Children's Act of 2005 is crucial in addressing issues related to child protection (The Presidency, 2005). This law is a pillar in the fight against child abuse, neglect, and exploitation. In order to ensure children's safety and well-being, it develops a thorough framework for child protection services that includes interventions targeted at removing children from dangerous circumstances when necessary.

In essence, children's rights to healthcare and safety from harm are strongly supported by South African legislation. These laws serve as a powerful reminder of the country's commitment to providing every child with a safe, healthy environment free from illnesses of disease and abuse. South Africa shows its commitment to the welfare and future of its youngest citizens by upholding these regulations.



In cases of child custody and parental responsibilities, the South African Children's Act of 2005 emphasizes the importance of the child's best interests. The Children's Act prioritizes the child's needs and welfare when making decisions about custody, guardianship, and visitation.

South Africa is a signatory to international treaties related to children's rights, including the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. These international agreements reinforce the country's commitment to upholding children's rights and provide a framework for monitoring and reporting on progress. These international accords not only demonstrate South Africa's commitment to protecting children's rights, but they also offer a thorough framework for keeping track of and reporting on advancements in this area.

South Africa demonstrates its commitment to ensuring that children enjoy a safe and nurturing environment in which their rights are respected by harmonizing its domestic legislation with these international instruments (The Presidency, 2005). No matter the child's gender, race, or background, there must be equal parental responsibilities and opportunities. The Children's Act also sets methods for mediation and dispute settlement, giving the child's voice and opinions priority when deciding on custody arrangements.

A case can be made that South Africa's adherence to its legal and international obligations demonstrates its unshakable commitment to upholding the rights and best interests of children, ensuring their safety, and promoting their entire development. A wide range of legislative tools in South African law effectively protect children's rights. These include the country's Constitution, international agreements, and internal laws, which together form a strong framework for the defence of children's rights. Fundamental values like non-discrimination, giving the child's best interests priority, and the right to survival and development are at the heart of this legal system. These values act as the basis upon which children's rights are established.

2.5 Court Interpreting Training

In the past, court interpreters in South African courts were required to work for judges and magistrates, the majority of whom were complicit in the apartheid system and thus had no interest in ensuring that court interpreters received the proper training or promoting any



improvement in their working conditions. Court interpreters have consistently ridiculed the justice college's six-week orientation program, which has historically been the only attempt to offer any kind of training for court interpreters (Moeketsi & Wallmach, 2005). To this very day, court interpreters are offered insignificant training from the Justice College.

A significant challenge in the South African context is the lack of comprehensive training and resources specifically tailored for court interpreters dealing with child-related cases (Lebese, 2015). Many interpreters might not be adequately equipped to address the unique challenges posed by children in court. This highlights the need for ongoing professional development programs that address child psychology, legal terminology and cultural sensitivity.

In addition, Lebese (2015) is of the view that the role of interpreting for children in court is complex and calls for a blend of linguistic expertise, cultural sensitivity, psychological sensitivity and ethical responsibility. In order to address the difficulties court interpreters, encounter in this situation, a multifaceted strategy comprising of cooperation between legal experts, interpreter training programs and child welfare experts is required. South Africa should work towards a more equitable and child-sensitive legal system that provides effective communication for children involved in legal procedures by acknowledging and resolving these problems.

2.6 The Roles of Interpreters in Court

Mikkelson (2017) makes a case that it is widely accepted that the interpreter's role in a courtroom is to enable communication between the accused, witnesses and stakeholders despite their different native languages. Anyone charged with a crime has a right to be informed of the accusations and given the opportunity to present a defence, according to a widely accepted legal concept. Most countries grant this person the right to an interpreter if they cannot communicate in the language of the court system where they are being tried.

As a result, court interpreters play a crucial role in ensuring that all parties in legal proceedings can effectively communicate and understand each other, particularly in cases involving children. When interpreting for children, court interpreters take on additional responsibilities to ensure that the child's rights are protected, their testimony is accurately conveyed and that they fully understand the legal process (Berk-Seligson, 2017). Understanding these roles helps



in identifying the areas where interpreters encounter challenges and provide insights into developing suggestions to enhance the tasks involved in interpreting for children. These roles are explained below:

2.6.1 Providing A Safe and Comfortable Environment

One of the primary roles of court interpreters when working with children is to provide them with a comfortable and safe environment. Court proceedings can be intimidating and overwhelming for children, particularly if they are unfamiliar with the legal system or the language being used (Memon, et al., 2003). An interpreter can help to alleviate some of the child's anxiety and establish a sense of trust and rapport, which is crucial for obtaining accurate testimony. By understanding the challenges faced by interpreters in establishing trust and rapport with children, this study will explore strategies or recommendations to further enhance the interpreter's ability to create a supportive and conducive environment for children in courts.

2.6.2 Transferring Information in The Target Language

Another critical role of court interpreters when working with children is to ensure that the child fully understands the questions being asked and the responses they give. Interpreters must be skilled in adapting their language and tone to the child's level of understanding while maintaining accuracy in the translation (Berk-Seligson, 2017). This is particularly important in cases involving child witnesses, where the interpreter must ensure that the child's testimony is accurately conveyed to the court. By understanding the challenges faced by interpreters in adapting their language and tone to the child's level of understanding, the study suggested recommendations for improving communication between interpreters and child witnesses. Additionally, the study aimed to develop training programs that equip interpreters with the necessary skills to navigate the complexities of child testimony, fostering a more accurate and sensitive exchange of information within the legal system.

2.6.3 Assist with Translating Written Documents or Non-Verbal Communication

In addition to interpreting verbal communication, court interpreters may also assist with written documents or nonverbal communication, such as body language or gestures. They may also provide cultural context to the proceedings, such as explaining the significance of certain cultural practices or beliefs relevant to the case (Berk-Seligson, 2017). Understanding the



challenges faced by interpreters in dealing with written documents or non-verbal cues specific to children helps in developing recommendations to support interpreters in effectively conveying information from these sources to children and vice versa.

2.6.4 Role in a Fair Trial

Court interpreters must manage their responsibilities with sensitivity and professionalism while navigating the ethical and legal issues of interpreting for children in court. Interpreters support the efficient operation of the judicial system while defending the rights and interests of the children involved by upholding both ethical standards and legal requirements (Berk-Seligson, 2017).

Since children who cannot communicate in court language run the risk of not receiving justice, interpreters are essential to guaranteeing a fair trial. The integrity of the legal system is enhanced by ensuring interpretation accuracy because interpretations that are inaccurate might result in the exclusion of important evidence, which would have an impact on how cases turn out. To make sure that the witness' (in this case child's) evidence and words are acceptable and trustworthy, interpreters must be accurate (Stone, 2018).

2.7 Maintaining Impartiality and Neutrality

When dealing with delicate statements from child witnesses, maintaining impartiality and neutrality is crucial in the field of interpretation. According to Nartowska (2017), impartiality is one of the professional codes that limits or prevents an interpreter from abusing their powers in the course of their work. However, it can be difficult to strike this precise balance, especially when empathy is necessary. The goal of the interpreter is to accurately relay the child's evidence while avoiding any emotional engagement that would influence their account (Louw, 2016). Thus, the interpreter's objectivity must remain unaffected by emotional resonance, which calls for a highly refined skills set. The interpreter's function as a bridge necessitates that they maintain objectivity, acting as a transparent bridge for communication without prejudice. High emotional intelligence is required to navigate this tension between upholding the validity of the child's evidence and avoiding excessive influence on the proceedings.



Achieving this balance demonstrates the interpreter's professionalism and commitment to justice while also recognizing the significant significance of the testimony they are tasked with relaying.

2.7.1 Ethical and Legal Responsibilities

Working with children involves ethical challenges about confidentiality, impartiality and the child's best interests for court interpreters. Nartowska (2017) is of the view that it might be difficult to strike a balance between the need to accurately deliver evidence and the responsibility to ensure the witness's safety. The interpreter may occasionally be given access to private information that could jeopardize the witness's or child's safety, necessitating cautious management of their position within the legal system. It is the ethical responsibility of court interpreters to offer precise and understandable interpretations when interacting with children.

2.7.2 Privacy and Confidentiality

Interpreters must take extreme caution to protect children's names and personal information, which is extremely important. To protect the privacy of children, they must refrain from discussing sensitive material outside of the courtroom. This idea emphasizes the crucial part interpreters play in protecting children's rights to privacy and safety. Interpreters contribute to a safe environment where children's vulnerability is recognized, appreciated and protected by keeping a strict emphasis on the legal context (Berk-Seligson, 2017). As a result, when children are involved, the ethical commitment to confidentiality and privacy strengthens the fairness of the legal system.

2.8 Intermediaries and Their Roles in Court

In South Africa, intermediaries are recognized as qualified individuals who assist minors and other vulnerable witnesses during court proceedings (The Constitution of the Republic of South Africa, 1996). The information about intermediaries and their roles in court provides a broader understanding of the support systems available for children in South African courts. The South African Constitution provides legislative support for child victims, witnesses and offenders in court. This is evidenced by the introduction of the function of an intermediary by the insertion of section 170A(1) into the Criminal Procedure Act as an intervention with respect of the



protection of child witnesses and child victims (Bekink, 2021) . Thus, their roles versus court interpreting process needs to be understood and appreciated. Whereas the focus of the research question in this study is on the challenges faced by court interpreters when interpreting for children, understanding the role of intermediaries helps in comprehending the overall context in which court interpreting takes place. The role of intermediaries is explained below.

2.8.1 Assessing Communication Needs

Intermediaries receive specialized training to assess the child’s communication needs and provide guidance during legal proceedings. This assessment is critical to ensuring that the child can effectively communicate their thoughts and feelings to the court (Plotnikoff & Woolfson, 2007). By understanding how intermediaries evaluate communication needs, the study will offer suggestions to court interpreters on how to effectively address these needs during the interpreting process.

2.8.2 Providing Communication Support

Bekink (2021) describes an intermediary as a person specifically qualified to facilitate communication between the court and a child in a manner that is both age-appropriate and understandable to a child. Describing the manner of facilitation in communication support, the constitution holds that intermediaries use a range of communication skills, including play, role-playing and drawing, to help the child comprehend and express themselves (The Constitution of the Republic of South Africa, 1996). Thus, they utilize various communication techniques to support children in understanding and expressing their thoughts and feelings. This aspect is relevant to the research question of this study as it highlights the potential challenges faced by court interpreters in accurately conveying the child’s intended meaning.

2.8.3 Facilitating Communication with Legal Professionals

Intermediaries assist in facilitating communication between the child and legal professionals, including lawyers and judges. This communication ensures that the child’s voice is heard and that their rights are protected during legal proceedings (Forde, 2018). This aspect is relevant to the research question as it emphasizes the importance of interpreters effectively conveying the child’s voice.



2.8.4 How can Children Who Have Mental Illness Testify in Court?

The same as with the child witness, the legislation permits a witness with a mental handicap to testify in court with the help of an intermediary. So, the same rules that apply to child witnesses above also apply to witnesses with mental disabilities (Smith, 2008).

Only minors and people with mental disabilities who would experience excessive mental stress or suffering if they testified in open court are eligible to use intermediary services; these people must also be younger than the legal or biological age of eighteen (18) years (Children's Act 38 of 2005, 2008).

In specific situations, such as when an adult witness exhibits evidence of trauma, they are also accessible for use by adult witnesses. It must be established in court that using an intermediary and closed-circuit television/one-way mirror will cause the witness to feel less stress than is typical for someone testifying in open court.

2.8.5 What is Meant by Excessive Mental Tension or Suffering?

Children can display stress in various ways, including nightmares, bedwetting, behavioural changes, dread, declining academic performance and depression. Children who exhibit any of these symptoms, or ones that are similar, are more likely to feel undue stress when giving testimony in public (Barsky, 2012). It is crucial that parents or guardians inform the prosecutor of any odd behaviour displayed by the child in advance or during the court processes.

2.8.6 Mental Strain on Witnesses

The prosecution must convince the judge that the children will endure unjustified mental strain or suffering throughout the trial. The prosecutor might demand that the children get tested for mental strain. In this situation, the investigating officer will often make arrangements for the prosecutor to refer the children to a social worker for an assessment. (Wilson & Powell, 2001) explains that the social worker will interview the child to assess whether testifying in court will cause the child undue mental stress, and the social worker will submit a report outlining the results. This report is used in court to support the need for the children to testify via an intermediary from the private testifying room. The same procedure is used in cases involving mentally challenged witnesses. Before testifying in court, the child or any other witness would



also be guided through the Court Preparation Programme provided by the Court Preparation Officers. This program aims to ease witnesses' concerns while educating them about the courtroom process and their roles.

2.8.7 Request for an Intermediary

While an intermediary is not always appointed, it is customary for the prosecutor or attorney to call the witness to request their appointment from the court (Cooper & Mattison, 2017). In addition, in circumstances whereby an intermediary was not appointed, the court may appoint an intermediary if it determines that the children are under excessive mental strain while testifying. If a child can use an intermediary, parents or other caregivers should speak with prosecutors and mention any symptoms of stress they have seen.

Until asked to testify, the children often wait with parents or guardians in the private children's waiting room. Children's appropriate furniture is available in the private children's waiting room. It also contains reading and toys to keep the children entertained and occupied (The Constitution of the Republic of South Africa, 2017).

2.8.8 Difference Between Court Interpreters and Intermediaries

In the case where court intermediaries are utilized, a court interpreter is the one that links the child and all stakeholders, including intermediaries. In the judicial system, there are two different roles: court interpreters and court intermediaries. Lawrance et al. (2006) mentioned that a court intermediary works with people who struggle to communicate because of disability, a minor (child witness), or other factors. On the contrary, a court interpreter is responsible for translating spoken words from one language to another for parties involved in legal processes. The interpreter and the intermediary must speak in a language understood or preferred by the child witness. Even when intermediaries are used, the court interpreter still interprets what was said in court to the intermediary; then, the intermediary will divert the same message to the child witness in the language preferred by the child witness (Lawrance, et al., 2006).

To further clarify the distinctions between these professions, court interpreters provide a valuable service to guarantee that everyone involved in a legal proceeding, regardless of language, has equal access to justice. They must be fluent in both the source and target languages and be familiar with legal jargon as they may interpret matters. Court intermediaries



are trained professionals who work with people who struggle with communication and require assistance to comprehend or participate in court procedures (Taggart, 2022). Those with mental or developmental disabilities, child witnesses, or other communication difficulties may be helped by intermediaries.

Court intermediaries also provide communication assistance to anyone who might need help understanding the legal system or communicating with the court. To assist in participating in legal procedures, intermediaries may employ a range of strategies, such as visual aids or reduced language.

In summary, court intermediaries assist people with communication issues, while Court interpreters handle language translation or interpretation. It is vital for all parties involved in judicial procedures to have equal access to justice; both roles are critical.

2.9 Limited Language Resources and Terminology

Interpreters frequently lack specialized resources and training materials made specifically for interpreting in child-related legal contexts. This lack of resources is not limited to child-related interpreting. (Lebese, 2015) cites that in South Africa there are no models of court interpreting to serve as a guide for court interpreters when performing their task. The capacity to effectively prepare for interpreting assignments and deliver precise interpretations is hampered by this resource scarcity. It takes a certain set of language and linguistic abilities to interpret for children in South African courts, as well as knowledge of child development and court procedures. In order to overcoming these difficulties (Lebese, 2015) calls for continual training, cooperation between stakeholders and interpreters, and a dedication to making sure that children's voices are compassionately and accurately expressed within the court system. Understanding legal terminology and concepts is demanding even for experienced interpreters (Alberts & Mollema, 2013). When interpreting for children, ensuring that complex legal terms are translated accurately without compromising the child's understanding is a significant challenge. The interpreter must possess an in-depth knowledge of both legal and child development language to effectively convey these concepts.



2.10 Conclusion

This study's aim is to investigate the challenges faced by court interpreters in South African courts when interpreting for children. The chapter explored linguistic, cultural, and psychological barriers, emphasizing the need for specialized training. The role of interpreters as guardians of children's rights and well-being emerged as crucial. The study underlines the necessity for ongoing professional development and child-centred interpreting materials. Ultimately, understanding the unique qualities of interpreting for children is vital for a more equitable and child-centred judicial system in South Africa.



CHAPTER THREE

THEORETICAL FRAMEWORK AND RESEARCH METHODOLOGY

3.1 Introduction

This chapter presents the Interactant Model of the Interpreting Situation by Franz Pöchhacker's (2005; 2016). This model was instrumental in providing insightful perspectives on the intricate processes involved in interpretation, offering a structured understanding of the various factors at play, with a specific emphasis on the roles and interactions of the court interpreters and child witness. The chapter further outlines the research methodology employed in investigating the challenges faced by court interpreters through an analysis of their experiences as social phenomena and human behaviour using non-numerical data, placing a substantial emphasis on context and detailed descriptions (Mohajan, 2018). Subsequently, a qualitative research approach was adopted for data collection and analysis, going beyond quantitative metrics and allowing for a nuanced exploration of the experiences of court interpreters, especially when interpreting for children in the South African legal context. The chapter begins by discussing the theoretical framework and this is followed by a discussion of the research methodology.

3.2 Theoretical Framework

The act of interpreting for children within the legal context introduces distinctive challenges that necessitate a nuanced understanding of the complexities involved. The application of the Interactant Model of the Interpreting Situation allows for a comprehensive examination of these complexities, taking into consideration the interpreter, the child, legal professionals and the broader setting. By leveraging Pöchhacker's theoretical framework, this study sought to engage in informed discussions and potentially propose solutions to enhance the quality of interpretation services in the South African court system, particularly in cases involving children. In that context, this theoretical framework serves as the structure that sustains or supports the research investigation. Thelwall (2006) suggests that a theoretical framework introduces and describes the theory that explains why the research problem under consideration arises and how it can be resolved. The framework for this study was guided by the Interactant Model of the Interpreting Situation by Pöchhacker, (2005; 2016).



3.2.1 The Interactant Model

The Interactant model of the interpreting situation is a framework that offers valuable insights into the complex interactions between the participants in an interpreted exchange. It recognizes that in any communicative event involving an interpreter, there are at least three key participants: the source speaker (the person conveying the message in the source language), the interpreter, and the target speaker (the recipient of the interpreted message in the target language) and the interpreter as a third participant (Pöchhacker, 2005; 2016). Each of these participants plays a unique role in the communicative process, and their interactions are influenced by various contextual factors, such as the setting, the participants' cultural backgrounds and the communicative goals. This model provides a foundation for understanding how interpreters strategically adapt their approach to bridge the linguistic and cultural gap between source and target speakers while preserving the communicative intentions and face of all parties involved.

3.2.2 Rationale for the Interactant Model of the Interpreting Situation of the Interpreting Situation

The Interactant Model of the Interpreting Situation is offered as a theoretical framework to improve knowledge of the complex dynamics involved in the interpretation process. It seeks to frame the interpreter's position within a broader socio-cultural context, taking into account the interplay of numerous stakeholders, their roles and the factors that affect the interpreting encounter (Mcloed, 2023).

This model aims to enhance our understanding of the intricate dynamics inherent in the interpretation process by situating the interpreter within a broader socio-cultural context. By considering the interplay among various stakeholders, their respective roles, and the multifaceted factors influencing the interpreting encounter, the model facilitates a comprehensive examination of the complexities faced by court interpreters. In the specific context of interpreting for children in the South African legal system, the Interactant Model of the Interpreting Situation becomes particularly pertinent, allowing for an exploration of socio-



cultural distinctions, potential power differentials, and the diverse challenges that interpreters may encounter when navigating the unique dynamics of legal proceedings involving children.

3.2.3 Theoretical Foundation

The Interactant Model of the Interpreting Situation is based on theories and models in the fields of interpretation, communication, and linguistics (Michael., 2020). It incorporates features from the following theoretical perspectives:

3.2.3.1 Sociolinguistic Theory: The model is based on Goffman's (1967) idea of "face," which refers to the public self-image that each individual wants to establish for themselves in a given interaction. Interpreters have an important role in maintaining participants' desired self-image or 'face' through their language and non-linguistic choices (Haugh & Bargiela-Chiappini, 2009). This responsibility entails preserving the participants' desired social dignity and self-esteem during the communication process.

3.2.3.2 Grice's Cooperative Principle: The model incorporates Grice's (1975) maxims of quantity, quality, relation, manner and highlighting how interpreters navigate these principles in multilingual encounters (Kroeger, 2022). The principle, with its emphasis on effective communication and cooperation, provides a robust framework for interpreters to ensure that the multilingual encounters they facilitate are not only linguistically accurate but also socially and contextually appropriate, fostering a deeper understanding between participants from diverse linguistic and cultural backgrounds.

3.2.3.3 Skopos Theory: Skopos Theory, introduced by Hans Vermeer in 1978 and further developed by Reiss and Vermeer in 1984, is a seminal concept in translation and interpretation studies. The theory underscores the significance of purpose and function in the translation or interpretation process, emphasizing that the translation's or interpretation's aim should be in alignment with the specific communicative goal of the target text or interaction (Nord, 2005). In the context of the Interactant Model of the Interpreting Situation being discussed, Skopos Theory plays a vital role in emphasizing the dynamic nature of the interpreting process, requiring interpreters to adapt their strategies and output according to the unique communicative purpose of the interaction. By considering the Skopos theory or the specific



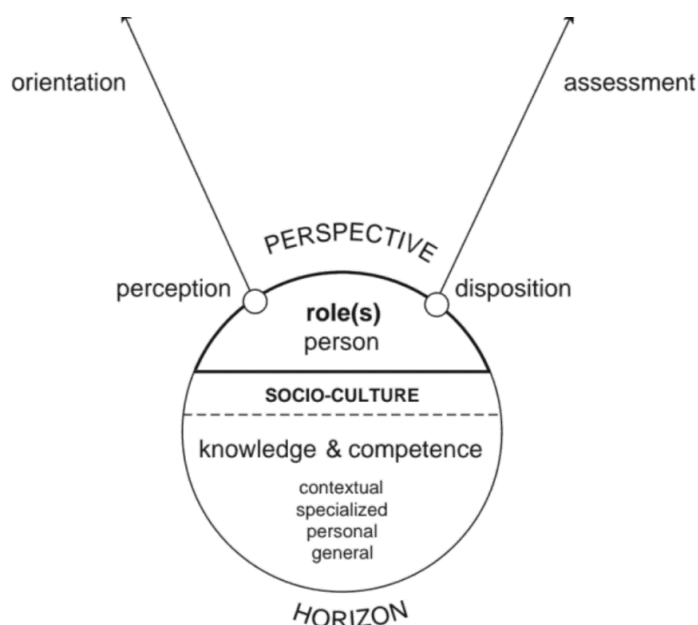
aim or purpose of the interpretation within the framework of the interactant model, interpreters can effectively navigate the complexities of multilingual communication in a way that best serves the intended goals of the communicative event (Gong, 2020). This integration enables interpreters to make informed decisions about language use, discourse structure, and cultural nuances which ensures that the interpretation is not only linguistically accurate but also contextually appropriate and functional within the given communicative setting.

3.2.4 Key Elements of the Interactant Model

The Interactant Model of the Interpreting Situation is an effective framework that sheds light on the complex dynamics of communication, providing significant insights about participant roles and interactions (Pöchhacker, 2005). To further grasp this model, the study looks at its major components, which serve as the foundation for understanding how people communicate and how their interactions are impacted by their diverse perspectives and cultural backgrounds. The study looks at the key components of the Interactant Model of the Interpreting Situation firstly presented in an image and then explained. Additionally, the interpreter is introduced as a mediator, laying the groundwork for a more in-depth knowledge of communication dynamics.

The key components presented in of the Interactant Model of the Interpreting Situation are explained depicted in Figure 3.1. below followed by a detailed discussion:

Figure 3.1: Franz Pöchhacker’s Interactant Model of the Interpreting Situation of the interpreting situation



3.2.4.1 Perspective

According to Pöchhacker’s Interactant Model of the Interpreting Situation of interpreting, Perspective is a fundamental concept that underscores the subjective and psychological outlook of individuals involved in the communicative situation. Pöchhacker (2005) advocates that the “situation” in interpreting is not an objective, external entity but is rather shaped by the individual’s cognitive background, conditioning their assessment, intentional attitude (orientation) and emotional stance toward the situation. In this model, Perspective extends beyond the physical “angle of vision,” focusing on the detailed psychological outlook that influences how individuals perceive and engage with the communicative context.

The crucial concept of Perspective in the Interactant Model of the Interpreting Situation is notably fortified when considering the role of interpreters as cultural mediators in legal settings, particularly when interpreting for children. Pöchhacker (2005) emphasizes that interpreters transcend the conventional role of language conduits, actively participating in the negotiation of meaning within sociocultural contexts. This dynamic role highlights the interpreter’s agency and substantial influence on communication dynamics, emphasizing the subjectivity inherent in the legal situation and the shaping of individual viewpoints.



Within the context of interpreting for children in court, the model's assertion that interpreters play a pivotal role in cross-cultural communication gains significance. The responsibility of interpreters to bridge linguistic gaps and engage with diverse cultures is particularly crucial in legal settings involving minors (Angelelli, 2004). This emphasizes the interpreter's role in shaping the narrative, aligning with the subjective viewpoint and psychological outlook emphasized in the discussion of perspective. The recognition of interpreters as active participants in the legal process reinforces the notion that Perspective is not a passive element but a dynamic and influential force in interpreting for children in court.

Examining the effects of power dynamics in legal proceedings, as highlighted by Schofield and Mapson (2014) further supports the concept of Perspective. In the court environment, where parties often have uneven power, interpreters frequently engage in negotiation to balance messages, reinforcing the idea that interpreters actively shape the narrative and understanding within interpreted interactions. This negotiation becomes particularly crucial when interpreting for children, considering their vulnerable position in legal situations.

Moreover, the recognition of cultural norms and their influence on the interpretation process, as stressed by Hale (2014), is highly relevant in the context of interpreting for children in court. Cultural competence in interpreters, including awareness of the diverse cultures involved, aligns seamlessly with the psychological outlook and subjective viewpoint that characterize the Perspective in the model. This awareness becomes indispensable when ensuring effective communication and understanding, especially when cultural backgrounds intersect with the unique needs and perspectives of children in legal settings.

Thus, when applied to interpreting for children in court, the discussions on interpreters as cultural mediators, the influence of cultural backgrounds, the effects of power dynamics, and the recognition of cultural norms collectively contribute to illustrating and reinforcing the significance of Perspective within the Interactant Model of the Interpreting Situation. This helps to shed light on its role in safeguarding the rights and well-being of children in legal proceedings.



3.2.4.2 Horizon

According to Pöchhacker's Interactant Model of the Interpreting Situation, Horizon refers to the cognitive background that influences one's perspective in a communicative situation. It encompasses the subjective viewpoint shaped by an individual's cognitive background, which is conditioned by social and cultural environments, ultimately shape their identity (Pöchhacker, 2005).

The concept of Horizon in Pöchhacker's Interactant Model of the Interpreting Situation is substantiated by the role of interpreters as cultural mediators. Pöchhacker (2005) underscores the active participation of interpreters in negotiating meaning within sociocultural contexts. This aligns with the notion that interpreters' cognitive background, or horizon, is moulded by social and cultural environments, thereby influencing their identity.

Considering the specific challenges in legal settings involving children, the concept of horizon remains pertinent. Wang (2017) highlights the importance of interpreters as cultural mediators, emphasizing the diverse socio-cultural backgrounds of individuals engaged in judicial proceedings. In the context of interpreting for children, who may come from varied cultural backgrounds, interpreters need a thorough awareness of these diversities, reinforcing the idea that horizon is conditioned by social and cultural environments.

Furthermore, the examination of Cultural Norms and Their Influence enhances the understanding of Horizon in the context of interpreting for children. Hale (2014) emphasizes the necessity of cultural competence in interpreters, stressing their awareness of the cultures involved in interpretation. This awareness becomes particularly crucial when interpreting for children, where cultural subtleties may significantly impact communication. Thus, the concept of Horizon is shaped by the interpreter's cognitive background, which is influenced by social and cultural factors, especially when interpreting for children in legal settings.

3.2.4.3 Socio-culture

Socio-Culture plays a crucial role in shaping the interpreter's perspective and horizon, influencing their cognitive background. This term encompasses the broader social and cultural environments in which individuals are socialized or enculturated, contributing significantly to their identity as members of a socio-cultural context (Pöchhacker, 2005).



When applied to interpreting for children in court, socio-cultural considerations become particularly vital. The diverse cultural backgrounds of children involved in legal proceedings, as highlighted by Berman and Tyyskä (2011) and Wang (2017), highlights the importance of interpreters being attuned to socio-cultural factors. The socio-cultural context, including cultural norms, values, and communication styles, can significantly impact a child's understanding and expression within the legal setting.

Socio-cultural awareness is essential for interpreters to bridge cultural gaps effectively. For instance, if a child comes from a culture where indirect communication is the norm, as mentioned by Wang (2017), interpreters need to be cognizant of these cultural details to ensure accurate and culturally sensitive communication. This aligns with the socio-cultural dimension emphasized in Pöchhacker's model, where the interpreter's identity is shaped by the socio-cultural environment.

Moreover, socio-cultural factors contribute to the ethical considerations discussed in interpreting for children in court. Maintaining cultural sensitivity, avoiding biases, and being linguistically and culturally aware, as highlighted by Berman & Tyyskä (2011), are manifestations of socio-cultural competence. Interpreters need to navigate the socio-cultural intricacies of the legal system to ensure fair and just communication, particularly when working with children from diverse linguistic and cultural backgrounds.

In essence, Pöchhacker's Interactant Model of the Interpreting Situation highlights the significance of socio-culture in shaping the interpreter's identity and perspective. When applied to interpreting for children in court, socio-cultural awareness becomes a cornerstone for effective communication, ethical practice, and ensuring the protection of children's rights within the legal system.

3.2.4.4 Role(s) person

In Pöchhacker's Interactant Model, role(s) of a person refers to the fundamentally relational construct in the interpreting situation. It highlights that individuals, including interpreters, take up specific roles concerning others involved in the communicative interaction. These roles are not static but are defined in relation to other participants, shaping the dynamics of the interaction. The term acknowledges that individuals play distinct roles in the communicative



process, and these roles are influenced by various factors, including the socio-cultural background, perspective, and horizon of the participants (Pöchhacker, 2005).

When applied to interpreting for children in court, the concept of role(s) person becomes particularly significant. In legal proceedings involving minors, various stakeholders take on specific roles, such as judges, lawyers, social workers, and, importantly, interpreters. Each role carries distinct duties and expectations, contributing to the overall dynamics of the legal process.

Interpreters, as one of the key stakeholders, have a critical role in facilitating communication between the child and the legal system. They act as intermediaries, conveying the child's words accurately and ensuring that the child's perspective is effectively communicated to the court (Dong & Li, 2020). This aligns with the idea that the interpreter's role is not passive but active, as emphasized in Pöchhacker's model. The interpreter's judgments, encompassing linguistic and cultural dimensions, influence the final interpretation's outcome, contributing to the shaping of the narrative within the legal interaction.

Moreover, the role of the interpreter interacts dynamically with other roles present in the legal setting. For instance, in the case of power dynamics discussed in legal environments (Schofield & Mapson, 2014), the interpreter may find themselves negotiating between parties with varying degrees of power, such as a defendant and a judge. The interpreter's role in balancing messages to preserve fairness aligns with the dynamic and relational nature of role(s) person in the Interactant Model.

Ethical considerations, such as age-appropriate communication, avoiding bias and maintaining confidentiality, also reflect the interpreter's role in ensuring a fair and just legal process for children (Drugan, 2017). In this context, the interpreter's role extends beyond linguistic translation to embodying ethical principles that contribute to the overall effectiveness and equity of the legal proceedings. A competent and knowledgeable interpreter will play his/her role effectively. The following section will discuss knowledge and competence.

3.2.4.5 Knowledge and competence

Pöchhacker's Interactant Model of the Interpreting Situation underlines the intricate dynamics that shape the role of interpreters within communicative situations. A pivotal component of



this model is the notion of Knowledge and Competence, acknowledging that interpreters bring a varied blend of skills and understanding to their role. Pöchhacker highlights a nuanced blend of contextual, specialized, personal and general knowledge (Pöchhacker, 2005).

Contextual Knowledge holds paramount the importance for interpreters working in legal contexts involving children. Understanding the specific legal procedures related to minors and appreciating the delicacy of interactions within a courtroom setting are integral facets of contextual knowledge (Pöchhacker, 2005). It requires interpreters to be cognizant of the legal details surrounding children, ensuring that they provide accurate and culturally sensitive interpretations tailored to the unique circumstances of minors involved in legal proceedings.

Specialized Knowledge is another dimension critical to an interpreter's effectiveness. In legal settings, interpreters need expertise in legal terminology, procedures, and the distinct challenges posed by courtroom interactions (Berk-Seligson, 2002). When interpreting for children in court, this specialized knowledge extends to an understanding of child psychology, juvenile justice processes, and the specific terminology employed in legal discourse concerning minors. Such expertise is essential for conveying the intricacies of legal proceedings accurately.

Personal Knowledge acknowledges the interpreter's individual attributes, recognizing the impact of their values, attitudes, and interpersonal skills on the interpretation process (Aririguzoh , 2022). In the context of interpreting for children, personal knowledge becomes particularly relevant. Interpreters must navigate the emotional and sensitive nature of legal proceedings involving minors, requiring attributes such as empathy, cultural sensitivity, and an acute awareness of the potential emotional impact on the child.

General Knowledge which forms the foundation of an interpreter's cognitive background, encompasses a broader understanding of the world, language and culture (Aririguzoh , 2022). Interpreters working with children in court draw on this general knowledge to bridge cultural gaps and facilitate effective communication. Understanding cultural norms, linguistic details, and broader societal issues contributes to the interpreter's ability to convey the child's message accurately within the legal context.



The multidimensional nature of knowledge and competence in interpreting for children aligns with Pöchhacker's Interactant Model, emphasizing the complex interplay of these elements in shaping the interpreter's role within communicative situations. As interpreters engage with the delicate and detailed interactions of legal proceedings involving children, their ability to leverage contextual, specialized, personal, and general knowledge becomes paramount, ensuring not only linguistic accuracy but also ethical and culturally sensitive communication. In embracing this holistic approach, interpreters contribute significantly to upholding the rights of children in the legal system and fostering a fair and just legal process.

3.2.4.6 Perception

Perception, as defined in Pöchhacker's model, involves the subjective viewpoint of an individual shaped by their cognitive background (Pöchhacker, 2005). In the case of interpreting for children, this perspective encompasses not only the interpreter's own cognitive background but also the interpreter's understanding of the child's perspective. It involves the ability to comprehend the child's emotional state, cognitive development and cultural background, contributing to a holistic interpretation that goes beyond mere linguistic translation.

Interpreters, acting as cultural mediators, must perceptively navigate the intricacies of legal proceedings involving children. They need to be attuned to the child's non-verbal cues, emotional responses, and any potential communication barriers that may arise due to age, cultural differences, or the inherent stress of legal environments (Drugan, 2017). This heightened perception is essential for accurately conveying not just the words spoken by the child but also the underlying emotions, intentions, and details that might be crucial in legal decision-making.

Additionally, the interpreter's perception extends to understanding the dynamics between the child and other stakeholders in the courtroom, such as judges, lawyers and social workers. Recognizing power imbalances, potential vulnerabilities, and the impact of legal proceedings on a child's well-being are integral aspects of the interpreter's perceptual acuity (Schofield & Mapson, 2014).

The role of perception in interpreting for children in court is further highlighted in ethical considerations. Interpreters must perceive and navigate ethical challenges related to age-



appropriate language, potential biases, confidentiality and cultural sensitivity (Drugan, 2017). The interpreter's ability to perceive these ethical dimensions ensures the protection of the child's rights, maintaining a fair and just legal process.

In essence, perception, within Pöchhacker's Interactant Model, becomes a lens through which interpreters understand, interpret and respond to the complex interactions unfolding in a legal setting involving children. It involves not only linguistic acuity but a heightened awareness of the child's unique position within the legal context.

3.2.4.7 Orientation

Orientation, according to Pöchhacker's model, goes beyond the physical "angle of vision" and focuses into the psychological outlook on the situation (Pöchhacker, 2005). For interpreters working with children in court, this involves a multifaceted approach. The interpreter's orientation encompasses an awareness of the child's emotional state, their comprehension level and the potential stressors associated with legal proceedings. Recognizing the sensitivity of the situation, the interpreter's intentional and emotional attitude becomes pivotal in fostering an environment where the child feels heard, understood, and supported.

Interpreters, acting as cultural mediators, navigate not only linguistic complexities but also emotional issues tied to the child's orientation in the legal context. The interpreter's orientation involves assessing the emotional impact of legal language on the child, recognizing potential anxiety or confusion, and adapting their approach to ensure effective communication (Drugan, 2017). The emotional and intentional stance of the interpreter contributes to creating a supportive atmosphere that facilitates the child's expression and understanding.

Furthermore, the interpreter's orientation extends to the broader legal context, encompassing an understanding of the power dynamics at play. In legal proceedings involving children, there is often a significant power differential between the child and other stakeholders such as judges, lawyers or social workers. The interpreter's intentional attitude involves balancing this power dynamic through their linguistic and cultural mediation, ensuring a more equitable communication process (Schofield & Mapson, 2014).

Ethical considerations in interpreting for children emphasizes the interpreter's orientation towards fairness, impartiality and the protection of the child's rights (Drugan, 2017). The



intentional and emotional stance of the interpreter becomes a moral compass, guiding their decisions in conveying complex legal terminology, addressing potential biases and maintaining confidentiality.

3.2.4.8 Disposition

Within the framework of Pöchhacker's Interactant Model, the term disposition holds significant relevance, especially when examining the intricate process of interpreting for children in a legal context. Disposition, as conceptualized in the model, refers to an individual's inherent tendencies or inclinations that influence their behaviour (Pöchhacker, 2005). When applied to interpreting for children in court, disposition becomes a key factor in understanding and navigating the unique dynamics of this communicative situation.

In the context of legal interpretation for children, the interpreter's disposition plays a crucial role in shaping the tone, approach and effectiveness of the communication process. The disposition of an interpreter involves not only linguistic competence but also a set of interpersonal skills and empathetic qualities essential for working with children in a legal setting.

Firstly, the interpreter's disposition must reflect an inherent understanding of the child's vulnerability and potential apprehensions in a legal environment. Children may find legal proceedings intimidating or confusing, and the interpreter's disposition should be one of reassurance, patience, and sensitivity. This aligns with the notion that disposition is not solely about linguistic abilities but encompasses the interpreter's emotional intelligence and adaptability (Pöchhacker, 2005).

Moreover, the disposition of the interpreter becomes crucial in mitigating the power dynamics inherent in legal settings. Children, by virtue of their age and position, often hold a less authoritative role in legal proceedings. The interpreter's disposition involves recognizing and counteracting any potential imbalance in power, ensuring that the child feels empowered to express themselves without intimidation (Schofield & Mapson, 2014).

The ethical dimensions of disposition are also pronounced in interpreting for children in court. The interpreter's disposition towards neutrality, impartiality, and confidentiality becomes paramount. Children may share sensitive information during legal proceedings, thus the



interpreter's disposition should prioritize the ethical responsibility of safeguarding the child's confidentiality while conveying the necessary information accurately (Drugan, 2017).

Additionally, considering the potential emotional challenges faced by children involved in legal cases, the interpreter's disposition should encompass empathy and an understanding of the child's emotional state. This involves not only translating words but also conveying the emotional nuances, ensuring that the child's feelings and expressions are accurately communicated to the relevant parties (Hale, 2004).

3.2.4.9 Assessment

Assessment, within this framework, refers to the cognitive process of evaluating and forming judgments about the communicative situation, and it plays a pivotal role in shaping the interpreter's actions and decisions (Pöchhacker, 2005). The process of assessment begins with the interpreter's understanding of the child's unique position within the legal system. Assessing the child's age, cognitive development, and emotional state becomes imperative for the interpreter to tailor their approach accordingly. This aligns with the idea that assessment is not a one-size-fits-all endeavour but requires a nuanced understanding of the individual being interpreted for (Berk-Seligson, 2002).

One facet of assessment involves evaluating the linguistic and cultural factors that may impact the child's comprehension of legal proceedings. Children from diverse linguistic and cultural backgrounds may perceive and express information differently. The interpreter's assessment of these factors becomes crucial in ensuring that the legal information is accurately conveyed while considering the child's cultural context (Wang, 2017).

Furthermore, the interpreter's assessment extends to recognizing potential challenges that may arise during the interpretation process. For instance, if a child exhibits signs of distress or discomfort during legal proceedings, the interpreter's assessment should prompt appropriate actions, such as requesting breaks or adapting the interpretation style to alleviate the child's unease. This dynamic assessment process aligns with the model's recognition of the inherently fluid and evolving nature of the communicative situation (Schofield & Mapson, 2014).

Assessment in legal interpretation for children also involves evaluating the child's capacity to comprehend and participate in the proceedings. This goes beyond linguistic considerations and



probes into the interpreter's judgment of the child's overall ability to engage with legal information. Such assessments are fundamental in upholding the child's right to a fair trial and ensuring that their voice is accurately represented in the legal process (Drugan, 2017).

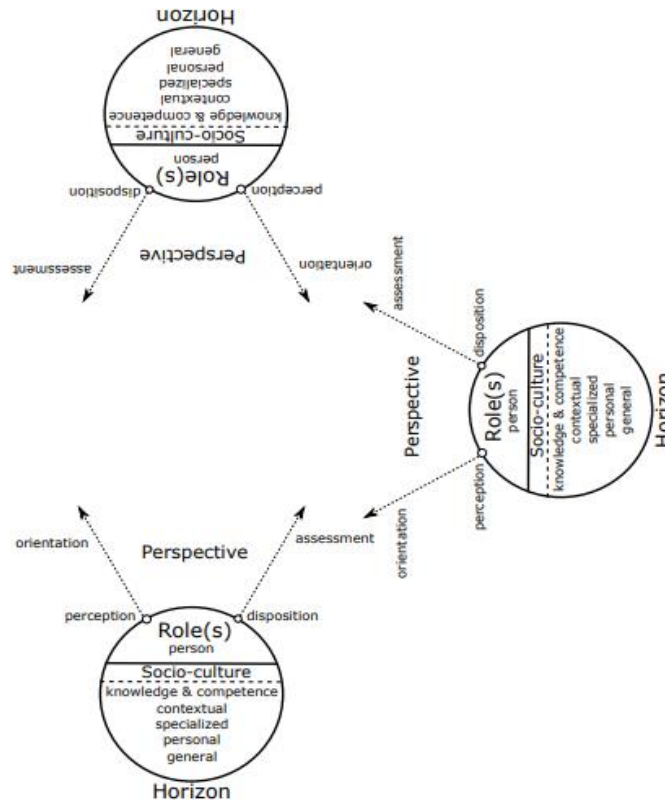
Additionally, ethical considerations are intertwined with the assessment process. The interpreter's assessment includes an ongoing evaluation of their own biases, ensuring that personal opinions do not unduly influence the interpretation. This aligns with the ethical imperative of impartiality in legal interpretation, especially when dealing with vulnerable populations such as children (Berman & Tyyskä, 2011).

Thus, assessment emerges as a critical component in Pöchhacker's Interactant Model of the Interpreting Situation when applied to interpreting for children in court. The interpreter's continuous evaluation of the child's linguistic, cultural, and emotional context, coupled with a nuanced understanding of the legal complexities, contributes to the facilitation of effective and ethically sound communication. By embracing a dynamic assessment process, interpreters can navigate the intricacies of legal interpretation for children, ensuring a fair and accessible legal process for this vulnerable demographic.

3.2.5 Dynamic Nature of Interpretation in Communicative Situations

In 2016, Pöchhacker enhanced the Interactant Model of the Interpreting Situation by introducing two additional positions, depicted in Figure 3.2, building upon the original 2005 model. The new model reflects a more nuanced understanding of interpreting dynamics by incorporating these additional roles, acknowledging the evolving complexity of communication in interpreted interactions.

Figure 3.2: Interactant Model of the Interpreting Situation



The interactant model, depicted in Fig. 3.2, serves as Pöchhacker’s portrayal of interpretation not as a static activity but as a dynamic relationship within a communicative situation. The arrows within the diagram illustrate the inherently dynamic nature of social interaction, capturing the evolving cognitive and emotional connections among participants as the interaction unfolds.

The model as illustrated in Fig. 3.2, gains significance for unravelling the dynamic intricacies of communication. When children participate in legal proceedings, the communicative landscape becomes complex, susceptible to fluctuations driven by a number of cognitive and emotional factors. This concurs with Pöchhacker’s focal point on the dynamic characteristics of social interaction (Pöchhacker, 2005; 2016). While both versions originate from the same author, this alignment emphasizes the applicability of Pöchhacker’s model in decoding the ever-changing dynamics inherent in communication, especially within the unique context of interpreting for children in legal settings.



Pöchhacker highlights the crucial role of the “situation” in shaping communication as a process. In the legal setting, especially with children, the situation involves a multitude of factors, including the child’s understanding, emotional state and the legal complexities of the case. Pöchhacker’s model suggests that interpreting in such a context is not a static task but an evolving process. For instance, the arrows in the diagram indicate that social interaction is constantly changing (Pöchhacker, 2005; 2016). In the context of a child in court, the dynamics of communication may shift as the child’s emotional state evolves, or as legal proceedings take unexpected turns. This dynamic nature is crucial for interpreters to navigate, ensuring accurate and contextually sensitive interpretation.

Moreover, Pöchhacker’s model emphasizes that interpreting is a process involving many constituent processes. When applied to interpreting for children in court, this implies that interpreters need to consider not only the linguistic aspects but also the emotional and cognitive dimensions of the child’s communication. The cognitive background, as highlighted by Pöchhacker (2005; 2016), encompasses a wide range of factors, and interpreters must be attuned to these elements in the evolving dynamics of the courtroom.

Pöchhacker’s interactant model, with its dynamic representation of communication, provides a theoretical framework for understanding the complexity of interpreting for children in court. It underscores the need for interpreters to be responsive to the changing nature of communication, considering cognitive and emotional factors in the evolving dynamics of legal proceedings involving children. In this study, Pöchhacker’s Interactant Model of the Interpreting Situation will serve as a foundational theoretical framework for comprehending the complex process of interpreting for children in legal settings. The model’s dynamic representation of communication was applied to analyse and interpret the complex interactions between interpreters, legal professionals, and children in courtrooms. Emphasizing the adaptability and responsiveness required of interpreters, the study will investigate how cognitive and emotional factors influence communication dynamics throughout legal proceedings involving children. By utilizing Pöchhacker’s model, the research aims to shed light on the complexities inherent in this specialized form of interpretation, contributing to a more comprehensive understanding of the challenges and considerations involved in facilitating effective communication for children within the legal context. With an



understanding of Interactant Model of the Interpreting Situation, the research employed a methodology that highlight a philosophy dealing with the practicality of interpreting as presented below.

3.3 Research Methodology

Research methodology encompasses a wide range of data collection techniques, including tests, surveys, interviews, observations, diaries, and notebooks. For data collection and analysis, quantitative designs frequently use tests and closed-ended surveys, whereas qualitative techniques frequently use open-ended questionnaires, classroom observations, diaries, notebooks, and interviews (Zohrabi, 2013). In this section, the following aspects was discussed in detail: research philosophy, research methods, sampling, data collection and the questionnaire. Each of these components of the research methodology is explained below.

3.3.1. Research Philosophy

Research philosophy is a collection of fundamental ideas that drive the planning and conduct of a study. Different research philosophies provide various perspectives on how to comprehend scientific research (Hackfort & Schinke, 2020). There are different types of philosophies such as interpretivism, pragmatism, and positivism among others. This study was based on the pragmatic philosophy.

Pragmatism, as a research philosophy, was developed by John Dewey, emphasizing practicality and problem-solving, aiming to bridge the gap between theory and practice. According to de Oliveira (2022), pragmatic researchers prioritize the usefulness and applicability of their findings, aligning academic inquiry with real-world applications and societal progress. The development of this philosophy was further influenced by notable scholars, including Charles Peirce, William James, and Richard Rorty, whose works emphasized the practical implications, context, and empirical evidence in research.

Charles Peirce introduced the pragmatic maxim, emphasizing the practical consequences of ideas on behaviour and beliefs, encouraging a focus on real-world implications beyond abstract concepts. This highlighted the importance of practical application in understanding the



meaning of ideas (Hookway, 2012). Moving in one accord, William James extended pragmatism into psychology, philosophy, and ethics, emphasizing the practical utility of beliefs in addressing real-world problems. His focus on rational belief in hypotheses without clear proof challenged strict objectivity, promoting the recognition of personal and emotional factors in decision-making (de Oliveira, 2022). By so saying, Richard Rorty emphasized the role of language in shaping reality and knowledge, rejecting the notion of objective truth. His ideas influenced various fields, sparking discussions on knowledge, language and social justice. Rorty's post-metaphysical approach to politics prioritized social well-being, reshaping political ethics and fostering discussions on the importance of language in defining reality (Dieleman, et al., 2022).

Kelly and Cordeiro (2020) address the selection of pragmatism as the research philosophy for this study is grounded in its practical orientation, aligning well with the need for effective solutions in the context of court interpreting for children. By emphasizing problem-solving and the practical application of findings, pragmatism enables a focus on real-world solutions to improve interpreter-child interaction and the legal process for minors in the South African context.

In their work, Kelly and Cordeiro (2020) justify the adoption of pragmatism as the research philosophy due to its practical nature. This aligns effectively with the practicality needed in the realm of interpreting for children. By prioritizing practical problem-solving and the application of research findings, pragmatism facilitates a focus on real-world solutions to enhance interpreter-child interaction and the legal proceedings for minors in the South African setting.

In accordance with a pragmatic philosophy emphasizing practicality and solution-oriented approaches, the study adopted a pragmatic research approach. Aligned with the practical goal of understanding challenges faced by court interpreters in South African courts when working with children, diverse methods were employed. The research utilized a questionnaire approach, specifically designed for interpreters and employing thematic analysis. This methodological choice allows for a holistic examination, bridging the gap between theory and practice, and facilitating the development of pragmatic solutions for the benefit of court interpreters and the children they work with.



3.3.2 Research Methods

This study used a qualitative research approach, with a focus on collecting and evaluating textual data to acquire a thorough understanding of the research study. Qualitative research is a research method that focuses on examining and comprehending the complexity of social phenomena, human behaviour, and subjective experiences through non-numerical data gathering and meaning (Aspers & Corte, 2019). This method stresses context, depth, and extensive descriptions in order to unearth insights, patterns, and meanings within a given study setting. When researchers want to obtain a better understanding of people's perspectives, motives, beliefs, and experiences, they frequently conduct qualitative research.

The researcher's objective in employing qualitative methods was to scrutinize the richness and complexity of the phenomenon under investigation through questionnaires and observations (Creswell & Poth, 2016), resulting in a deeper comprehension of the research study. Qualitative research methods provided a platform for an in-depth investigation of the topic matter (Tenny, et al., 2022). This approach allowed the researcher to look beyond surface-level observations and comprehend the complex nature of the issues that court interpreters are confronted with while working with children. It facilitated the investigation of emotions, motivations, and personal experiences that might have impacted their work.

This research was conducted in South Africa, a diverse and complex country with a history that includes numerous languages and ethnic backgrounds (South African History Online, 2021). Qualitative study allowed for the contextualization of court interpretation issues within the specific socio-cultural, legal, and linguistic environment of South African courts. This was necessary to recognize the special challenges that may have occurred in this situation.

3.3.4 Sampling

Sampling is the process of choosing a portion of the target population for a research project (Turner, 2020). A typical nonprobability sampling method in qualitative research is called purposive sampling, and it entails choosing individuals or cases for a study based on predetermined standards that are consistent with the goals or purposes of the research (Patton, 2002).



This study employed a purposive sampling technique to recruit court interpreters who have experience in interpreting for children in South African courts. The selected sample encompasses interpreters from various language backgrounds and regions across South Africa, all residing within Gauteng Province. Below is a table presenting the sample to be used in this study.



Table 3.1: Profile of Court Interpreters in Gauteng Province:

Distribution by Court Type, Region, Language Background, Gender, Age Range, and Experience

Court Type	Number of Courts	Region	Language Background	Gender	Age Range	Experience (years)
District Court 1	1	Gauteng Province in Khustsong	Xitsonga, IsiXhosa /IsiZulu, South Sotho/Setswana	Male	25–65	≥ 3
District Court 2	1	Gauteng Province in Oberholzer	Xitsonga, IsiXhosa /IsiZulu, South Sotho/Setswana	Female	25–65	≥ 3
District Court 3	1	Gauteng Province in Oberholzer	Xitsonga, IsiXhosa /IsiZulu, South Sotho/Setswana	Male	25–65	≥ 3
District Court 4	1	Gauteng Province in Fochville	Xitsonga, IsiXhosa /IsiZulu, South Sotho/Setswana	Female	25–65	≥ 3
Regional Court 1	1	Gauteng Province in Oberholzer	Xitsonga, IsiXhosa /IsiZulu, South Sotho/Setswana, Afrikaans	Male	25–65	≥ 3
Regional Court 2	1	Gauteng Province in Oberholzer	Xitsonga, IsiXhosa /IsiZulu, South Sotho/Setswana	Female	25–65	≥ 3
Regional Court 3	1	Gauteng Province in Randfontein	Xitsonga, IsiXhosa /IsiZulu, South Sotho/Setswana, Afrikaans	Male	25–65	≥ 3
Regional Court 4	1	Gauteng Province in Fochville	Xitsonga, IsiXhosa /IsiZulu, South Sotho/Setswana, Afrikaans	Female	25–65	≥ 3

The sample consists of a total of ten court interpreters in ten courts, including both District and Regional courts in four Magistrate courts in the province of Gauteng, with both male and female Africans, aged between 25–65-year-olds with a minimum experience of 3 years working with children in court. This is done to obtain a fair and balanced response from this



jurisdiction. The names of the officials are not mentioned due to the sensitivity of court cases, working with children, and protection of personal information.

3.3.4 Data Collection

Data collection methods are strategies and methods for collecting data for research purposes which include tests, surveys, interviews, classroom observations, diaries, notebooks and more. Tests and closed-ended surveys are frequently used in quantitative designs to collect, analyse, and interpret the results. However, open-ended questionnaires, classroom observations, diaries, notebooks, and interviews are frequently used in qualitative approaches to collect, analyse, and interpret data. Conversely, mixed-method approaches typically combine interviews, closed-ended surveys, and classroom observations (text data) to gather information (Zohrabi, 2013).

This research utilized a questionnaire as the primary data collection tool. The questionnaire was designed to gather information from court interpreters working with children in South African courts. The questionnaire was administered electronically, via Google Forms, allowing for efficient data collection and analysis. Using questionnaires as the main method of data collecting enables systematic information gathering from a sample of court interpreters, giving a thorough picture of the difficulties they encounter when interpreting for children. It offers consistent data collection and gives interpreters an organized way to articulate their experiences, viewpoints, and concerns, facilitating the discovery of recurring patterns.

The use of a questionnaire as the primary data collection technique has various advantages in this research study. Primarily it offers a systematic and organized approach to information collecting (Young, 2015). A questionnaire's systematic framework ensures that each court interpreter is presented with the same set of questions, allowing for consistency and comparability of results. This consistency is critical for discovering similar trends, patterns, and repeating themes among interpreters' experiences because it reduces the variability that can come from open-ended interviews or less organized data collection approaches.

The questionnaire provided an environment for court interpreters to express their experiences, points of view, and issues in a comprehensive and systematic manner. Court interpreters are frequently in a unique position to witness and comprehend the difficulties that children confront



in the legal system, and their insights can provide significant perspectives for policymakers, legal professionals, and researchers. The questionnaire has helped interpreters to communicate their views and reflections in a logical and organized manner, ensuring that their voices are heard and their expertise is recognized.

Furthermore, electronic administration of the questionnaire via Google Forms improves data collection efficiency. It reduces the need for time-consuming and costly data input methods by automatically recording and organizing responses digitally. This not only saves time, but also lowers the possibility of data entering errors, ensuring the integrity and correctness of the obtained data.

One of the key goals of this research is to get a thorough understanding of the challenges that court interpreters experience when working with children in South African courts. Interpreters can shed light on linguistic obstacles, communication barriers, cultural sensitivity, and the emotional impact of interpreting for children in court. The questionnaire format provides for a methodical analysis of various aspects, allowing for an in-depth analysis.

Using questionnaires as the primary method of data collecting for this research project has various advantages. It enables systematic data collection from a sample of court interpreters, resulting in a thorough and organized picture of the difficulties they face when interpreting for children in South African courts. The research process is made more efficient and accessible by utilizing electronic resources such as Google Forms. This technique is critical in giving court interpreters a voice and providing significant insights into how the legal system treats children involved in judicial procedures.

In conducting the study, it is important to note that despite the close proximity to the setting under investigation, the study declares that there is no conflict of interest that could potentially compromise the objectivity or impartiality of the research. The commitment is solely to the pursuit of unbiased and rigorous scientific inquiry, and any affiliations or associations are disclosed to maintain transparency and uphold the integrity of the study.



3.3.5 Questionnaire

The questionnaire was carefully designed to ensure that it captures relevant information regarding the challenges faced by court interpreters when interpreting for children. It will include both closed-ended and open-ended questions to gather both quantitative and qualitative data. The questions were structured to address specific aspects related to the research question, such as the age of the child, linguistic and cultural challenges, required qualifications and training, available support and resources, and opportunities for collaboration and communication. With the use of participants; self-reported knowledge, opinions, attitudes, beliefs, or experiences on particular subjects, questionnaires are created to gather data from them (Kumar, 2014). The questionnaire was generated electronically through Google Questionnaires which will make its dissemination easier. The intended participants will receive the link to the Google Form on their emails. A clear explanation of the research objectives and instructions on how to complete the questionnaire was provided. The participants were given a specific deadline to submit their responses.

- Standardization

Standardization in data collection, particularly through the use of questionnaires, plays a crucial role in maintaining objectivity and consistency when court interpreters work with children. Each participant is presented with an identical set of questions in a uniform format, as this research methodology minimizes the potential for bias and ensures the reliability of data collected. It also facilitates comparability across cases, promoting equitable treatment and legal fairness for minors involved in court proceedings (Aspers & Corte, 2019).

Standardization in the research for court interpreters was implemented through a meticulously designed questionnaire. Each court interpreter participating in the study was presented with the same set of questions in a uniform format. This approach is essential to maintain objectivity and consistency in data collection. By employing standardized questions, the research aims to minimize potential biases and ensure the reliability of the gathered data.



- **Cost-Effective**

In comparison to more resource-intensive procedures such as interviews or observations, questionnaires are typically praised as a cost-effective data collection method. Several factors influence the cost of questionnaires. For starters, they necessitate fewer human resources because researchers are not required to be physically present to administer them. Questionnaire flexibility enables for data gathering from a large sample, lowering the cost per response. Furthermore, internet survey platforms and automation technologies make it easier to distribute questionnaires and handle data (Aspers & Corte, 2019).

The utilization of questionnaires as a cost-effective data collection method in this research is strategic and practical. By opting for questionnaires over more resource-intensive procedures like interviews or observations, we can efficiently gather insights from a broad sample of court interpreters working with children in South African courts. The cost-effectiveness stems from the streamlined administration process, as researchers do not need to be physically present for each interaction.

3.3.6 Ethical Considerations

Ethical considerations are the moral principles and rules that guide the behaviour of individuals or groups while making decisions or carrying out specific acts. Ethics entail considering the potential impact of one's choices on others, as well as ensuring fairness, honesty, human rights respect, and adherence to professional norms (Bhandari, 2023). Researchers must get participants' informed consent, prioritize their safety and well-being, maintain their privacy and confidentiality, and minimize any potential dangers. These concerns strive to strike a balance between scientific advancement and the protection of human rights and welfare. In this study ethical considerations were carefully integrated into the research process, and the study was awarded an ethical clearance certificate.

3.3.7 Data Analysis

Data analysis is a process of examining, purifying, manipulating, and modelling data to extract relevant information, reach conclusions and help decision-making. Using a range of methods and instruments to arrange and analyse data, identify patterns and trends, and draw conclusions



from big, complicated datasets (Provos & Fawcett, 2013). This research adopted the data analysis framework advanced by (Huberman & Miles, 2002). Huberman and Miles' five-step data analysis framework involves familiarization, theme identification, coding, charting, and mapping. It systematically organizes and analyses data, extracting insights aligned with research objectives, offering a comprehensive approach to deriving meaning from collected information. These were adapted as follows:

Step 1: Familiarization

The initial stage involves a thorough review and understanding of the collected data. In the study, data was obtained through semi-structured questionnaires. To familiarize the researcher with the data, the responses from the participants were organised and reviewed by the researcher. This process allowed the researcher to immerse oneself in the details and gain a comprehensive understanding of the information gathered.

Step 2: Identifying Key Themes

The next step focuses on extracting key themes relevant to the research questions and objectives (Huberman & Miles, 2002). During this phase, the researcher identified prominent themes within the questionnaire responses that aligned with the study's objectives. These themes served as the foundational elements for subsequent analysis and interpretation. In this context, themes included challenges faced by court interpreters when working with children in South African courts.

Step 3: Coding and Indexing

This step involves the systematic coding of data to categorize it according to the previously identified themes. The researcher marked specific sections of the questionnaire responses based on the identified themes. Coding was done meticulously to capture details and variations within the challenges faced by court interpreters, ensuring a comprehensive representation of the data.

Step 4: Charting

Following the coding process, the data was organized according to the research objectives. The researcher created distinct sections with headings corresponding to the identified themes. This structured arrangement facilitated a clear overview of the challenges encountered by court



interpreters when working with children, ensuring that each relevant aspect was appropriately represented.

Step 5: Mapping and Interpreting

The final step involves a detailed analysis of the organized data to derive meaningful insights. The researcher mapped the data in line with the research objectives, interpreting the findings within the context of the challenges faced by court interpreters. Comparative analysis was employed to draw connections between different aspects of the data, enriching the interpretation process. Additionally, scholarly literature was consulted to provide theoretical insights and context to the identified challenges.

In parallel with the thematic framework, Comparative Analysis (CA) was applied to study the intricacies of challenges faced by court interpreters independently. The application of Comparative Analysis draws inspiration from the work of Lebesse (2015), who emphasized the significance of analysing both qualitative data and existing literature to gain a comprehensive understanding of complex phenomena. His approach involves a systematic comparison of various sources, allowing for a more thorough exploration of the subject matter. This method allowed for a comprehensive examination of the factors influencing interpretation in the legal setting, particularly when involving children. By studying both questionnaire responses and existing scholarly literature, a nuanced understanding of the challenges in court interpretation was achieved.

3.3.8 Reliability and Validity of the Study

Reliability in a study refers to the consistency and dependability of the data collection methods and results, ensuring that if the research were to be replicated under similar circumstances, it would yield comparable outcomes. On the other hand, validity pertains to the accuracy and soundness of the research findings, ensuring that the study effectively measures what it aims to measure and that the conclusions drawn from the data are logical and credible (Megheirkouni & Moir , 2023). Both reliability and validity are crucial elements in ensuring the trustworthiness and credibility of the research, thereby strengthening the integrity and robustness of the study's findings.



3.3.8.1 Reliability

Reliability was a cornerstone in this research, ensured through strategic measures. The “Interpreter Challenges Assessment Questionnaire,” validated by Young (2015), is a reliable tool, consistently measuring court interpreters’ challenges. The use of established instruments, such as a questionnaire, will enhance the reliability of data collection, assuring the effectiveness of measuring variables of interest. A systematic approach, facilitated by electronic questionnaires, will ensure uniformity in participants’ experiences. Standardization, evident in the questionnaire format, will promote objectivity and data consistency. The usage of purposive sampling technique, selection of interpreters with diverse backgrounds, will further enhance reliability by ensuring a comprehensive understanding of challenges in interpreting for children in South African courts. These measures will collectively contribute to the research’s overall reliability and trustworthiness.

3.3.8.2 Validity

To enhance the accuracy and credibility of the study, specific steps have been taken. The “Interpreter Challenges Assessment Questionnaire,” validated by Young (2015), was selected to align with the research goals and underwent expert review for clarity and relevance. By addressing a diverse range of challenges faced by court interpreters, the questionnaire aims to comprehensively measure the targeted aspects. To ensure the accuracy of the questions, a pre-test with interpreters was conducted, and their feedback was used for refinement. Additionally, the study will compare the questionnaire findings with established knowledge in the field, contributing to the overall validity and trustworthiness of the research outcomes. These measures collectively fortify the study's foundation, ensuring the accuracy and applicability of the findings to real-world scenarios.

3.3.9 Limitations

Limitations in a research study refer to constraints or factors that may affect the interpretation and generalizability of the findings. They acknowledge the boundaries and potential weaknesses inherent in the research design, data collection, or scope of investigation (Creswell & Creswell, 2017). The study primarily centred on the experiences and perspectives of court interpreters when interpreting for children. It did not encompass the viewpoints of the children



themselves or their guardians. It is essential to note that this limitation was intentional, as the study's objectives were specifically oriented toward exploring the challenges faced by court interpreters in the South African legal context. Consequently, while it acknowledges the absence of the child and guardian perspectives, it aligns with the focused nature of the research and its predetermined objectives.

3.4 Conclusion

The theoretical framework for this study was anchored in Franz Pöchhacker's Interactant Model of the Interpreting Situation providing a comprehensive lens through which the intricate dynamics involved in court interpretation, particularly when working with children in the South African legal context, were understood. By embracing Pöchhacker's model, the research aimed at shedding light on the nuanced roles and interactions of the participants, encompassing interpreters, children, legal professionals and the broader setting. This theoretical foundation served as a robust structure that not only underpinned the investigation but also guided the exploration of challenges encountered by court interpreters. The emphasis on the practical implications and real-world applications aligned with the pragmatic philosophy adopted for this study, emphasizing problem-solving and the pursuit of effective solutions. This theoretical framework provided a foundation for the subsequent research methodology, wherein a qualitative research approach was employed. Through a qualitative method inclusive of an structured questionnaire, the study focused on the complex and contextual nature of the challenges faced by court interpreters when working with children in South African courts. The chosen research method, rooted in the pragmatic philosophy, aimed at capturing the richness and depth of experiences, allowing for a detailed understanding of the intricacies involved in interpreter-child interactions within the legal setting.



CHAPTER FOUR

DATA ANALYSIS

4.1 Introduction

This chapter undertakes a comprehensive analysis of data gathered through electronic questionnaires, utilizing thematic analysis to discern patterns and themes within the dataset. The goal is to uncover vital insights into the challenges confronted by court interpreters when engaged in legal proceedings involving children within the South African context. Subsequent sections discuss the application of thematic analysis, offering a methodological framework to comprehend the intricate landscape of court interpretation for children. The focal areas encompass the impact of a child's age on interpretation, training, and qualifications for interpreters, support and resources for interpreters, socio-cultural perspective and linguistic and cultural challenges.

4.2 Thematic Analysis

Thematic analysis is a qualitative research method that involves systematically identifying, analysing, and reporting recurring patterns or themes within textual data. It is a flexible and widely used approach for organizing and interpreting qualitative information, allowing researchers to uncover underlying meanings and gain a deeper understanding of the subject matter (Braun & Clarke, 2006).

In the context of this research, thematic analysis serves as a methodological tool to extract meaningful insights from the data collected through electronic questionnaires. Braun and Clarke (2006) emphasize that thematic analysis is particularly well-suited for exploring complex and nuanced phenomena, making it an apt choice for investigating the challenges faced by court interpreters when working with children. By identifying recurring ideas, concepts, or patterns across the responses, thematic analysis enables the researcher to derive rich and complex understanding of the experiences and perspectives of court interpreters in the specific context of interpreting for children in South African courts. This method facilitates the organization of diverse qualitative data and helps to uncover common challenges and key aspects pertinent to the research objectives.



4.3 The Interpreter

An interpreter is a professional who facilitates communication between individuals who speak different languages (Pöchhacker, 2016). In legal settings, court interpreters play a crucial role in ensuring that all parties involved, including defendants, witnesses and other stakeholders, can fully understand and participate in legal proceedings, regardless of their language proficiency. In his Interactant Model, Pöchhacker (2005) emphasizes the dynamic and interactive nature of the interpreting process, taking into account not only linguistic elements but also the socio-cultural context and the relationships between the participants. This model is particularly relevant when examining the role of interpreters in legal settings involving children.

4.3.1 Impact of Child's Age on Interpretation

The interpretation process in legal settings involving children is a complex task, influenced by various factors, including the child's age (Berk-Seligson, 2002). This theme focused on how the age of the child significantly affects the interpretation process, requiring interpreters to adapt their language and communication strategies to ensure the child's understanding. Smith (2021) supports this observation, highlighting the nuanced approach necessary when interpreting for children of different age groups in legal settings.

How does the age of the child impact the interpretation process?

Participants responded as follows:

Person B: The age of a child plays a huge role in the interpretation process in court. The interpreter is often required to be more patient and to simplify the language in a manner that would be easier for the child to understand.

Person C: It has to be established whether the child is able to follow the proceedings or not.



Person D: The interpreter will require the assistance of court intermediary, as the interpretation ability and execution must deviate to accommodate the child and idea intended.

Person F: The interpreter has to interpret on the child's level for the child to understand the questions or statements put to him or her.

The responses from participants shed light on various ways in which the age of the child impacts the interpretation process in legal settings.

Person B emphasized age as a significant factor, requiring the interpreter to be more patient and simplify language for the child's comprehension. Thus, the interpreter's role extends beyond translation; it involves creating an environment conducive to effective communication with a child. In the same vein, Person B observed the necessity to establish the child's ability to follow proceedings. Recognizing the child's cognitive capacity becomes a crucial step, indicating the need for an initial assessment before proceeding with interpretation. Not distancing their perspective from the latter, Person D mentioned that children required assistance from a court intermediary for deviation in interpretation to accommodate the child. Acknowledging the need for specialized support and adaptation in the interpretation process when dealing with children indicates the collaborative nature of the task. This shows the importance of a holistic approach involving various stakeholders to ensure accurate and child-friendly interpretation in legal settings.

Additionally, Person F emphasized interpreting on the child's level for a better understanding of questions or statements. The interpreter's responsibility extends to adjusting their language and approach to match the child's developmental stage, ensuring effective communication.

The responses collectively highlight the dynamic nature of interpreting for children, where considerations of patience, language simplification, cognitive assessment, collaboration with court intermediaries, and adapting to the child's level of understanding are essential. These insights underscore the complexity of the interpreter's role and the need for a child-centric approach in legal settings.



Young children often have a limited comprehension of legal proceedings, making it crucial for interpreters to exercise patience and simplify their language. Researchers such as Kohn (2002) and Risku (2010) emphasize that interpreters must be aware of a child's cognitive and linguistic development to adapt their communication accordingly. Interpretation for children requires a careful assessment of their ability to follow court proceedings. This involves understanding their cognitive development, which can vary significantly based on age. Risku (2010) argues that assessing a child's cognitive maturity is vital for determining how much detail and complexity can be included in interpretation.

In some cases, interpreters may need assistance from court intermediaries or social workers, to effectively communicate with children. These professionals can provide insights into the child's emotional state and help interpreters tailor their language and approach. The works of Berthold (2014) highlight the collaboration between interpreters and intermediaries in child-friendly legal settings.

In his Interactant Model of the Interpreting Situation Pöchhacker focuses on the dynamic interaction between the interpreter, the child and the context within which they are communicating. He emphasizes the need for interpreters to be not only bilingual but also bicultural and context-aware (Pöchhacker, 2005). When applied to child interpretation, this model encourages interpreters to adapt their language, tone, and pace to the child's age and comprehension level. It also highlights the importance of creating a supportive and child-friendly environment within the legal setting.

The impact of a child's age on interpretation is an essential and understudied aspect of legal proceedings involving children. Understanding and addressing the unique needs of children of different ages is crucial for ensuring that their rights are protected and that their voices are heard. Pöchhacker (2005) offers a valuable framework for interpreters working with children, emphasizing not only linguistic competence but also the ability to establish rapport, trust and cultural sensitivity.

Interpreting for children in legal settings is a complex process that requires interpreters to adapt their language and approach based on the child's age and cognitive development. The Interactant Model of the Interpreting Situation (Pöchhacker, 2005) offers a valuable



framework for addressing these challenges and ensuring effective communication with children. By acknowledging and researching the impact of a child's age on interpretation, the study envisages on creating a more child-friendly and just legal system through examining training offered to interpreters.

4.3.2 Training and Qualifications for Interpreters

Training and qualifications of interpreters working with children in the context of the Child Justice Act and the Children's Act are of paramount importance (Laster, 1990). Children's rights and well-being are at stake, and interpreters play a critical role in ensuring their voices are accurately represented in legal proceedings. Therefore, it is crucial to establish robust training programs and qualifications that not only cover linguistic skills but also equip interpreters with the necessary legal and psychological knowledge to excel in this sensitive role.

What training or qualifications do court interpreters need to effectively interpret for children in South African courts?

Participants Responses:

Person A: As interpreters we need training on the Child Justice Act and Children's Act and also on the basic introduction of translating and linguistics, to effectively interpret to a child. The qualifications that we need are a diploma in interpreting and translation.

Person D: Complete knowledge of the Children's Act, legal and legislative background, interpretation of statutes and administrative law.

Person E: The Wits language school has courses for languages and the department does offer training for interpreters.

Person G: Interpreters need to be trained as to how to deal with children. Have more understanding of children and their behaviour.

Person J: Training concerning the behaviour of children under stressful situations.



The responses from participants highlight the importance of specialized training and qualifications for interpreters working with children in legal settings.

Person A emphasized on the need for training on the Child Justice Act, the Children's Act, linguistic basics, and a diploma in interpreting and translation.

Similar to person A, person B stressed the importance of complete knowledge of the Children's Act, legal and legislative background, as well as interpretation of statutes and administrative law, and person E pointed to the fact that Wits language school offers courses for languages and provides training for interpreters.

Recognizing the multifaceted nature of interpreting for children, this situation suggests that interpreters should be well-versed in legal frameworks specific to children and possess linguistic qualifications.

Person G highlighted another aspect, the importance of training on how to deal with children and understanding their behaviour. This highlights the necessity for interpreters to possess not only legal knowledge but also an understanding of child psychology and behaviour for effective communication. Another aspect brought forward by Person J is training concerning the behaviour of children under stressful situations. This is a recognition of the unique challenges children may face in stressful legal situations, suggesting that interpreters should be trained to navigate and address these challenges effectively.

The responses collectively stress the participants' recognition of the need for a well-rounded and specialized skill set for interpreters working with children. This includes legal knowledge, linguistic qualifications, an understanding of child behaviour, and specific training on relevant legal frameworks. The emphasis on continuous education and training highlights the evolving nature of the interpreter's role in child-related legal proceedings.

Interpreters play a critical role in facilitating communication between children involved in the justice system, social services and the legal framework. Effective interpretation in these contexts requires not only linguistic skills but also a deep understanding of the relevant legal framework and the unique needs of children (Okoniewska, 2022). This study discussed the training and qualifications essential for interpreters working with children in the context of the Child Justice Act and Children's Act.



To understand the complexities of the Child Justice Act and the Children's Act of 2008, interpreters need to acquire specific training. This training should cover legal definitions, procedures, and children's rights. Berk-Seligson (2002) is of the view that interpreters must be well-versed in legal terminology and concepts, such as custody, guardianship, and age-appropriate sentences.

According to the Institute of Translating and Interpreting from the United Kingdom, A diploma in interpreting and translation is a relevant qualification for interpreters. This provides a solid foundation in linguistic and interpretive techniques, making them better equipped to bridge language gaps effectively (Institution of Translation and Interpreting, 2023). Three specific diplomas are relevant to this training: first, Diploma in Public Service Interpreting (DPSI): This diploma is recognized by the Institute of Translation & Interpreting (ITI) and focuses on public service contexts such as legal, medical, and community interpreting. Second, Postgraduate Diploma in Translation and Interpreting: Offered by institutions like Wits University, this program provides specialized training in both translation and interpreting. The duration of these diploma programs can vary. Typically, they span 1 to 2 years. Regarding the National Qualifications Framework (NQF) level, these diplomas are usually at NQF level 6 or 7, which corresponds to post-secondary education and advanced vocational training.

Furthermore, interpreters should be proficient in the languages they are working with, as emphasized by Angelelli (2004). Training should focus on enhancing interpreters' understanding of child psychology and behaviour. Hale (2014), explained that interpreters need to be patient and empathetic, adapting their approach to accommodate the unique needs and emotions of children involved in legal proceedings. Interpreters should be able to convey information accurately, ensuring that children's voices are heard and their rights are protected. Strong communication skills are essential for effective interpretation.

Pöchhacker (2005) focuses on the interaction between the interpreter, the child, and the legal professionals involved. He recognizes that interpretation is a dynamic process that involves not just the transmission of words but also the conveyance of emotions and non-verbal cues. This model underscores the importance of interpreters being attuned to the emotional needs of children, ensuring they feel heard and understood during legal proceedings.



4.3.3 Support and Resources for Interpreters

Support and resources for interpreters in the context of working with children within the legal system is a critical aspect of ensuring justice and fairness. The study explored the challenges faced by court interpreters and discussed available resources, including the Interactant Model of the Interpreting Situation. While there are some resources available for court interpreters working with children, they may not be sufficient to address the complexity of the task. Internal courses, often offered by courts or Justice College can provide some guidance. Justice College is a State Academy within the Department of Justice and Constitutional Development. The college strives to prepare interpreters and legal professionals with the necessary skills to excel in their roles within the justice system (Justice College, 2016). However, the programs offered by the college may lack a comprehensive focus on the specific challenges related to child witnesses.

What support or resources are currently available to court interpreters to enhance their skills in interpreting for children?

Responses

Person A: Not that I know of, because most trainings that are available are conducted specifically for adult purposes and experts.

Person B: We don't have enough resources thus far; most interpreters don't even attend training to deal with child witnesses as opposed to intermediaries.

Person C: None except for assistance of seasoned Interpreters.

Person D: Internal courses, which are not accredited and not sufficient to accommodate both the children and interpreters. The teddy bears and toys provided must integrate and accommodate kinds or various backgrounds

Person H: So far there's none that I know of. Court Interpreters are often not given much skills or training to improve themselves in the court room, especially when dealing with the issue of children. It only takes a lot of understanding, calmness, and being level-headed to deal with children.



The responses from participants collectively highlight several challenges and gaps in the training and resources available for court interpreters working with children.

Person A is not aware of specific training for interpreters dealing with children, the sentiment shared with person H. This is a concern that needs to be taken seriously to deliberately come up with such programs or courses in institutions of learning that focusses solely on child-related cases. From Person B it is understood that a few resources are there but insufficient and there is a lack of interpreter attendance at training for child witnesses. This indicates that there is a potential gap in interpreters' training specifically for working with children, especially as witnesses.

From persons C and D it is indicated that there are some internal courses that are not accredited and may not be sufficient. Others rely on assistance from seasoned interpreters. This raises concerns about the adequacy and recognition of existing training resources, emphasizing the need for accredited and comprehensive programs.

These responses collectively emphasize the challenges faced by court interpreters, including a perceived lack of specialized training and insufficient resources. The need for accredited and comprehensive training programs tailored to child-related cases is evident, as well as the importance of addressing these gaps to ensure effective communication and support for children involved in legal proceedings. The informal support mentioned in some responses also points to the potential value of mentorship within the interpreting community.

One promising approach to addressing the challenges faced by court interpreters when working with children is the Interactant Model of the Interpreting Situation because of its emphasis on the importance of the interaction between the interpreter, child witness, and legal professionals. It recognizes that interpreters are not passive conduits of language but active participants in the legal process, playing a critical role in facilitating effective communication.

Enhancing support and resources for interpreters working with children in the legal system is crucial. It is imperative to invest in specialized training programs and resources that cater to the unique needs of this population (Lo, 2022). The Interactant Model of the Interpreting Situation served as a valuable framework for developing training curricula that empower interpreters to navigate complex legal scenarios involving children effectively. Interpreters



play a crucial role in ensuring the rights and well-being of child witnesses in legal proceedings. To address the challenges they face, it is essential to acknowledge the limitations of existing resources and invest in comprehensive training programs, utilizing models like the Interactant Model of the Interpreting Situation. By doing so, the legal system can better serve the interests of justice and child welfare.

4.4 Socio-cultural Perspective

Interpreting in legal contexts involving children can be a complex task, particularly in cases related to sexual offenses where child-specific terminology is crucial. In addition to linguistic challenges, interpreters must navigate cultural differences and taboos, making it essential to adapt court language to accommodate a child's linguistic and cultural background (Piszcz & Halina, 2002). This study explored various facets of linguistic and cultural challenges faced by interpreters when working with children in legal settings.

4.4.1 Linguistic and Cultural Challenges

It is essential to recognize the intricate role interpreters play in safeguarding the rights of child witnesses. The Interactant Model of the Interpreting Situation highlights the interpreter's critical role in bridging linguistic and cultural gaps and ensuring children can effectively communicate their experiences in a legal setting. By understanding the linguistic and cultural challenges and emphasizing the importance of adaptability, empathy, and cultural sensitivity, working towards a legal system that truly listens to the voices of the most vulnerable witnesses, the children. Interpreting for children in legal contexts is a multifaceted task that involves navigating linguistic and cultural challenges. Interpreters, legal professionals, and researchers must work collaboratively to ensure that the voices of child witnesses are heard, understood, and respected within the legal system (Hale, 2014).

What specific linguistic and cultural challenges do court interpreters encounter when working with children?



Participants Responses

Person A: Most children are not equipped with the vernacular terminology and that becomes a challenge in simplifying the language.

Person I: Linguistic challenges would be more apparent in sexual offence cases where a child would be required to answer questions relating to sexual activities and also the genital organs of both males and females. Children often have their terms they use to refer to their private parts and so forth, the interpreter has the duty as well to get clarity from them. Certain cultures do not permit children to converse with adults on certain topics, however in court such need to be interpreted and uttered. Children would often feel uncomfortable and that in itself would also create challenges for the interpreter handling the matter.

Person G: Ethnocentric background and cultural background may determine how one answers questions.

Person H: One has to ensure that the children can express themselves and also know the different cultures.

Person J: Gestures and of certain district do help, as we all know that in some areas of the country, certain words may mean different things.

The responses from participants highlight various challenges faced by court interpreters when working with children in legal settings, particularly concerning language, culture and sensitivity.

Person A observed that children may lack familiarity with vernacular terminology, making language simplification challenging while person H stressed the importance of enabling children to express themselves and understand different cultures. This emphasizes the need for interpreters to adapt their language to ensure children's understanding, recognizing potential gaps in children's vocabulary.

Person I observed the linguistic challenges, especially in sexual offenses cases, where children may use their terms for private parts. This highlights the delicate nature of interpreting in sensitive cases, emphasizing the interpreter's responsibility to seek clarity and navigate cultural differences.



These responses collectively emphasize the complexity of interpreting for children, particularly in sensitive cases. Challenges include linguistic differences, cultural nuances, and the need for interpreters to be sensitive to the unique ways children may express themselves. Interpreters must navigate these challenges to ensure accurate and effective communication in legal settings involving children.

Responses obtained from respondents pertain to both language and culture and for clear analysis, this study discusses the linguistic component independently and it is followed by the cultural component.

4.4.1.1 Linguistic Challenges

In the realm of court interpretation, participants' responses align with established literature, shedding light on the multifaceted challenges encountered by interpreters when working with children in legal settings. Linguistic hurdles, as outlined by Person A and Person I, reflect the universal complexities associated with varying levels of vocabulary and the use of unique terms by children. Such linguistic challenges have been extensively discussed in scholarly works such as those by Pöchhacker (2005) and Smith (2021), emphasizing the need for interpreters to simplify language and navigate specialized terminologies for effective communication.

Moreover, the cultural dynamics introduced by participants, including ethnocentric influences (Person G) and regional variations (Person J), echo established literature on the intersection of culture and interpretation. Angelelli (2004) highlights the impact of cultural backgrounds on communication, emphasizing the interpreter's role in navigating these nuances. Person H's emphasis on creating a culturally sensitive environment for children aligns with existing literature emphasizing the importance of interpreters fostering comfort and understanding in legal settings involving vulnerable populations, as discussed by scholars such as Hale (2014). Together, these insights detail the intricate nature of court interpretation when children are involved, requiring linguistic adaptability, cultural competence, and a nuanced understanding of the challenges unique to this context.

4.4.1.2. Cultural Challenges

The participants' insights collectively highlight the intricate cultural challenges faced by court interpreters when working with children in legal settings. The recognition that ethnocentric and



cultural backgrounds can influence a child's responses points to the complexity of interpreting across diverse cultural contexts. This aligns with scholarly discussions emphasizing the significance of cultural factors in shaping communication dynamics during interpretation (Angelelli, 2004).

The participants also highlight the importance of creating a culturally sensitive environment. Ensuring that children can express themselves within their cultural context is deemed essential, emphasizing the role of interpreters in fostering an atmosphere of cultural understanding. This resonates with existing literature, underlining the interpreter's responsibility to navigate cultural nuances to facilitate effective communication, particularly with minors (Hale, 2014).

Moreover, the acknowledgment that certain topics may be culturally sensitive and uncomfortable for children highlights the need for interpreters to navigate these sensitivities delicately. This recognition aligns with the broader understanding that interpreters must possess cultural competence to interpret accurately and sensitively in legal contexts involving children from diverse backgrounds (Pöchhacker, 2016). In essence, the participants' responses collectively emphasize the pivotal role of cultural awareness and competence in the challenging task of court interpretation with minors.

4.5 Addressing Emotional and Psychological Needs

Interpreters play a pivotal role in addressing the emotional and psychological needs of children during the interpretation process. This can be achieved as follows:

Interpreters must exercise patience and understanding, actively listening to the child and creating a supportive environment. This involves acknowledging the child's emotions and offering reassurance when needed. Interpreters should be trained to recognize signs of emotional distress in children (Hlavac, 2017). If a child is visibly upset, anxious or distressed, interpreters should be prepared to alert professionals and recommend appropriate steps, such as adjourning the proceedings. Interpreters should facilitate an atmosphere where children can express themselves comfortably (Berk-Seligson, 2002). This may involve using age-appropriate language, providing extra time for the child to respond, and using techniques to reduce intimidation and stress during interactions.



How do court interpreters address the emotional and psychological needs of children during the interpretation process?

Participants Responses:

Person A: I address the issue immediately when I see the child being emotionally disturbed and we stop recording, and adjourn to ease the child.

Person B: The keyword would be “patience”. Understanding also different educational backgrounds, the trauma that the said children have been exposed to, and the level of maturity as well. If an interpreter can see that the child is crying or no longer concentrating, it is wise to also alert the court.

Person H: By trying to make the child and themselves comfortable with each other. Make a way of gaining trust with a child so that they open up and are able to easily communicate.

The responses from participants underscore the crucial role that court interpreters play in managing the emotional well-being of children involved in legal proceedings:

Person A pointed out that recognizing emotional distress in a child and taking immediate action by stopping recording and adjourning to ease the child is ideal. This response reflects a proactive approach, prioritizing the emotional well-being of the child over procedural considerations. It suggests a practical understanding of the impact legal proceedings can have on a child’s emotions.

Person B emphasized the importance of patience and considering factors like different educational backgrounds, trauma and maturity levels of the child. This highlights the need for interpreters to be attuned to the individual circumstances of each child, demonstrating empathy and understanding. Alerting the court when a child is emotionally distressed reinforces the interpreter’s role as an advocate for the child's well-being.

Person H stressed the focus on building trust and making the child comfortable for effective communication. This response recognizes the significance of establishing a rapport with the child. Building trust is foundational for effective communication, especially when dealing with sensitive or emotionally challenging topics.



These responses collectively emphasize the interpreter's dual role as a language facilitator and a supporter of the child's emotional well-being in court settings. Patience, empathy, and proactive measures to address emotional distress are highlighted as essential components of the interpreter's toolkit. By prioritizing the child's comfort and trust, interpreters contribute not only to linguistic accuracy but also to the child's overall experience within the legal system.

Kletecka-Pulker et al (2018) highlight the importance of interpreting for children by considering their psychological well-being. They emphasize that interpreters must be sensitive to the child's emotional state and create an atmosphere where the child feels safe and understood. It is thus the role of interpreters to enable children to express themselves comfortably. Interpreters should employ strategies that encourage open communication, making the child feel more at ease. Batja and Waler (2009) discuss the role of interpreters in legal settings and the ethical responsibility to identify when a child is emotionally disturbed. Interpreters should be prepared to adjourn proceedings or offer emotional support when necessary.

4.6 Ensuring Accuracy and Impartiality

Ensuring accuracy and impartiality is fundamental in the field of interpretation, particularly when dealing with sensitive or traumatic information from children. Interpreters play a crucial role in facilitating effective communication between children and relevant parties while preserving the integrity and neutrality of the message (Pöchhacker, 2016). This study explored the importance of maintaining accuracy and impartiality, and the interaction model of interpretation, as well as providing insights from scholars and the researcher's perspective.

When interpreting sensitive or traumatic information, trust is paramount. Children need to feel confident that their words are accurately and faithfully conveyed (Hale, 2014). This trust is essential for effective communication and successful outcome. The accuracy of the interpretation directly impacts the child's well-being. Misinterpretation or biases can lead to incorrect decisions or actions, which may adversely affect the child's life. Many jurisdictions have legal and ethical standards that require interpreters to maintain impartiality and accuracy. Failure to do so can lead to serious consequences (Smith, 2021).



Interpreters must understand the cultural context of both the child and the party they are communicating with (Wang, 2017). This awareness is crucial to ensure accurate and impartial interpretation. Interpreters should seek clarification when necessary and strive for neutrality in their interpretations. They should not impose their own biases, judgments, or emotional reactions onto the interpretation.

How do court interpreters ensure the accuracy and impartiality of their interpretations when dealing with sensitive or traumatic information from children?

4.6.1.2 Participant Responses:

Person A: I detach my emotions from the scenario and apply my professionalism, after all, it's not about me but the issue at hand.

Person B: The duty of an interpreter is to assist with the language barrier that exists between the witnesses, accused persons and the court itself. Basically, to assist all the role players that would be participating in a trial or any other court proceeding. It is always required of an interpreter to translate accurate information, if the interpreter is uncertain of a certain term, the court would allow him or her to even research that particular aspect. Interpreters must always remain impartial even when dealing with traumatic issues. The core function is to translate information, not to be judgemental or even enter the arena.

Person E: Interpreters should not be emotionally attached to matters dealt with in court, for that reason it would help in not omitting or adding information conveyed in court

Person I: Interpret accurately, not omit, and not add. Must always interpret in the first person and interpret each and every emotion.

The responses from Person A, Person B, and Person I collectively highlight the importance of professionalism, impartiality and accuracy in the role of court interpreters.

Person B provides a comprehensive view of the interpreter's duty, emphasizing accuracy, impartiality and the role of assisting all participants in court proceedings. The commitment to translating information without judgment and conducting research for precise terminology aligns with the ethical standards expected of court interpreters.



Person I emphasize the core principles of accurate interpretation, emphasizing the interpreter's responsibility to convey information faithfully without altering its meaning. The mention of interpreting emotions adds an extra layer of distinction, highlighting the interpreter's role in conveying not just words but also the emotional tone of the speaker.

These responses collectively reinforce the fundamental principles of professionalism, accuracy, impartiality and emotional neutrality that are vital in the field of court interpretation. The best practices outlined by these participants align with established standards and ethical guidelines for interpreters, emphasizing the importance of maintaining integrity and neutrality in the courtroom.

Ensuring accuracy and impartiality is fundamental in the field of interpretation, particularly when dealing with sensitive or traumatic information from children. Interpreters play a crucial role in facilitating effective communication between children and relevant parties while preserving the integrity and neutrality of the message (Kohn, 2002). This study explored the importance of maintaining accuracy and impartiality, and the interaction model of interpretation, as well as providing insights from scholars and the researcher's perspective.

Falian and Li (2023) emphasized the importance of semantic accuracy in translation and interpretation. They argued that interpreters should focus on conveying the intended message faithfully, without adding or subtracting information. In a similar vein, Pöchhacker highlights the need for interpreters to be culturally aware and neutral, suggesting that they should be "cultural bridges" rather than cultural informants. This is the approach with the Interaction Model, promoting cultural competence and neutrality.

What measures can be implemented to improve collaboration and communication between court interpreters, legal professionals and child support services in the courtroom?

Participants Responses:

Person B: We need more training sessions to understand children. Also, as interpreters we need to be emotionally fit as well to deal with children. We cannot discuss the merits of the case, but we can work collectively to ensure the wellbeing of children in the courtroom.



Those who are from indigent families, we need to ascertain if they have eaten before testifying. We also need to ensure that the interests of children are taken as a priority by all stakeholders. Intermediaries are also social workers these days, they can arrange for counselling afterwards and refer matters to their other colleagues as they would have dealt with the matter themselves.

Person F: Making sure that children can able to trust the people in that space. Greet the child with a smile and a gentle touch on the face. Offer a sweet, juice or anything that will make them feel at ease. Children have a sensitivity to places like courtrooms and if the other parties cannot make them comfortable, they cannot get anything from the children.

Person G: Don't be too professional when communicating with children so they can be free and open up when they speak, a friendly environment for kids should be created so that they don't feel intimidated or scared especially since she/he will be talking to a stranger.

Person I: Children must be prepared beforehand and teach them about different parties in court to feel at ease when testifying, e.g. buy them toys to show that you care about their needs.

Two critical responses among the participants (Person B and Person F) highlight crucial aspects of creating a supportive and child-friendly environment in court interpretation: The need for more training sessions to understand children and the importance of emotional fitness for interpreters dealing with child-related cases. This resonates with the literature, which often underscores the significance of interpreters being well-versed in child development and emotionally prepared for the challenges unique to cases involving children (Batja & Walker, 2009). The essential function of create a friendly and non-intimidating environment for children in the courtroom. This aligns with the literature that suggests a child-friendly atmosphere encourages open communication (Hale, 2014). Literature emphasizes the need for interpreters and legal professionals to establish rapport with children to ensure their comfort and cooperation.

The importance of preparing children beforehand and addressing their needs. This corresponds with literature that advocates for thorough preparation of child witnesses to reduce stress and



anxiety during legal proceedings (Berk-Seligson, 2002). Providing toys or other comforting items is consistent with the idea of creating a supportive environment for children in court.

The responses from Person B, Person F, Person G, and Person I complement the existing literature by providing practical, on-the-ground perspectives on enhancing collaboration and communication in the courtroom. These suggestions not only align with established principles but also bring a humanistic touch to the discussion, emphasizing the well-being of the children involved. Combining practical insights with theoretical foundations is crucial for creating comprehensive strategies that address the multidimensional challenges of legal proceedings involving children.

4.7 Conclusion

This chapter explored challenges faced by court interpreters when interpreting for children, aiming to highlight their vital role in preserving the well-being and protecting the rights of children within legal proceedings. The study utilised thematic analysis and sought to enhance interpreters' abilities and awareness of the dynamics involved in interpreting for children. The next chapter presents research findings.



CHAPTER FIVE

RESEARCH FINDINGS, LIMITATIONS, CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

This chapter presents the research findings, conclusions, limitations and recommendations derived from an in-depth investigation into the challenges encountered by court interpreters tasked with interpreting for children in South African courts. As a critical component of the legal process, the study examined the interpreters' responsibilities in safeguarding the well-being and rights of children, evaluated the effectiveness of their training, and explored how the age of the child impacts the interpretation process. The summary of the study was given first, followed by research findings, then the conclusions and recommendations.

5.2. Summary of the Study

The study investigated challenges faced by court interpreters interpreting for children. It identified the interpreters' role in ensuring the well-being and rights of children. In accordance with this, Berk-Seligson (2002) highlighted in his work the critical responsibility of court interpreters in ensuring that children, as vulnerable participants in legal proceedings, have their rights protected and their voices heard. Further, the study examined the effectiveness of the training provided to court interpreters drawing insights from recommendations outlined by Aririguzoh (2022) who stressed the importance of comprehensive training programs that encompass legal frameworks, child psychology, and cultural sensitivity to enhance interpreters' proficiency in handling child-related cases.

This study aimed to investigate challenges faced by court interpreters when interpreting for children to enhance the support and proficiency of court interpreters in handling cases involving children in legal proceedings. Subsequently, the researcher conducted qualitative research and administered questionnaires using google forms to ten court interpreters who were purposefully selected from Oberholzer Magistrate Court, Khutsong Magistrate Court, Fochville Magistrate Court and Randfontein Magistrate Court, in South Africa. The questions



addressed challenges they face while interpreting for children in court and the responses received were analysed using the Interactant Model of the Interpreting Situation.

5.3 Research Findings

The main question that the study sought to respond to was: What challenges are faced by court interpreters while interpreting for children in South African courts? This question guided the study's exploration of challenges encountered by court interpreters in interpreting for children within South African legal contexts; their role as interpreters interpreting for children; and the training required by interpreters. The main question was answered in three phases through the three subsequent questions as follows:

5.3.1 What Challenges do Court Interpreters Face When Interpreting for Children?

The study adeptly identified and categorized challenges faced by interpreters, encompassing linguistic complexities, cultural nuances and emotional intricacies inherent in interpreting for children within the legal system.

- *Challenge 1: Emotional and Psychological Dimensions*

The study highlighted the significant challenges interpreters face in handling emotional and psychological issues during child interpretation. Instances were identified where interpreters struggled with these dimensions, emphasizing the need for comprehensive training initiatives. E.g. **Person B**: “The keyword would be “patience”. Understanding also different educational backgrounds, the trauma that the said children have been exposed to, and the level of maturity as well. If an interpreter can see that the child is crying or no longer concentrating, it is wise to also alert the court.”

Aririguzoh (2022) emphasizes the necessity of comprehensive training programs covering legal frameworks, child psychology, and cultural competence to enhance interpreters' proficiency in child-related cases while Wang (2017) supports the call for cultural understanding, emphasizing interpreters' need to comprehend the cultural context of both the child and the party they are communicating with.

- *Challenge 2: Linguistic Barriers*



Participants in the study noted that linguistic challenges are not only limited to language proficiency but also involve navigating specialized terminologies and adapting language for effective communication. E.g. **Person A**: “Most children are not equipped with the vernacular terminology and that becomes a challenge in simplifying the language”.

Aririguzoh’s (2022) advocacy extends to training initiatives that cover legal frameworks, child psychology, and cultural competence. Smith (2021) supports the observation that interpreting for children of different age groups in legal settings requires a differentiated approach, acknowledging the diverse linguistic challenges involved.

- *Challenge 3: Legal Framework Proficiency*

The complexity of interpreting for children in legal settings requires interpreters to possess a deep understanding of legal specifics, ensuring accurate representation and protection of children’s rights. E.g. **Person I**: “Children must be prepared beforehand and teach them about different parties in court to feel at ease when testifying, e.g. buy them toys to show that you care about their needs.”

Aririguzoh (2022) advocates for interpreters to undergo comprehensive training covering legal frameworks, child psychology, and cultural competence. Wang (2017) emphasizes the importance of interpreters’ understanding of the cultural context of both the child and the party they are communicating with, adding a cultural layer to legal proficiency.

5.3.2 What is the Role of Court Interpreters Interpreting for Children in Ensuring the Well-Being and Rights of Children?

In connection with the qualitative dimension, the study revealed that court interpreters assume a pivotal role as advocates and guardians, ensuring the well-being and rights of children during legal proceedings. This aligned with Berk-Seligson’s (2002) advocacy for interpreters to be more than linguistic conduits but also advocates within the legal framework. The research underscored the indispensable responsibility borne by interpreters in ensuring the well-being and rights of children during legal proceedings. Participants in the study articulated the complex nature of this responsibility, emphasizing the need for a patient, supportive and



empathetic approach when navigating the emotional intricacies of children involved in court proceedings.

The study brought to the forefront the qualitative aspects of the interpreter's role, as highlighted by the participants. Among the roles of court interpreters isolated are:

- *Role 1: Ensuring the Well-being and Rights of Children in Legal Proceedings*

To ensure the well-being and rights of children during legal proceedings, the role of a court interpreter is to adopt an empathetic stance, understanding and responding to the emotional needs of children.

For instance, interpreters shared instances where they needed to adopt an empathetic stance, understanding and responding to the emotional needs of children during court proceedings. This aligns with the recommendations from Berk-Seligson (2002), who stresses the critical role of court interpreters in ensuring that children, as vulnerable participants, have their rights protected and their voices heard. Berk-Seligson emphasizes the need for interpreters to be more than linguistic conduits but also advocates and guardians for the child's well-being within the legal framework.

- *Role 2: Acting as a Cultural Bridge for Effective Communication*

To function as a "cultural bridge," going beyond the literal translation of words, to facilitate cultural understanding and bridge communication gaps.

Moreover, Wang (2017) reinforces the importance of interpreters adopting a supportive and empathetic approach. The researcher contends that interpreters should function as "cultural bridges" rather than merely transmitting words. This dual scholarly perspective underlines the consensus regarding the emotional and supportive dimensions of the interpreter's role in cases involving children within the legal system.

Additionally, Pöchhacker (2016) emphasizes the role of interpreters as cultural mediators and advocates for interpreters being sensitive to the emotional needs of the speakers. This resonates



with the study's findings, and further solidified the scholar's stance on the interpreter's multifaceted role.

5.3.3 Is Training Provided to Court Interpreters Effective in Helping Interpreters

Interpret for Children in South African Courts?

The study provided detailed insights into the effectiveness of training for court interpreters, emphasizing the necessity for specialized programs covering legal frameworks, child psychology and cultural competence. Aririguzoh (2022) and Wang (2017) were referenced, highlighting the importance of comprehensive training initiatives. Participants in the study elucidated the complex demands of interpreting for children in legal settings, shedding light on the challenges associated with emotional and psychological distinctions. The Interactant Model of the Interpreting Situation emerged as a valuable framework, emphasizing the dynamic and interactive nature of the interpreter's role in the legal process.

Aririguzoh (2022) stresses the importance of comprehensive training programs for interpreters dealing with child-related cases. The author advocates for a curriculum that includes legal frameworks, child psychology, and cultural sensitivity to enhance interpreters' proficiency. The study's findings resonated with Aririguzoh's recommendations, further validated the necessity of an all-encompassing training approach.

Moreover, Berk-Seligson (2002) contributes to the discussion by emphasizing the need for interpreters to possess a deep understanding of legal procedures and child psychology. In her work, she stresses that interpreters must not only convey words accurately but also interpret the emotional and psychological nuances of children, highlighting the significance of specialized training.

In addition, Wang (2017) stresses the importance of cultural awareness in interpreter training. She argues that interpreters should be "cultural bridges" rather than mere informants, aligning with the study's emphasis on cultural sensitivity. This further supports the notion that effective training for court interpreters requires a holistic approach that considers legal, psychological and cultural dimensions.



Expanding on the discussion, Hale (2014) emphasizes the significance of emotional intelligence and cultural competence in interpreter training. Hale argues that interpreters need to be prepared not only linguistically but also emotionally and culturally to effectively handle the complexities of legal cases involving children. This aligns with the study's emphasis on the multifaceted nature of interpreter training and its vital role in addressing the emotional and psychological aspects of the job.

The study's findings underscore the importance of ongoing training and the need for comprehensive programs that adequately prepare court interpreters for the unique challenges posed by cases involving children.

5.4 Limitations to the Study

The study acknowledged certain limitations that impact the generalizability of its findings. Firstly, the research is confined to a specific geographic and cultural context—South African courts. This limitation raises concerns about the universal applicability of the identified challenges faced by court interpreters when interpreting for children. It is crucial to exercise caution when extending the study's conclusions to other jurisdictions, as the unique legal, cultural and linguistic landscapes of different regions may present distinct challenges that were not captured within the study. Additionally, the study primarily reflects the perspectives of interpreters and potentially sidelining the direct viewpoints of children involved in legal proceedings. Despite efforts to include insights into the challenges faced by children, the study focused on interpreters and may lead to an incomplete understanding of the details of the child's experience because the focus was on understanding interpreters' perspectives, recognizing that children's sensitivity could potentially affect the reliability of their insights.

To address the limitations identified in the study, future research endeavors are suggested. Comparative cross-cultural studies represent a promising avenue for expanding the scope of understanding. By examining the challenges faced by court interpreters working with children across diverse legal and cultural contexts, researchers can contribute to a more comprehensive understanding of the universality or specificity of these challenges. Additionally, another dimension could be to have an in-depth child-centric studies that prioritize the perspectives of children in legal proceedings. Conducting qualitative research with a specific focus on



capturing the experiences and challenges faced by children could provide valuable insights for developing interpreter practices centered around the unique needs and perspectives of the children involved in legal processes. These recommended avenues for further study aim to enrich the understanding of court interpreter challenges and enhance the development of practices that better cater to the diverse contexts in which they operate.

Furthermore, to enhance the transparency and reflexivity of the research process, the study could have investigated deeper into how these limitations might have impacted the interpretation of its findings. This could involve discussing any biases or assumptions that may have influenced data collection, analysis, and interpretation. By providing this level of detail, researchers can offer a more comprehensive understanding of the study's outcomes and their potential implications.

5.5 Conclusion

This research study embarked on a comprehensive exploration of the challenges encountered by court interpreters in South African courts when interpreting for children. The investigation aimed to shed light on the responsibilities of interpreters in safeguarding the well-being and rights of children while ensuring proper administration of justice and assess the effectiveness of their training. Drawing upon qualitative research and insights from ten purposefully selected court interpreters, the study navigated through the intricate landscape of legal interpretation for children. The findings and analyses presented in each chapter culminate in the following conclusions:

- Interpreting for children in legal proceedings emerged as a complex task.
- The age of the child proved to be a significant factor, influencing the interpretation process.
- The challenges faced by court interpreters encompassed linguistic, cultural, emotional and psychological dimensions, highlighting the multifaceted nature of their role. Thus, scholars such as Kohn extensively emphasized the holistic training of interpreters to be able to deal with complex legal matters involving children (Kohn, 2002).

The study stressed the pivotal role of court interpreters in ensuring the well-being and rights of children within the legal system. Beyond linguistic proficiency, court interpreters are entrusted with responsibilities that demand emotional intelligence, cultural competence and a keen



understanding of legal frameworks. The dynamic and interactive nature of the Interactant Model of the Interpreting Situation Interpretation by Pöchhacker (2005) emerged as a valuable framework, emphasizing the active participation of interpreters in the legal process.

The research findings emphasized the need for specialized training programs for court interpreters working with children. However, one of the research participants noted that the programs offered for training interpreters is general and not specific to interpreting for children. Training programs must extend beyond language proficiency, encompassing legal frameworks, child psychology and cultural sensitivity. The participants recommended that accredited and comprehensive courses tailored to child-related cases are essential to bridge existing gaps and enhance the proficiency of interpreters.

Interpreting sensitive or traumatic information from children demands a delicate balance between accuracy and impartiality (Wilson & Powell, 2001). In this research trust emerged as a paramount factor, requiring interpreters to convey information faithfully and impartially while acknowledging the potential impact on the child's well-being. Professionalism, emotional detachment, and adherence to ethical standards were identified as critical elements in achieving this delicate balance.

The study focused on the challenges faced by court interpreters in South African courts when working with children, it is evident that the role extends far beyond mere language translation. The insights garnered from the participants emphasized the critical need for interpreters to possess a multifaceted set of skills, encompassing legal acumen, an understanding of child psychology and cultural competence.

The examples provided by participants vividly illustrate instances where a lack of specialized training hindered the accurate interpretation of children's testimony in court. This aligns seamlessly with the scholarly discourse, particularly Wang (2017), who emphasizes the significance of interpreters comprehending the cultural context. The call for targeted training initiatives becomes even more imperative in light of these challenges, reinforcing the argument for interpreters to be adequately equipped to navigate the emotional and psychological dimensions inherent in the interpretation process.



The qualitative aspects of the interpreter's role, as illuminated by the participants, highlight the need for interpreters to adopt an empathetic stance. Understanding and responding to the emotional needs of children during court proceedings is not just a linguistic task but a crucial element in safeguarding the well-being and rights of the child. This resonates strongly with Berk-Seligson's (2002) advocacy for interpreters to be advocates and guardians, ensuring that the voices of vulnerable participants, such as children, are not only heard but also protected within the legal framework.

The Interactant Model of the Interpreting Situation, as discussed in the study, proves to be a valuable framework. Its emphasis on the dynamic and interactive nature of the interpreter's role aligns with the challenges faced by interpreters in legal settings, especially when dealing with children. It reinforces the notion that interpreters are active participants in the legal process, influencing and shaping the proceedings beyond the scope of language translation.

Aririguzoh's (2022) stress on comprehensive training programs echoes the sentiments derived from the study's participants. The need for a curriculum that goes beyond linguistic proficiency to include legal frameworks, child psychology, and cultural sensitivity is evident. This research, supported by these scholarly perspectives and participant insights, strongly advocates for a holistic training approach that equips interpreters with the diverse skills necessary to navigate the multifaceted landscape of court interpretation for children successfully.

In conclusion, the study illuminates the complex challenges faced by court interpreters, emphasizing the necessity for specialized training initiatives. The qualitative aspects of the interpreter's role, highlighted by both participants and scholars, stress the need for interpreters to be more than linguistic conduits, acting as advocates for the well-being and rights of children within the legal system. The Interactant Model of the Interpreting Situation provides a valuable framework, reinforcing the dynamic nature of the interpreter's role in shaping legal proceedings.

5.6 Recommendations

Addressing the complexities of interpreting for children within the South Africa legal system demands a coordinated effort by key stakeholders. Implementing targeted recommendations across these groups can build a robust support system, equipping court interpreters with the



necessary skills and knowledge to safeguard children's well-being and rights during legal proceedings. This requires a focused approach from each element in the ecosystem, as detailed below.

5.6.1 Chief Justice of South Africa (COJ) and Department of Justice

Chief Justice of South Africa (COJ) and Department of Justice recommendations are to:

- Establish and implement specialized training programs for court interpreters: These programs should focus on legal frameworks, child psychology, cultural sensitivity, and the Interactant Model of the Interpreting Situation. Accreditation and certification mechanisms should be established for these programs.
- Recognize the critical role of court interpreters in child-related cases: Advocate for their importance in ensuring children's well-being and rights within the legal system. Allocate resources for ongoing professional development through workshops, seminars, and forums for court interpreters.
- Strengthen collaboration with other stakeholders: Foster communication channels and collaboration with legal professionals and child support services. Organize joint training sessions and workshops to promote understanding and cooperation among these groups.

5.6.2 Academia and Training Institutions

Academia and training institutions recommendations are as to:

- Develop and deliver accredited training programs: Design and offer courses specifically tailored for court interpreters working with children, incorporating legal frameworks, child psychology, cultural sensitivity, and the Interactant Model of the Interpreting Situation.
- Conduct research and develop best practices: Continuously research and refine best practices for interpreting for children within the South African legal system. Disseminate findings through publications and workshops for court interpreters and other stakeholders.
- Collaborate with the COJ and Department of Justice: Partner with the COJ and Department of Justice in the development and implementation of training programs for court interpreters.



5.6.3 Court Interpreters and Professional Associations

Court interpreters and professional associations are to:

- Participate in and complete specialized training programs: Actively seek out and engage in accredited training programs to enhance their skills and knowledge in handling child-related cases.
- Advocate for recognition and ongoing professional development: Raise awareness about the challenges and importance of their role in ensuring children's rights within the legal system. Lobby for increased resources and opportunities for professional development.
- Collaborate with other stakeholders: Actively engage in communication and collaboration with legal professionals, child support services, and other stakeholders to promote a more child-friendly and efficient legal process.

5.6.4 Child Support Services and Legal Professionals

Child support and legal professionals recommendations are to:

- Recognize the value of court interpreters: Appreciate the critical role of court interpreters in ensuring effective communication with children within the legal system.
- Develop communication and collaboration strategies: Establish clear communication channels and build a supportive environment for collaboration with court interpreters.
- Participate in joint training sessions: Engage in ongoing joint training programs with court interpreters to enhance understanding of each other's roles and responsibilities in child-related cases.

By implementing these recommendations targeted toward each stakeholder group, a comprehensive and multi-faceted approach can be established to create a more supportive and effective environment for court interpreters working with children within the South African legal system.



5.7 References

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5.8 Appendix

5.8.1 Ethics Clearance



Research Office

HUMAN RESEARCH ETHICS COMMITTEE (NON-MEDICAL)

R14/49 Chikele

CLEARANCE CERTIFICATE

PROTOCOL NUMBER: H23/07/06

PROJECT TITLE

Challenges faced by court interpreters while interpreting for children in a South African court

INVESTIGATOR(S)

Mrs H Chikele

SCHOOL/DEPARTMENT

SLLM/

DATE CONSIDERED

21 July 2023

DECISION OF THE COMMITTEE

Approved
Risk Level: Minimal



EXPIRY DATE

15 October 2026

DATE

16 October 2023

CHAIRPERSON


(Professor J Watermeyer)

cc: Supervisor : Professor C Dladla

DECLARATION OF INVESTIGATOR(S)

To be completed in duplicate and **A SIGNED COPY** returned to the Secretary electronically. Unreported changes to the application may invalidate the clearance given by the HREC (Non-Medical)

I/We fully understand the conditions under which I am/we are authorized to carry out the abovementioned research and I/we guarantee to ensure compliance with these conditions. Should any departure be contemplated from the research procedure as approved I/we undertake to submit an amendment of the protocol to the Committee. **I/we agree to completion of a regular progress report. For Minimal and Low Risk studies, this is due annually on 31 December. For Medium and High Risk studies, this is due twice annually on 30 June and 31 December.**



Signature

30 / 10 / 2023

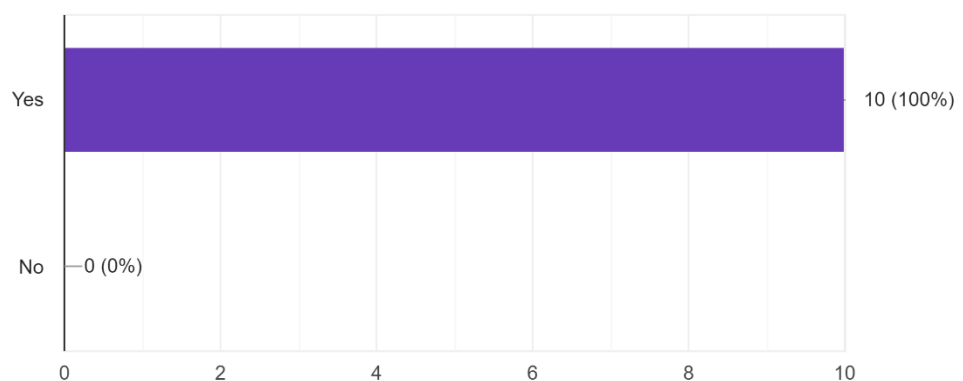
Date

PLEASE QUOTE THE PROTOCOL NUMBER ON ALL ENQUIRIES

5.8.2 Consent Graphs

I agree to participate in this research project. I thus consent to taking part in this online study. I have been informed about the study and I am aware that I...ined to me. I understand what this study is about.

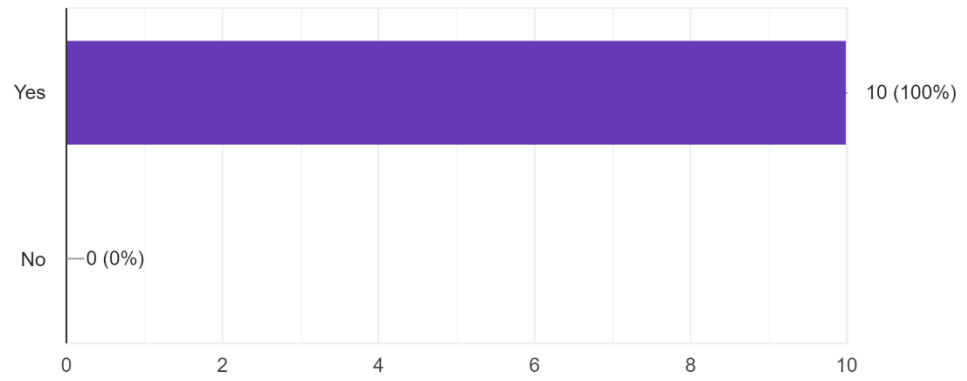
10 responses





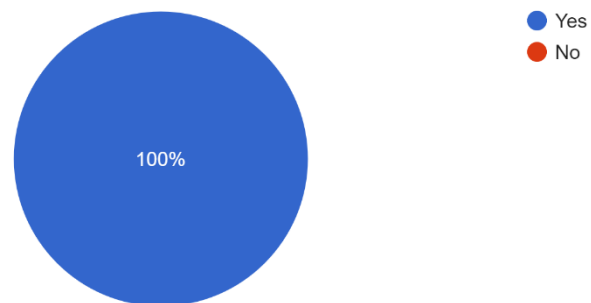
My participation in this study is voluntary.

10 responses



I agree to answer the questions from the questionnaire and my answers may be recorded

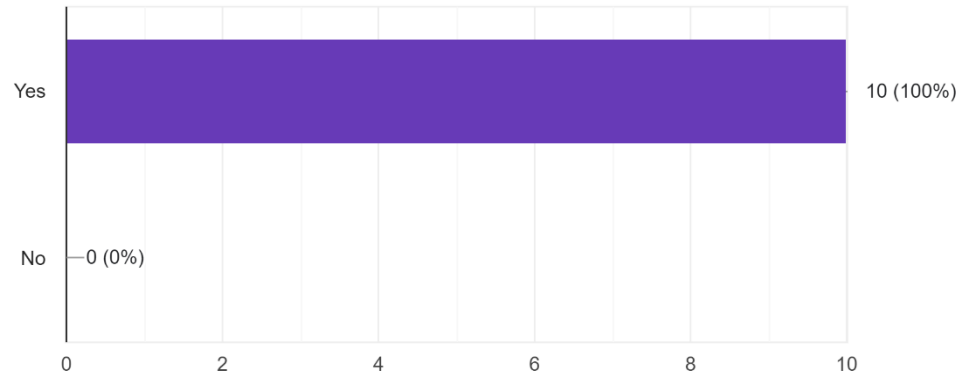
10 responses





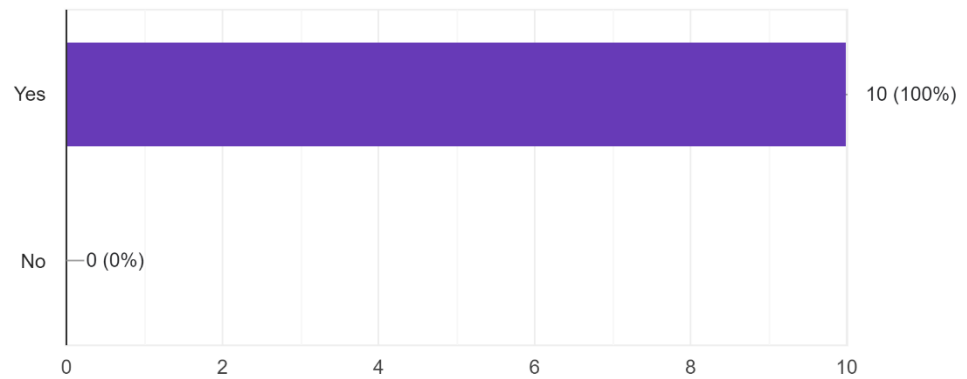
I agree that direct quotations from my questionnaire activity may be used by the researcher in their research report/manuscript/book chapter

10 responses



I agree that my participation will remain anonymous (my name or other identifying data will not be used by the researcher in their research report/manuscript/book chapter)

10 responses



5.8.3 Questionnaire and Responses From the Participants



4:54 PM

Challenges faced by court interpreters while interpreting for children in a South African court.

1. How does the age of the child impact the interpretation process in court?

10 responses

When interpreting for a child younger than 12 years you need to phrase the words in a way that is understandable to the child and that give a challenging impact on me as the interpreter .

Understanding, communication, emotional and physical and legal understanding.

The process becomes slow and a bit complicated.

The age impacts an interpreter in a sense that they have to relate to the child, come to the child's level and try and be in their shoes.

The interpreter will require the assistance to court intermediary , as the interpretation ability and execution must deviate to accommodate the child and idea intended

The interpretation is prolonged as we have to be patient with the child as they went through a certain ordeal

They tend to loose concentration and loose focus

The interpretation is prolonged as we have to be patient with the child as they went through a certain ordeal

They tend to loose concentration and loose focus

It has to be established that the child is able to follow the proceedings or not.

Age of a child plays a huge role in the interpretation process in court. The interpreter is often required to be more patient and to simplify the language in a manner that would be more easy for the child to understand.

It affects court proceedings because most loose concentration when being questioned for a while and that hinders the smooth running as well of the court



2. What specific linguistic and cultural challenges do court interpreters encounter when working with children

10 responses

Most children are not equipped with the vernacular terminology and that becomes a challenge in simplifying the language.

Limited vocabulary and developmental language differences.

Interpreters are unable to put most of the terms precisely and as they are.

The interpreter has to try and be clear, in any language when communicating with a child for them to understand

Deviation of court language to accommodate the mind and language usage of a minor

Language barrier

Ethnocentric background and cultural background may determine how one answers questions

One has to ensure that the children are able to express themselves and also know the different

One has to ensure that the children are able to express themselves and also know the different cultures.

Linguistic challenges would be more apparent in sexual offences cases where a child would be required to answer to questions relating to sexual activities and also genital organs of both males and females. Children often have their own terms they use to refer to their private parts and so forth, the interpreter has the duty as well to get clarity from them. Certain cultures do not permit for children to converse with adults on certain topics, however in court such need to be interpreted and uttered. Children would often feel uncomfortable and that in itself would also create challenges for the interpreter handling the matter.

Gestures and of the certain district do help, as we all know that in some areas of the country certain words may mean different things.



3. What training or qualifications do court interpreters need to effectively interpret for children in South African courts?

10 responses

As interpreters we need training on Child Justice Act , children's Act and also on the basic introduction of translating and linguistic, to effectively interpret to child. The qualifications that we need are diploma in interpreting and translation.

Language proficiency and children development and communication skills, culture competency

Interpreters needs to be trained as to how to deal with children. Have more understanding about children and their behavior.

Only Communication skills and different languages are required. Then making the child comfortable enough to open up to the interpreter.

Complete knowledge of Children's Act , legal and legislative background , interpretation of statues and administrative law

Bachelors of Arts

Training concerning the behavior of children under stressful situations

They need to be trained to make sure that there are no barriers and misunderstandings when interacting with children. They should be able to calm children down and let them be at ease in order to deliver what is required.

I believe the training that intermediaries attend would also come in handy for interpreters handling children's cases as well. That would entail understanding the mindset of children, their different behaviour and most importantly learning to be more patient with them as they easily get distracted.

The wits language school is having courses for languages and the department does offer training for interpreters



4. How do court interpreters address the emotional and psychological needs of children during the interpretation process?

10 responses

I address the issue immediately when I see the child being emotionally disturbed and we stop recording, adjourn to ease the child.

Using child-friendly language, being patient and understanding, and providing emotional support

It is difficult to address such issues.

By trying to make the child and themselves comfortable with each other. Make a way of gaining trust with a child so that they open up and are able to easily communicate.

Application of patience and understanding , accommodative methodology is required

In a subtle manner

Just need to be calm and show signs of being emotionally and physically involved and put the child at ease

By ensuring that the children are able to express themselves well and are relaxed with their minds are at ease.

The key word would be "patience". Understanding also different educational backgrounds, the trauma that the said children have been exposed to, the level of maturity as well. If an interpreter can see that the child is crying or no longer concentrating, it is wise to also alert the court.

They need to be swift in understanding how children behave when they are feeling overwhelmed by informing the court what do they see when interacting with them



5. How do court interpreters ensure the accuracy and impartiality of their interpretations when dealing with sensitive or traumatic information from children?

10 responses

I detach my emotions from the scenario and apply my professionalism, after all it's not about me but the issue at hand.

Interpret accurately, not omit and not add. Must always interpret as a first person and interpret each and every emotion.

By not adding or omitting to what the child has said.

Children often want to be held and cuddled. By so doing, one can allow a child to gain their trust. Make them comfortable even with toys that can make them enable and establish a bond between the interpreter and themselves.

Court interpretation and court translation vary, what is most required is the message that is intended which must be conveyed to & fro. Interpreter's must ensure that they understand and apply the traumatic and sensitive situations to the idea intended in order to execute clear, fair and understandable phrases. Which are not biased.

If there are the accused, applicants they are supposed to go out so that the child feels free

Try by all means to use simple communication understood by children and use examples

Through excellent listening skills as well as being able to show empathy.

The duty of an interpreter is to assist with the language barrier that exist between the witnesses, accused persons and the court itself. Basically to assist all the role players that would be participating in a trial or any other court proceeding. It is always required of an interpreter to translate accurate information, if the interpreter is uncertain of a certain term, the court would allow him or her to even research on that particular aspect. Interpreters must always remain impartial even when dealing with traumatic issues. The core function is to translate information, not to be judgemental or even enter the arena.

Interpreters should not be emotionally attached to matters dealt in court, for that reason it would help in not omitting or adding information conveyed in court



6. What measures can be implemented to improve collaboration and communication between court interpreters, legal professionals, and child support services in the courtroom?

10 responses

We all need a workshop training to effectively enhance the service we provide to the public.

Don't be too professional to when communicating with children so they can be free and open up when they speak ,a friendly environment for kids should be created so that they don't feel intimidated or scared especially since she/he will talking to a stranger

A thorough and intensive training is needed.

Making sure that children can able to trust the people in that space. Greet the child with a smile and a gentle touch on the face. Offer a sweet, juice or anything that will make them feel at ease. Children have a sensitivity to places like court rooms and if the other parties cannot make them comfortable, they cannot get anything from the children.



Stakeholder's intervention or integrated approach between the court decorum.

Visual aid, psychiatry and/psychology

Children must be prepared beforehand and teach them about different parties in court to feel at ease when testifying, eg buy them toys to show that you care about their needs

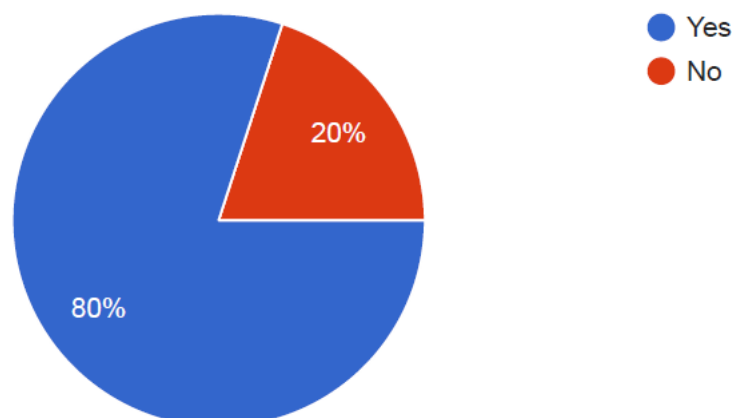
Through training.

We definitely need more training sessions to understand children. Also as interpreters we need to be emotionally fit as well to deal children. We cannot discuss the merits of the case, but we can definitely work collectively to ensure the wellbeing of children in the court room. Those who are from indigent families, we need to ascertain if they have eaten prior to them testifying. We also need to ensure that the interests of children are taken as priority by all stakeholders. Intermediaries are also social workers this days, they can arrange for counselling afterwards and refer matters to their other colleagues as they would have dealt with the matter themselves.

Interpreters can meet with relevant court stakeholders to discuss what is to be discussed in court separately with the stakeholders and that can also improve in knowing before time what is expected of them

7. Do court interpreters require specific training or qualifications to effectively interpret for children in South African courts? (Yes/No)

10 responses





8. Do court interpreters encounter specific linguistic and cultural challenges when working with children? (Yes/No)

If yes, What specific culture has been a problem to you.

10 responses

No

Yes, I have experienced challenges in Xitsonga and Sesotho culture, whereby I have to use metaphorical language to describe private part because it is against the norms of the culture to state it as it is.

No it's not really a specific culture that I have encountered a problem with some kids they claim to be for example Sotho but when you speak Sotho with them in some words they seem confused especially when the Sotho is broad

Yes. More especially when you're interpreting in a matter whereby a child is not speaking your mother tongue. It is a bit difficult when you don't know the cultural background of that language.

No.

Yes , formal training/education is not applicable , you need to reduce yourself and appearance to that one of the child

Yes, language and cultural background influences how the child would communicate

Yes, Children due to their cultural beliefs are often not comfortable to divulge information to the opposite gender. They view it as a form of disrespect. Also there are certain form of language that children are not allowed to use in front of adults as a form of cultural upbringing, for example, having to utter a swear word which sometimes is the core element of the offence at hand.

Yes, Xhosa speaking people sometimes say things differently they may for example: isidubula it would mean a fire-arm but in a true context in Xhosa a fire-arm it is called Umpu and children may know the first word Isidubula



9. Does the age of the child impact the interpretation process in court? (Yes/No)

If the answer is yes. Please describe your experience in one line.

10 responses

Yes, a younger child's understanding is not the same a child of 12 years and also when constructing words you need to be aware and able to put it in accordance with the age of the child.

Yes some kids tell a confusing story and the story always changes along the proceedings

Yes. I once came across a situation where by a child was 10 years old and it difficult for the child to understand most of the questions asked towards her.

Yes, children are not prone to court rooms. Hence there's people who are called Court Preparatory specialists who ensure that children open up to them before they go to court. They prepare the child of who the magistrate is and their role, the prosecutor and their role and other court officials.

Yes, dealing with children's requires deviation from formal court procedures, in a sense that the focus is in ensuring that the child is free from pressure and court environment

Yes,sometimes they might not be able to explain everything fully

Yes, they can't explain logically and the sequence of what happened

Yes. It has to be established whether the child comprehends what happens in Court or not. I had to deal with a witness whose iq was that of a young child. I assisted the prosecutor during consultation and the child testified very well in Court and the accused was convicted in that matter.

Yes, it is difficult to interpret to children of a very tender age due to intellectual understanding and maturity.

Yes, many are afraid to call a genital part by its name



10. What support or resources are currently available to court interpreters to enhance their skills in interpreting for children?

10 responses

Not that I know of, because most trainings that are available are conducted specifically for adult purposes and expects.

So far we learn on the job

Labour's resources such as Court Intermediaries.

So far there's none that I know of. Court Interpreters are often not given much skills or training in order to improve themselves in the court room, especially when dealing with the issue of children. It only takes a lot of understanding, calmness and being level headed to actually deal with children.

Internal courses , which are not accredited and not sufficient to accommodate both the children and interpreters. The teddy bears and toys provided must iintergrate and accommodate kinds or various backgrounds

Visual aid

Court preparation officers and intermediaries do make things easier for interpreters

None except for assistance of seasonal Interpreters.

We don't have enough resources thus far, most interpreters don't even attend training to deal with child witnesses as opposed to intermediaries.

None according to my knowledge