JUSTISIGNS: Access to justice for deaf people in the EU

Conclusions of the initial stage of a project to examine barriers to justice for the deaf community across Europe.

Linda FITCHETT.
Published: May 8, 2016 Last updated: June 9, 2016

“There are an estimated 1 million deaf sign language users in the EU. Deaf people are 2-3 times more likely to experience abuse and domestic violence than their hearing counterparts (Hoem Kvan 2004). For these victims of crime, and for the average deaf person wishing to engage with police services and legal processes, the barriers to engagement are significant.

The European Commission funded JUSTISIGNS project is the first to look at the barriers to justice for this community on a pan-European level. We conducted research to benchmark current practices vis-à-vis provision of sign language interpreters and secured experientially based feedback from police officers, solicitors, interpreters and deaf people who were victims of crime, alleged perpetrators or family members of those engaging with the justice system. The project also implemented pilot training for key stakeholders over a three-year period. Key instruments that guided our work were EU 2010/64/EU on the right to interpretation and translation in criminal proceedings and Directive 2012/29/EU which established minimum standards on the rights, support and protection of victims of crime.

When the law is applied, we use models of social policy, knowledge of majority cultural behaviour and morality, assumptions about the use of a shared common language and the application of legal precedents. None of these assumptions work well when deaf people are included in legal settings. Consequently, the claim that justice will provide for the protection of an individual’s rights, is brought into question when it is assumed that deaf people access the legal system in the same way and experience the same outcomes as their hearing (i.e. non-deaf) peers.”

These were some of the introductory paragraphs in the documentation accompanying the event held in the European Parliament on 27 April 2016. It was opened by Helga Stevens, MEP, member of the European Conservatives and Reformists Group in the European Parliament and herself deaf and a user of SLIs. The Keynote address was given by Carlos Alegría, acting Director General of Interpreting in the Commission, who explained the project and referred to all interpreters as ‘a bridge between different ways of seeing (and therefore also hearing) the world’. Referring to the EU interpreting services, he said that they were looking to see how better to organise lists of qualified and available SLIs, since they were expecting more demand for their services in the future.

Panel 1: The Project Team
The following panel discussion involving members of the project team included:

- **Mr Haaris Sheikh**, Project Chair and Chief Executive, Interesource Group (Ireland) Ltd
- **Prof. Jemina Napier**, Deputy of School/Department Head, Dept. of Languages and Intercultural Studies, Herriot Watt University, Scotland
- **Prof. Lorraine Leeson**, Director, Centre for Deaf Studies/Director of Research, School of Linguistic, Speech and Communication Sciences, Trinity College, Dublin, Ireland
- **Prof. Myriam Vermeerbergen**, Head, Flemish Sign Language Group, Faculty of Arts, Campus Antwerpen, KU Leuven, Antwerp, Belgium

Mr Sheikh recalled project work with the police and allied professions (legal and social) who needed ‘quick fixes’ which could be provided in the form of pocket guides on the use of SLIs, translations (e.g. of regularly-used police documents) for the use of interpreters, videos showing the use of interpreters during interviews. He spoke of interpreter training seminars and the need for further support (given that the project ends at the end of May) and especially said that funding of future EU projects must include funding for inclusion of deaf people right from the start. This call was echoed later in the seminar to general acclaim. He also reminded us of the Justisigns tweet handle @JUSTISIGNS.

Prof. Napier spoke of the need for evidence-based research, saying that most research in the field of interpretation was concentrated on spoken language interpreting. She explained the project survey, designed to develop an overview of the current status of SLI in legal settings across Europe in order to better understand interpreter training needs. Responses came from 21 countries, including Deaf Associations and Interpreter Associations giving information on recruitment, pay, etc. Further information was gained from talks with the police, interpreters and the deaf about their experience in legal settings. Amongst many other results, she reminded us that there is no single standard across Europe which, if achieved, would be so important for both the interpreters and those working with them to follow. She stressed the need for further research into training and its content.

Prof. Leeson spoke of the impact of interpreters in the courtroom and elsewhere. She mentioned the surprising statement made by some police officers that “when we have interpreters in the room, we don’t feel that we’re in control”. That comment reminded me very much of the Field Guide for Conflict Zone Interpreters and users of their services, published in 2012 by AIIC and its partners, where we firmly stated that users should “not delegate responsibility to the T/I. They should not make a statement or ask a question on your behalf, they only translate what you say. Remain in charge of the proceedings, but seek the T/I’s advice where necessary and appropriate”. Obviously there are many similar problems throughout the different areas of interpreting. Prof. Leeson mentioned another one: many (SLI) interpreters are recruited by agencies and police do not usually check their credentials, relying on the agency to provide them with a professional service. She also said that many interpreters in the legal setting do not realise that they may be called as (expert) witnesses in court: they must be made aware of this possibility. She later pointed out that the project had concentrated as a first step on the police because of the number of cases which went astray because of bad or no interpreting. As one of the paragraphs in the meeting document stated: “While legal settings refers or can refer to the courtroom, interactions with solicitors, barristers and lawyers, a particular emphasis of JUSTISIGNS is on the interactions of deaf people with the national police services who are often the first point of contact; effective communication is a pre-requisite for ensuring a case proceeds through the judicial process.”

Prof. Vermeerbergen spoke about a mock trial on human trafficking held on 7 May 2015 in cooperation with the Court of First Instance in Antwerp, involving SLIs, and its contribution to research and interpreter training. Special training was also provided to the Belgian Federal Police on techniques for interviewing minors, also using SLIs. She stressed the need for awareness-raising in
this area and the revival of an association ‘Het Reddend Gebaar’ (‘The sign that saves’) formed by police officers wishing to help the deaf and hard-of-hearing in their contacts with the police. Her final plea was for the use of interpreters rather than children in these contacts.

Panel 2: Stakeholders

The second panel, involving stakeholders, included:

- **Mr Christian Peters**, president of EFSLI (European Forum of Sign Language Interpreters)
- **Mr Mark Wheatley**, Executive Director of EUD (European Union of the Deaf)
- **Prof. Eric Hertog**, Professor Emeritus, KU Leuven, Belgium

**Mr Peters**, an SLI trained in Hamburg, stressed that the interpreters themselves must be aware of their role and responsibilities as much as those in the justice system; their joint aims should be professionalization, awareness and increasing accessibility to justice for the deaf. He also spoke of the introduction of interpreting teams in the legal setting, thus eliminating interpreters working alone and for long periods. I’m sure that spoken language interpreters would also welcome that move.

Mr Wheatley recalled that up until now, interpreting for the deaf had mostly been considered to be charity-based and often the children of the deaf acted as interpreters, which must stop. Unfortunately, only very short lists of qualified interpreters were usually available to e.g. the police, who might need someone urgently at anti-social times of the day or night, making it difficult for them to call on professionals, hence the need for more trained interpreters. He too underscored the need for funding to be included in EU projects from the outset in order to include the deaf.

**Prof. Hertog** recalled Article 2.2 of the EULITA (European Union Legal Interpreters and Translators Association) constitution: “to advance the quality of legal translation and legal interpreting in both spoken and sign language in all member states of the European Union.” and the ensuing TRAFUT and QUALETRA projects designed to further this quality, but lamented that no specific project had been designed for the deaf – until JUSTISIGNS was designed and implemented, thanks to the synergy created by those earlier projects. He urged all concerned to now take the results of this project to the target groups by publishing articles (being done here!) and being present at their conferences, symposia, etc.

In his concluding remarks, **Dr Adam Kósa, MEP**, deaf member of the European People’s Party and user of interpreters, said that the deaf had for too long accepted barriers but that this project empowers them. Whilst Australia had been condemned for not allowing the deaf to sit on juries and not mandating interpretation for the deaf in court, there was now greater hope for the deaf in access to European justice. In response to a final request for global outreach by the representative of WASLI (World Association of Sign Language interpreters), we were reminded that all the JUSTISIGNS material online is open access and further contributions, translations, etc. from elsewhere were warmly welcome. The speakers’ slides are to be made available on the website: www.justisigns.com

Recommended citation format: