

ENG



Office of the Commissioner General for Refugees and Stateless Persons

Code of Conduct for Interpreters



.be

Cette brochure est également disponible en français sur le site du CGRA :

Deze brochure is ook beschikbaar in het Nederlands op de website van het CGVS:

This brochure and all language versions are available on the CGRS website:

www.cgrs.be/en/publications

Publisher:

Commissioner General for Refugees and Stateless Persons (CGRS)

Rue Ernest Blerot 39
1070 BRUSSELS



02 205 51 11



cgrs.info@ibz.fgov.be



www.cgrs.be



@cgvs_cgra

Edition:

October 2019

TABLE OF CONTENTS

FOREWORD	4
1. CONFIDENTIALITY	6
2. IMPARTIALITY	6
3. ACCURACY AND COMPREHENSIVENESS	8
4. INTEGRITY	9
5. PROFESSIONAL ATTITUDE	10
6. FEEDBACK AND COMPLAINTS	13
CONTACT DETAILS	14

FOREWORD¹

Many applicants for international protection are not proficient in French, Dutch or English. To communicate with these applicants, for instance during their personal interview, the services of interpreters are used.

The asylum interpreter is not a staff member of the Belgian asylum authorities. He is self-employed and hired by the asylum authorities on a task-by-task basis. He is therefore free to accept or refuse an interpretation task from an asylum authority. The interpreter is not responsible for –and is not otherwise involved in– the functioning and the organisation of the asylum authorities and their staff. He does not act as an interlocutor or person of trust. The interpreter only acts as a neutral intermediary who enables communication between the applicant and the asylum worker. In substance, his task is to convey completely, faithfully and neutrally the statements of the parties in the asylum procedure. The interpreter does not intervene in any other way in the handling of the application for international protection. He has no access to internal information and exerts no influence on the decision concerning the application for international protection.

Although an asylum interpreter works on a self-employed basis, without a hierarchical relationship, this does not mean that some obligations cannot be imposed on the interpreter, inasmuch as they follow from the law, the nature of their work and are necessary for the proper functioning of the asylum authorities. In this respect, the asylum interpreter, just as any CGRS staff member, has the responsibility to contribute to the mission and values of the CGRS, i.e. to make of the CGRS, in a respectful, impartial and truthful way, an open, reliable and decisive organisation that grants protection to persons who need it.

¹ For the sake of readability, masculine pronouns will be used throughout. Wherever appropriate, use of the feminine pronoun is of course implicit.

The present code of conduct describes the rights and duties of the asylum interpreter. It serves as reference tool whenever the services of an interpreter are needed to enable communication between the applicant and the asylum worker. Its objective is to ensure the quality of the communication, to guarantee a good relationship and collaboration between the asylum worker and the interpreter, and to safeguard the dignity and integrity of the interpreter. In the event of a problem or complaint, both the asylum worker and the interpreter can refer to the code of conduct.

Every interpreter who performs a task for an asylum authority must read the code of conduct and act accordingly. The code rests on four pillars: confidentiality, impartiality, accuracy and comprehensiveness, and integrity. A separate chapter is dedicated to the professional attitude an interpreter has to adopt. Finally, the code of conduct has a chapter on feedback and complaints.



1. CONFIDENTIALITY

- The interpreter is strictly bound by **professional secrecy**. Under no circumstances can oral or written information entrusted to him while carrying out his interpreter's task, be communicated to third parties, not even in general or anonymous terms. The interpreter is expressly forbidden to use for personal ends or for the benefit of third parties written or oral information obtained by him.
- Professional secrecy must still be observed when the collaboration of the interpreter with the asylum authority has ended.
- Only when expressly authorised by law can professional secrecy be broken. An interpreter will not be prosecuted for a breach of professional secrecy in one of the following cases:
 - ◇ obligation to report when his or another person's integrity and/or security is at risk;
 - ◇ obligation to lend assistance to persons in danger;
 - ◇ testimony in court, before an examining magistrate or a (parliamentary) committee of inquiry. In this case, an interpreter can still exercise his right to silence;
 - ◇ a request to describe his professional activities in the framework of legal assistance (confidential conversation with a lawyer) or psychiatric therapy. In this case, the interpreter should avoid any reference to specific persons or applications for international protection.

2. IMPARTIALITY

- The interpreter adopts a position of complete **independence, objectivity and neutrality**. He does not take sides and does not discriminate.
- During the personal interview, the interpreter is not at the disposal of the asylum applicant's lawyer, guardian, or person of confidence. This means that he never translates directly

between the asylum applicant and his lawyer/guardian/person of confidence without the asylum worker's consent.

- The interpreter never provides, not even upon request, any other information than that conveyed in the statements of the parties. He does not give support or advice to any of the parties and **avoids getting personally involved** by allowing his personal opinions, preferences, views and/or feelings to influence him or by expressing them verbally or nonverbally. He never reacts on his own initiative to unfriendly, rude, vulgar, offending or abusive language.
- The interpreter accepts that only the **asylum worker conducts** the interview and determines what is relevant in the asylum case. The interpreter should not put himself at centre stage of the interview or impose himself in any other way. Neither should he try to influence the content or steer the course of the interview, for instance by volunteering questions to the applicant. The interpreter should never on his own initiative try to prevent or settle problems, frictions or conflicts between the asylum applicant and his lawyer/guardian/person of confidence on the one hand and the asylum worker on the other.
- The interpreter **refrains from any comment**, except when relevant for his interpretation task. If need be, he may intervene (referring to himself as 'the interpreter') to ask for a clarification when
 - ◇ the speaker speaks too fast, too slowly or inaudibly;
 - ◇ the applicant speaks, or switches to, another language or dialect than that for which the interpreter has been requested, even when the interpreter is proficient in the language or dialect in question;
 - ◇ the applicant is only able to express himself in a rudimentary way.
- The interpreter immediately **informs** the asylum worker or the interpreters' service when he realises there is a link (family, social, personal or professional) between himself and one of the parties, or a potential or actual, real or apparent, **conflict of interest** (reward, threat, etc.).
- The interpreter refuses an interpretation assignment or stops such an assignment when his impartiality cannot or can no longer be guaranteed. The assignment will then be given to another interpreter.
- **Wearing** visible political, religious or philosophical **symbols**, such as a yarmulke, a small cross or a headscarf is **not allowed while carrying out an interpretation task**. For the applicant, it is essential to be treated with respect and to be able to bring his story in a neutral and impartial environment. Political, religious or philosophical symbols are liable to interfere with the required neutrality, especially when the applicant has fled his country for political, religious or gender-related reasons.

- When translating the applicant’s utterances for the CGRS’ interviewer and vice versa, the interpreter uses alternatively the **first person singular** (I) and the **second person singular** (you). The interpreter can deviate from this rule when an utterance is directly addressed to him, especially if it conveys an insult, a threat, an attempt to exert pressure or a critique of the quality of the translation or of the translator’s objectivity (“The interpreter would like to intervene and report that the applicant just said: ...”).
- Ideally, if possible, the interpreter is seated at the same distance from the asylum worker and the applicant, at the apex of an imaginary isosceles triangle, the base of which is formed by the two parties sitting face to face.

3. ACCURACY AND COMPREHENSIVENESS

- □ The interpreter translates all the utterances **comprehensively, accurately and faithfully**, i.e. word for word if possible, but especially as to meaning, content and intention, without any abridgments, additions, omissions or changes. He uses the same speech register, style, and preferably the same intonation, as the speaker.
- The interpreter thus conveys the complete utterance and its terminology, including
 - ◇ utterances that are directly addressed to the interpreter;
 - ◇ utterances that have nothing to do with the application for international protection;
 - ◇ utterances that the speaker immediately regrets having made;
 - ◇ hesitations, verbal slips and empty words;
 - ◇ professional jargon;
 - ◇ errors, falsehoods and inaccuracies;
 - ◇ unfriendly, rude, offending or shocking utterances as well as abusive language.
- For a clear understanding, the interpreter **informs** the parties concerned (referring to himself as “the interpreter”) **whenever**
 - ◇ he is unable to translate a word or phrase immediately and needs to look it up in a (digital) dictionary;

- ◇ he **needs** to resort to **paraphrase** because there is no equivalent in the target language of the specific term, expression, proverb he has to translate;
- ◇ he is **faced** with certain **culture-related terms**, concepts or verbal etiquette which could lead to confusion, misunderstanding or incomprehension and should therefore be clarified;
- ◇ he would like the utterance to be **clarified or repeated** in order to check if he has understood it correctly.

4. INTEGRITY

- The interpreter is of **irreproachable** conduct and meets standards of **integrity**. Regarding the requirements of independence, objectivity and neutrality, the interpreter agrees to undergo a security check by the National Security Authority in accordance with the laws of 11 December 1998 on security authorisations and their implementing decrees. Basic police and judicial information will be checked as well as whether the interpreter is known by the Belgian intelligence and security services. The interpreter immediately informs the interpreters' service when his integrity is jeopardized for real or apparent reasons (arrest, subpoena etc.).
- The interpreter behaves in a **proper, dignified and respectful** manner towards the staff of the asylum authorities, other interpreters, asylum applicants and their lawyers/guardians/persons of confidence, regardless of their language, nationality, ethnicity, religion, culture, age, political opinions, gender or sexual orientation, etc.
- The interpreter should under no circumstances avail himself of his position (of power) to solicit or receive **(financial) favours, advantages, rewards and/ or quid pro quos** from the parties involved.
- Beyond his purely interpretative tasks
 - ◇ the interpreter avoids any interaction with the applicant, lawyer, guardian and person of confidence. While carrying out his task as interpreter, he preferably never stays alone with one of these parties. If the interpreter is approached by one of the parties regarding the application for international protection, he refers the party to the relevant asylum authority;
 - ◇ the interpreter **does not carry out** any other administrative tasks for the benefit of the asylum authority or the applicant, such as getting a

- cup of coffee, fill in documents or take photocopies;
 - ◇ the interpreter does not maintain a relationship, fulfil a function or carry out activities that may lead to a conflict of interest when performing interpretation tasks for the asylum authorities.
- The interpreter never deliberately makes an incorrect translation of an utterance. He **recognizes and corrects** any **mistake or error** he may have made and informs the parties involved (referring to himself as “the interpreter”). If need be, he asks for clarification.

5. PROFESSIONAL ATTITUDE

- The interpreter only accepts tasks for which he has **the required qualities and skills**² (linguistic, technical etc.) and if he can guarantee the quality of the result. The interpreter refuses or ceases to carry out an assignment if he does not possess or no longer possesses the skills and qualities to carry it out properly, for instance when he does not possess (complete) mastery of the language (dialect) spoken by the applicant. This also applies when
 - ◇ the interpreter is no longer able to perform his work correctly, for instance because he is tired, ill, etc.
 - ◇ he cannot pursue his task on emotional or psychological grounds, or for reasons of conscience.
- In such cases, the interpretation task will be assigned to another interpreter.
- For the proper working of the asylum authorities, the interpreter **keeps to the date and hour fixed for his interpretation assignment**, i.e. between 8:30 and 9:00 AM and 1:30 and 2:00 PM.
- If he is delayed or unable to come owing to circumstances, he informs the interpreters’ service as soon as possible so that the necessary arrangements can be made.
- If possible, the interpreter should **prepare** himself for an assignment on the basis of his own research or of information provided, upon request or not, by the asylum worker or the asylum authority.

2 These skills and qualities comprise, among others, a thorough knowledge of the source and target languages, including specific terminology (military, religious, political, medical, etc.); familiarity with the specific procedures and terminology used by the asylum authorities; familiarity with the cultural background and country of origin of the applicant; awareness of his own communication style, values, attitudes and preconceptions; a good memory; attention for detail; flexibility; etc.

- The interpreter must **identify himself** as such if asked to do so. He wears his interpreter or visitor's badge in a visible place. He is in possession of his identity card or passport, especially when taking an assignment in a (closed) reception centre, a centre for illegal aliens or a prison.
- The interpreter has a **neat appearance** and wears appropriate, unobtrusive and unprovocative clothing.
- Once an interpretation assignment is accepted, the interpreter is expected to carry it out in its entirety. Only under exceptional circumstances, and after agreement from the asylum worker or the interpreters' service, can an assignment be prematurely ended.
- The interpreter introduces himself to the asylum applicant and his lawyer/guardian/person of confidence as 'the interpreter for X' (= source language). The asylum worker will **explain** the role of the interpreter to all parties. If the asylum worker omits to do this, the interpreter has to explain his role, by pointing out that he:
 - ◇ is neutral and impartial;
 - ◇ will translate everything (without additions, omissions or changes);
 - ◇ is bound by professional secrecy;
 - ◇ will use the first person singular (pronoun I) when interpreting;
 - ◇ plays no part in the handling of the asylum application besides that of interpreter, and has no influence on the final decision.
- The interpreter does **not share** his **personal details** (name, place of origin, ethnicity, religion, etc.) with the applicant or any other party involved. The asylum authorities guarantee that the interpreter's anonymity will be preserved.
- In principle, the interpreter translates **consecutively** and not simultaneously.
- The interpreter speaks in a **clear and understandable** way. He adjusts his speech rhythm to that of the applicant and the asylum worker. The interpreter never interrupts the speaker except when an excessively long utterance has to be interrupted in order to guarantee a correct translation or when he does not understand a word or expression.
- The interpreter is allowed to **take notes** to make his work easier. These notes have to be handed over to the asylum worker at the end of the interview. In particular, names of persons, places, political parties, military ranks etc. must be rendered with the utmost care and should be written down whenever possible. If necessary, the interpreter will ask the asylum applicant to confirm this kind of information. **Dates** expressed in another calendar are in principle **not converted** into the Western Gregorian calendar.

- The interpreter is aware of his **nonverbal communication** and sees to it that it does not impinge on his integrity and impartiality (unconsciously or unintentionally).
- As a rule, the interpreter has to switch off his **mobile phone** when carrying out an interpretation task. In consultation with the asylum worker, he may keep his mobile phone in vibrating mode if he is expecting an urgent call.
- The interpreter respects the right of the parties involved to refuse an interpreter or to request another interpreter.
- If necessary for his proper functioning, the interpreter can ask for extra **breaks** in addition to the regular arrangements. These include a 15-minute break after 90 minutes of interpreting, as well as a lunch break of at least 30 minutes and preferably one hour.
- While showing a degree of empathy necessary to carry out his task, the interpreter shall keep a proper **professional distance** towards the different parties. He refrains from
 - ◇ any form of unwanted physical or verbal intimacy;
 - ◇ undue familiarity or friendliness with one of the parties involved, especially with the asylum worker when the applicant is present;
 - ◇ answering questions regarding interpretation from any of the parties, including the asylum worker, unless they are of a purely technical nature;
 - ◇ any reaction when the applicant becomes (verbally) aggressive, does not answer the questions of the asylum worker, criticizes the quality of the translation, questions the interpreter's objectivity etc. It is up to the asylum worker to react to this kind of situation and to shield the interpreter.
 - ◇ any criticism of other interpreters, the asylum worker, the interpreters' service or the asylum authority in the presence of one of the parties before, during and after the interpretation task.
- Contacts between an interpreter and an asylum worker are allowed outside the workplace provided both take particular care not to blur their respective roles and obligations, including professional secrecy, and to preserve and guarantee at any time the interpreter's integrity, independence, objectivity and neutrality.
- Upon request of the asylum worker or with his prior agreement, the interpreter can **explain orally a document** submitted by the applicant, i.e. translate at sight to convey the content of the document.
- The interpreter is aware and accepts that his interpretation performance can be recorded in order to ensure the quality of his services.

- The interpreter **does not request any additional reimbursement** from one of the parties involved in addition to the fee and travel expenses he receives for his performance for the asylum authority as provided for in the relevant regulations.
- The asylum authorities commit themselves to pay the interpreter's fees in time.
- The interpreter works towards a **good professional relationship** with his **colleagues interpreters**, based on trust, consideration, collegiality and solidarity.
- The interpreter commits himself to assess his own performances critically, to **keep up his knowledge and expertise** and to improve them if necessary.
- When using **social media**, the interpreter should duly keep in mind that as an interpreter in a business environment he is expected to show behaviour compatible with proper standards of integrity and neutrality.
- The interpreter does not give interviews or comments in the press about his work as an interpreter for the asylum authorities. If a journalist or other media representative tries to contact him for this purpose, the interpreter refers him to the relevant asylum authority.
- When recommending his own professional skills, the interpreter **refrains** from any **statements or allegations** he cannot **live up to**. The interpreter does not claim titles or qualifications that do not correspond to reality and does not use the logo of one of the Belgian asylum authorities without prior permission.

6. FEEDBACK AND COMPLAINTS

- After every interpretation task, the interpreter can **give feedback** to the asylum worker about specific interpretation-related problems and **ask feedback** about the purely technical aspects of the interpretation task he performed.
- The interpreter can ask the asylum authorities to facilitate his access to professional assistance if he has been emotionally affected by a case and subsequently suffers long-term negative consequences.
- The interpreter is aware and accepts that
 - ◇ the interpreters' service can ask the asylum workers feedback about his performance as interpreter;

- ◇ an asylum worker can, on his own initiative, give such feedback to the interpreter's service;
- ◇ an applicant, his lawyer or person of confidence, or any other person involved, has the right to make a complaint against an interpreter.
- The head of the interpreters' service will examine the complaint and keep all parties informed. If necessary, action will be taken against the interpreter concerned. The highest sanction possible is to request no longer the assistance of the interpreter concerned.
- If the interpreter has a problem or a complaint about an asylum worker, the interpreters' service or the functioning of the asylum authority, he can fill in a feedback form available at the interpreters' service. The head of the interpreters' service will examine the complaint and keep the interpreter informed.

CONTACT DETAILS

For questions or additional information, please contact the interpreters' service concerned:

Immigration Office:	02 793 90 20 asile.interviews@ibz.fgov.be
Office of the CGRS:	02 205 51 14 cgra-cgvs.interpretations@ibz.fgov.be
Council for Alien Law Litigation:	02 791 60 00 Tolken.interprete@ibz.fgov.be



Want to know more about the CGRS?

You will find all the information about the personal interview and the asylum procedure on our website:



www.cgrs.be

You can keep up to date with the latest news via our Twitter account:



[@cgvs_cgra](https://twitter.com/cgvs_cgra)



Office of the Commissioner General for Refugees and Stateless Persons

Rue Ernest Blerot 39
1070 BRUSSELS



02 205 51 11



cgrs.info@ibz.fgov.be



www.cgrs.be



@cgvs_cgria