



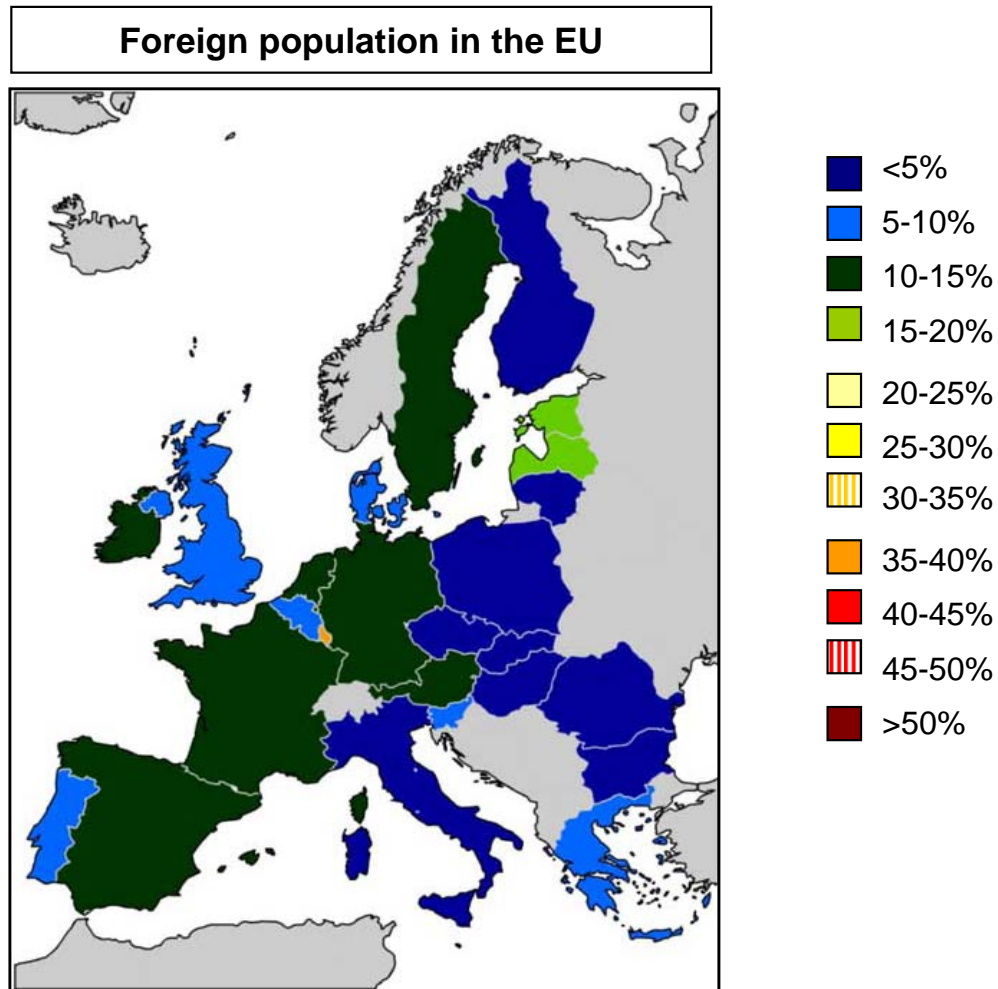
# **Beyond the bar... behind bars:**

## **A case study on translation and interpreting in Spanish prisons**

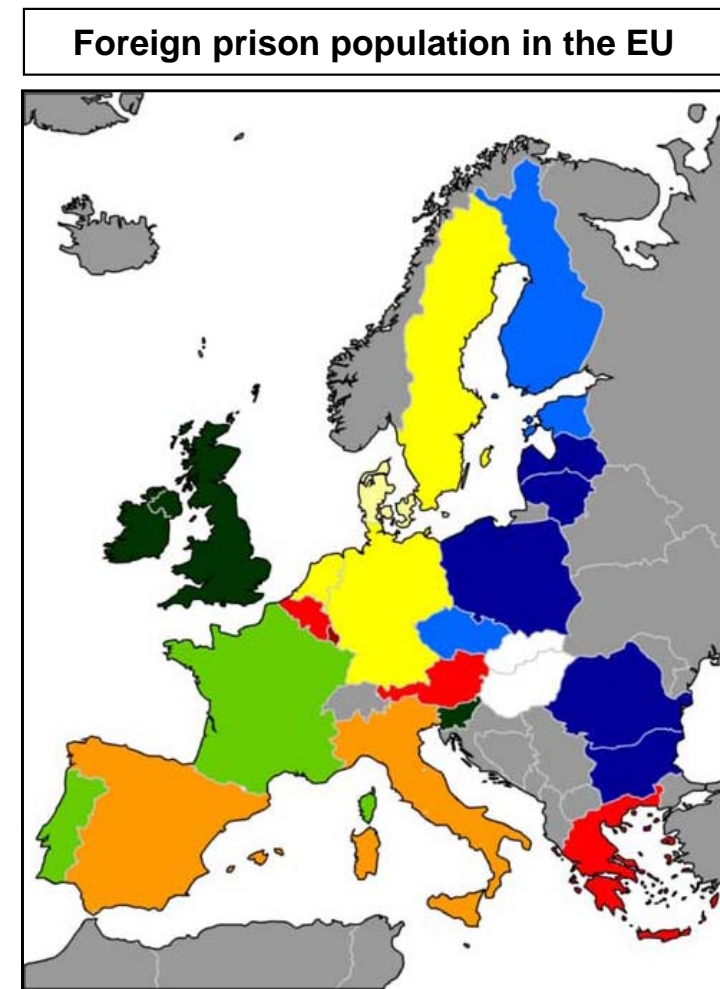
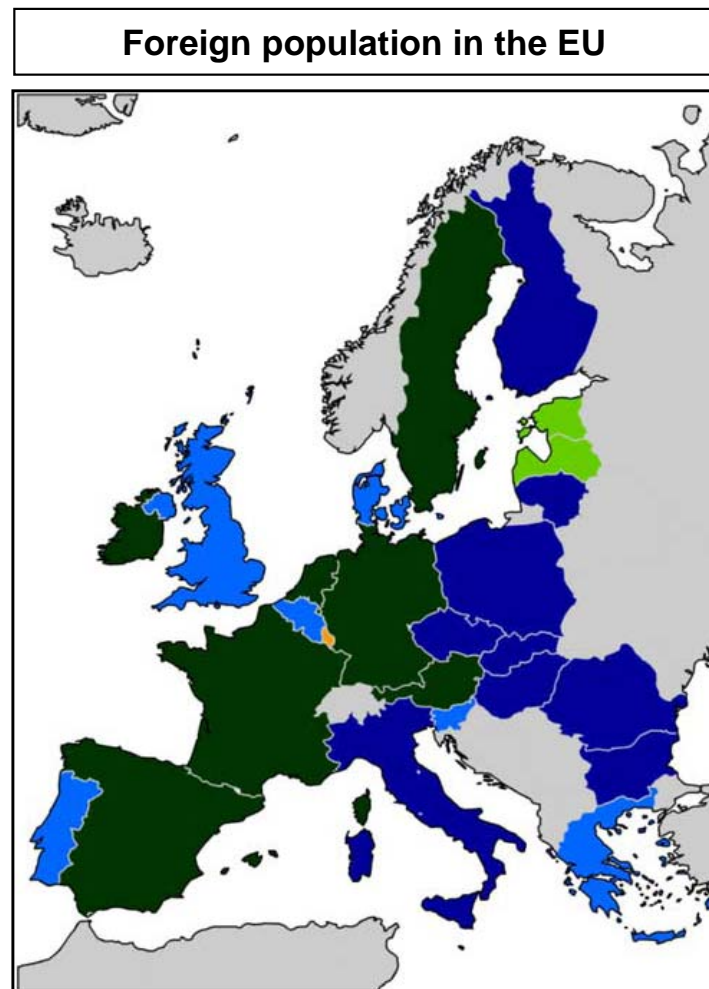
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EULITA Conference  
Antwerp, 26-28 November 2009

# Foreign population in the EU



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The most common and significant problem faced by foreign prisoners is the **lack of knowledge of the national language**.

As a result, verbal and written **communication** is severely **hampered** and that causes feelings of **social isolation, uncertainty and helplessness** [...].

Daily interactions between foreign prisoners and staff are crucial and it often depends on the **goodwill** of prison staff and fellow-prisoners and the availability of an interpreter.

Linguistic barriers are often the **main source of other problems** that foreign prisoners are facing in penitentiary institutions.

(Van Kalmthout *et al.*, 2007: 17)

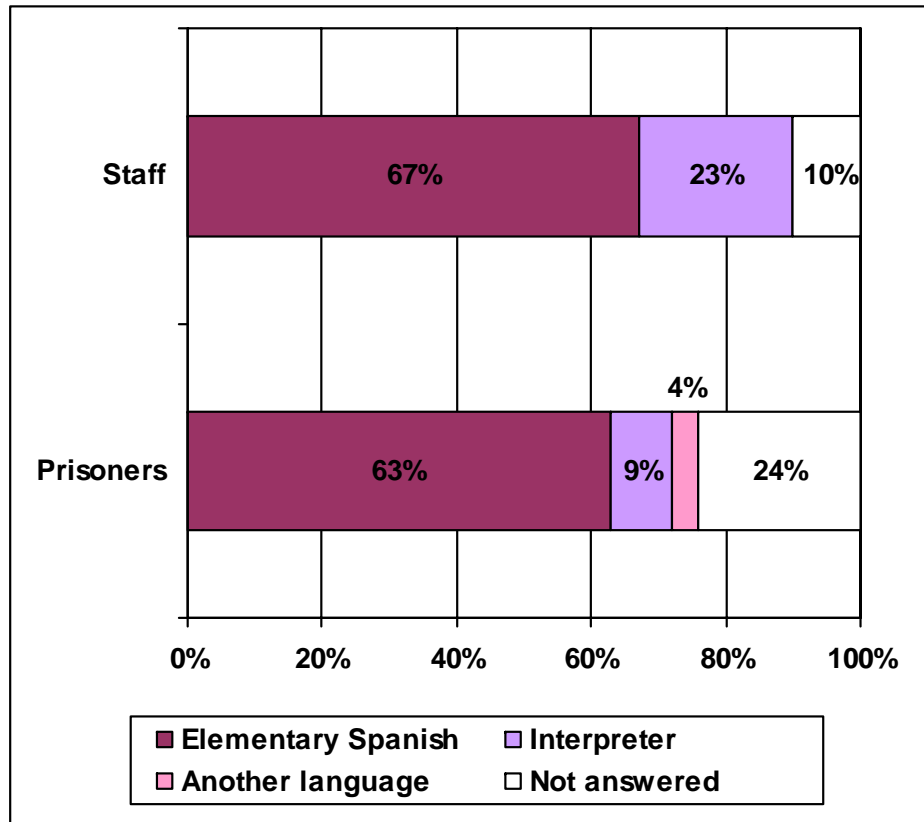
# A case study on translation and interpreting in the Spanish prisons in the region of Valencia

- Prisons in the Spanish region of Valencia (4)
- Informants
  - Staff members
    - Managing staff
    - Front line staff
  - Prisoners
    - Foreign-language speakers
    - Interpreters
- Tools
  - Structured interviews
  - Questionnaires
- 47,8% response rate
- Analysis
  - Quantitative
  - Qualitative

# Provisions concerning language in Spanish Prison Law

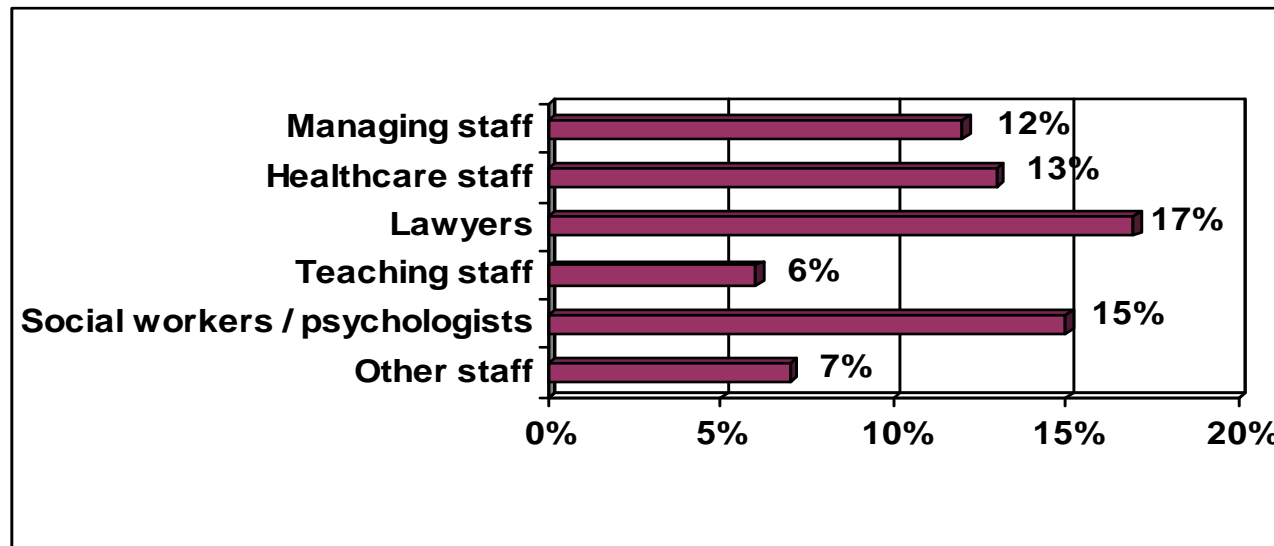
- International covenants
  - United Nations
    - Standard Minimum Rules for the Treatment of Prisoners [1955]
    - Recommendations for the treatment of foreign prisoners [1985]
  - Council of Europe
    - European Prison Rules [2006]
    - Recommendation R (84) 12 concerning Foreign Prisoners [1984]
- Spanish Law
  - Ley Orgánica General Penitenciaria [1979]
  - Reglamento Penitenciario [1996]
    - Information during induction in a language which they can understand
      - Translated materials
      - Conveyed orally in their language by staff member of prisoner
    - Use of staff members or prisoners as interpreters in disciplinary proceedings
    - Language learning opportunities

# Measures to enable communication



- Main measure: Elementary Spanish
  - Few with absolutely no Spanish
  - Reluctancy to have an interpreter
  - Immediacy...
- Not exclusive options
- Depend on situation

# Interpreting as a way to enable communication



- Delicate / abstract information: use more interpreters
  - Really useful?



# Interpreters: profile and selection

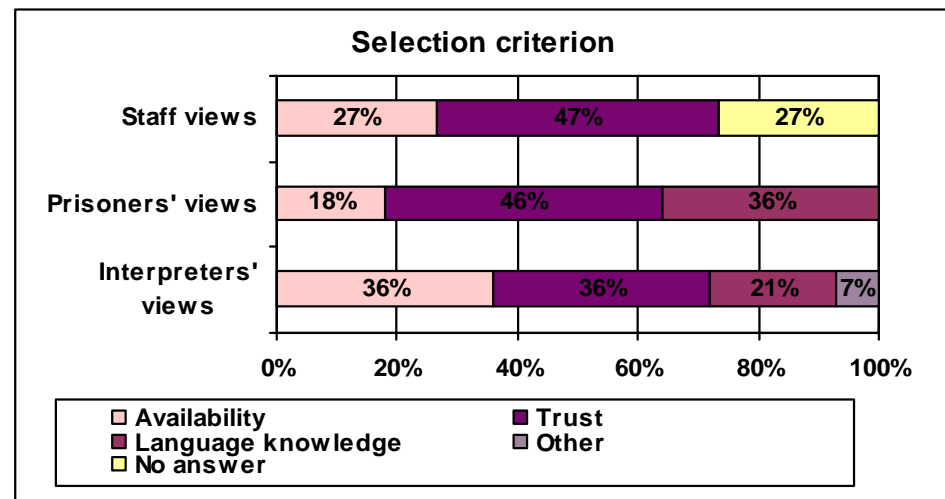
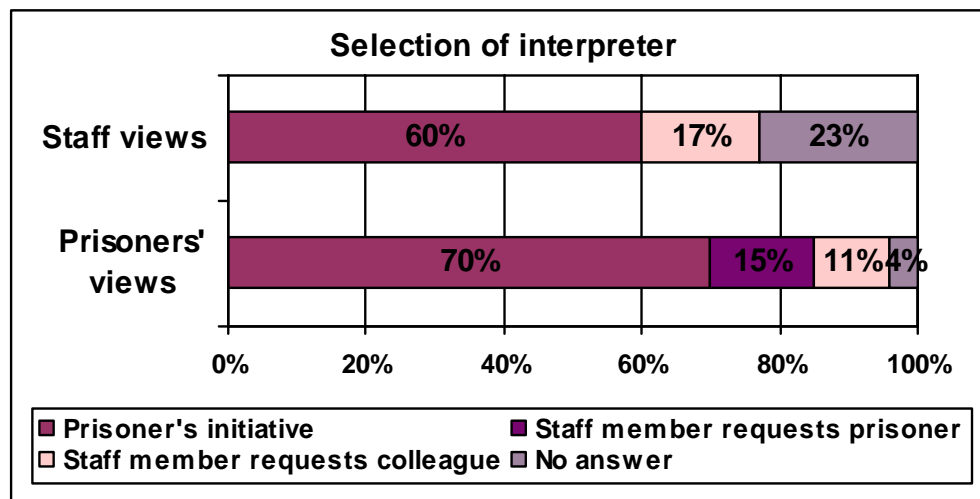
## ■ Interpreter

□ Prisoner

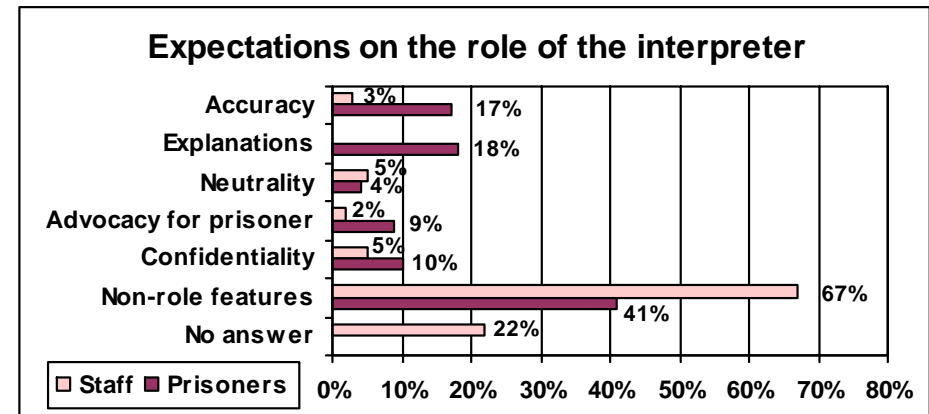
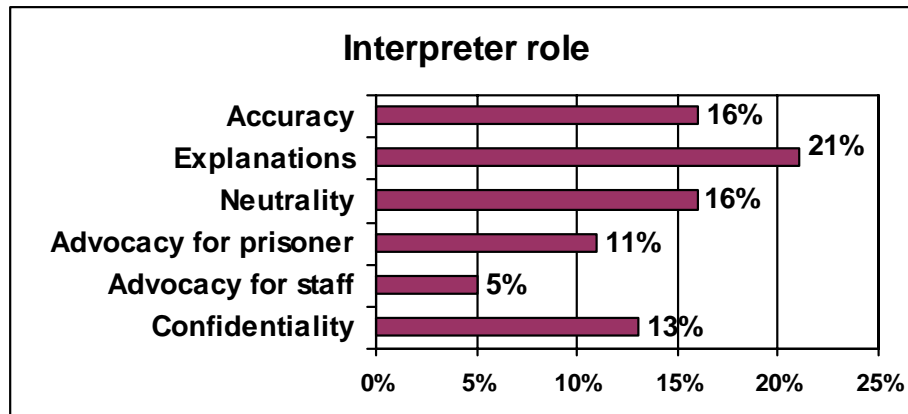
□ Chosen by prisoner

■ Sometimes chosen by staff: groups of trusted prisoners

□ Selection criterion: trust

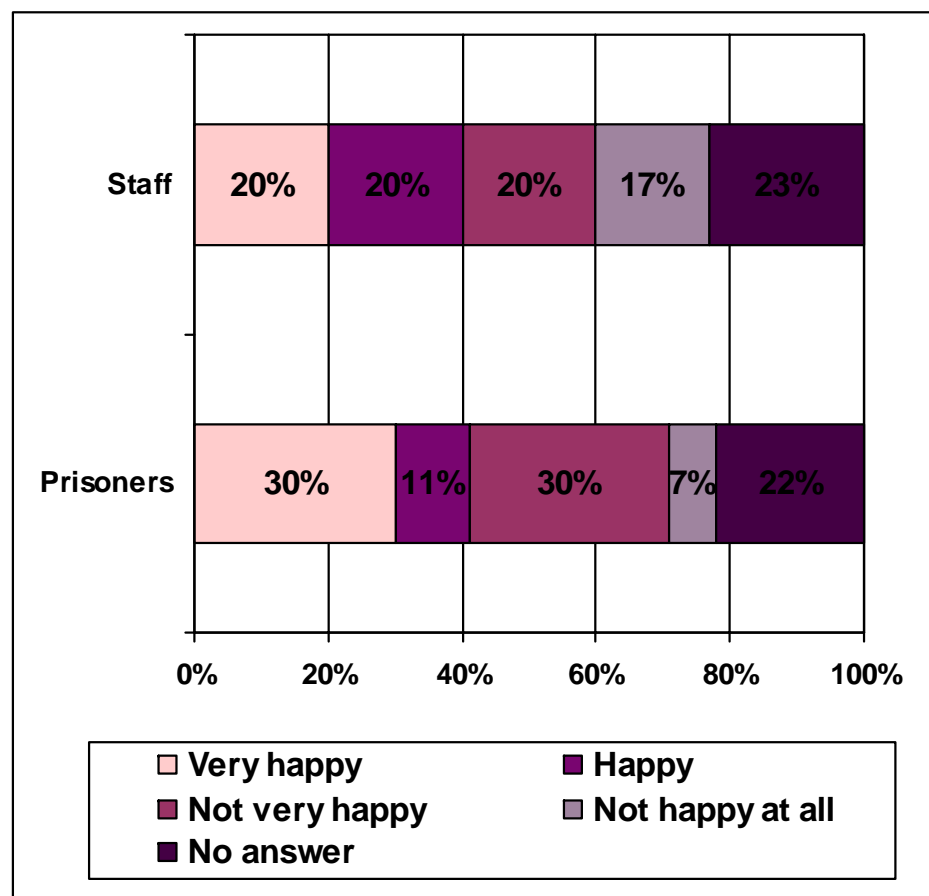


# Interpreter role and expectations



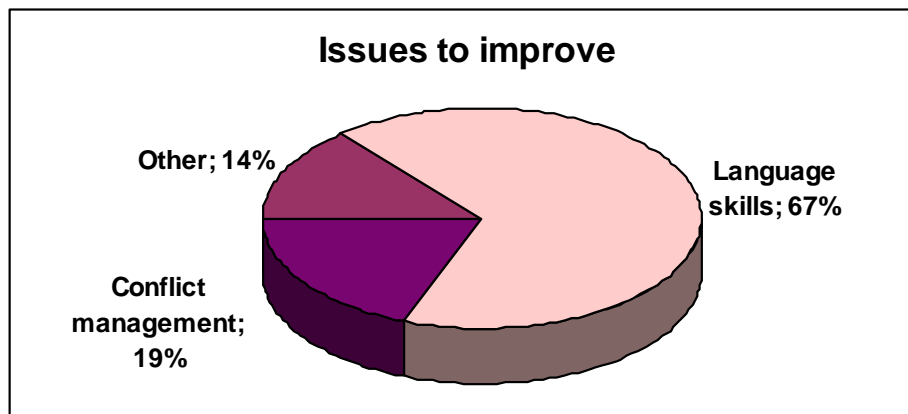
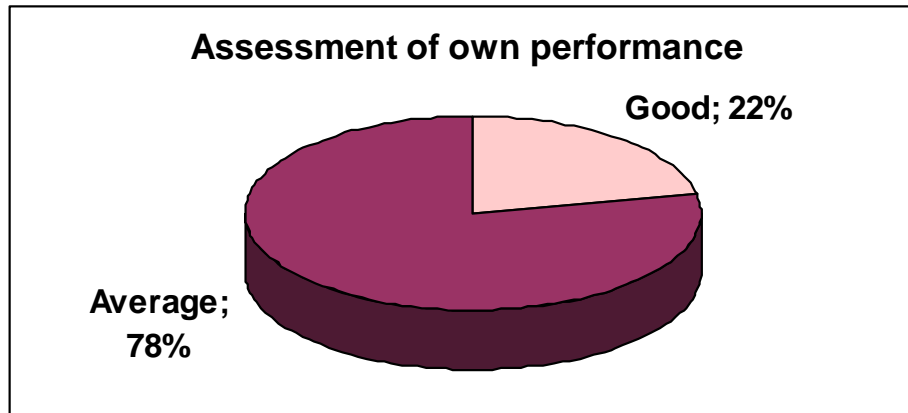
- Unclear interpreters' perception about the role: different stances
- Unclear users' expectations

# Users' views on interpreting



- Intermediate position
  - Resignation
- Against interpreting
  - Lack of language competence (lawyers)
  - Lack of goodwill
- For interpreting
  - Trust in their goodwill
  - Availability

# Interpreters' views on interpreting



- Cautious in assessment of own performance
- Aware of aspects to improve
  - Language skills
    - Spanish in general
    - Specific areas (e.g. law) in mother tongue
  - Conflict management
  - Other issues
    - “Constitutional rules for translators”

# Professional staff translators

- 30 Arabic-Spanish staff translators working for the Spanish Prison Service
  - C.P. Alicante Cumplimiento & C.P. Valencia
- Monitoring terrorism-related prisoners
  - Translating letters sent/received
  - Monitoring reading materials received
  - Monitoring conversations with visitors
- Little or no interpreting

# Translated materials

- Formal requests by prisoners
  - Written in Spanish by a fellow prisoner
- Formal notifications from prison administration to prisoners
  - Sight translations by a fellow prisoner
- Monitored correspondence
  - Translated on site
  - Sent to the Prison Service to have it translated
- Induction materials
  - Booklet in 7 languages: “La prisión paso a paso”

# Concluding remarks

- Responsibility for overcoming the language barrier falls on prisoners
- Interpreting conducted by prisoners
  - Issues of trust, confidentiality, availability
  - Unclear definition of role
  - Different levels of satisfaction
- Patchy picture leading to
  - Inequalities
  - Hampered access to treatment
  - Emotional consequences (isolation, frustration...)



# Justice cannot stop at the prison gate

Campbell and Fell v. the United Kingdom (§ 69)





# Justice cannot stop at the prison gate

(Campbell and Fell v. the United Kingdom, § 69)



Thank you very much!

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