THE RIGHT OF GENDER VIOLENCE VICTIMS AND SURVIVORS TO UNDERSTAND AND BE UNDERSTOOD

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* The phenomenon of violence against women
* Its impact on foreign/immigrant women
* Linguistic rights as an essential vehicle to access justice
* The need for interpreters to be specially trained in order to be able to work in GV settings.
In 2013, the World Health Organisation (WHO) published the first systematic international review on the prevalence of violence against women.

It collected and analysed data from around the world, including Australia, and found that violence against women is a significant public health problem and a violation of human rights that affects more than one third of all women globally.

It also concluded that the prevalence of violence against women constitutes ‘a global public health problem of epidemic proportions, requiring urgent action’.
Recent research carried out by the University of NSW (March, 2015) explored attitudes towards domestic and dating violence, among 3000 Australians, aged 16 to 25.

**Main findings:**

* 76% of young people believed domestic violence was common or very common in Australia.
* About 19% of males surveyed agreed men were supposed to be the head of the household and take control of their relationship, compared to 4% of females.
* 15% of males agreed that men were "usually better at more things than women", as opposed to 3% of females.
* And 28% believed women liked men who were in charge of the relationship, compared to 11% of women.

In the EU, “1 in 3 women (33%) has experienced physical and/or sexual violence since she was 15 years old” 
(FRA, 2014)
In 1993 the General Assembly of the United Nations in its Declaration on the Elimination of Violence against Women defined violence against women as:

‘any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life’
Freedom

Physical and mental integrity

Health

Not to suffer from torture
The Universal Declaration of Human Rights, UN, December 1948

The Convention on the Elimination of all forms of Discrimination against Women (CEDAW), UN, December 1979

The Declaration on the Elimination of Violence against Women, UN, 20 December 1993

Fourth World Conference on Women, (Beijing Declaration), UN September 1995
The Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)
Council of Europe,
12 April 2011.


- Pioneer
- But restricted to violence perpetrated by a man against a woman with whom he has or has had a “sentimental bond”.
GAPS IN LEGAL FRAMEWORKS

Too many perpetrators are not held accountable

Impunity persists

Women continue to be re-victimised throughout the legal process

Lack of attention to most vulnerable women
(im)migrant women

- isolation
- financial difficulties
- educational gaps
- illiteracy
- cultural and linguistic barriers
Effective justice: the right to information

The Beijing Declaration of 1995 (Strategic objective D.1.b) establishes that when taking measures to prevent and eliminate violence against women one should

«Establish linguistically and culturally accessible services for migrant women and girls, including women migrant workers, who are victims of gender-based violence». 
The right to translation and interpreting
CEDAW Committee

Communication No. 32/2011, Isatou Jallow v. Bulgaria

3.4 The author argues that the exercise and enjoyment of her and her daughter’s rights were affected by failure on the part of the State to take appropriate measures, in violation of article 3 of the Convention.

She had no or limited access to the institutions dealing with issues related to gender-based violence (the police, the courts, the health-care system and the State Agency for Child Protection) because her lack of knowledge of Bulgarian prevented her from accessing those institutions directly unless she secured an interpreter at her own expense.

Communication No. 34/2011, R. P. B. v. the Philippines

8.5 The Committee observes that the free assistance of an interpreter in cases where the parties concerned, such as the accused or the witnesses, cannot understand or speak the language used in court, is a fundamental fair trial guarantee enshrined in human rights treaties and further developed in the jurisprudence of treaty bodies.
THE RIGHT TO QUALITY INTERPRETING, Council of Europe

Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).

Article 19 - Information

Parties shall take the necessary legislative or other measures to ensure that victims receive adequate and timely information on available support services and legal measures in a language they understand.

Article 56 - Measures of protection

Parties shall take the necessary legislative or other measures to protect the rights and interests of victims, including their special needs as witnesses, at all stages of investigations and judicial proceedings, in particular by:

h) providing victims with independent and competent interpreters when victims are parties to proceedings or when they are supplying evidence;

151. When the interpreter is not a professional, there is always the risk of the investigator losing control of the interview. Individuals may be carried away talking to the person who speaks their language, and the interview may divert from the issues at hand. There is also a risk that an interpreter with a bias might lead the interviewee on or distort the replies.
Who we need justice for: helping the victims of crime. As we work to ensure the rights of the suspected and the accused are fully enforced, we must equally look to the needs of those who fall victims of crime.

Across the EU we share the same fundamental values - the right to liberty, to security, to be free from harm. We all aim to ensure that any person, wherever they may fall a victim to a crime, is treated in a dignified, respectful and fair way. We must not forget that the right to a fair trial applies as much to the victim as to the defendant. Since 2001, the EU started developing minimum rights for victims and improved access to compensation.

We have recognised the needs of specific groups of victims, the needs of the most vulnerable subjects, such as children, women suffering gender-based violence, terrorist victims and those who have been trafficked (Former Vice-President Viviane Reding, EU Justice Commissioner, Speech at the European Law Academy Trier, 12 March 2010).
DIRECTIVE 2010/64/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 October 2010 on the right to interpretation and translation in criminal proceedings

DIRECTIVE 2012/13/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 22 May 2012 on the right to information in criminal proceedings

DIRECTIVE 2013/48/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty
DIRECTIVE 2012/29/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 25 October 2012

establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA
Justice cannot be effectively achieved unless victims can properly explain the circumstances of the crime and provide their evidence in a manner understandable to the competent authorities. It is equally important to ensure that victims are treated in a respectful manner and that they are able to access their rights. Interpretation should therefore be made available, free of charge, during questioning of the victim and in order to enable them to participate actively in court hearings, in accordance with the role of the victim in the relevant criminal justice system. For other aspects of criminal proceedings, the need for interpretation and translation can vary depending on specific issues, the role of the victim in the relevant criminal justice system and his or her involvement in proceedings and any specific rights they have. As such, interpretation and translation for these other cases need only be provided to the extent necessary for victims to exercise their rights.
Article 7

Right to interpretation and translation

1. Member States shall ensure that victims who do not understand or speak the language of the criminal proceedings concerned are provided, upon request, with interpretation in accordance with their role in the relevant criminal justice system in criminal proceedings, free of charge, at least during any interviews or questioning of the victim during criminal proceedings before investigative and judicial authorities, including during police questioning, and interpretation for their active participation in court hearings and any necessary interim hearings.
DO INTERPRETERS NEED SPECIALISED TRAINING TO WORK IN GV SETTINGS?
KNOWLEDGE OF SPECIFIC LEGISLATION

Scope of legislation

Creation of special units with special protocols
KNOWLEDGE OF SITUATIONAL CONTEXTS

- Psycho-social context
- Medical context
- Police
- Courts
- Forensic medicine/psychology
- Etc.

- Different protocols
- Different locations
- Types of interpretations
- Professionals
- Types of documents
- PURPOSE OF ENCOUNTERS
- Etc.
KNOWLEDGE ABOUT GENDER VIOLENCE
E.g.: MYTHS AND STEREOTYPES
Knowledge about Gender Violence
E.g.: The Cycle of Violence

**Tension Building**
- Minor incidents of physical / emotional abuse.
- Victim feels growing tension.
- Victim tries to control situation to avoid violence.
- "Walking on eggshells." Victim cannot control abuser.
- Longest phase.

**Honeymoon Phase**
- Abuser sorry and apologetic.
- Abuser makes promises.
- "Hearts and flowers."
- Idealized and romantic.
- This phase often disappears with time.

**Denial**
- Minimizing the abuse or acting as if it did not happen.
- Denial keeps the cycle going.
- Perpetrators, victims, and society at large minimize violence in relationships.

**Explosion**
- The actual abuse: physical, sexual, emotional, verbal, financial, ...
INSIGHTS INTO VICTIM’S BEHAVIOUR

Lack of trust
Lack of peace
Lack of self-confidence

Strange behaviours
INFORMATION ON HANDLING ENCOUNTERS

BEFORE
- Prepare for the meeting
- Aim of the interaction: e.g. need for accuracy

DURING
- Introduction. E.g. Insist on confidentiality
- Should interpreters give their names
- Trust-building: social chitchat
- Take notes?

AFTER
- Debriefing
- Vicarious trauma
- Wellness plan
AWARENESS OF ETHICAL ISSUES

* Define the role of the interpreter: Facilitator of communication

* Make sure that service providers know and understand our role

* Build bridges according to users’ needs.
The Voice of Love is a non-profit organisation based in the United States in Maryland, near Washington, DC.

It is the only non-profit organisation in the world whose mission exclusively supports the development of interpreter training and resources for survivors of torture, war trauma and sexual violence.
SOME INITIATIVES AND OPPORTUNITIES FOR TRAINING: CANADA

MCIS
SOME INITIATIVES AND OPPORTUNITIES FOR TRAINING: EUROPE
SOME INICIATIVES AND OPPORTUNITIES FOR TRAINING: SPAIN
Violence against women is a form of gender-based discrimination and a violation of human rights that affects many women all over the world.

Foreign/immigrant women are an especially vulnerable group.

In order to guarantee their right to justice they need to understand and be understood.

Those who do not speak the language of the host country need interpreters to understand and be understood.

Interpreters, like any other service provider, need to be qualified and also specially trained to assist victims and survivors of GV.
¡Gracias por su atención!
Thank you for your attention!

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