

The judge, the doctor, the immigration officer and the interpreter.

Community interpreters' role perception - a Polish perspective

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Abstract

The paper presents data collected in Warsaw in 2008 and 2009 concerning the way in which the interpreter's role is perceived by professionals working in courts and hospitals.

1. Introduction

In Poland, in general, community interpreting is still at a pre-professional phase, which is characterised by a lack of recognition of interpreting as a professional activity. The exception is legal interpreting, which, together with legal translating, has constituted a distinct profession since the adoption, in 2004, of the Act on Court Translators and Interpreters. In other settings, like health or immigration, we can observe a total absence of mechanisms of professionalisation. As a consequence, the recruitment of (professional) interpreters is an exception, and, other than in the legal environment, *ad hoc* solutions are the order of the day. The person of the interpreter is largely ignored by the different institutions, but most noticeably by the healthcare sector and the immigration services, which is astonishing, considering the fact that their personnel are assigned to work with foreign patients and refugees who, as a rule, do not speak Polish. If the institutions recruit anyone, they tend to prefer “bilingual and bicultural” clerks, doctors or nurses who double up as translators/interpreters. In Poland, we still have neither certification nor accreditation procedures for professional

interpreters (see Tryuk 2007, 2008) and we also lack academic training for community interpreters, except for legal interpreters/translators.

The issue of professionalism has been one of the main questions raised by researchers studying the theory and the practice of interpreting for public services (see Angelelli 2004, Gentile *et al.* 1996, Kadric 2000, Pöchhacker/Kadric 1999, Valero Garcés 2005, Valero Garcés *et al.* 2008, Wadensjö *et al.* 2007). One of the ways of obtaining a high degree of professionalism in translating and interpreting is a strict obedience to the rules and norms which generally are presented as a set of recommendations or codes of practice (see Hale 2007). The Polish *Code of Sworn Translator and Interpreter (Kodeks Tłumacza Przysięgłego, 2005*, hereafter referred to as *Code*) can be considered such a prescriptive tool. It was published by the Polish Society of Sworn and Specialised Translators TEPIS and is a set of good practice recommendations developed after the adoption of the Act on Court Translators and Interpreters in 2004. The *Code* stipulates that there are three principle norms in legal translation/interpreting, i.e. accuracy, impartiality and discretion. These three rules constitute the pillars of professionalism and indicate the quality of the translator's/interpreter's performance.

Empirical research on stakeholders' expectations of community interpreters has not been carried out on a large scale in Poland so far. Nevertheless, this is of immense importance as interpreters must reconcile their vision of professional interpreting, based at best on their knowledge of the *Code* and at worst on their own intuition, with that of their employers. This is why this large-scale empirical study has been conducted together with my MA students at the Institute of Applied Linguistics, University of Warsaw. The research focuses on the perception of community interpreters in three different settings (legal, health and immigration), by three groups of professional: legal professionals, healthcare service providers and immigration officers at the Office for Foreigners in Warsaw. It reports on the very first attempt to explore opinions on the status, the place and the role of community interpreters with regard to their knowledge and compliance with the norms as proposed by the *Code*. The research methodology adopted in our study was based on three different modes: questionnaires, interviews and observations of real situations in which professionals have to cooperate with interpreters. The results of our research were presented in a publication in Polish (Tryuk 2010) and the present paper is a succinct résumé of the findings of our study.

2. Legal setting

Focusing on the issue of norms and practice of legal interpreting, we conducted a survey among representatives of the Polish judiciary to investigate their attitude towards both normative and pragmatic dimensions of the interpreters' work for Polish courts. The aim of the research was to examine the existence of any discrepancies between theoretical assumptions and the practice of legal interpreting in Poland (see Stawecka 2008, 2010). The survey was carried out in Warsaw in April and May 2008. The judges and attorneys at law who took part in the survey were asked to complete a questionnaire which they received either in

paper or in electronic form. The structure of the questionnaire was based on the survey conducted by Pöchhacker (2000) among health service and social welfare workers in Vienna.

2.1 Questionnaire

Our questionnaire consisted of 3 general questions on norms in legal interpreting, interpreting practice and interpreters' influence on the course of the trial. Two of these questions were developed into eight detailed sub-questions. There were five optional answers for each detailed question. Out of the 50 questionnaires distributed to judges and attorneys at law in different courts in Warsaw, 41 were returned; among all the respondents, 35 persons declared they had some experience in cooperating with legal interpreters during proceedings. The questionnaire was divided into two sections. The first part included questions aimed at obtaining information regarding the respondents' knowledge of the Polish *Code* (2005) and norms concerning legal interpreters. Thus, the questions were formulated as statements such as: "The interpreters should...". The second section, which consisted of almost identical questions as the first one, aimed at discovering how the interpreters' attitude in the courtroom was perceived by the professionals. The questions were again formulated as statements such as "The interpreters do...".

The questions were as follows: "In your opinion, legal interpreters should .../ during their performance legal interpreters do: 1) simplify legal language for the client; 2) explain legal terms to the client; 3) summarise long and clumsy utterances for the client; 4) omit fragments which are not to the point to avoid losing time; 5) explain cultural differences; 6) clarify indeterminate statements by immediate follow-up questions; 7) inform parties of any misunderstandings in the communication; 8) ask questions and provide information at the request of the Court". There was also a separate question which was formulated as: "Do you think the interpreter has an influence on the course of the proceedings in the courtroom?"

The comparison of results from both sections of the questionnaire gave us the real picture of the situation in Polish courts.

2.2 Results

The results of the first part of the questionnaire show what representatives of the Polish judiciary expect in terms of the roles and norms of the profession of sworn translator and interpreter. We may assume that the respondents have their own forged opinions and frequently base their answers on their experience and on professional norms in legal interpreting as stated in the *Code*. In any case where the success of the interaction or the position of its participants is threatened, respondents are not willing to give the interpreter a free hand or let him/her take the initiative. Nonetheless, in a situation where judges (first and foremost) and attorneys at law can see that the activity of the interpreter may bring them

substantial benefit, they are more than willing to give the interpreter a free hand. The analysis of the responses of both judges and attorneys at law reveals considerable differences between their approaches to the interpreter's role. Judges more frequently reject the idea of the interpreter adopting an active role in the course of the trial. On the other hand, attorneys at law acknowledge the interpreters' right to take the initiative whenever that could be advantageous to their client. Moreover, the results of the survey show that representatives of the Polish judiciary are inclined to adopt the normative model of the interpreter's job as presented in the *Code*.

As far as the second part of the questionnaire is concerned, the results show that, in practice, the normative model of legal interpreting is not always complied with. Interpreters must manage the requirements set forth by the *Code*, on the one hand, and the need to ensure a successful interaction on the other, which means that they often leave the norms outside the courtroom. In so doing they become active participants who take their own initiative and, through their actions, shape the course of the proceedings. The practice of legal interpreting in Poland thus differs largely from the normative model provided in the *Code*.

The results also indicate that the interpreter's initiatives or interventions may go unseen by other participants as, frequently in the Polish context, lawyers do not have sufficient knowledge of the foreign language. Judges and attorneys at law, who are not always fluent in a foreign language, cannot impartially assess the extent to which the interpreter complies with his/her obligations. Such an assessment is impossible without references to the source text. Thus, the number of neutral responses to some of the questions is considerable.

Let us have a brief look at the results of the survey, and compare answers given to the two series of questions. In our study the answers given by judges and attorneys at law were quantified and discussed separately but for the purpose of this paper they will be presented jointly.

2.2.1 Simplification of legal language

As to question 1 concerning the "simplification of legal language" (see Fig. 1), according to the majority of the surveyed legal professionals, i.e. judges and attorneys at law, interpreters should not simplify legal language for their recipients (66% "no" and "definitely no" answers). The result shows the attention that legal professionals pay to the accuracy of testimonials, in which each and every element may be of vital importance. At the same time, this result confirms that the expectations of legal professionals in this respect are compliant with faithfulness and accuracy norms in translation. However, as shown in the second part of the study, the perception of the interpreter as a person complying with these norms seems to stem from the respondents' intuition. Up to 49% of respondents stated that interpreters use such a pattern of action in their work ("definitely yes" and "yes" answers). The high percentage of "I don't know" answers (34%) demonstrates that legal professionals are either not able to monitor the interpreter's work due to their lack of skills in foreign languages or they do not pay attention to that.

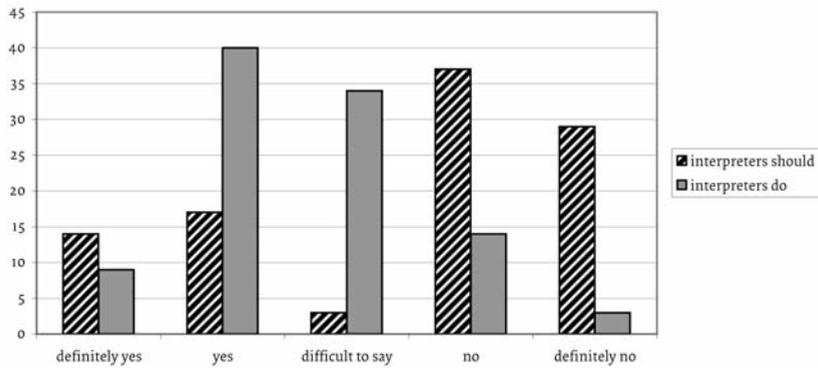


Figure 1: Simplification of legal language

2.2.2 Explaining legal terms

Question 2 aimed at determining whether interpreters explain legal terms (see Fig. 2). The answers for this question are not as clear-cut as for the previous one. The differences between “definitely yes” and “yes” answers (52% in total) on the one hand, and “no” and “definitely no” (48% in total) on the other are not as significant and are only 4%.

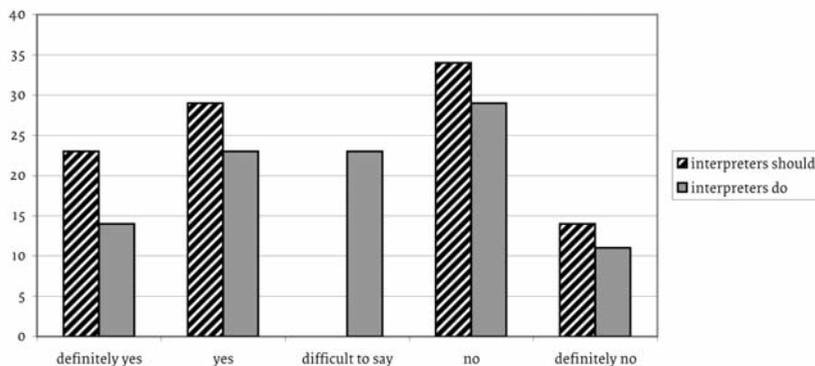


Figure 2: Explaining legal terms

In this part of the study, answers could have been chosen randomly, suggesting that the surveyed legal professionals do not exactly know how the court interpreter should behave. Similar answers were given by respondents in the second part of the study. The difference between the two groups (40% and 37% respectively) reveals that either the respondents have a false impression of the interpreter’s work or they are not able to assess their job adequately. Up to 23% of them cannot accurately judge this aspect of the interpreter’s performance in the courtroom. As in the previous question, this stems from the fact that legal professionals are not able to verify and assess the interpreter’s work due to their lack of skills in foreign languages.

2.2.3 Summarising of long and unclear utterances

Question 3 concerned summarising long and clumsy utterances for the client during the proceedings (see Fig. 3). Almost 80% of the responses to the first part of the survey were negative, which means that, in the eyes of judges and attorneys at law, utterance summarising is unacceptable. This also reflects a more intuitive approach to standards in court interpreting rather than a real knowledge of and adherence to professional norms. This assumption is also proven by the results of the second part of the survey which was to determine the reality of professional practice. It shows discrepancies between norms, i.e. actions that the interpreter should undertake, and real life practice, i.e. actions that the interpreter actually performs. The 26% of affirmative answers are proof that the interpreter does perform such actions in the courtroom. Moreover, the percentage of neutral responses (“Difficult to say”) is relatively high (more than 30%).

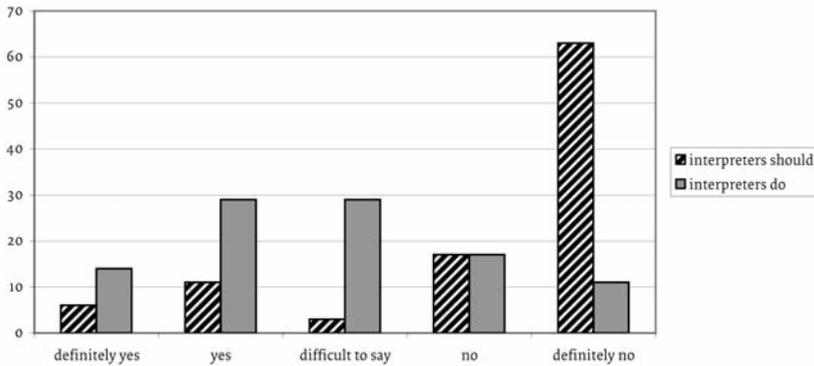


Figure 3: Summarising of long and unclear utterances

2.2.4 Omissions

In question 4, the respondents were asked to judge if, in their opinion, the interpreter omits fragments during her/his performance in order to save time (see Fig. 4). The results here are unequivocal. As in answers to the previous questions, in this case, the majority of respondents answered “no” (80% in total) indicating that interpreters should not employ omissions. However, when observing interpreters doing their job, respondents are not always able to say with certainty if interpreters comply with normative recommendations. That is why a considerable number of respondents chose the option “difficult to say” (34%). It is worth noting here that this is a further instance when our research has revealed discrepancies between the normative approach and the actual practice of legal interpreting. The results yielded by the study allow us to assume that the recipients of interpreting are not always able to judge accurately the interpreter’s actions.

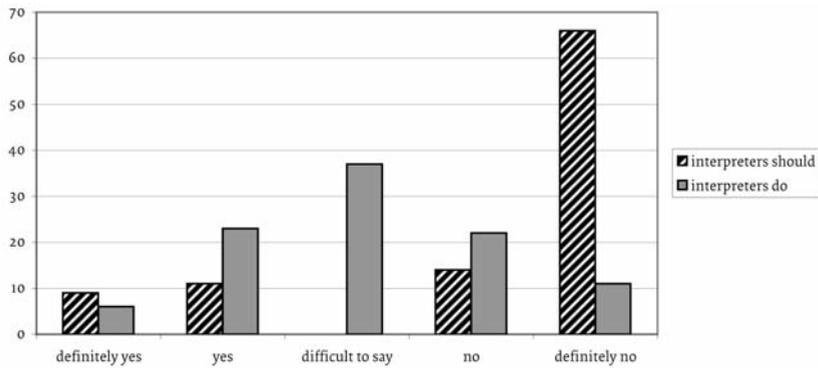


Figure 4: Omissions

2.2.5 Explaining cultural differences

In question 5 respondents were asked to judge if the interpreters explain cultural differences (see Fig. 5). This question about cultural differences turned out to be the most problematic for respondents, which is reflected by the relatively high percentage of “Difficult to say” responses (17%). The large number of negative answers (about 22%) shows that many respondents do not see the issue of cultural differences as potential obstacles to communication, suggesting the phenomenon is of minor importance and rarely attracts their attention. Despite this substantial indecisiveness, the majority of the respondents responded favourably to the need to explain cultural differences which arise all the time in the course of their work, even in court. Attorneys at law are particularly favourably disposed to any action of the interpreter which is potentially beneficial to the client. Yet, a comparison of responses to the first and second sections of the survey questionnaire reveals that in the practice of court interpreting in Poland the normative approach and real actions observed by legal professionals in the courtroom do not always go hand in hand. Many of the legal professionals surveyed admit that interpreters do not explain cultural differences appearing during the trial (56% in total). As in the case of previous questions, we notice a relatively high percentage of neutral

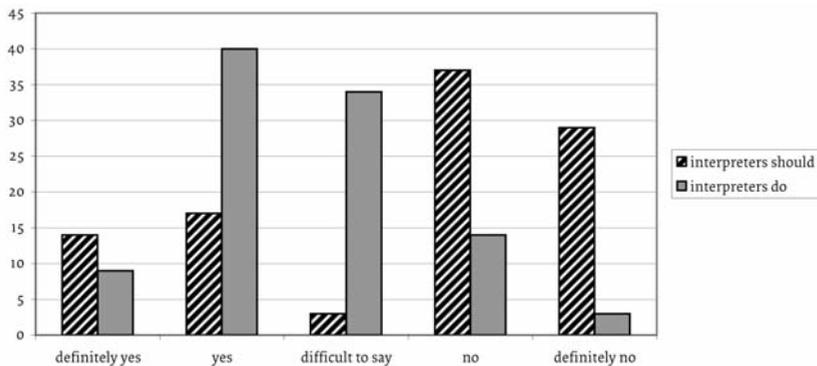


Figure 5: Explaining cultural differences

responses (26%). It also is noteworthy that in the opinion of the judges cultural issues are not of such vital importance as they are for attorneys at law who are more aware of cultural differences common to their clients.

2.2.6 Clarifying indeterminate statements

The answers to the next question, no. 6, about the clarification of indeterminate statements by immediate follow-up questions from the interpreters, are presented in the following figure (Fig. 6). The clarification of indeterminate statements is an instance of the interpreter's intervention which is not compliant with professional norms as it contradicts the rule of faithfulness and accuracy in court interpreting, as stated in the *Code*. However, the majority of respondents were in favour of such intervention (60% of the respondents in total). At the same time, a similar percentage of respondents (60% but in a reversed proportion) admitted that in their everyday work they do come across such actions by court interpreters. The convergence of opinions may point to the need for all parties to the proceedings, including legal professionals, to fully understand their course of action. Interpreters, whose job is to ensure language assistance to the parties, often proceed in the way in which the recipients of their work expect them to proceed. In this respect, the intuitive understanding of professional norms as presented in the *Code* (2005) and the practice in the courtroom tend to become the same.

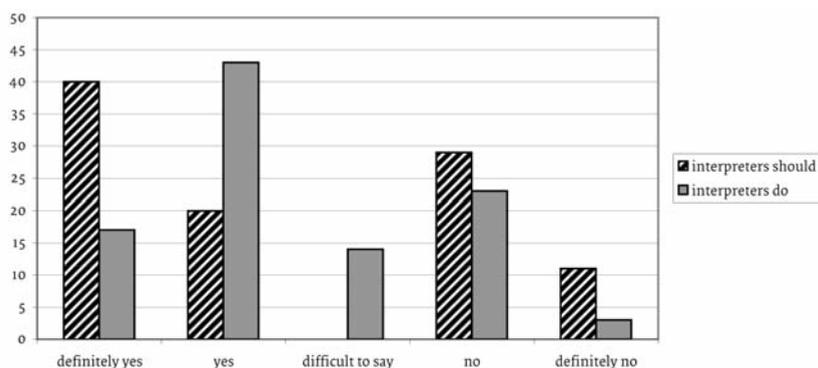


Figure 6: Clarifying indeterminate statements by immediate follow-up questions

2.2.7 Informing of misunderstandings

Given the final aim of the interpreting performance and normative assumptions about the interpreter's task, it was predicted that the respondents would be in favour of interpreters informing clients of misunderstandings (question 7). Such active involvement of the interpreter in situations where the smooth course of communication is threatened by a misunderstanding was indeed favoured by up to 88% of the respondents (Fig. 7).

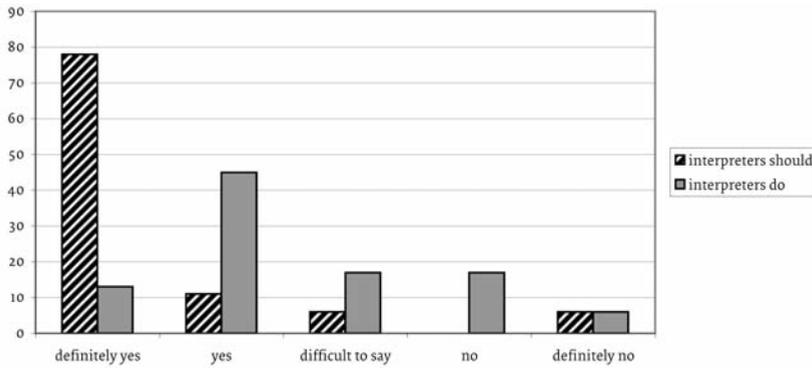


Figure 7: Informing parties of any misunderstandings in the communication

The results show how vital successful communication is for the trial. Professional practice, however, seems to go into a different direction. While the majority of respondents (60%) admitted that, in their opinion, interpreters inform participants in the proceedings of potential misunderstandings which may arise during the trial, the results obtained for the “Difficult to say” option (17%) are quite surprising. This demonstrates that any intervention of the interpreter, including those aiming at helping the participants, may go unperceived. A comparison of the results obtained from both parts of the survey reveals that although according to standards the interpreter does not have the right to intervene, any such intervention which may contribute to the success of the communication is found by the respondents to be acceptable.

2.2.8 Asking questions

We wanted also to gauge if, in the opinion of lawyers, interpreters ask/should ask questions and give information at the request of the Court (see Fig. 8). Traditionally, in Poland, court interpreters are seen as representatives of the judiciary, although actually they are not, as their job is to support each party to the proceedings (see the *Code*). The results of the first section of the survey show that legal professionals would like the interpreter to play such a role (79%), i.e. they would like the interpreter’s obligations to include the task of asking questions and giving answers to questions put by the legal professionals. Such an active role of the interpreter is not found to be contradictory to the normative approach. By fulfilling the recommendations of the parties (the legal professionals), the interpreter does not violate the principle of faithfulness and accuracy as set forth in the *Code*. Hence, the expectations of legal professionals in the courtroom are fully met. The results of the second part of the survey confirm this assumption. A large group of respondents (75% in total) stated that in their work interpreters often ask questions and answer questions asked by the legal professionals, particularly by the judge.

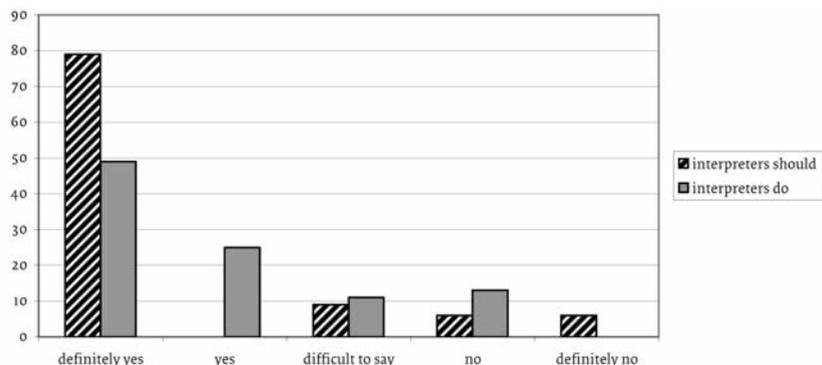


Figure 8: Asking questions

2.2.9 Interpreters' influence

The last question in the questionnaire aimed at determining how the legal professionals judge the presence of the interpreters and their influence on the procedure in the courtroom (see Fig. 9).

The respondents' answers show that the legal professionals commonly recognise the importance of the role played by the interpreter in the courtroom (75% in total). This result is even more important as in other settings in our study the interpreter is perceived as an unnecessary intruder or element.

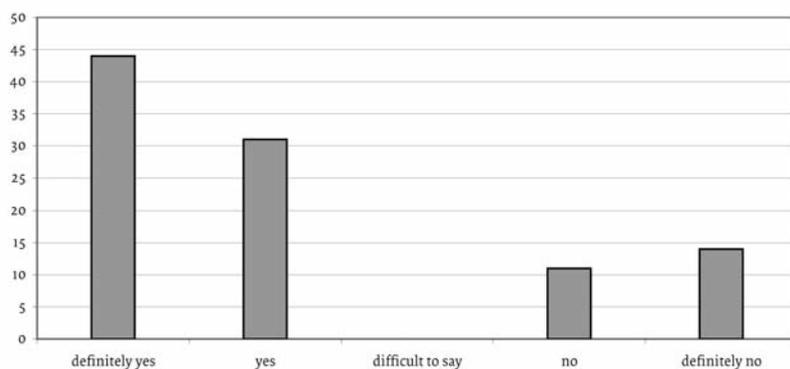


Figure 9: Interpreters' influence

2.3 Discussion of the results

The above findings help us determine the general trend prevailing in the responses of the representatives of the Polish judiciary. They often experience huge difficulties in describing the practice of legal interpreting in Poland, which has resulted in the high percentage of "difficult to say" responses obtained. Neither judges nor attorneys at law can be expected to supervise each activity and

each word of the interpreter. However, they must trust him/her if they want to bring the case to an end. Discrepancies between the responses in both sections of the questionnaire indicate that there is still some place for developing interpreters' roles beyond the traditional normative frames provided by the Polish *Code*. A large number of factors continue to threaten the success of interaction, hence the communication situation of the interpreter remains for him/her a real challenge.

3. Immigration setting

The survey conducted at the Polish Office for Foreigners (or immigration office) took place between November 2008 and March 2009 (see Springer 2009, 2010). It was a two-phase study which consisted of a questionnaire and a series of interviews with immigration officers. First, a questionnaire was distributed to the immigration officers and 19 were returned. They were completed by 16 office employees and 3 professional interpreters working with the Office on a regular basis. The questionnaire comprised 29 questions pertaining to the interpreter's general role in refugee hearings. However, in this paper I focus only on those most relevant to my argument. The majority of questions were closed multiple-choice questions or "yes/no" questions with one question requiring a precise open-ended response. The first six questions referred to the professional profile (education, experience, working languages), while one concerned the interpreters' role/performance and interpreting norms in asylum hearings. Two questions concerned cooperation between immigration officers and interpreters, and the normative perception of the interpreter as an invisible and impartial person as well as the accuracy of his/her rendering as presented in the *Code* (2005).

The second stage of the study involved a series of interviews held at the Office with 10 immigration officers who cooperate with interpreters. Each interview lasted approximately 45 minutes, was tape-recorded, transcribed and translated for the purpose of this article. The interviews were semi-structured and based on a list of questions but asked in varying order depending on the interviewee. Each interview began with a general question concerning the officer's experience in conducting hearings with interpreters. The remaining questions related to the officer's expectations of the interpreter as well as their observations concerning the interpreter's actual performance. One of the questions was also intended to cover the officer's views on improving cooperation with interpreters by means of joint training and to check whether any such initiatives had been taken by the Office.

3.1 Survey

The questionnaire as well as the interviews covered the following main issues.

3.1.1 Views concerning the general role of the interpreter during asylum hearings

In general the officers define the interpreter's role mainly in terms of invisibility, neutrality, impartiality and accuracy of interpretation. At the same time, they refuse the interpreter a place of his/her own in the overall process of interpreted communication by describing him/her as a mere tool for message transfer between two linguistic systems, that is defining the interpreter's task as "just interpret". They admit, for example that:

*The interpreter's job is to interpret... and that's it.
The interpreter is... don't know...a voice...*

One of the officers added that:

[...] an ideal situation would be for an immigration officer to be an interpreter for him/herself.

There is a general consensus that the main task of the interpreter is to switch the linguistic codes. In the opinion of immigration officers, the interpreter should refrain from modifying the form of the translated utterances and from becoming involved in the translated interaction, and should try not to disturb the eye contact between the officer conducting the hearing and the foreigner. That is also true for the way immigration officers see the place given to the interpreter in the room where the hearing takes place. One of the officers admits that:

The interpreter sits at the shorter side of the table in order not to disturb our eye contact.

Officers not only present the interpreter as the invisible person but also provide descriptions that depict the interpreter as "an interpreting machine", "a machine that only sends information" and one which is not directly involved in the hearing.

3.1.2 Use of first and third person

The officers' observations pertaining to the use of the first and third person show that the majority of interpreters use either the first or the third person singular, but their ideas are clear enough to state:

A good interpreter will speak in the first person, a poorer one – in the third.

The use of the third person is perceived as a major mistake even when impolite remarks or threats are formulated by the immigrants. It is noteworthy that the quoted statement corresponds to one of the canonic rules as stipulated in the *Polish Code* concerning the use of first person.

3.1.3 Profile of the interpreter during the refugee hearing (interpreters working in/cooperating with the Office for Foreigners)

In the opinion of the officers, foreigners are the best interpreters because they understand cultural issues:

There is a lady here who was born in Armenia; she speaks perfect Polish so she knows...she knows how to interpret.

One of the officers admits:

An interpreter who is not Chechen and has learnt the language in artificial conditions may lack the cultural competence.

Moreover, officers claim that they prefer “to be an interpreter for themselves”, especially when they can speak the foreign language even if such language skills are at best at intermediate, i.e. high school, level. They are convinced that such skills are good enough to run standard hearings which do not require any specialised knowledge.

3.1.4 Neutrality and invisibility of the interpreter in asylum hearings

In the opinion of the officers, the neutral position of the interpreter during asylum hearings is achieved by the place where he/she sits during the hearings, as shown in the example below:

He (the interpreter) shouldn't sit next to me or next to the person who is being interviewed. He/she should occupy a neutral position, in a triangle, as if [and she continues and explains]. In front of me sits a foreigner and the interpreter sits somewhere at the side.

In many cases, the interpreter is seated differently, depending of the preferences of the immigration officer.

3.1.5 Impartiality

When describing situations of conflict the officers unanimously agree that the interpreter should take control of the course of events when the immigrant behaves in an aggressive way, without waiting for the officer's permission, as one of them states:

When I conducted the hearing with the assistance of the Chechen interpreter, we interviewed one lady who was an old and seriously ill person. What's more, she was really nervous and I had the impression that she was going to die here. The interpreter then cuddled her, which amused me a bit, but in fact it worked well with the immigrant.

The employees of the Office admit that impartiality of the interpreter does not exist when the interpreter comes from the same country, city or region as the interviewee. In such a case, foreigners tend to ask the interpreter to assist them

in various administrative matters. One of the officers stated that the interpreter does not necessarily have to be impartial during the asylum hearing as:

I think that this is not so necessary in the end. That after some time the man.... the man who has already interpreted several hearings has acquired some experience and may be of big help for the officer, and it does not last for so long for the interviewee.

3.1.6 Additional roles

The image of the interpreter as an invisible interpreting machine presented by the immigration officers in their views of the interpreters' general role in refugee hearings is somehow contradicted by the actual roles played by him/her and by the same officers' expectations. They expect interpreters to help calm the foreigner, evaluate the immigrant's credibility on the basis of linguistic and cultural clues, identify inconsistencies or untrue information and finally draft the minutes of the hearing.

3.2 Discussion of the survey

The qualitative analysis of the survey shows that Polish immigration officers perceive interpreters as machines whose only task is referred to in terms of "just interpret". This view is reflected in the officers' opinions concerning the interpreters' general role in refugee hearings. They frequently describe the interpreters' tasks using such metaphors as "link", "white sheet of paper", "tool" whose presence should be little felt. The mechanistic depiction of the interpreter is confirmed by the officers' more detailed comments on the interpreters' use of the 1st or 3rd person singular while interpreting. It is also depicted in their expectations of interpreters to preserve the faithfulness and accuracy of what is said without omitting or adding anything as well as in their attitude requiring neutrality and impartiality of interpreters at all times. Nevertheless, the officers' actual expectations of interpreters in asylum hearings clearly contradict the idealistic image of the interpreter as initially presented by them. In reality, immigration officers expect the interpreter to carry out a number of additional tasks in relation to his/her principal activity.

As a result, interpreters in refugee hearings in Poland are on numerous occasions in breach of the principles of invisibility, impartiality, neutrality and faithfulness, and this is determined by a number of factors. First, the seating of the interpreter sometimes makes it an unrealistic task for him/her not to "align with" the immigration officer. Secondly, the interpreter is expected by the officers to openly intervene when verbal aggression or conflicts occur. Thirdly, the fact that some of the interpreters are of the same nationality as the foreigners being interviewed automatically makes the former more inclined to establish a closer contact with the foreigner rather than the immigration officer. Lastly, interpreters are required by some immigration officers to modify the immigrant's discourse, which does away with the principle of faithfulness, or they may regard themselves as representatives of the Office. The interpreters in

refugee hearings in Poland assume a variety of roles which successfully prevent them from staying neutral or invisible: they gauge foreigners' credibility, reprimand foreigners on different occasions, resolve conflicts, release tension, explain cultural differences and help the officers in drafting the minutes of the hearing, to name but a few. There are also situations in which the interpreters' involvement is objectively too extensive, for instance when they begin interviewing a foreigner on their own.

4. Health setting

The third study concerned medical service providers at the following levels:

- administrative (managers of public and private hospitals)
- doctors/nurses
- training
- medical tourism
- patient

It consisted of a questionnaire and a series of interviews and observations carried out in spring 2009 in Polish public and private healthcare centres in order to discover the reality (or the non existence) of medical interpreting in a setting in which so many foreign patients, refugees and medical tourists find themselves (see Gałazka 2009, 2010).

The aim of the survey was first of all to examine the way in which communication between medical staff and foreign language patients is carried out. The analysis was to determine whether, and in what ways, healthcare institutions hire or in any way cooperate with professional interpreters or other figures who ensure the necessary language assistance. In addition, the survey made it possible to examine the way in which a patient is asked to give his/her consent for surgery and whether the terms of consent are always translated/interpreted and, if so, by whom. To answer the above questions, we contacted, via Internet or by phone, more than fifty healthcare institutions in Poland: hospitals, clinics, outpatient clinics, emergency services, some in the private sector and others in the public sector, all situated in cities with more than 60,000 inhabitants. Ten centers refused to participate in the survey.

4.1 Questionnaire

The questionnaire consisted of four questions: 1) Are there any foreign language patients in your hospital (clinic etc.)? If so, how frequent are such visits? 2) Does your hospital (clinic etc.) cooperate with a translation agency or does it hire translators and interpreters? 3) Who is in charge of interpreting in the absence of an interpreter? 4) In what way does the foreign language patient express his/her consent for surgery, invasive modalities and admission to the hospital (clinic etc.)?

4.1.1 Foreign patients

With regard to the number of foreign patients (question1), the vast majority of answers show that there is a growing number of non-Polish speaking patients in public and private hospitals (see Fig. 10). Almost 51% of Polish hospitals that responded to our survey receive more than 5 foreign patients per month, and 7% every day.

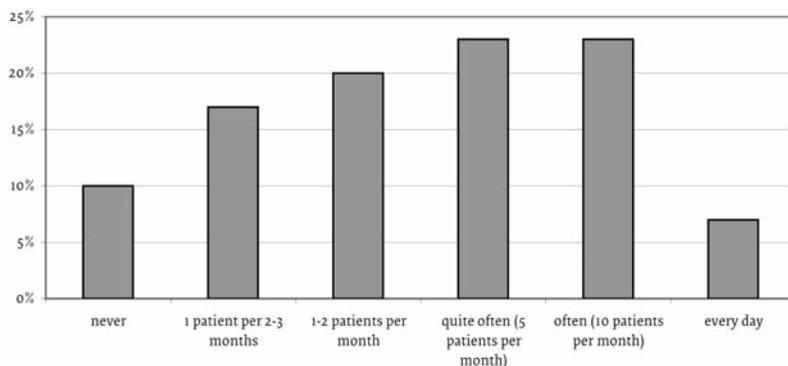


Figure 10: Foreign patients

4.1.2 Cooperation with interpreters

Answers to the second question, concerning cooperation with professional interpreters, allow us to conclude that it is not common for hospitals and clinics in Poland to use the services of specialists in this area. Only 8% of hospitals indicated that they cooperate with interpreters on a regular basis. There were also some comments mocking such a possibility, which shows a failure to keep in mind that what should count is giving patients the opportunity to enjoy their own rights. The comments included:

Translator? You must be joking?

They are not doctors. How could they then help us? I doubt if they understand what it is all about in medicine.

Sincerely, I don't think it's necessary. We're handling it by ourselves.

4.1.3 Non-professional interpreters

The aim of the question 3 was to determine who is playing the role of linguistic and cultural mediator in a medical encounter. As can be seen in Fig. 11, almost 68% of respondents (mainly doctors) admit that it is healthcare staff who interpret during medical consultations.

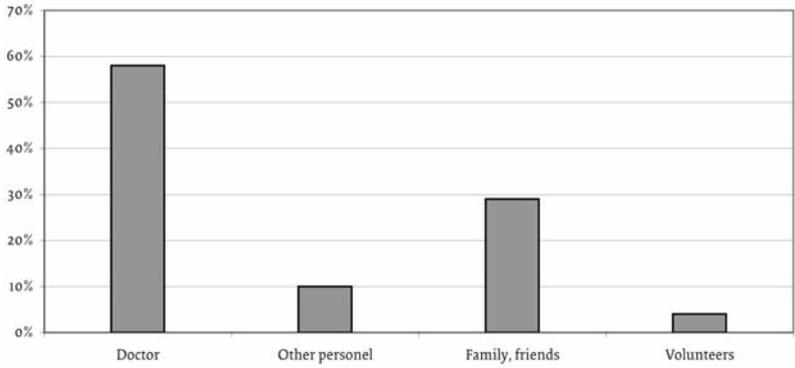


Figure 11: Non-professional interpreters

4.1.4 Patient's consent

Question 4 inquired about the language of the written consent form for surgery, invasive modalities and admission that must be signed by foreign patients in Polish hospitals (see Fig. 12). Only 15 % of the required documentation is in a language other than Polish (mainly in English). More frequently than not, this may have a serious impact on the course of treatment or hospitalisation, which was revealed in the interviews carried out with foreign language speaking patients at the final stage of this study.

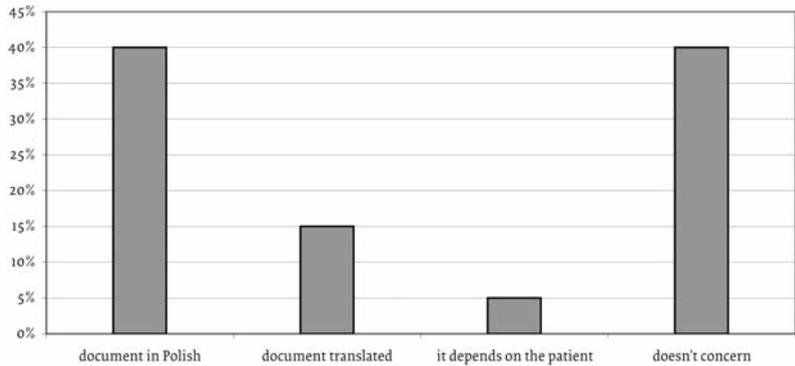


Figure 12: Patients' consent

4.2 Interviews

In order to complete the collected data, we interviewed managers of three (one private and two public) hospitals in Warsaw that provide healthcare services to foreign language speaking patients on a day-to-day basis. One of the public hospitals regularly admits patients from a nearby refugee center situated in the

suburbs of Warsaw. The opinions of the private and public hospitals are quite unanimous, as can be seen below:

a. private hospital manager:

In our clinic, it is the doctor who's responsible for bilingual communication. I'm convinced that it's the best solution. The presence of the interpreter could only unnecessarily complicate the whole situation. Firstly, the patient would undoubtedly be distrustful of a strange additional person present during the consultation. You can't forget that the appointment concerns very delicate matters. How would a woman undress? It is difficult enough for her even in the doctor's presence!

So far we haven't had any problems connected with the breakdown of communication between a doctor and a patient. Let's not forget that medicine is based not only on communication. Still, there is the examination. Touch, eye contact. Very often it is sufficient for a proper diagnosis of the patient.

b. public hospital manager:

I've never been planning to employ a professional interpreter. It would be an unnecessary utopia. Firstly, there is doctor-patient privilege. In Poland, there is no law regulating the question of a doctor-patient privilege in a bilingual medical context. Anyway, even if it did, I would object. It would mean one extra person during consultation. As a result, the patient could feel embarrassed, could question the accuracy and faithfulness of interpreted utterances. What's more, he/she would have the right to ask the court to check the interpreter's competence.

At present, we handle issues very well without interpreters. But I think that for the 2012 European Football Championship we will have to employ some.

In order to examine the practice of community interpreting in healthcare services, we interviewed the coordinator of the treatment of refugees, a doctor working in a public hospital in Warsaw and two volunteers of a Polish NGO (Association for Legal Intervention), who interpret in hospitals in Warsaw. The interviews were carried out to explore the following issues: 1) the linguistic policy applicable by the Office for Foreigners in Warsaw in the area of medical services provided to refugees; 2) official opinions of the representatives of the Office responsible for the above mentioned area compared and contrasted with opinions of patients, doctors and interpreters; 3) the real need to ensure language assistance to refugees in the healthcare sector; 4) the threats connected with community interpreting in the abovementioned area; 5) the interpreting techniques used by community interpreters.

The coordinator of treatment of refugees expressed the opinion that interpreting is of no importance at all to guarantee patients' rights, and presented moreover a false picture of the situation, as can be seen here:

Let's assume that you are going on holiday to France, but you don't speak French. Does the fact that the doctor does not speak Polish affect in any way the quality of treatment?

The volunteers are conscious of the real situation as they state the following:

It sometimes happens that the patient who comes alone to a doctor's simply is not admitted. He/she receives a small sheet of paper from the doctor where it is written: "Please, come with an interpreter". Or the appointment is carried out using gestures or the most basic knowledge of a given foreign language.

They admit that they always have to: explain medical terminology to the patients; shorten utterances; omit irrelevant utterances; express opinions, add information (e.g. ask questions on behalf of the patient who does not know what to ask about or forgets to ask about something); explain the social and cultural context, and the legal situation of the refugee (e.g. when making an appointment of a Muslim women to see a gynecologist); check if the patient has understood everything. They also add that:

It happens, fortunately very rarely, that I must press the doctor not to ignore the patient and to refer to him/her directly, as to a human being, and not to treat him/her as if he/she was an object. But, what is even worse, some of them take the liberty to give such unacceptable comments as: "What is he/she [refugee] looking for here?! Why isn't he/she undergoing treatment in his/her country?!" In such a situation I must react because I'm not here to interpret only, but also to defend the patient's dignity.

4.3 Discussion of the results

The results of this survey demonstrate that in Poland the practice of medical interpreting is quite the opposite of what may be observed in many other countries (see Angelelli 2004). We have no adequate legislation concerning language assistance for foreigners either in the private or in the public healthcare sector. This means that bilingual communication is ensured by non competent persons: medical staff, and also patients' family members, friends, volunteers etc. Moreover, there is no regular cooperation with translator/interpreter agencies and, if there is any, it is an exception rather than the rule. Generally, patients must sign consent forms for surgery. In the majority of cases, this means signing a document written in Polish, a sworn translation of the document is rather an exception. And, what is most important, we must admit that medical interpreting is practically nonexistent.

As there is no academic training for medical interpreters, there is no certification or accreditation of medical interpreters. If one wants to become a medical interpreter, the only option at hand will be self-training. The situation is highly unsatisfactory. Medical staff deny the need for interpreting; in their opinion interpreters have no professional training and they cannot interpret accurately doctor-patient communication. In their opinion interpreters overestimate their skills, regularly want to replace healthcare professionals and commit errors in interpreting. Another consequence is the persistence of stereotypes which preserve the false image of an incompetent, unnecessary interpreter in a medical encounter. In an interview conducted on 28 April 2009, the former Polish Deputy Minister of Health declared:

In Poland we have no regulations on medical translation/interpreting. We have never discussed this matter at the Ministry. It is quite improbable that the situation changes in future.

He admits however that adequate language assistance is necessary, but there is no political will to change the situation.

5. Concluding remarks

Our research conducted in different settings showed the actual situation of community interpreting in Poland. There is a general lack of fundamental knowledge about interpreting, and about community interpreting in particular. Instead, professionals, judiciary, immigration officers and doctors, still adhere to well known stereotypes about the role of the interpreter and his/her competences. In general, the interpreter in an immigration or medical setting is seen as an unnecessary agent because he/she does not understand the subject matter. He/she is considered an intruder, a nuisance. In the legal setting, there is some partial knowledge of the guidelines and norms with regard to the rules as stated in the Polish Code, but in other settings, we notice the general misconceptions of standards. Professionals often state that they have had a bad experience with interpreters and that is why they do not accept their presence in their office or surgery during a hearing or medical examination. This means that professionalism in interpreting still remains the main question to be addressed. The lack of knowledge about interpreting, the lack of trust in the competences of the community interpreter as well as the reluctance that many professionals show to cooperating with interpreters, all constitute a real obstacle to the recognition of the profession and to the launch of appropriate training at academic level. It seems to be a sort of a vicious circle: as there is no recognition of the profession, there is no offer of appropriate training in community interpreting. As a result, there is no demand for such professionals. If there is no need, the recognition of the profession is not necessary and so we come full circle.

To finish on a more optimistic note, we hope that the growing demand for legal and medical services provided for refugees as well as foreign patients, tourists, residents and legal immigrants that has been observed in the last few years will be an incentive to undertake more efforts on the road to the professionalisation of community interpreting.

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