

# A Survey of the Situation of Court Interpreting in Zimbabwe

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**Abstract:** *This study has as objectives to explore, describe and explain the profile as well as the roles played by court interpreters in Zimbabwe. It equally identifies the challenges faced and proposes possible solutions. To investigate the situation of court interpreting in Zimbabwe, the following four research questions were articulated: 1) What is the profile of court interpreters in Zimbabwe? 2) What is the role played by court interpreters in Zimbabwe? 3) What are the main challenges faced by court interpreters in Zimbabwe? 4) What are the possible solutions to the challenges faced by court interpreters in Zimbabwe? To answer these questions, a mixed methods approach was used. A questionnaire was administered to court interpreters, interviews were conducted with the presiding court magistrates in Harare and observations were carried out at the Harare Magistrate Court. Quantitative data was analyzed through the SPSS method while a thematic method was used to analyze qualitative data. The training theory, the communication theory and the interpreter role (self)perception model and an assessment tool supported this research. Findings reveal that: 1) Court interpreters in Zimbabwe can be considered as professionals. 2) Their role is that of a language conduit, to bridge the communication gap and ensure effective communication between the parties and nothing more. 3) Technical terms, the defendants' attitude, languages difficulties, long court procedures and low salaries are among some of the challenges faced by court interpreters in Zimbabwe. 4) Language enhancement courses, better working conditions and salaries, knowing the court procedures beforehand, more training in court interpreting and basic interpreter training could help alleviate the challenges they face.*

**Keywords:** Court interpreting, Language conduit, Language enhancement, Court procedures, Interpreter training, Community interpreting.

## 1. Background to the Study

Zimbabwe is a multilingual country, with 16 official languages recognized by the Zimbabwean constitution as from 2013. However, in the past, English was the main official language while Shona and Ndebele were the predominant indigenous languages in their respective geographic spheres, that is Mashonaland and Matebeleland. After the amendment of the constitution in 2013, 13 more African local languages also spoken in Zimbabwe were adopted and recognized as official and worthy to be spoken on official platforms (Viriri, 2003). These include Chewa, Chibarwe, Ndau, Kalanga, Nambya, Tonga, Venda, Xhosa, Koi-san, Nyanja, Sotho, Zimbabwean sign language and Tswana. It is also important to note that Shona is widely spoken across the country by 75%, and Ndebele by about 16% of the population (Viriri, 2003). This is probably the reason why Zimbabwe is listed among the countries with one predominant African language, (Svongoro, 2016). The existence of all these languages creates an indispensable need of interpreters to break down communication barriers be it in business, medical field, politics as well as in courtrooms.

Although Zimbabwe is recognised as having the highest literacy rate in the SADC region, there still exist a number of illiterates and those who have low proficiency in English. These people generally find difficulties in handling sensitive communication in English, especially in settings such as courtrooms, thus, they will be in need of an interpreter. Zimbabwe's National Language Policy (1998) and the Constitution of the Republic of Zimbabwe (Amendment No. 20 of 2013) both safeguard linguistic rights and emphasize on the need for the provision of court interpreters if the accused/complainant is not well acquainted with English, the language used in courts.

Historically, court interpreting in Zimbabwe has not been a subject of much research (Svongoro and Kadenge, 2015). As a result, information on the subject is largely based on Svongoro and Kadenge's findings in their oral interviews with chief and senior interpreters based at Magistrates' Courts in Zimbabwe. According to Svongoro (2016), the oldest of Zimbabwean court interpreters have been practicing for about 44 years. From these long serving interpreters, they discovered that the first interpreters in Zimbabwe, known as Southern Rhodesia by then, came from South Africa and were brought by the first white settlers in the 19th century. This was due to unavailability of a Western education in this country. It is also important to note that the then South African interpreters also did not have proper training until the late 1990s (Moeketsi and Wallmach, 2005). Later, with the introduction of Western education in Southern Rhodesia, a selected few were educated to standard three or four (equivalent to today's Grades 5 and 6). They would be employed as clerks with the Native Affairs Department (Svongoro and Kadenge, 2015).

Furthermore, according to Svongoro and Mvundura (2021:10), during the 19th century, "the interpreter's duties were that of a clerk. They were therefore, expected to be able to read and write". It is also important to note that the same situation also existed in other countries such as Malaysia. Hale (2004) declares that in Malaysia, courts required interpreters to act as court clerks, ushers, clerical

staff and even lawyers, with no training at all. Such working conditions hinder interpreters to perform their work with great competence and authority.

In the case of Zimbabwe, salvation in the field of interpreting came in when Hoffmann joined the profession in the mid-20th century (Svongoro and Mvundura, 2021). According to the same author, all the interpreters during that era were black Africans as the white settlers did not have sufficient knowledge of the local languages. However, in 1970s, the majority of the interpreters in Salisbury, present day Harare, were black, with two white interpreters (Hoffmann and du Plooy) and one of black and white origins. Moreover, it is also important to note that all interpreters before 1981 were males due to the belief that some jobs could not be performed by women. Currently, the majority of court interpreters in Zimbabwe are women (Svongoro and Mvundura, 2021).

## **2. Statement of the Problem**

As indicated above, Zimbabwe is a multilingual country with sixteen official languages hence being a fertile ground for court interpreting and community interpreting at large. However, up to date, court interpreting is not yet professionalized in the country regardless of a court interpreting training program in court interpreting and translation offered by Lupane State University.

The court interpreter's performance in the country still lacks quality. Peripheral findings from cases studied by Van Grieken (2001) reveal huge interpreting shifts and many sorts of interpreter misinterpretation/misrepresentations. This means that the code of ethics of the profession, which requires nonnegotiable degree of fidelity, faithfulness, accuracy to name just a few, is often violated. Such cases contradict with the principal objective of community interpreting, which is to bridge the communication gap and give equal opportunity to the minority to have access to public services without any hindrances due to language.

The constitution of Zimbabwe also recognizes the importance of providing an interpreter to any defendant who does not clearly understand English, the language of court procedures for a fair trial. In this case, the interpreter's role is indispensable and clear, it is to smoothen communication in such a way that the presiding officer is able to adjudicate in the matter with fairness. However, in Zimbabwe, most of court interpreters are still untrained bilinguals who are still not competent enough as they have often been accused of inaccuracy. (Svongoro and Mavundura, 2021).

Considering the multilingual status of Zimbabwe, and the constitution's recognition of the need of court interpreters for the minority who are not able to effectively communicate in English, one may say that the role of interpreters and translators in the effective rendering of justice is indispensable. When both parties do not speak the same language, the only way to ensure effective communication is through the use of an interpreter, and in courtrooms, qualified interpreters. In such conditions, community interpreting has all the possibilities to thrive. Since Community interpreting's purpose in Zimbabwe is to help the minority have access to public services without any language difficulties, it is necessary for the detainees who cannot communicate perfectly in English to be helped by professional interpreters.

However, the fact that often times, Zimbabwe's Court interpreters have been accused of being inconsistent and inaccurate in their rendition during criminal trials, this has inspired a study on the situation of court interpreting in this country with the aim of getting the reasons of such incompetence. For instance, an article that was released in the Daily News newspaper on 9 March 2001 was entitled, 'Lawyer walks out of court over interpreter' and another one in The Herald newspaper of 16 January 2008 had for a title 'Court Interpreters should be well paid' are typical examples. All of these are pointers to profound problems on the field which have not been properly investigated.

## **3. Research Questions**

From the above, the following questions can be raised:

1. What is the profile of court interpreters in Zimbabwe?
2. What is the role played by court interpreters in Zimbabwe?
3. What are the main challenges faced by court interpreters in Zimbabwe?
4. What are the possible solutions to the challenges faced by court interpreters in Zimbabwe?

## **4. Objectives**

From the above questions, the study has the following objectives:

1. To identify, describe and explain the profile of court interpreters in Zimbabwe.
  2. To identify, describe and explain the role played by court interpreters in Zimbabwe
  3. To identify, describe and explain the challenges faced by court interpreters in Zimbabwe
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4. To suggest possible solutions on how to overcome the challenges faced by court interpreters in Zimbabwe.

## 5. Methodology

This survey is an empirical study which makes use of both qualitative and quantitative methods in order to obtain complete data since these two methods are complementary. Observation of court interpreting at the Harare Magistrate Court was carried out. Then, an online questionnaire was administered to court interpreters and interviews were conducted with the magistrates who work at the Harare Magistrate Court.

For this study, purposive sampling (used for the selection of the research geographical field) and snowball sampling techniques were used to select participants.

With respect to data analysis and processing method, descriptive statistics was used to describe and analyze the basic features of data collected using questionnaires, observations and interviews. Data was presented through charts, graphs, and tables. The most common method of data analysis in qualitative research, thematic approach, was also used to analyze the data collected. This involved categorizing data under different themes to facilitate data presentation.

Finally, Data was presented and analyzed based on the research objectives of the study.

## 6. Findings

A. With respect to the profile of court interpreters,

a) Training: Only 30% of them have received basic training in interpretation from the Africa University (AU), Great Zimbabwe University (GZU) and University of Zimbabwe (UZ). Interestingly enough, 85% of the respondents have received training from or were trained in court interpreting by the Judiciary Service Commission (JSC), 5% by the Africa University and 5% by the Midlands State University (MSU), Zimbabwe.

b) Experience: 20% of court interpreters have worked for 5 to 10 years, 30% for less than two years and 50% between 2 and 5 years.

c) Work schedule: The majority 85% said that they worked as part time court interpreters, while the rest 15% declared that they worked as full-time interpreters.

d) Gender: Male court interpreters comprised the majority of the respondents of the study with a total of 55% while females accounted for 45% only.

e) Age range: A large number of respondents were in between the ages of 26-35 years old 45%, followed by 36-45 years of age (30%), 18-25 years of age (15%) and the smallest numbers were between the ages 46-55 years old (10%) and none of the respondents were under 18 years old or beyond 55 years old.

f) Region of origin: Most of the respondents were originally from Mashonaland West with 25%, followed by Masvingo 15%, then Harare 10%, Matabeleland North 10%, Bulawayo 10%, Mashonaland Central 10% while only 5% respondents were originally from Midlands.

g) Level of education: Most of the respondents had Bachelor's degree (65%), followed by Master's degree (15%), then some of them just had a training at the JUDICIARY SERVICE COMMISSION (JSC) (10%), and the lowest recorded level of education was the Ordinary level and Advanced level (5%) each.

h) Working languages: All the respondents (100%) spoke English and Shona, followed by 20% who also spoke Ndebele, then 10% who also spoke Tonga and lastly 5% spoke French, Spanish, Portuguese, Chinese and German. For the working languages all the respondents (100%) worked in English, followed by (90%) who also worked in Shona, then 15% who also worked in Ndebele, then 5% who worked in Tonga, French, Spanish, Portuguese, Chinese and German.

B. Role played by court interpreters: the majority of the respondents (95%) said that their role in the court was to interpret, while only 5% said they defend human rights. However, most of the respondents (90%) declared that their clients perceived them as translation machines/ as passive participant, while the rest (10%) said they were perceived as active participants who can influence conversations. A large number of the respondents (70%) said that judges always perceive them as translation machines who should be passive in conversations, while (30%) stated that they were mostly and sometimes perceived as translation machines who should be passive in conversation.

C. Challenges faced by court interpreters: A long litany of challenges was enumerated by respondents, including the following: pressure was their biggest challenge, cultural barriers, technical terms were another major challenge, audibility and long court proceedings were equally major challenges. Some of the interpreters said most of the challenges they faced were due to their lack of training as interpreters. Furthermore, defendants' or witnesses' attitude constituted another problem peculiar to court interpreters as well as poor salaries.

D. Possible solutions to the challenges faced: Possible solutions that can be applied based on the type of challenge are randomly listed here.

1. The first proposed solution is adequate basic training in interpreting that equips the practitioner with the necessary theoretical frame, aptitudes, techniques and strategies to cope with the pressure inherent in interpretation practice.
2. With respect to cultural challenges, training equally makes the interpreter to be aware of the methods and approaches to resolve cultural issues since interpretation is intercultural in essence and bridges cultural gaps (the interpreter is by definition an intercultural mediator).
3. Technical terms: Interpretation is now clearly in the technological age and there are now many legal term banks, memories, lexicons, glossaries, etc. online that the court interpreter can exploit and should actively do so when preparing to interpret a court case, just as any other conference on a specialized or technical field.
4. With respect to audibility, it suffices for the court interpreter to complain to the presiding magistrate to instruct anyone in their court to be audible because such audibility is in the interest of all the parties.
5. It is hereby strongly recommended for the practicing court interpreters in Zimbabwe to do everything possible to form an Association of Court Interpreters. Such Association would strive to regulate the profession by ensuring that norms are respected. For example in the case of long court sessions it would insist that more than one interpreter be recruited to relay each other after at most 30 minutes as required by the norms. Also, the Association would militate for more attractive remuneration of the court interpreters' services. In short, the Association would serve as a watch dog to guarantee the respect of the ethics which would alleviate some of the challenges enumerated above.

### Conclusion:

This study which was exploratory enabled the survey to identify, describe and explain the profile, the role and responsibilities of court interpreters in Zimbabwe, the challenges they face and the possible solutions to the challenges they face.

Data was collected through a questionnaire administered to court interpreters. Interviews were also conducted with the presiding court magistrates who work with court interpreters and finally, participant observations were carried out to observe court interpreters at work at the Harare magistrate Court. Observations helped to confirm the validity of data collected through questionnaires and interviews.

Court interpreting is only one form of community interpretation and it would be necessary to also carry out studies on other forms of community interpretation in Zimbabwe to complement this study and gain a more comprehensive view of the entire Zimbabwe interpretation landscape. Finally, this study could be useful to policy makers in the judiciary sector and those involved in employing court interpreters as they will have an insight into the challenges plaguing this profession in the country and will also help them to put effective measures to solve these problems.

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