

POSITION PAPER

Child Language Brokering

When persons whose German language skills are inadequate for the purpose are required to communicate with medical professionals, teachers or employees of the public administrative authorities, they depend on the support of third parties. In our society, qualified communication is indispensable for the respect of human rights - this includes the rights of patients in medical contexts and, in the area of social security, the exercising of participation rights of those in need. Protection of these rights is the task and legal obligation of the legislator. Since there are still no corresponding structures in Germany in which qualified interpreters can be systematically appointed for this function¹, other persons present are often spontaneously asked, or parents bring along their children - who already speak better German in everyday situations than they do - in order to ensure communication.

There are no studies available for Germany quantifying the use of children and adolescents as interpreters². However, the use of children as interpreters³ is not just a phenomenon of the past- as with the first generation of foreign workers recruited to Germany as from the 1955 ('Gastarbeiter') - but indeed is still today an **(invisible) aspect of everyday life in Germany**⁴. Due to global developments leading to escape and migration, this is a frequently recurring phenomenon with the specific language in question being the only feature which varies. Analogies from international studies suggest that children and adolescents interpret in everyday situations and at public offices, but especially in schools and in the health sector.

Incomplete and inaccurate communication

Just as with untrained adult interpreters, it is difficult to speak of correct, complete, impartial interpretation in these and other settings of a quality that would be achieved by trained interpreters. That the interlocutors are aware of this becomes clear when, out of consideration for the interpreting child, they abstain from asking or answering certain questions that are, for example, shameful in nature; thus, the conversation as such also remains incomplete.

The rate of error is even higher than with other untrained interpreters due to the excessive demands experienced by children and adolescents in terms of content, language and situation, which is frequently underestimated. These excessive demands arise because children and adolescents are confronted with terms, topics, situations and emotions that transcend their own experiential horizon and are not appropriate to their age.

When children and adolescents interpret, this has consequences for the exchange between the parties involved:

this in no way enables adequate medical care, a legally compliant official discussion or the professional rendering of consultation services. Consequently, people living here who do not (yet) speak sufficient German are denied rights.

¹ cf. position papers of the Federal Association of Non-statutory Welfare (2020), the Bundesweites Netzwerk Flucht, Migration und Behinderung (2020), the Paritätischer Gesamtverband (2018) and the BDÜ (2019).

² In Pohl (2006), retrospective reports on the experiences of former child interpreters can be found; qualitative studies from Austria: Pöchlhammer (2000), Rajić (2006), Ahamer (2013); Schmidt-Glenewinkel (2013) has analysed international studies in an integrative manner. Sources cited in this document refer predominantly to literature in the German language.

³ Child interpreting also includes the sight translation of mail and the filling out of forms by children and adolescents, meaning it also includes aspects of written communication by institutions.

⁴ e.g. Arens (2020), Rebmann (2020), Steinle/Woytowicz (2020: 244).

Economic exploitation

The practice of using children as interpreters is a **stopgap measure that in some cases has already become institutionalised** and brings with it further questionable aspects: the interpreting children and adolescents lose the time allocated for learning and playing that is important for their development. Instead, they carry out a task that is otherwise performed by trained service providers. This challenging and responsible **service** must be remunerated accordingly and appropriately⁵; it **must be procured and financed**. In this context, the interest of the institutions - which must, according to the will of the legislator, ensure qualified communication - is evidently directed towards cost-effective procurement. From this perspective, the involvement of family members who are capable of communicating in German is economically advantageous for the obligated institutions⁶.

If children and adolescents are used as "service providers", the question must be raised as to whether this can be permissible in the context of the UN Convention on the Rights of the Child⁷. According to article 3 paragraph 1 of the Convention, "in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration". The Convention on the Rights of the Child additionally focuses on the exploitation of children in Articles 32 and 36. Against this background, it must unequivocally be stated that **using children as interpreters is a form of exploitation according to the UN Convention on the Rights of the Child**.

(Long-term) effects on the child interpreters themselves

Due to their age, child interpreters take on a special role within the group of untrained interpreters - they belong to the **group of vulnerable persons** in two ways: As migrants and as children/adolescents. The starting age is 6 to 8 years, and it is usually the eldest child – or eldest daughter – who is involved. Studies suggest that the consequences concerning the development and health of children and adolescents depend on how often and in which settings they interpret and whether they do so voluntarily, i.e. how much pressure is applied from parents or others.

It is only at first sight that results from international studies regarding the consequences for children and adolescents seem to be contradictory. Children and adolescents interviewed also report positive feelings such as achievement, a sense of belonging to the world of the adult and a higher self-esteem ensuing from the interpreting activities; these feelings are not prevalent in all children, however. The **negative consequences for the children and family structure**, far outweigh such positive feelings, however, especially in the long term. These include excessive demands, also as a consequence of too much responsibility; shame for the helplessness of the parents; irrational feelings of guilt; and the assumption of parental tasks (parentification). Consideration must also be given to the resulting "psychosomatic disorders and diffuse anxiety, sleep disorders, nausea, headaches, aggressive, regressive or depressive reactions" in the children; at the same time, there is a danger that such complaints and behaviour will be attributed to other causes such as puberty (Kuljuh 2003: 144, 147).

Children and adolescents generally understand the mechanisms and effects only retrospectively - in some studies, this degree of reflection, which is not yet cultivated due to age, remains unscrutinised.

⁵ Appropriately means at least the rates and regulations stipulated in section 8 of the Justizvergütungs- und -entschädigungsgesetz (JVEG) that regulates fees and remuneration of costs for interpreting work in a legal context.

⁶ The discussions by the JVEG show how great this economic aspect is concerning interpreting services.

⁷ Germany ratified the UN Convention on the Rights of the Child on 6 March 1992, so that it came into effect for the Federal Republic on 5 April 1992. The Convention on the Rights of the Child is valid national law in the Federal Republic of Germany.

Overall, the longer-term negative consequences contrast with the initially rather positive perception of some. In other studies by psychologists, it is noticeable that the authors – without empirical studies or reference to them – simply assume that the aspects harmful to the children, such as developmental disorders and loss of childhood, predominate. The **burden of interpreting, therefore, is not in the best interests of the child.**

From the perspective of the parents, using their own children as interpreters is ambivalent - on the one hand, proud reliance on the child's proficiency; on the other hand, helplessness, shame, a feeling of dependence and powerlessness. In most cases, however, this language barrier makes it impossible for parents to change the situation.

BDÜ position

As a state that is party to the UN Convention on the Rights of the Child, Germany has the responsibility to protect children. According to Article 32, children must not be called upon to perform any work that is likely to be hazardous, interfere with the child's education or be harmful to the child's health or physical, mental, spiritual, moral or social development.

Many discussions requiring interpretation can be conducted by appointment, allowing time to organise trained interpreters; in urgent situations, video/telephone interpretation from qualified interpreting service providers ensures reliable communication. There is no need to use children as interpreters if appropriate child-protective structures are established, trained interpreters are procured and their work is appropriately remunerated.

- **The BDÜ demands the protection of children and adolescents from economic exploitation.**
- **The BDÜ therefore demands the creation of a system in which the responsibility for translation and interpreting is not placed on children, but rather in the hands of trained, appropriately remunerated workers.**
- **The BDÜ demands a ban on child language brokering.**

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