



Chaire de recherche sur les relations avec les sociétés inuit

Research Chair on Relations with Inuit Societies

ᖃᑲᑲᑦᖃᑦᑦᑦᑦᑦᑦ ᑕᑦᑕᑦᑕᑦᑕᑦᑕᑦ ᑕᑦᑕᑦᑕᑦᑕᑦ ᑕᑦᑕᑦᑕᑦᑕᑦᑕᑦ

Saimatsianiq Research Project

Workshop on Inuit Knowledge regarding Legal Practices With Interpreters at the Itinerant Court in Nunavik

February 21-22, 2022, Québec

Report



Written by Pascale Laneuville and Alice Miot-Bruneau, Research Chair on Relations with Inuit Societies
June 2022

Table of Contents

Introduction 1

Importance of the role played by Court interpreters in Nunavik 1

Challenges of Court interpreters 2

Challenges of translation work in Court 2

Emotional and psychological challenges 3

Challenges surrounding work conditions 4

Their views on justice in Nunavik 4

Issues in the criminal justice system 4

Toward an Inuit model of justice 6

Conclusion 6

Needs and proposed solutions 7

Acknowledgments 7



Introduction

This report presents the results of a 2-day research workshop that took place in Québec City, on February 21 and 22, 2022. It brought together five participants (four Inuit women and one Inuk man¹) who work as interpreters for the Itinerant Court of Nunavik. It was co-directed by Caroline Hervé, a professor of anthropology at Université Laval, and Suzy Watt Kauki, an Inuk assistant researcher doing her undergrad in law and sociology at Carleton University.

There were three objectives: 1) provide Court interpreters with an opportunity to meet and talk about daily life at work; 2) document their work, realities, and concerns; and 3) think together about the justice system in Nunavik. They were also provided with a safe environment in which they could share their experience, difficulties, and prospects. The findings presented here stress the importance of their role in the justice system, and the challenges they face as interpreters. Finally, they need to be better recognized and supported in their work.

At the outset, the participants were asked for their written consent. They could waive confidentiality and have their name associated with their words in all publications based on the workshop. None of them chose to keep their participation and comments confidential.

This activity was part of a research project called *Saimatsianiq: Documenting, mobilizing, and promoting Inuit legal practices to preserve social harmony in Nunavik*. The project was launched by the Sentinel North Research Chair on Relations with Inuit Societies (Caroline Hervé, Université Laval) and was funded by Justice Canada through its Justice Partnership and Innovation Program (JPIP): "Revitalization of Indigenous Laws" (2021-2024).

Importance of the role played by Court interpreters in Nunavik

During the workshop, the participants described their role as one of ensuring that Court officers (judges, lawyers, clerks, etc.) understand and are understood by offenders, witnesses, victims, and their families. More than an English-Inuktitut translation service, interpreters are often required to explain the meaning of a legal term, a court sentence, or a law to people who appear in court. More informally, they also act as cultural interpreters for the Court officers, thus helping them to understand Inuit culture and realities.

The participants emphasized the great importance of their role in the justice system, since the criminal justice process cannot work effectively without interpretation. They also felt a great responsibility to ensure that the accused can understand what is happening and not be victimized by the system. Consequently, they felt they had a duty to do their job properly.

¹ The participants were Annie Baron, Lizzie Aloupa, Annie Okpik, Jeannie Sala, and Aipili Qumaaluk.



I'm the heartbeat of the process. Because if I am not interpreting right, or if I am not interpreting, they don't understand each other. (Lizzie Aloupa)

The participants identified the qualities they felt are necessary to be a good Court interpreter: being open-minded; being punctual; being able to take criticism and learn from it; being caring, positive, precise, and professional; and being able to communicate easily with Court officers. A Court interpreter must not seem embarrassed or upset when saying another person's words. In other words, you must be able to differentiate between what you think and feel and what others think and feel. Finally, interpreters must pay attention to everything they say, both inside and outside the courtroom.

We are not there to judge anyone. We are just like a tunnel for that person to understand because that person needs an interpreter for a reason. They can't understand what is being told against them. (Jeannie Sala)

Though crucial, Court interpretation is rather poorly perceived and unpopular, both because it is very demanding and because other Inuit tend to associate it with the justice system as a colonial institution. Consequently, the job requires a certain sense of mission and dedication.

People ask me: "Why do you work for Justice Quebec, why do you interpret for all these people, all those criminals?" Somebody's got to do it, you know. I do it because I know it is a necessary thing to serve the people or to make things go better. (Aipili Qumaaluk)

Challenges of Court interpreters

The interpreters stressed the challenges and difficulties they face in their profession. They have to cope with technical and semantic challenges during the translation process, emotional challenges, and problems with their work conditions.

Challenges of translation work in Court

The first issue mentioned by the participants was the trilingual situation of the Nunavik Itinerant Court. Because the official language of the Court is English, interpreters have to use their second language with people who themselves are typically using their second language, since non-Inuit workers are predominantly French speakers. Thus, their first challenge is often to understand English words spoken poorly by French speakers. When it comes to language differences, interpreters must also deal with the diversity of Inuit dialects in Nunavik. This challenge is very important because some terms have totally opposite meanings in different regions. Yet, according to the interpreters, Court officers seem unaware that such differences exist and can complicate translation.

Another important issue is that Court interpreters do not receive training in law and interpretation. They learn their job through observation, through experience, and sometimes by



sharing their knowledge with other interpreters, since they always work in pairs. The only training for new recruits is a three-week on-the-job program, during which they are paired with an experienced interpreter. The workshop participants mentioned that this approach puts a burden of stress on the shoulders of experienced interpreters, since they have to keep doing their job properly while training a new person. Moreover, outside the training period, if they are working with a less experienced interpreter, they must be doubly vigilant and attentive to the mistakes their partner might make and correct him or her. The participants also deplored the fact that they had not been told about the Court's dress code and code of ethics when they first started as interpreters. They had to learn those codes through experience and mistakes; in other words, "the hard way."

Translating English legal terms into Inuktitut is a huge challenge. There is no updated glossary for Court interpretation, and there is no clear consensus on how to translate specific terms. A complicating factor is that many legal terms are hard to translate into Inuktitut because that language, and the culture it represents, lacks the corresponding semantic referents. In other words, there is a clash between two different cultural and social realities, and even between two world views. Consequently, interpreters cannot always use a single Inuktitut word to translate what is actually being said. They must instead explain and describe the concrete meaning of the English term. For instance, the concept of a "conditional sentence order" is very hard for Inuit to accept and understand because it means that you will be detained at home and no longer be free; that is, you will lose your independence. An interpreter reported the reaction of an elder who felt as if the system had turned her into a child again.

When an English or French speaker questions an Inuit speaker, mutual understanding may be hindered by the way the question is asked. A lawyer may use double negative questioning, a frequent problem for interpreters. Such questions may be answered in different ways by Inuit. Because a "yes" or a "no" will not have the same meaning in all situations, the consequences can be serious. Interpreters thus wish to protect the accused from the dangers of misunderstanding.

Emotional and psychological challenges

Court interpretation is stressful emotionally and psychology because it constantly exposes interpreters to painful stories from people they know well. They may easily become emotionally overloaded, especially if they have personal problems of their own. To do your job, you must **cut** yourself off from your emotions. Disconnecting yourself from your emotions can take a lot of willpower. At some point, you must find a way to release those pent-up emotions, such as by crying or praying.

I try really hard not to be affected. I am pretending that I have no heart or feeling. People around me will say something, and I am acting as if it doesn't bother me. [...] We have learned to turn off. (Aipili Qumaaluk)



Furthermore, you must try not to identify with the words you are translating. It is particularly difficult to detach yourself from the words of the judge and the lawyers, especially because you are asked to use the first person singular when translating. To the Inuit in the courtroom, this gives the impression that you are endorsing what is being said and the decisions being made. You may actually disagree with what is being said, but you have to do your job.

Finally, Court interpreters have few if any opportunities to debrief with colleagues after court sessions. You must find your own way to free yourself from the burden and make sure you do not bring any work issues home, especially because, to maintain confidentiality, you are not supposed to talk about your job with relatives or friends. For this reason, a participant even described his job as a “horrible” one.

Challenges surrounding work conditions

Interpreters deplored the fact that their role is not sufficiently considered and recognized by the justice system, as seen in their working conditions or their day-to-day interactions with non-Inuit. As an interpreter, you do not have the right to intervene and provide your opinion on a situation, even though your experience and knowledge could be of value. For instance, when you want to take more time to explain something to the accused, or when you notice a misunderstanding, you must first ask for permission.

Interpreters are independent contractors. They have been calling for better financial security and for fringe benefits they currently do not receive (such as a retirement savings plan). The participants said they felt overworked. Their jobs are very demanding both physically and emotionally, their days are long, their breaks are short, and they do a lot of travelling. Moreover, no equipment is provided, such as a laptop. With the current pandemic, work conditions have changed, and court services have been provided virtually. Working from home all the time, some interpreters have felt even more isolated. On the other hand, the participants said they are satisfied that, as interpreters, they are not attached to any regional organization and can thus act more freely and independently in a way they feel is useful for their clients.

Their views on justice in Nunavik

Court interpreters have extensive experience with the justice system in Nunavik. In addition to being interpreters for many years, many of the workshop participants had performed various roles within the justice system. Interpreters are thus in a key position to understand how the justice system operates and is perceived in Nunavik.

Issues in the criminal justice system

The participants felt that many injustices are inflicted on those Inuit who become involved in the justice system, whether as the accused, as a witness, as the victim, or as a relative. They had



observed Inuit being victimized by the system, when false accusations were made or when a defence lawyer did not adequately protect the accused, for example. Notably, they had sometimes witnessed a defence lawyer asking the accused to plead guilty in order to speed up the process. Postponement of hearings, especially when caused by a lack of available hotel rooms for Court officers, is seen as being inconsiderate to Inuit. Videoconference hearings are also problematic for elderly clients with hearing loss. Some unfairly get their hearings postponed because they cannot understand what is being said.

The justice system up north, as I see it, is a lot of injustice done to their clients. (Lizzie Aloupa)

The participants said that social and mental health issues are not sufficiently considered during the criminal justice process, and that the prison system is not helping lawbreakers resolve their issues—the very issues that caused them to break the law. At the same time, they thought that the verdicts are sometimes too lenient toward the accused and that sentencing to prison or house arrest is inadequate. In the eyes of the participants, there has been more success with Inuit programs such as the local justice committees, the Saqijug program, and the men’s healing programs. According to the participants, Gladue reports, which are prepared by Inuit or by people who know Inuit well, are more effective and respectful of Inuit than pre-sentencing reports, which are prepared by people who are unfamiliar with Inuit society. In the first case, the people understand the issues the offender is experiencing and his feelings of regret. In the second case, they hardly have any understanding.

As for the victims of crime, the participants believed that they are neglected during the criminal justice process and that the justice system does not provide them with sufficient protection (physical and psychological). The victim has to travel with the offender to attend the hearing and is repeatedly asked to recount painful experiences. The burden is thus placed on the victim rather than on the offender. In addition, the participants felt that victim impact statements should be better known and accessible.

The participants emphasized the problems with Youth Protection Services (DYP). They felt that placing Inuit children in non-Indigenous homes in the South does not contribute to justice but is rather a new form of colonization, *“a new way to try to eliminate the Inuk in the heart of the child”* (Annie Baron). Those children experience trauma and are raised outside their culture. Because the assignments were too painful for them, many interpreters chose not to work with the DYP and the Youth Court. The participants put forward a vision of youth protection that would better reflect Inuit values. Above all, dialogue is important. You should help parents become better parents instead of taking their children away.

The system is also inadequate because Inuit poorly know and understand the justice system. As previously discussed, some concepts and principles are foreign to them, with the result that they unknowingly act against their own interests. The interpreters used the concept of "guilt" as an example: if you, an Inuk, are asked to say whether you are guilty or not guilty, you will honestly answer whether you actually did or did not do what you are accused of. “Guilt” is simply a



description of what you did, and is not a moral judgment. There is thus a gap between Inuit culture and the culture of the criminal justice system. For Inuit, the English term “justice” means the act of “judging”. In fact, the Inuit word for “justice” (*iqqatuiniq²*) refers to the judge and has nothing to do with a moral principle, as is the case in Western society. The justice system is also mostly about punishment, which is not a common Inuit way of dealing with wrong behaviour.

In general, the participants thought that most Court officers do not try to understand local realities. Nor do they try to pronounce Inuit names correctly (i.e., personal names and village names). This was seen as a lack of recognition and respect. A participant also stressed the condescending attitude that judges take toward their clients. Finally, the system is undermined by misunderstandings in Court, by mistrust, and by misconnection between the officers and the Inuit.

Toward an Inuit model of justice

The participants gave their opinions on what a justice system consistent with Inuit values might look like. They emphasized the need to care for, advocate for, and provide emotional support to victims and their families, as well as offenders. The justice system must provide opportunities for healing. In that kind of system, Inuit must be respected, be they the people who appear before the Court or those who work in the Court. Respect means ensuring good working conditions, making an effort to pronounce the names of people and communities correctly, and being kind to each other. The participants thought it necessary to have caring and generous people who are concerned about Inuit and their well-being, and who take the time to understand their history and culture. A good justice system would include a comprehensive cultural training program for every non-Inuit person working in it. Some participants wished to see Inuit being judged by an Inuit system. In particular, there is a need to provide Inuit with culturally appropriate services.

We need a think tank. What are we going to do, where are we going to go, how are we going to get there? (Aipili Qumaaluk)

Conclusion

Because of their experience and their central role in the court system, Court interpreters have valuable understanding and views about justice in Nunavik and what it means. They consequently deserve greater appreciation and support from the justice system itself, from regional organizations, and from their communities. Promoting and strengthening their role is furthermore consistent with advancement of Inuit rights. First, under the Quebec Charter of Human Rights and Freedoms, “every accused has the right to be assisted free of charge by an interpreter if he does not understand the language used at the hearing or if he is deaf”.³ Second, respecting and caring for all people, including interpreters, is part of the Inuit meaning of justice.

² Specifically, the term is a neologism coined by Inuit for the justice system and means “forcing people to remember.”

³ Quebec Charter of Human Rights and Freedoms, RLRQ, c. C-12, art. 36.



The participants especially stressed the need for time and space with colleagues to debrief during and after Court sessions. Their wellbeing would benefit, as would their ability to do their work. A new generation of interpreters needs to be recruited and trained to ensure the proper operation of the criminal justice system. Experienced interpreters want to pass on their knowledge, but they need support, time, and resources to do so.

Here is a non-exhaustive list of needs and solutions suggested by the participants.

Needs and proposed solutions

- **For Court interpreters**
 - Promote the work of Court interpreters and the transmission of knowledge from experienced interpreters to a younger generation of interpreters.
 - Actively recruit and train new interpreters.
 - Provide Court interpreters with mental health support, and opportunities to debrief during court sessions.
 - Prepare an updated glossary of legal terminology.
 - Hire interpreters for the three Nunavik dialects.
 - Provide the interpreters with adequate equipment, such as a laptop and a computer program to facilitate note-taking and translation.
- **For the Inuit**
 - Increase access to mental health assessment during the criminal justice process, and access to therapy.
 - Provide hard-of-hearing older people with special services.
 - Teach the Inuit about the justice system.
- **For Court officers and the justice system**
 - Provide every non-Inuk in the justice system with comprehensive cultural training and face-to-face immersion in Inuit culture (including information about trauma and transgenerational violence) and train them to say Inuit names properly.
 - Have a Nunavik representative who attends the Court and the Youth Court, and who advocates for fair treatment of Inuit in the justice system.
 - Work to decolonize the law and the criminal justice process, to make it more humane.

Acknowledgments

We are very grateful to the participants for their time and for what they shared with the research team. We wish to thank Suzy Watt Kauki (research assistant), for her active participation and her enthusiasm for the project, and Louis-Jacques Dorais. Finally, we wish to highlight the contributions from Pascale Laneuville (Chair coordinator) and Marie-Ève Marchand (project



Chaire de recherche sur les relations avec les sociétés inuit

Research Chair on Relations with Inuit Societies

ᖃᓃᓂᓴᖅᓂᓴᓂᓴ ᓂᓴᓂᓴᓂᓴᓂᓴ ᓂᓴᓂᓴᓂᓴᓂᓴ ᓂᓴᓂᓴᓂᓴᓂᓴᓂᓴ

manager) during organization of the activity, and the support from Alice Miot-Bruneau (research assistant) for note-taking and report writing. This project has been financially supported by Justice Canada.



Chaire de recherche sur les relations avec les sociétés inuit
Research Chair on Relations with Inuit Societies
ᑭᑭᑭᑭᑭᑭᑭᑭ ᑕᑭᑭᑭᑭᑭᑭ ᑕᑭᑭᑭᑭᑭᑭᑭᑭ



UNIVERSITÉ
LAVAL