

## **Stakeholders' concerns regarding the standard of Sign Language interpretation in Zimbabwe's Justice System: Implications for access to justice**

Paul Svongoro<sup>1</sup>  
*University of South Africa*

Tawanda Matende<sup>2</sup>  
*University of Zimbabwe*

### **Abstract**

This qualitative study investigates three issues related to court interpreting in Zimbabwe's justice system. It examines stakeholders' concerns about the quality of interpreting and its impact on deaf parties' rights in legal disputes. It also assesses the application of the 2013 Constitution and other laws in courtrooms, the relationship between language and the legal system in Deaf communities, and the linguistic techniques used in deaf communication. Data were collected through in-depth interviews, focus group discussions, and observation of open court sessions. The study revealed a shortage of proficient Zimbabwean Sign language interpreters in Zimbabwean courts, leading to communication challenges during trials and misconceptions about the government's commitment to protecting deaf people's language rights. The researchers suggest that the Zimbabwean government and other stakeholders should establish a pool of interpreters and allocate funds for training for proficient Zimbabwean Sign language court interpreters.

**Keywords:** *Sign language, court interpreting, interpreting quality, Zimbabwe*

### **Introduction**

The court case heard in the Harare Magistrates' Courts under case number 11703-4/15, which was reported by Mutingwende and Kudya (2016), served as the impetus for this chapter. The court's inability to provide a Zimbabwean Sign Language translator caused the case involving the hard-of-hearing fraud victim to be postponed eight times. The inclusion of people with disabilities in Zimbabwe's legal system is one of the hotly debated subjects, and Mutingwende and Kudya's (2016) paper reignites discussion on this topic. Mutingwende and Kudya (2016) assert in their report that Deaf individuals find it very challenging to engage fully in Zimbabwean society without some of their fundamental rights being violated.

While the case cited above is not the only one researchers can refer to, this paper examines issues related to court interpreting and the participation of ordinary citizens in the trial process.

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<sup>1</sup> **Paul Svongoro** is a researcher and senior lecturer in Applied Language Studies at the University of Botswana. He is also a Research Fellow in the Department of African Languages at the University of South Africa. His research interests include legal interpreting, multilingualism and diversity, language rights, translanguaging, and academic literacies. He has co-edited three books, including "Discrimination and Access to Justice in Africa: Language, Vulnerability and Social Inclusion in Southern and Eastern Africa" (Routledge); Courtroom Discourse: Practical Insights from Legal Linguists (Sun Press); and "Forensic Linguistics in Southern Africa: Origins, Progress and Prospects" (Cambridge University Press). His other publications also appear in various journals, including Perspectives in Education, South African Journal of African Languages, Southern African Linguistics, and Applied Language Studies.

<sup>2</sup> **Tawanda Matende** is a Canon Collins scholar and a lecturer in the Department of Languages, Literature and Culture at the University of Zimbabwe. He is completing his PhD with the University of Venda in South Africa. His research interests are in the areas of Sign Language, language policy and planning, language and sustainable development, linguistic human rights and translation and interpretation.

More specifically, this paper examines various stakeholders' concerns regarding the standard of interpreting in Zimbabwe's justice system and how it affects the rights of deaf parties to legal disputes. The paper also examines the linguistic techniques employed in Deaf communication and the consequences of inadequate interpretation in legal proceedings involving members of the deaf community in Magistrates' courts located in Harare.

In this study, the term deaf with a "small d" is used in a generic sense, while the term Deaf with a "Big D" means people who identify themselves as culturally deaf and have their own language. The focus of the study is on interactions during legal procedural matters that involve people who are deaf in the legal system. The study also investigates communication challenges that may occur because of poor interpretation services in court trials that involve the Deaf.

A number of statutory documents recognise Zimbabwean Sign Language as one of the country's official languages. For example, Sign language (SL) is officially recognised in Zimbabwe as a medium of instruction in the 1987 Education Act and Secretary Circular Number 3. The Constitution of Zimbabwe, Amendment Number 20 of 2013, also mandates that all government institutions and agencies consider the language preferences of people affected by governmental measures or communication. This means that SL's sociolinguistic status in public life and legal settings is equal to any other language referred to in the constitution. SL is mandatory for use in all government institutions, including legal, education, health, and media. This research evaluates the implementation of the 2013 Constitution of Zimbabwe, Amendment Number 20 of 2013, and other legal acts used in courtrooms during the administration of justice.

This research falls under the subfields of Applied Linguistics, which include language and the law, language rights for underprivileged community members, and language planning and policy. Grabe (2000) contends that, in the real world, Applied Linguistics works to find solutions to language-related issues that people face. These people can be students, instructors, managers, researchers, lawyers, service providers, people in need of social services, test developers, policy developers, dictionary creators, translators, or any number of other types of clients.

In light of this definition, the current study looks at language-based communication issues that Deaf people have when participating in Zimbabwe's justice system.

### **Research questions**

This research intended to answer the following questions:

1. What are the various stakeholders' concerns regarding the quality of interpreting in Zimbabwe's justice system, and how does the quality of interpreting affect the rights of deaf parties to legal disputes?
2. How does the sociolinguistic status of Zimbabwean sign language relate to the linguistic rights of the Deaf within the country's legal system?
3. How well are the provisions of the 2013 Zimbabwean Constitution and other legislation protecting the deaf community's language rights applied in the country's legal system?
4. What barriers exist to communication in Zimbabwe's legal system between the Deaf and the non-deaf?

### **Problem statement**

The researchers were prompted to conduct this research by the realisation that the Deaf are deprived of their right to a fair hearing through the exclusion of SL in Zimbabwean courts. The legal discourse practices in both post-independence and pre-independence Zimbabwe have seen Shona and Ndebele as the languages spoken by the majority in the country, as well as English being the medium of communication in the administration of justice (Svongoro, Mutangadura, Gonzo & Mavhunga, 2012; Svongoro & Kadenge, 2015). Consequently, legal personnel use spoken and written English to communicate with their clients in their day-to-day professional dealings. Recognising this need, the Constitution of Zimbabwe (Amendment Number 20 of 2013) Act, Chapter 1, Section 6, subsection (4) recommends the use of SL in communication with the Deaf and has several chapters and sections that grant linguistic and legal rights to the Deaf, including:

- (a) Chapter 1, Section 6, subsection 3 (a) and (b);
- (b) Languages, Chapter 4, Part 2;
- (c) Section 50 Rights of the arrested and detained persons;
- (d) Section 62 Access to information;
- (e) Section 63 Language and culture;
- (f) Section 69 Right to a fair hearing; and
- (g) Section 70 Rights of accused persons.

Therefore, it becomes critically important to look at how Zimbabwean courts have attempted to adopt Sign language (SL) in an effort to respect this list of rights and accommodate the Deaf. The type of communication that occurs between speakers and signers in legal contexts, as well as the degree to which the constitutional requirements pertaining to Sign language in the justice system apply, have not been specifically addressed in previous studies. In light of this, the study examines the consistency between what is reflective in reality and what is obtained from statutory instruments or the significance accorded to the use of sign language.

### **Sign language as a human rights policy issue**

Researchers tend to concur that, just as everyone has the right to speak their native tongue, deaf people also have the right to use sign language, making sign language a human right (e.g. Akach, 2010; Butterbury, 2012). Inadequately written policies have the potential to reinforce unfavourable attitudes toward sign language or, at best, push it to the margins. Moreover, the World Federation of the Deaf (2011) concluded that national Sign languages are the home tongue of deaf people and the only language they can easily learn, making them a fundamental right for deaf children at a conference on sign language held in Norway in 2011. Butterbury (2012), who echoes these views, refers to language justice through language access as opposed to other types of social redistribution when discussing language rights for deaf people.

### **Justification for Sign language in Zimbabwe**

Since Zimbabwean Sign language is the only language not spoken in Zimbabwe, it can be considered a unique situation requiring unique consideration when compared to other languages recognised in the 2013 Zimbabwean Constitution. It has experienced what Akach (2010) refers to as double linguistic imperialism, wherein the English language and other widely spoken indigenous languages, such as Ndebele and Shona, marginalise it. According to Mutswanga and Sithole (2012), sign language is one of the main ways that Deaf people communicate in Zimbabwe. Sign language is a visual language that conveys messages using hand gestures and a variety of body language. In order to communicate, a coordinated combination of hand forms, arm motions, mouthing, body language, and/or facial expressions is used. Mutswanga and Sithole (2012) claim that those who are truly profoundly

deaf employ a visual gestured language as their primary language. Sign language is supported by the idea that it is natural for Deaf people. Sign language is also considered a real and most natural language for the Deaf, with distinct lexical and morphological characteristics, just like any other language. Deaf Zimbabwe Trust (2013) states that Sign language is a complete language with syntax, norms, and structure that goes beyond simple motions. Even Vygotsky (1983), who had previously expressed strong opinions against Sign language, eventually conceded that sign language is essential to deaf children's education. According to Vygotsky's theory, spoken language has very little bearing on the development of deaf individuals and is not a means by which they can engage in social interactions or gain cultural experience. Sign language is crucial for deaf individuals to function and participate fully in society, as it allows them to communicate with the outside world. Without Sign language, deaf individuals cannot survive, receive education, and communicate effectively, making them disabled (Nonna & Kato, 2003). Nonna and Kato (2003), therefore, conclude that Sign language is an essential communication tool for the deaf since it is the most practical symbolic method of overcoming hearing impairment.

Trovato (2013) raised the question of whether the right to SL and the right to a minority language are interchangeable. Spoken by a small percentage of the population in a nation, a minority language is not officially recognised by the government or has little legal protection, but it is theoretically possible to obtain one (Trovato, 2013). According to Krausneker (2003), SLs are minorised minority languages. They are minority languages in terms of numbers and influence, but institutions, policies, and research often downplay or outright exclude them, making them appear even less significant. According to Trovato (2013), because the right to Second Language is a right to normal social and cognitive development, it is not just as powerful as the right to a minority language, but even stronger. With an emphasis on the use of sign language (SL) in the legal sphere, these observations provide insights to scholars into how language rules exacerbate the violation of Deaf people's linguistic rights.

### **The importance of court interpreting**

Napier and Bakker (2004) posit that interpretation is the act of expressing ideas from one language into another while maintaining the same meaning and style as a person who speaks the language fluently. Mikkelsen (2000) also defines it as an oral transference from one language to another. In the context of Sign language, interpreting is the process of translating a message from spoken to written form, or vice versa (Mikkelsen, 2000). The primary responsibility of a court interpreter is to promote communication in a responsible manner, keeping in mind that any linguistic mistake in the courts could have disastrous outcomes, particularly for the rights, freedom and life of the accused person (Moeketsi, 1999). Lebesse (2013) highlights that an interpreter's job is to help parties communicate when one of them is unfamiliar with the language used in the court record. Interpreters for the court must be knowledgeable about the legal system in which they work. To present a case effectively in court, interpreters must be aware of the significance of language, how to use it strategically, the rules of evidence, and other essential legal procedures (Hale, 2004).

In Zimbabwe, English is taught formally in schools and is still considered a second language, according to Svongoro et al. (2012). Despite this linguistic situation, criminal law courts continue to use English as their primary language. The intricacy of legal English, such as its reliance on borrowed Latin terminology and specialised use of common phrases, poses significant difficulties even for English speakers. As a result, the legal English used in courtrooms is considered different from everyday language used by non-legal professionals. While pre-service college training has become more commonplace in other parts of the world for court interpreters (Hale, 2004), it is still not mandatory in Zimbabwe. According to Hale

(2004), interpreting tasks require a very high level of bilingualism as well as biculturalism, as well as appropriate training and practice. However, the bulk of interpreters in Zimbabwe are still unskilled bilinguals.

Svongoro and Kadenge (2015) state that one of the most hotly debated topics in community interpreting is the question of interpretation quality and the rights of the accused and witness in court interpreting. Despite Zimbabwe's full adherence to numerous human rights conventions that mandate the protection of accused persons' linguistic rights through the provision of interpreters for those who do not understand the language of the court, not much has been done to provide meaningful interventions, such as the development of interdisciplinary guidelines for best practices in the legal services and the improvement of court interpreters' training (Svongoro & Kadenge, 2015). It is well known that even highly qualified interpreters can make errors that compromise a person's right to a fair trial. When using inexperienced interpreters, the outcomes could be worse (Halle, 2004). These findings established the framework for the investigation and inspired the researcher to learn more about SL's application in Zimbabwean courts.

### **Methodology**

A qualitative research methodology, comprising semi-structured interviews, focus groups, documentary analysis, and observations, was applied in this ethnographic case study. The research population comprised sign language interpreters, heads of deaf and disability groups, and deaf individuals involved in court procedures. Data sources were chosen using purposeful sampling in order to fulfil the objectives of the study (Gentles et al., 2015). The participation of Deaf and disability organisations in the selection process has allowed Deaf individuals to be included in court matters.

The research utilised semi-structured interviews to gather data on Sign Language (SL) court interpretation in Zimbabwe. The interviews allowed the researcher to interact with Sign Language Court Interpreters and deaf organisations, gaining insights into the development trajectory of SL in legal settings, communication challenges, and ways to promote SL use. Complementary data were obtained from court officials and focus group discussions were targeted at the Deaf. The study also collected data on linguistic practices involving the Deaf in legal settings and communication challenges faced by deaf clients, SL court interpreters, and legal professionals in court cases involving the Deaf. Informed consent was obtained from all participants, and document analysis was used for data collection. Documents are, therefore, a useful source of data for augmenting and corroborating evidence from other sources. Among other things, the researcher examined the Criminal Procedure and Evidence Act, the 2013 Zimbabwean Constitution, Amendment 20, and legislative acts and statutes pertaining to the Deaf. Critical theory in language policy and language policy ethnography were used to analyse the findings.

### **Ethical considerations**

The researchers are very much aware of ethical considerations in research. Consequently, a set of guidelines carefully guided the researchers in their research designs and activities. First of all, it is critical to clarify that this research is a component of the work done for the 2018 University of Zimbabwe MA in Applied Linguistics degree. The researchers first requested permission from the Chief Magistrate's Office in the Judicial Service Commission, The Law Society of Zimbabwe, Deaf Zimbabwe Trust, and Leonard Cheshire Disability in order to gather data from various stakeholders (i.e., magistrates, court interpreters, Deaf individuals, legal practitioners, and senior staff from deaf organisations).



The goal and procedures of the study were explained to the participants in a language of their choice during the data gathering process. Participants then voluntarily consented to take part in the study by completing consent forms. Participants' right to privacy and desire not to be audio-recorded were honoured by the researchers. Lastly, participants were guaranteed anonymity, and no names that could be used to identify participants are mentioned in this chapter.

### **Theoretical framework**

This study uses the Critical Theory in Language Policy (CLP) by Tollefson (2006) for data analysis. To address disparities, the Ethnography of Language Policy (ELP) is adopted. Both CLP and ELP, both committed to social justice, are combined to explain linguistic practices and communication difficulties faced by deaf persons in legal settings. This approach provides a fair approach to the critical conceptualisation of language policy.

In CLP, the discipline of critical linguistics involves social activism: linguists are thought to be accountable for both researching strategies to challenge established social hierarchies and comprehending how dominant social groups use language to create and uphold them (Tollefson, 2006). Because of this, this study uses CLP to provide answers for the communication issues that Deaf people encounter in the legal field. Research and practice in the discipline of Critical Linguistics are closely linked to the significant social and political role that linguists and their work play.

In Critical Linguistics, the term "critical" also refers to the ability of scholars and students studying language policies to "read" language policies critically, that is, to comprehend the social and political ramifications of specific policies that have been adopted in particular historical contexts (Tollefson, 2006). As a result, this study adopts a critical perspective on data analysis by assessing how the 2013 Constitution and other laws that are applied in courtrooms when justice is being administered are being implemented. A critical viewpoint investigates the connections between linguistic regulations and regional, class, and ethnic/national disparities.

However, critics argue that Critical Language Policy (CLP) is too deterministic and underestimates the power of agency, as well as not capturing the process of language planning. Johnson (2013) advocates for a balanced critical conceptualisation of language policy, arguing that while language policies can marginalise minority and indigenous languages and their users, they can also form an essential part of the promotion, maintenance, and revitalisation of these languages. This calls for a balance between structure and agency as a mechanism of power and understanding the power of language policy to interact with policy processes. The current study focuses on the positive and negative effects of language policy.

Meulder (2016) suggests combining critical approaches with other ways that address language policy agency, such as the Ethnography of Language Policy (ELP), which is likewise dedicated to a social justice objective. Johnson (2013) asserts that ELP aims at a critical understanding of how imbalances of power hegemonically perpetuate and normalise linguistic and cultural hierarchies that lead to deficit approaches and challenging such practices for social justice, rather than an objective description of a culture. Together, these methods offer an important balance between agency and structure, between an ethnographic understanding of language policy actors' agency and a critical focus on the power of language policies. There is a critical requirement for balance in the field (Johnson, 2013).

To put it briefly, this study is a classic illustration of a combined strategy in planning and language policy research. It examines the impact of language policies on the linguistic practices of the Deaf and the communication difficulties they encounter when integrating with their speaking counterparts (legal professions) in the legal community, using CLP and ELP as analytical techniques.

## Findings

The findings in this study revealed that Zimbabwe faces a shortage of Sign Language (SL) court interpreters, according to data from interviews with executive directors of deaf and disability non-governmental organisations. Only two SL court interpreters are employed by the government through the Judicial Service Commission (JSC), with the first stationed at Rusape Magistrate's court and the second at Chipinge Magistrate's court. These interpreters interpret court cases involving the Deaf across the country and provide services to native speakers of local languages (Shona and Ndebele). To address this shortage, courts hire SL experts from Leonard Cheshire Disability Zimbabwe for minor cases, while other deaf organisations provide interpreters in other cases.

There are just two SL court interpreters available to give countrywide services in Zimbabwean courts. The employment method has faults because no proficiency measurement exam has been given, and the interpreters have not been checked for abilities, competency, or proficiency in the SL variety. This emphasises how much better SL services are required. They provide interpretation for all cases involving the Deaf, although Mugari and Matende (forthcoming) discovered that SL in Zimbabwe is very variable on an intrinsic regional level. Usadolo (2010: 4) states that, "linguistic human rights are very important in the context of court interpretation because they provide accused persons a vehicle through which they can express themselves in defence of other rights that may be violated." The following cases highlight how difficult it is for deaf people in Zimbabwe to access their legal rights in court settings due to a shortage of professionally trained SL court interpreters.

### 3 (a) deaf interviewee

I had roughly twelve postponements in my case. In an attempt to prevent bias in the administration of justice, I attempted to bring the interpreter I know, but the court stated it was still waiting for one from Bulawayo.

### 3 (b) Deaf executive director

Police officers struggle to conduct investigations and take cases involving the deaf to court due to a lack of professional SL interpreters. These matters are postponed as the court seeks interpreters, potentially forgotten, and the task of interpreting in deaf court cases is a significant challenge due to insufficient time and knowledge of the legal language.

### 3 (c) deaf interviewee

The court denied a request for a second SL interpreter, stating that the interpreter's lack of understanding of Deaf culture and numerous mistakes hindered the free flow of communication during the court process, indicating a lack of fairness in the administration of justice.

### 3 (d) deaf interviewee

Because there was no SL interpreter present at my case trial, I was unable to communicate with the police in a clear and concise manner. I told them one thing through my guardian, and they recorded something else on my statement.

### 3 (e) Sign language interpreter

Due to time constraints and my ignorance of legalese, I find it extremely difficult to decipher court documents involving deaf parties. My knowledge of the judicial system is inadequate; all I know is sign language.

The deaf participant in example 3(a) above mentioned that the absence of an SL interpreter caused his case to be postponed for more than ten times. One of the biggest issues facing the entire judicial system is the dearth of professional SL court interpreters for cases involving the Deaf and skilled SL interpreters at police stations. By doing this, Zimbabwe's courts fail to uphold the Deaf people's language and legal rights, as mandated by the constitution. Example 3(b) from the semi-structured interviews with deaf executive directors demonstrates that police personnel lack the necessary training or seminars on sign language (SL) and are therefore ill-prepared to handle instances involving the Deaf. Executive directors of deaf organisations who were interviewed made it abundantly evident in their responses that deaf persons are denied their legal and linguistic rights in court settings. They also demonstrate how long it takes to investigate instances involving the Deaf since law enforcement officials are not fluent in sign language.

Document analysis further showed that Zimbabwean judicial language practices concerning deaf parties are completely at odds with Civil Evidence Act Sections 17 and 55 (Chapter 8: 01). For instance, Section 55 (1-3) of the Civil and Criminal Evidence Act provides information about the Zimbabwean government's policy position with regard to court interpretation:

- (1) Where a witness is unable to give evidence in the language in which the proceedings are being held, the party calling him as a witness shall cause him to be provided with the services of a properly qualified interpreter approved by the court to translate his evidence into that language.*
- (2) Subject to rules of court, the court shall cause to be administered to an interpreter provided in terms of subsection (1) such oath as the court considers suitable for the occasion.*
- (3) Subject to rules of court, the reasonable costs of an interpreter provided in terms of subsection (1) shall be allowed in the taxation of any costs that are awarded by the court.*

In spite of these statements, SL is still largely quiet due to the lack of a dynamic implementation matrix. Certain focus group talks with individuals who are deaf have shown the dangerous consequences of denying them their language rights in court, as exemplified by examples 3(a), 3(c), and 3(d) above. The researcher found from Examples 3(a) and 3(c) that the absence of SL Court interpreters, who would be easily accessible in courts similar to other indigenous languages like Shona and Ndebele, has an impact on the administration of justice in cases involving people who are deaf in Zimbabwe. As a result, Zimbabwe's courts are inaccessible to people with disabilities; English, Shona, and Ndebele are dominant.

Document analysis also showed that there has been a lot of written discussion around SL. Data from focus groups, interviews, and observations show otherwise in terms of practice. In Zimbabwe, the Deaf community's linguistic rights are denied in court, and the use of sign language in legal settings has developed gradually. The use of language in court breaches section 69 of the right to a fair trial, which states that:

- (h) Every person accused of an offense has the right to a fair and public trial within a reasonable time before an independent and impartial court and rights of accused persons and section 70 (j) which states that any person accused of an offense has the right to have the proceedings of the trial interpreted into a language that they understand.*



Section 70 (j) is particularly very clear about the policy provisions in Zimbabwe relating to court interpreting, but it is incomplete without the guarantee that the accused person must use a language of her/his choice.

The deaf respondents' responses, as seen above in examples 3(a), 3(c), and 3(b), made it abundantly evident that Zimbabwe is severely lacking in SL court interpreters. Without the necessary training for SL court interpretation, members of deaf organisations, religious communities, and children of deaf parents provide court interpreting services. This presents significant obstacles for the Deaf in receiving justice while it is being administered in a courtroom. Du Plessis (1997) dispels the myth that everybody who speaks two or more languages may serve as an interpreter by default. Du Plessis dispels this myth by pointing out that becoming a great interpreter requires more than just knowing at least two languages; it also requires additional specialised abilities and methods. He thinks that no mother tongue speaker can just be selected off the street and expected to interpret (Du Plessis, 1997).

Document analysis data also show that some government legal acts are not in line with the constitution, which is another reason why SL court interpreting is in disarray, as seen above in examples 3 (a), 3 (c), and 3 (d) in Zimbabwean courts of law. The use and promotion of Zimbabwe's officially recognised languages, including Sign language, is not emphasised at the same level as English in clauses relating to court interpreting in Zimbabwe. Sections related to court interpreting include the Magistrates Court Act (Chapter 7: 10) sections 5 and 7, High Court Act (Chapter 7: 06) sections 49 and 50, Supreme Court Act (Chapter 7: 13) sections 29, 30 and 31 and the Small Claims Court Act (Chapter 7: 12). Section 5 (2a and b) of the Magistrates' Court Act, for instance, specifies that:

*(a) The proceedings in all cases shall be in the English language and shall be carried on in open court...*

*(b) The records of the proceedings of the court shall be kept in English language and shall be accessible to the public under the supervision of the clerk of the court at all convenient times and upon payment of such fees as may be prescribed in rules.*

All judicial procedures must take place in public settings with unrestricted physical access, even at the expense of linguistic access, and must be conducted in the English language. These rules make it quite evident that court communications in the magistrates' court must take place in English. The declaration illustrates how policy texts construct and sustain power relations; an ideological standpoint and the values articulated in policy texts are of particular interest in CLP research (Taylor, 2004). Thus, from the perspective of CLP researchers, it is important for them to learn how to "read" language policies critically, i.e., to comprehend the social and political ramifications of certain policies that have been implemented in particular historical contexts.

The use of the modal verb "shall" in subsection 2 (a) suggests the utterance of a forceful declaration implying an obligatory order to effect that the English language would be the only language of courtroom speech in the magistrates' courts. As a result, this leads to the denial of Deaf persons' linguistic human rights (LHRs), including their right to a fair trial and access to administrative justice. This blatantly illustrates the government's lack of political will to support LHRs for Deaf citizens. The ambiguous language regarding court interpretation allows deaf people's legal rights to be violated when they seek justice in Zimbabwe's judicial system.

Furthermore, the constitutional obligations to treat all officially recognized languages equally and to take into account the language preferences of people who are affected by government

measures and communication, as enshrined in Section 3 (b) of Chapter 1 of the Constitution, are not upheld by these legal provisions (e.g. provisions of the Magistrates' Court Act (Chapter 7: 10) sections 5 and 7, High Court Act (Chapter 7: 06) sections 49 and 50, Supreme Court Act (Chapter 7: 13) sections 29, 30 and 31 and Small Claims Court Act (Chapter 7: 12) section 5). It normally takes a long time to align these laws with the ambiguous provisions of the constitution, and nothing significant may happen to affect how it is implemented.

According to one of the sign language interpreters who was interviewed, as seen in example 3(e), legal jargon and a lack of time to fully explain the legal process to the Deaf are the main obstacles faced by SL interpreters while interpreting court cases involving the Deaf. The interpreter made the observation that SL interpreters consistently fall behind when providing interpretations during the courtroom's administration of justice, as prosecutors, magistrates, and attorneys impart material more quickly. SL interpreters who were interviewed revealed that they lacked specialised training to handle court jargon and procedures. The majority of individuals approach the courtroom knowing very little or nothing about the terminology or procedures used there, for the average person, dealing with the criminal justice system can be intimidating (Odhiambo, Kavulani & Matu, 2013). When there are no professionally trained SL court interpreters available to close the communication gap in situations involving the Deaf, the situation is even worse. How this was going to be accomplished was not included in the constitutional requirements on judicial interpretation in Zimbabwean courts. The linguistic patterns exhibited by the individuals involved in courtroom discussions, as demonstrated in examples 3(a), (c), and (d) above, do not alter.

The researchers also noted that Zimbabwe's courts are not accessible to people with disabilities. When it comes to the administration of justice, deaf clients do not receive extra time or specific accommodations. Since Sign language interpreters are not professionally educated to translate in court, it naturally becomes difficult for them to do so without making needless grammatical errors. This supports Wallmach's (2000) observation that, because of the tight time constraints for speeches, legislators speak quickly and employ legislative rhetoric. This means that, generally speaking, interpreters may have significant challenges due to elements like intricacy and tempo. It was observed that the SL interpreters' interpretation procedure in the courtroom is extremely deficient and negatively impacts Deaf people's right to a free and fair trial.

An elderly deaf woman who was interviewed, as illustrated in example 3(c), disclosed that communication breakdowns between her and the SL interpreter during the judicial justice process prevented her case from being handled fairly. Data gathered from sign language interpreters also showed that they were not aware of Hoffman's ethical recommendations about interpretation. Interpreters are directed by Hoffman's standards to translate original statements verbatim, "using the same words and phrases, whenever this is possible." "[T]he interpreter must interpret faithfully-without addition, or omission-everything said in court," (Hoffman, 1994: 14).

Deaf participants in focus groups responded, revealing that in Zimbabwe, court interpretation is taken for granted. There are many inadequate Sign language interpreters in the courtroom. This is corroborated by the fact that Zimbabwean magistrates and civil courts rely on disability and deaf organisations to provide Sign language interpretation services in matters involving the Deaf. These organisations lack the expertise to use specific legal terminology and are untrained in the technical vocabulary of legal English, which can lead to misunderstandings. Court procedures are delayed either by the lack of court interpreters or by inadequate equipment.

The false belief that interpreting is a low-skilled activity that does not require professional training has been identified as the main cause of low-quality interpreting in various research (Dickinson & Turner, 2009; Hetherington, 2009). According to Svongoro and Kadenge (2015), there is still no university or college course in Zimbabwe that prepares students to work as professional Sign language court interpreters.

As seen in example 3 (d), one of the deaf women who was interviewed bemoaned the misunderstandings that resulted from the police using her case as a trial medium of instruction. The only language spoken by the Deaf is Sign language, yet the police officers wrote in English instead. It is inappropriate to write statements or conduct investigations by writing statements in English on paper rather than using a Sign language interpreter when recording statements; the issues are particularly severe for Deaf people who are illiterate. When reporting to the police, they are unable to communicate without the assistance of an interpreter. The Deaf are mostly illiterate. The only people who can lip-read and write in English are those who are partially deaf. This implies that the only forms of communication and self-expression available to those who are profoundly deaf are sign language (SL) and Sign language interpreters (Crawhill, 1995).

As demonstrated in example 3 (b), one of the public prosecutors who was questioned and who has experience providing legal aid in matters involving the Deaf made it apparent that the absence of SL interpreters at police stations makes it more difficult for the police to enforce the law in the Deaf community. Due to the lack of Sign language interpreters or a dedicated unit that handles cases involving the Deaf at police stations in Zimbabwe, the police officers who are in charge of compiling the initial reports of the cases, docket compilation, and the subsequent evidence gathering that forms the basis of the court stage are ill-prepared to handle cases involving people who are deaf.

Due to a dearth of qualified Sign language court interpreters in courtrooms and SL interpreters at police stations, the Deaf community in Zimbabwe is marginalised within the judicial system and is deprived of its legal and linguistic rights. This supports the finding of Lane et al. (1996) who pointed out that, when it comes to signed language minorities, internationally recognised language rights are universally violated. Similarly, Meulder (2016) points out that the majority of the time, if not always, the interpretation and application of language rights and the right to receive services in a particular language, as articulated by SL recognition laws, is understood and applied as the right to use SL and receive services via an SL interpreter.

The quality of decisions was affected by the absence of qualified SL court interpreters who are familiar with the fundamental linguistic principles that guide language choices and usage in courtrooms. As seen in examples 3(a), 3(c), and 3(d), Deaf participants' responses from focus groups and semi-structured interviews with attorneys indicate that there is a dearth of Deaf-related matters being resolved and a delayed rate of judgment delivery. Information obtained from court case files further demonstrates that one of the main issues impeding the Deaf community's ability to access justice in Zimbabwe is the shortage of SL court interpreters. A hard-of-hearing fraud victim's case at Harare Magistrate Court case number 11703-4/15 was postponed for eight times because the court gave excuses that there was no interpreter for Sign Language.

Public prosecutors and magistrates responded by suggesting that the government and other relevant parties establish a pool of interpreters and start providing appropriate training for SL court interpreters. Given that they are already familiar with legalese, court procedures, and processes, one of the public prosecutors proposed that court interpreters who are now employed by courts receive SL training. The training of court employees and police officers

is also necessary to assist and enhance the services provided by SL court interpreters. Nevertheless, one of the Deaf executive directors who was questioned stated that simply teaching sign language to police officers and attorneys is insufficient since, in the absence of interactions with other Deaf people, they will quickly forget the language. The public protector proposed requiring deaf persons to be visible within the court system. Therefore, employing the deaf resolves issues that the Deaf face in the judicial system.

The researchers proposed the establishment of an SL interpretation board to oversee the registration and monitoring of SL court interpreters, as well as to measure the proficiency level of SL based on observations made in the courtroom in matters involving the Deaf and interviews with magistrates. In addition to serving as a hub for SL evaluation, this SL interpretation board will aid in preventing the use of fraudulent SL court interpreters, such as Thamsanqa Jantjie of South Africa, who was charged with fabricating SL interpretation during Nelson Mandela's funeral (Liberman, 2013).

### Conclusion

The study's conclusions showed that there is a possibility of misunderstandings in Zimbabwean courts as a result of hiccups in the interpreting process, which could have dangerous consequences for the legal and linguistic rights of the Deaf (accused or witnesses to a free and fair trial). Since the civil and magistrates' courts rely on sign language interpreters from deaf organisations, religious groups, and deaf youngsters, they lack competent sign language court interpreters. It is possible to conclude that sign language is still marginalised in legal discourse. As a result of language practices in the legal system, deaf individuals in Zimbabwe are denied their legal and linguistic rights. The researchers recommend that the government of Zimbabwe and its partners develop language policies that would increase social inclusion by fostering language access and the Deaf community's linguistic heritage. With the assistance of certain deaf organisations, the Zimbabwean Judicial Service Commission needs to establish a pool of interpreters and start providing adequate training for Sign language court interpreters. We urge further specialised research on the quality of sign language interpretation and the rights of the Deaf, with a particular focus on the use of sign language in the Zimbabwe Republic Police.

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