

Para enlazar con este artículo / To link to this article:

<http://dx.doi.org/10.6035/MonTI.2024.16.04>

Para citar este artículo / To cite this article:

FERNÁNDEZ DE CASADEVANTE MAYORDOMO, María. (2024) "Translation and interpreting as a tool to help victims of human trafficking access justice and effective redress: the French example." In: Martínez, Robert; Anabel Borja & Łucja Biel (eds.) 2024. *Repensar la (des)globalización y su impacto en la traducción: desafíos y oportunidades en la práctica de la traducción jurídica / Rethinking (de)globalisation and its impact on translation: challenges and opportunities for legal translators*. MonTI 16trans, pp. 138-164.

## TRANSLATION AND INTERPRETING AS A TOOL TO HELP VICTIMS OF HUMAN TRAFFICKING ACCESS JUSTICE AND EFFECTIVE REDRESS: THE FRENCH EXAMPLE

### TRADUCCIÓN E INTERPRETACIÓN COMO MEDIO DE ACCESO A LA JUSTICIA Y A LOS RECURSOS EFECTIVOS POR PARTE DE LAS VÍCTIMAS DE TRATA DE SERES HUMANOS: EL CASO FRANCÉS<sup>1</sup>

MARÍA FERNÁNDEZ DE CASADEVANTE MAYORDOMO

[maria.fernandezdecasadevante@urjc.es](mailto:maria.fernandezdecasadevante@urjc.es)

Universidad Rey Juan Carlos

#### Abstract

Migration generates the movement of millions of people, who face numerous risks on their journey, such as that of becoming victims of human trafficking. This is a phenomenon that goes hand in hand with the increase in illegal immigration. Once they succeed in fleeing this situation, it is essential to provide them with access to information, so that they are aware of their rights, have access to effective legal protection and can try to recover a life that is as normal as possible.

We will focus on the linguistic factor, which is essential for their integration into society. Then we will analyse the concept of human trafficking, drawing attention to certain documents and legal texts that address this scourge, in order to focus on

---

1. This article was written during a research stay at the Centre de Documentation et de Recherches européenne (CDRE), attached to Université de Pau et des Pays de l'Adour.



Este trabajo se comparte bajo la licencia de Atribución-NoComercial-CompartirIgual 4.0 Internacional de Creative Commons (CC BY-NC-SA 4.0): <https://creativecommons.org/licenses/by-nc-sa/4.0/>.

France's treatment of this phenomenon, and its implementation of the Council of Europe Convention on Action against Trafficking in Human Beings in terms of linguistic assistance.

Keywords: Migrations. Human trafficking. Right to information. Interpreters. France.

## Resumen

Las migraciones generan el movimiento de millones de personas, que en su viaje se enfrentan a riesgos como el de convertirse en víctimas del tráfico de personas. Este constituye un fenómeno que corre parejo al incremento de la inmigración ilegal. Tras huir de esta situación, resulta imprescindible facilitar su acceso a la información para que conozcan sus derechos, logren optar a la tutela judicial efectiva e intenten volver a la normalidad.

Nos centraremos en el factor lingüístico, cuya cobertura resulta imprescindible para su inserción en la sociedad; analizaremos el concepto de trata de seres humanos y destacaremos algunos textos legales que de alguna manera abordan esta lacra, para poner el foco en el tratamiento que Francia da a este fenómeno, y en su aplicación del Convenio del Consejo de Europa sobre la lucha contra la trata de seres humanos en términos de asistencia lingüística.

**Palabras clave:** Migraciones. Trata de seres humanos. Derecho a la información. Intérpretes. Francia.

## 1. Introduction: migrations and human trafficking

Migrations have been taking place since the beginning of time, with the first movements taking place around the year 2000 BC on the part of Indo-Europeans. The Greeks and Latins settled in the Mediterranean, the Celts and Germans in Western and Central Europe, the Arabs in the Middle East, North Africa and Iberia, and the Turks in Asia Minor and the Balkans between the 8<sup>th</sup> and 15<sup>th</sup> centuries (Azcarate & Sánchez 2013: 98). Despite being an age-old and extensively studied phenomenon, current circumstances demand that this issue be addressed and prioritised by advanced societies.

Based on a report by Amnesty International (2006), Mayordomo (2007: 274) states that the increase in irregular migration flows is largely

a consequence of the border closures that many developed countries have implemented due to the fear that the migrant population could destabilise their economic development. According to the author, the application of this measure generates a criminalising effect on a phenomenon once considered normal.

The migration process entails numerous risks and very adverse circumstances for the people who undertake it. The conditions under which they travel often involve stress and danger to their physical wellbeing, exposing them to constant threats. The psychiatrist Achótegui (2009: 164-165) posited a “Ulysses Syndrome”, the result of the aggravation of the stressors that affect them. It is also called “migratory mourning syndrome” and can be defined as the frequently difficult process that the migrant goes through and which, according to the same author (Achótegui 2010), is divided into seven forms of migratory mourning. Among these, we should highlight the family, friends and countries that migrants must leave behind when they enter unknown, foreign lands.

Then there are the physical risks they endure during their journey, which, given the conditions under which they travel, entail continuous dangers. Should they reach their destination, it should not be forgotten that they run the risk of being deported, and their illegal status often renders them defenceless. Moreover, once in the destination country, their working conditions are often poor, as they all too frequently occupy positions others do not want to fill and face social obstacles. There is also cultural mourning: when migrating, they are confronted with customs, values and religions different from their own, and may face prejudice, xenophobia and racism on the part of those at their destination.

But the mourning that really interests us here is that of language: when migrating, individuals not only lose contact with and proficiency in their mother tongue, but must also learn a new language, which entails a significant effort. Achótegui (2010) classifies the different types of grief into two categories: simple and extreme. The first is experienced by migrants with normal capabilities and in a facilitating context, as they must make an effort to learn a new language. Of course, the situation will be different for children, as they learn new languages with greater ease, although they also

quickly forget their language of origin if they lose contact with it. Extreme grief, on the other hand, is caused by illnesses such as deafness, psychosis, strokes, or being in a hostile environment, none of which are ideal conditions for learning a new language.

As Pugnaire Sáez (2015) points out, in addition to enduring this grieving process, illegal migrants run several risks when seeking to enter Europe illegally. First, they may be intercepted, arrested and even deported, or worse, “pushed overboard by whoever is steering the boat so as not to be caught”. Likewise, undocumented migrants run the risk of being stranded outside a legal framework.

However, they could also be used for financial gain and be subject to human trafficking by operators of criminal networks. The latter seek to turn a profit by taking advantage of situations of poverty, the lack of existing means to manage external borders and the fact that the services the migrant claims from the smugglers are illegal. This makes them vulnerable and can lead to abuse and even death or abandonment. It is human trafficking, precisely, that is the focus of this paper.

According to the Council of the European Union, human trafficking, which consists of the criminal exploitation of vulnerable persons for the sole purpose of financial gain, constitutes a serious crime that violates the fundamental rights of individuals. Among the most common practices in the EU, sexual exploitation stands out (60%), followed by labour exploitation (15%), forced crime, domestic servitude and forced begging, although organ trafficking is also a form of exploitation. In this regard, specifically between 2018 and 2021, the European Multidisciplinary Platform Against Criminal Threats (EMPACT)—the EU’s flagship initiative in the fight against organised crime—recorded that 17,688 potential victims of human trafficking had been identified.

As highlighted by the European Commission (2013: 2):

It is essential to provide victims of human trafficking with clear and consistent information about their rights, ranging from the right to (emergency) assistance and health care, to labour rights, access to justice and legal aid, and the possibility of claiming compensation.

Given this reality, it is necessary to guarantee a series of rights for these potential victims. This paper will address the phenomenon of human trafficking and study the extent to which France guarantees the right to linguistic assistance through translators and interpreters in a number of areas outlined below.

## 2. Objectives and Procedures

As mentioned above, in this paper we would like to pay special attention to rights related to access to information, which is often limited by a lack of knowledge of the language of the receiving country. To this end, it is first necessary to refer to the concept of “human trafficking” to understand its nature.

We will then mention some of the most significant actions and legal texts in this area at the international, regional, and national levels, then go on to focus on the example of France and the core of our study: the analysis of the third report issued by the Group of Experts on Action against Trafficking in Human Beings (GRETA 2022) on the measures taken by France to combat this transnational criminal phenomenon.

For this purpose and considering that the report is only written in French, its contents have been translated in order to extract the most relevant aspects for our research. Bibliographical references have been added to address aspects related to the contents of the report, allowing us to include more detailed information on the matter examined.

## 3. Regulating the trafficking and exploitation of human beings

We would like to briefly refer to those texts which, over the years, have dealt with this phenomenon, both universally and regionally, before examining the situation in France, the country on which we are focusing our research.

### 3.1. *On the international front*

In the international sphere, there are several legal texts that regulate human trafficking; the first references to trafficking come from United Nations

instruments. These include the International Agreement for the Suppression of the White Slave Traffic (Paris, 18/05/1904), the Convention for the Suppression of the Traffic in Women and Children (Geneva, 30/09/1921) and the Convention for the Suppression of the Traffic in Women of Full Age (Geneva, 11/10/1933). After World War II, the UN General Assembly adopted the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, which came into force on 25/06/1951. At present, and as can be seen on the United Nations website, it has been signed by 25 states and ratified by 82.

Although there are other documents and regulations, it was not until the elaboration of the United Nations Protocol to Prevent, Suppress and Punish Human trafficking, dated 15/11/2000, that human trafficking was defined. Also known as the Palermo Protocol, ratified by Spain and supplementing the United Nations Convention against Transnational Organized Crime (Palermo, 2000), it entered into force on 25/12/2003 and in Art. 3 describes human trafficking as the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, the abuse of power or of a position of vulnerability or the giving or receiving of payments or benefits to have a person consent to being controlled by another person for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

### 3.2. *European sphere*

At the regional level, we could mention the regulatory texts and documents of the Council of Europe, such as the Council of Europe Convention on Action against Trafficking in Human Beings (Warsaw, 2005). The latter sets out the rights to which these persons are entitled, including the right of access to information in a language they understand, to which we will refer below, and contains the same definition given in the Palermo Protocol. We could also stress, as regards the European Union, Directive 2011/36/EU

of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims<sup>2</sup>, adopted by the EU to prevent human trafficking, punish offenders and protect victims, which was the basis on which France amended the definition of human trafficking in its Criminal Code in 2013. We should also mention Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, replacing Council Framework Decision 2001/220/JHA<sup>3</sup>.

As noted by the European Commission (2002), since 2011 this Directive has been the instrument on which EU efforts to prevent and combat human trafficking are based, insofar as it provides a legal basis for a strong criminal justice response and a high degree of protection and support for victims. However, it could be amended based on the progress made in the framework of the EU Strategy on Combating Trafficking in Human Beings (2021-2025), submitted by the Commission in April 2021.

Although some might consider human trafficking a crime against humanity, we should examine Art. 7 of the Rome Statute of the ICC, which regulates conduct defined as “crimes against humanity”. This would occupy a space that we do not have and exceeds the focus of our current study. In this regard, we must underline that, as per the Palermo Protocol, crimes against humanity are those committed “as part of a widespread or systematic attack directed against a civilian population, with knowledge of the attack”; it should be noted that, in turn, “attack” means a “course of conduct involving the multiple commission of acts referred to in paragraph 1 [of the Palermo Protocol] against any civilian population, pursuant to or in furtherance of a State or organisational policy to commit such attack”.

This would lead us to study and discuss the following question: however inhumane the acts in question may be, on whom is trafficking carried out? Are the cases general and systemic, or are they isolated events affecting specific individuals? If the latter, and in the words of Pérez González (2016: 22),

---

2. Online version: <http://data.europa.eu/eli/dir/2011/36/oj>

3. <sup>2</sup> Online version: <http://data.europa.eu/eli/dir/2012/29/oj>

we would not be dealing with crimes against humanity, but with so-called common crime.

#### 4. The French Example

France added human trafficking to its Criminal Code in 2003; since then, it has been amended, something absolutely necessary for bringing its criminal law into line with international agreements to which it had signed up. The changes to Articles 225-41 et seq. of the French Criminal Code, which define and punish this offence, are the result of Law 2013-711 of 5 August 2013, which transposed Directive 2011/36/EU of the European Parliament and of the Council on preventing and combating human trafficking and protecting victims, of 5 April 2011.

Article 225-4-1 defines human trafficking as the recruitment, transport, transfer, accommodation, or reception of a person for the purpose of exploitation, understood as the act of placing the person at the victim's disposal or at the disposal of a third party, whether identified or not, so as to permit the commission against that person of offences of procuring, sexual assault or attack, slavery, the imposition of forced labour or services, servitude, exploitation for the purpose of begging, or the imposition of living or working conditions inconsistent with human dignity, or to force this person to commit a felony or misdemeanour in any of the following circumstances<sup>4</sup>:

- a. Through the use of threats, coercion, violence or deceptive manoeuvres directed at the victim, the victim's family or a person who has a habitual relationship with the victim.
- b. By a legitimate, natural or adoptive parent, or by a person who has authority over the victim or abuses the authority conferred by his or her functions.
- c. Through the abuse of a situation of vulnerability due to age, illness, physical or psychological deficiency or pregnancy, apparent or known to the perpetrator.
- d. In exchange for or through the granting of remuneration or any other advantage or a promise of remuneration or advantage.

---

4. Translation by the author.



Similarly, with respect to minors, the above-mentioned actions shall be considered as related to trafficking in minors, even if they do not take place in any of the above-mentioned circumstances.

#### *4.1. France's actions in the fight against trafficking*

The French government, through its Ministry for Europe and Foreign Affairs (2017), has highlighted the concern that this illicit activity arouses in the international community and in France in particular, as it constitutes one of the most serious violations of human rights and human dignity. Thus, the fight against Trafficking in Human Beings has become one of the country's priorities in its mission to protect and promote human rights.

We should highlight some of the actions carried out by France at the international level: firstly, its work on the effective implementation of the Protocol to Prevent, Suppress and Punish Human Trafficking, especially Women and Children, signed in New York on 15/11/2000. The Protocol complements the Palermo Convention or United Nations Convention against Transnational Organized Crime and, in the words of the French Ministry for Europe and Foreign Affairs, constitutes the only universal binding legal instrument to combat human trafficking. It includes provisions on prevention and the protection of victims; it calls on States to consider trafficking as a criminal offence and provides for international cooperation mechanisms on prosecution and suppression.

A few years later, in 2007, the United Nations launched the Global Initiative to Fight Human Trafficking (UN.GIFT) with the aim of coordinating and complementing the actions implemented, bringing together international organisations involved in tackling human trafficking. In addition to supporting these efforts, France also showed its support at the United Nations General Assembly in 2009, 2012 and 2013 for resolutions on improving the coordination of action against Trafficking in Human Beings, as well as for Resolution 69/149, on trafficking in women and girls in 2012 and 2014. In addition, France is a State party to the Optional Protocol to the Convention on the Rights of the Child: on the sale of children, child prostitution and child pornography.

At the level of the European Union, in 2008, France ratified the Council of Europe Convention on Action against Trafficking in Human Beings, which places the victim at the heart of the fight against human trafficking. Likewise, and following the adoption in 2011 of Directive 2011/36/EU on the prevention of human trafficking, France transposed it using Law No. 2013711 of 05/08/2013. It is also important to refer to the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA), a body of the Convention with which the Council of Europe is associated, the purpose of which is to ensure the proper implementation of this legal instrument. As we will see below, France actively works with this body, and according to the French Ministry of Europe and Foreign Affairs, maintains a relationship of constructive cooperation and dialogue with it.

In the words of the said Ministry, the country collaborates by financing and supporting different technical assistance and cooperation actions related to the fight against human trafficking. We can highlight France's implementation of a second national action plan to combat trafficking during the period 2019-2022, implementing a total of forty-five measures to combat this serious form of crime (Ministère de l'Europe et des Affaires Étrangères 2021).

In March 2021, the United Nations held a congress on crime prevention and criminal justice; in this context, France worked to ensure that the fight against trafficking in human beings would be among the priorities of the final declaration adopted on that occasion. The Ministry cooperates closely with some of the regions most affected by this scourge, supporting the development of States' capacities to combat trafficking networks. It also supports actions related to prevention, victim identification and protection, communication and awareness-raising in the countries of the Gulf of Guinea through Expertise France and the EU co-financing, and in South-Eastern Europe with the collaboration of the EU, the UNODC and the OSCE.

In addition, the French government also supports victim advocacy associations, NGOs and civil society, and is also the fifth-largest contributor to the United Nations Voluntary Trust Fund for Victims of Human Trafficking. This organisation, through grants to specialised associations,

facilitates the work of assisting and protecting victims of trafficking on the ground (Ministère de l'Europe et des Affaires Étrangères 2021).

#### *4.2. Implementation by France of the Council of Europe Convention on Action against Trafficking in Human Beings*

As mentioned above, the Council of Europe Convention on Action against Trafficking in Human Beings is the document that sets out the rights to which victims are entitled, including the right to access certain information in a language they understand. To monitor the degree of implementation and compliance with the provisions of the Council of Europe Convention, GRETA carries out evaluations of how the States Parties to the Convention have implemented it. After studying the measures taken by the different countries, it publishes reports in which, if necessary, they are asked to work towards correcting certain actions.

In this section, we will focus on the report produced by GRETA as part of the third evaluation cycle of France's implementation of the Convention on Action against Trafficking in Human Beings, published in February 2022, following the first and second cycles of 2013 and 2017 respectively. There are several aspects of this third report to which we would like to refer, but let us focus on the right to information, legal assistance, job placement and psychological care. Although these rights might seem to be independent, they all necessarily imply access to information, which, if not provided in a language they understand, are, de facto, no longer accessible rights for migrants.

Hence the importance of providing these migrants with a translation and interpreting service provided by qualified professionals, thereby making them less vulnerable and giving them effective access to the services and rights that protect them. The extent to which this service is made available to the migrant to guarantee such rights will be analysed below.

##### *4.2.1. Right to information*

Access to justice, as well as to a series of effective remedies for victims of trafficking, is a right enshrined in the Council of Europe Convention on

Action against Trafficking in Human Beings. These remedies include the basic right to information (Arts. 12-15), and more specifically to linguistic assistance in case of need. As noted in point 34 of the report, many victims either do not know the language of the country to which they have been taken to be exploited or do so only to a very limited extent. Not having the necessary language skills fosters their isolation, which also means that they are unable to claim their rights on their own. In this regard, and as expressed by GRETA, it is essential to provide victims in such need with a translation and interpreting service to guarantee their access to rights: a necessary precondition for access to justice.

As stated in point 32 of the report, victims who are no longer under their traffickers' control generally find themselves in a position of great insecurity and vulnerability. It is therefore essential that they receive adequate guidance. In this regard, Article 12.1.d) of the Convention requires that victims receive advice and information, in particular about their legal rights and the services available to them, in a language they understand. It would be useless to provide it in the language of the country of arrival if their lack of comprehension prevents them from accessing such information. We are referring to aspects as important as the existence of protection and assistance procedures, the options available to them as victims, the requirements for regularising their residency status, the legal resources available and the functioning of the criminal justice system.

On the other hand, Article 15.1 of the Convention, which regularises the compensation and legal redress to which victims of trafficking may be entitled, also refers to this aspect of language. It states that each party shall ensure access of victims to information on relevant judicial and administrative procedures in a language they understand from their first contact with the competent authorities.

In this regard, the French Code of Criminal Procedure (CCP) also ensures accessible information. Article 102 provides that judicial police officers must inform all victims of their right, among others, to an interpreter and to translation of the information necessary to exercise their rights (point 35). However, although victims who file a report receive an information leaflet on their rights under the provisions of Article 10-2 of

the CCP, in practice it is provided only in French. Therefore, without the assistance of a translator, victims may struggle to understand its contents. Hence, the importance of complying with the contents of Article 10-2 of the CCP. Moreover, and as highlighted in point 38 of the report, there is a standard form for reporting on interviews of victims of trafficking for the purpose of sexual exploitation, which includes not only the rights of all victims of crime, but also the specific rights of victims of trafficking and/or pimping; nevertheless, it is also only available in French.

All this limits the access of victims of trafficking to information concerning their rights and the pertinent judicial and administrative procedures. In addition, as reported by associations working with victims of trafficking and as can be read in point 39 of GRETA's third report, police and gendarmes on the ground are not specialised in trafficking offences, do not know enough about the phenomenon and are thus not able to adequately inform victims of their rights. Furthermore, in practice, the right to an interpreter is not respected when a complaint is lodged. Victims are asked to bring people willing to interpret, or these associations are asked to provide interpreters for victims during their hearings.

The following should be noted in this regard: *ad hoc* solutions, i.e. people without the required training to translate and interpret, come in a wide variety of shapes and forms. These include gestures, colleagues, outsiders, or even urging the user to bring someone to interpret (Pérez-Luzardo & Fernández 2018: 79). The latter are often people who belong to the foreigner's environment, staff who claim to be bilingual, volunteers and members of NGOs, and the working relationship is usually informal. This leads to all sorts of problems: written translations lack the necessary quality because the appropriate language and terminology are not used; furthermore, they are not completed within the necessary deadlines, the interpreter takes part or speaks with the user and does not translate the conversation (Pérez-Luzardo & Fernández 2018: 79-80). Angelelli (2015: vii) states in this regard that, since language assistance is necessary to provide equal access to all users, the law should make it mandatory for translators and interpreters to be qualified. The use of people without specific training, she argues, is not a responsible measure to address the different linguistic needs of

people living in the EU. Although *ad hoc* interpreting is not the best solution, it sometimes seems to be the only option. In this regard, point 39 of the GRETA report includes a statement issued by the French police on the glaring shortage of interpreters to interview victims from countries such as Afghanistan, Cambodia, Vietnam, Sri Lanka and Ukraine. For this reason, the use of this tool may be understandable as a last resort.

Furthermore, on the right to information, France has a Code on the Entry and Residence of Foreigners and of the Right of Asylum (Code de l'entrée et du séjour des étrangers et du droit d'asile – CESEDA) (Gouvernement de la République Française 2023), which provides, in Article R425-1, that if the police or gendarmerie suspect that a victim of human trafficking or procuring is likely to cooperate with the judicial authorities, they must inform them, in a language they understand, of the reception, accommodation and protection measures provided for this type of victim, as well as the possibility of obtaining legal assistance and of benefiting from a 30-day reflection period. This system is designed to protect such victims, but their circumstances are not always considered when they are asked to provide coherent testimonies and assist in identifying the perpetrators. The result is mistrust, fear and ambivalent feelings towards the system and those who comprise it (Orbegozo 2020: 22). Furthermore, when it comes to victims who are in the country illegally, the reluctance to collaborate with the police and gendarmerie will be even greater due to the fear of being expelled or prosecuted.

Returning to the French Code of Criminal Procedure, and by virtue of the provisions requiring that victims be informed throughout the criminal proceedings in a language they understand by means of translators and interpreters (Articles 10-2 and 10-3), the Court of Cassation and each court of appeal have provided for a list of sworn interpreters and translators who can be called upon by the investigators or judges, where necessary. However, the civil society actors interviewed by GRETA point out, as per point 41 of its report, that there are not always interpreters available at the hearing, and that there are often far fewer interpreters than people taking part in the hearings, which results in the victim having a very fragmented view of the judicial proceedings. Moreover, victims of trafficking may find it even more difficult if the interpreter is not familiar with this

issue and its specificities. This is even more so the case if they are minors, as this may complicate the task of linguistic mediation due to their limited knowledge and understanding of certain concepts, in contrast to the not so marked shortcomings of adult victims. In this regard, it would be particularly helpful to use cartoons or pictograms to help them understand the information to be conveyed in relation to their rights and the stages of the criminal proceedings. However, these tools seem to be conspicuously absent, as reported by GRETA.

Furthermore, while associations do exist to inform victims of the steps involved in the proceedings and their rights, point 44 of the report notes that there is no specific public funding for NGOs to hire interpreters for these purposes. Nor do NGOs benefit from the assistance of interpreters hired by the State. In addition, state interpreters are not provided to facilitate communication between victims and their lawyers, which constitutes a further obstacle to informing victims of their rights.

Those who have been trafficked across international borders, in transit or in the country of destination, require information on many different aspects to get out of the difficult situation in which they find themselves. One of these concerns their asylum application; it should be borne in mind that victims of trafficking may be eligible for asylum and, depending on their experiences and the risk involved in returning to their country of origin, they may be able to benefit from international protection. It is important to identify the cases in which a trafficked person may have access to international protection to avoid being returned to the country of origin (ACCEM). This may occur, for example, when there is a risk of re-victimisation or re-trafficking if the person in question is returned, or, if the trafficked person could face reprisals from the criminal network to which they have been subjected. Finally, the person may have access to international protection if returning would lead to social stigmatisation in their community and the impossibility of normal reintegration into the society of origin.

In this regard, and as Las Heras (2012: 210) points out, a detailed account of the events that have led to the need for protection is a key element in the assessment of asylum applications. Applicants will have to convey their story to the lawyers advising them and to the investigators who will

examine their application. In this regard, Handi (2010: 63) argues that the work of the interpreter [...] as a bridge or border agent between the world of the applicants and the administration is decisive and determining, and influences the actions and decisions of investigators, lawyers, police and judges. Therefore, as part of their linguistic mediation, interpreters should faithfully reflect any details regarding the emotions of the applicants: their despair, loneliness, or fear, among many others.

We referred to CESEDA above. On this point, GRETA highlights in point 45 of its third report that, although the procedure for requesting asylum at the border is described in several articles of CESEDA, no provision requires persons apprehended at the French border to be informed of this right. However, Article 8 of Directive 2013/32/EU does provide that, “Where there are indications that third-country nationals or stateless persons [...] present at border crossing points [...] may wish to make an application for international protection, Member States shall provide them with information on the possibility to do so”.

In this regard, there are bodies, associations and agencies in France that do provide information to those seeking international protection at different stages of the procedure: the Initial Reception Establishment for Asylum Seekers (SPADA), the One-Stop Counter for Asylum Seekers (GU-DA), the French Office for Immigration and Integration (OFII) and the French Office for the Protection of Refugees and Stateless Persons (OFPRA).

Furthermore, in the context of the final comments made by France in relation to the GRETA report on France’s implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, it should be noted that the Asylum Directorate of the French Ministry of the Interior has developed an action plan for vulnerable persons such as asylum seekers and refugees, including victims of trafficking.

The plan envisaged the use of paper brochures and online material, among other tools, which would be distributed at each stage of the asylum process to ensure that victims would be aware of their rights. In this regard, the French Ministry responsible for Equality Between Women and Men, Diversity and Equal Opportunities, notes that the French Ministry of Solidarity and Health has contributed to this action plan by providing



information tools on access to rights and assistance in a dozen languages. We believe this to be a step forward in the fight to ensure that foreigners in vulnerable situations are aware of their rights.

In point 45 of this third GRETA report, it can also be observed that, although the aforementioned information is also provided on the websites of the institutions concerned and of the associations that manage the SPADAs, there is no mention of the languages in which it is available, so we understand that it is only available in French. In this regard, France points out that the information on OFPRA's website is being translated into English and that there are plans to translate some documents into Arabic, Dari, Lingala and Pashto.

However, the target audience for this information may not have access to the Internet, and it might be more useful to provide this information in a spoken form (accompanied by an easy-to-read leaflet that takes their circumstances into consideration).

It is encouraging that more than 80% of all OFPRA interviews are attended by interpreters, whose services are provided through public contracts. These interpreters must meet strict ethical, quality and training standards, as set out in a document entitled "Statutory Interpretation and the Protection of Human Rights". This includes training courses to prepare them to provide a service adapted to the specific needs of vulnerable people. In this regard, as Rudvin & Pesare (2015: 102) point out, interpreters, acting as linguistic mediators, must resort to rephrasing to convey the key elements of the speaker's message. This involves simplifying, adapting and facilitating the register to the specific needs of migrants, as the latter often have a low level of literacy and are unfamiliar with specialised language.

Point 49 of the third GRETA report includes an innovative comic in French and English aimed at victims of trafficking, with information on their right to specific protection. It was produced in 2020 within the framework of an Erasmus+ grant, by the Association ALC, whose mission is to help people with difficulties and in vulnerable situations in their integration. The information appears in written form, but the comic's images and simple vocabulary make it more accessible to the victim.

To conclude this section, it is important to mention GRETA's considerations in point 50 of its report on the right to information. It recommends that French authorities continue working to strengthen the information provided to both alleged and formally identified victims of trafficking on the consequences of their identification as such, their rights, the services available and the steps to take in order to access these.

The author points to the need to train law enforcement officers working in centres for asylum seekers to cooperate closely with associations specialised in supporting victims of trafficking. Such training aims to provide them with the tools to properly inform the victims of their rights.

By "adequately" we refer to the need to consider the cognitive faculties, psychological state and age of the (alleged) victims of trafficking. An approach adapted to their circumstances is more likely to assist them in cooperating in identifying the traffickers. But it is also essential for French authorities to ensure the availability of qualified interpreters familiar with the phenomenon of trafficking. This will ensure that the information these vulnerable people, including minors, are trying to convey can be successfully gathered.

#### 4.2.2. *Employability*

The importance of access to information is also evident in the labour sphere, as improving the financial status of victims of trafficking contributes to their sense of empowerment and social integration. Employment not only provides these victims with money, but also strengthens their sense of well-being by making them feel like a valuable part of the economy.

It is worth mentioning that women make up a majority of victims of trafficking. This fact should be highlighted, as women generally have fewer opportunities for work and are often engaged on a temporary basis in badly paid jobs. The situation of female victims of trafficking is almost certain to be worse in these regards.

According to the Observatory for Equality and Employment (2022), victims of trafficking tend to be unemployed or work informally. This is why it is so important for them to have access to work, as it is a tool for their

personal and financial autonomy, essential components of a better life. We will now examine the case of France and how this country manages labour market integration.

First, it is worth mentioning that the linguistic factor also plays an important role in this regard. Pursuant to Article 12.4 of the Council of Europe Convention on Action against Trafficking in Human Beings, which obliges signatory states to facilitate access to the labour market, vocational training and education for victims of trafficking who are legally resident in the country, France has incorporated these considerations into Article R425-1 of CESEDA. This provision states that if the police or gendarmerie has information leading them to believe that a victim of human trafficking or procuring could cooperate with the judicial authorities, they must inform the victim, in a language they understand, of the possibility of obtaining a residence permit and the right to exercise a professional activity under Article L425-1 of CESEDA. That is, if a report is filed against the alleged trafficker or procurer, or if the victim testifies in criminal proceedings concerning a person prosecuted for the same offences.

The problem is ensuring access to this information “in a language they understand”. As GRETA points out in point 39 of its third report, the French police lack the necessary training on human trafficking and are, therefore, not prepared to assist such victims satisfactorily. We must remember that interpreters are not provided, and victims are instructed to bring people who can interpret for them.

On the other hand, employers also have a responsibility to provide information in an accessible language. Companies in France that employ foreign workers sent by their employers of origin must inform them, by means of signs in the workplace in one of the official languages of each of the States to which they belong, of the regulations that apply to these migrants. This enables them to determine and to some extent control whether their rights are being respected.

From the above, we may conclude that the different agents involved to some extent in the labour market integration process are responsible for ensuring equal access in linguistic terms. Points 69 to 74 of GRETA's report urge the French authorities to promote the economic and social

integration of these victims of trafficking by facilitating their access to employment, vocational training and education. To this end, it argues that awareness-raising among employers is necessary, as well as the promotion of micro-enterprises, social enterprises and public-private partnerships. These should include state-subsidised employment programmes to create work opportunities suitable for victims of trafficking.

In order to respond to this need and provide assistance, several associations support these vulnerable people in their efforts to gain access to education and employment, offering them language courses, workshops and vocational guidance. However, while this assistance contributes to their recovery and integration, the victims of trafficking face not only prejudice and a lack of understanding on the part of employers, but also other difficulties such as the trauma they have suffered as a result of their exploitation, insufficient knowledge of the French language, low levels of education and lack of professional qualifications.

Other obstacles to their integration into the labour market in the country of arrival are the cultural codes and values they often have to deal with, the particularities of which they do not understand due to socio-economic and other differences. This puts them at a disadvantage, preventing them from being able to function and handle certain codes, which makes the intervention of the figure of the linguistic-cultural mediator necessary to bridge this gap between the parties (Fernández de Casadevante 2023: 10).

#### *4.2.3. Psychological assistance*

Victims of trafficking are very likely to be suffering from psychological and also physical trauma. In this regard, Orbegozo (2020) refers to the European project on the psychological impact on victims of human trafficking for sexual exploitation (PHIT), highlighting the general ignorance of the psychological impact that these circumstances have on the victims. The violence, intimidation, humiliation and loss of dignity suffered by victims all too often lead to feelings of fear, disgust, shame and guilt, among others. Such feelings frequently result in diagnoses of depression and

post-traumatic stress disorder, making medical and psychological assistance necessary.

The second national action plan against Trafficking in Human Beings, developed between 2019 and 2021, notes that few professionals are trained in the psychological consequences suffered by victims of trafficking, and that few specialised consultations are available to them. Among the measures taken to improve psychological care for victims of crime, the Centre national de ressources et de résilience was created in 2019 in Lille with the aim of improving research into and treatment of psychological trauma as well as training health professionals in early detection and treatment.

In addition, France's Ministry of Health has created several regional centres for the treatment of the psychological trauma of victims of violence, which offer both health care and training for professionals in the treatment of these victims. However, the National Consultative Commission on Human Rights (CNCDH 2023) has raised concerns that these regional centres have insufficient resources to meet demand.

The case of France outlined above makes it clear that interpreters able to psychologically assist victims of trafficking are not always available. GRETA recommends that the French authorities continue to work to provide this type of assistance to victims of all forms of trafficking, including trafficking for labour exploitation, in order to help them overcome trauma, heal and reintegrate into society.

In this regard, we stress the importance of providing qualified, properly trained interpreters rather than resorting to *ad hoc* interpreters. Fernández de Casadevante (2019: 104-105), quoting Angelelli, points out that *ad hoc* interpreters lack specific qualifications, do not adhere to codes of ethics and are unfamiliar with the interpreting techniques necessary to convey certain semantic elements such as content, intentionality, gestures, pauses, silences or tone. This can lead to serious consequences that compromise equal access to healthcare services (Angelelli 2014: 573-574).

Some health workers may be willing to act as interpreters or claim that they are able to fully convey meaning using gestures. However, gestures are not international in nature and can lead to confusion depending on the migrant's culture of origin.

In the event that family members provide interpreting services, certain information essential to the psychologist might be overlooked because the patient and interpreter know each other so well. Although both people may come from the same cultural background, which is of vital importance for proper communication, it can lead to information being omitted for cultural reasons. Worse still is the use of children as interpreters, as some concepts may be beyond their understanding.

We would like to refer to minors as *ad hoc* linguistic mediators to address a much more distressing reality, namely the fact that children are also among the victims of trafficking. The statistics service of the French Ministry of Justice (2022) highlights in its October 2022 report that in 2021, 490 victims of trafficking were minors, a sharp increase compared to 2016 (+96%), mainly due to a high increase in the number of under-aged victims of procuring (308 in 2021, representing a 161% rise), of whom 276 were French nationals.

To combat this phenomenon, and as can be read in point 238 of the GRETA report, France has also implemented measures to promote prevention, the identification of these minors as victims of trafficking, and assistance, although the country must continue to work in this direction. As an example, and in relation to linguistic assistance, we should highlight the existence of a centre for minors near Paris for the reception, subject to a detention order, of minors who are victims of trafficking and who need to be kept distant from the places where they were exploited.

Most of them are unaccompanied foreign girls, although it also takes in young Parisian girls who have been sexually exploited. Although the educators who accompany them are specially trained in trafficking-related issues, there is a significant language barrier, as they do not speak the languages most spoken by the children likely to be taken in. This makes communication difficult and prevents access to information that could be vital for their protection and to prevent them from being recaptured by the respective networks.

## 5. Conclusion

The above analysis of the human trafficking scenario makes it clear that this is a global problem whose victims require assistance that is appropriate and adapted to their circumstances. Focusing on the French example, it can be concluded that police officers who deal directly with victims of trafficking are not sufficiently familiar with this phenomenon and are, therefore, unable to inform them of their rights and the procedure to be followed.

Moreover, victims are not provided with an interpreter when they file a report, and the police suggest that they bring people who can act as interpreters. There is also a lack of public funding for NGOs to hire interpreters to inform victims of their rights, while the lawyers tasked under French law with providing free legal assistance to victims of trafficking lack the training and expertise to ensure this support.

Therefore, we can conclude that vulnerable people, many of whom do not speak the language of the country of arrival, encounter numerous barriers to accessing clear and complete information. We believe that only through a translation and interpreting service provided by qualified and adequately trained professionals who are also familiar with this phenomenon can the rights of these victims be effectively guaranteed.

As Foulquié (2002: 109) points out, we should not consider the need for an interpreter only in extreme situations, as migrants can be involved in any situation. Hence, there is a need to work towards a quality translation and interpreting service, whether in police stations, during medical care, during the assessment of asylum applications or before the courts, among other contexts. However, this will only be achieved to the extent that the country recognises the importance of this service and, consequently, allocates the necessary funds to enable it to be effectively implemented.

## References

ACCEM. "Trata de personas y protección internacional." Online version: <https://mujeresrefugiadas.accem.es/trata-de-personas-y-proteccion-internacional/>

- ACHÓTEGUI, Joseba. (2009) "Migración y salud mental. El síndrome del inmigrante con estrés crónico y múltiple (síndrome de Ulises)." *Zerbitzuan* 46, pp. 164-165.
- ACHÓTEGUI, Joseba. (2010) "El duelo por la lengua en el síndrome de Ulises." In: González, Luis & Carmen Las Heras (eds.) 2010. *La traducción y la interpretación contra la exclusión social*. Centro Virtual Cervantes, pp. 21-46. Online version: <https://cvc.cervantes.es/lengua/tices/achotegui.htm>
- AMNISTÍA INTERNACIONAL. (2006) "Vivir en las sombras. Una introducción a los derechos humanos de las personas migrantes." Online version: <https://www.amnesty.org/es/documents/pol33/006/2006/es/>
- ANGELELLI, Claudia V. (2014) "Interpreting in the healthcare setting: access in cross-linguistic communication." In: Chou, Wen-Ying Silvia & Heidi E. Hamilton (eds.) 2014. *The Routledge Handbook of Language and Health Communication*, pp. 573-584.
- ANGELELLI, Claudia V. (2015) *Studies on translation and multilingualism. Public service translation in cross-border healthcare*. Luxembourg: European Union. Online version: <https://publications.europa.eu/en/publication-detail/-/publication/6382fb66-8387-11e5-b8b7-01aa75ed71a1/language-en>
- AZCÁRATE, Luxán M<sup>a</sup> Victoria & José Sánchez Sánchez. (2013) *Geografía de Europa*. Madrid: UNED.
- CNCDH. (2023). "Évaluation du plan d'action national contre la traite des êtres humains (2019-2021)." Online version: [https://www.infomie.net/IMG/pdf/cncdh\\_evaluation\\_du\\_2e\\_pan\\_teh\\_1.pdf](https://www.infomie.net/IMG/pdf/cncdh_evaluation_du_2e_pan_teh_1.pdf)
- ESSER, Hartmut. (2006) *Migration, language and integration*. Berlin: WZB. Online version: <https://bibliothek.wzb.eu/pdf/2006/iv06-akibilanz4b.pdf>
- EUROPEAN COMMISSION. (2022) "Trata de seres humanos: la Comisión propone normas más estrictas para luchar contra este delito en evolución." Online version: [https://ec.europa.eu/commission/presscorner/detail/es/ip\\_22\\_7781](https://ec.europa.eu/commission/presscorner/detail/es/ip_22_7781)
- EUROPEAN UNION (2013) "Los derechos de las víctimas de la trata en la UE." Luxembourg: European Union. Online version: <https://violenciagenero.igualdad.gob.es/otrasFormas/trata/queHacer/pdf/DerechosVictimasTSHUE.pdf>
- FERNÁNDEZ DE CASADEVANTE MAYORDOMO, María. (2019) *Inmigración y traducción en el ámbito educativo y sanitario*. Granada: Comares.



- FERNÁNDEZ DE CASADEVANTE MAYORDOMO, María. (2021) *Luces y sombras en la traducción e interpretación judicial: transposición de la Directiva 2010/64/UE*. Bern: Lang.
- FERNÁNDEZ DE CASADEVANTE MAYORDOMO, María (2023). "Aproximaciones a un decálogo para la mediación lingüístico-cultural." *FITISPos International Journal* 10:1, pp. 9-21. Online version: <https://doi.org/10.37536/FITISPos-IJ.2023.10.1.354>
- FOULQUIÉ RUBIO, Ana Isabel. (2002) "Interpretación social: la interpretación en la policía en Granada y Málaga." *Puentes* 1, pp. 108-114.
- GOUVERNEMENT DE LA RÉPUBLIQUE FRANÇAISE. (2023) "Code de l'entrée et du séjour des étrangers et du droit d'asile (CESEDA)." Online version: [https://www.legifrance.gouv.fr/codes/texte\\_lc/LEGITEXT000006070158/2023-02-03/](https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006070158/2023-02-03/)
- GRETA. (2022). "L'accès à la justice et à des recours effectifs pour les victimes de la traite des êtres humains. Rapport d'Évaluation, troisième cycle d'évaluation." Strasbourg: Conseil de l'Europe. Online version: [https://www.enfance-jeunesseinfos.fr/content/files/2022/03/GRETA\\_2022\\_01\\_FGR\\_FRA\\_fr.pdf](https://www.enfance-jeunesseinfos.fr/content/files/2022/03/GRETA_2022_01_FGR_FRA_fr.pdf)
- HANDI, Hassan. (2010) "La traducción y la interpretación contra la exclusión social en el marco de la protección internacional." In: González, Luis & Carmen Las Heras (eds.) 2010. *La traducción y la interpretación contra la exclusión social*. Centro Virtual Cervantes, pp. 61-65. Online version: <https://cvc.cervantes.es/lengua/tices/handi.htm>
- LAS HERAS, Carmen. (2012) "Derecho a servicios de traducción e interpretación." In: Comisión Española de Ayuda al Refugiado (ed.) 2012. *La situación de las personas refugiadas en España. Informe 2012*. Madrid: Catarata, pp. 210-214.
- MAYORDOMO RODRIGO, Virginia. (2007) "La pertenencia a una organización delictiva en el tráfico ilegal de personas." *Eguzkilore* 21, pp. 273-297.
- MAYORDOMO RODRIGO, Virginia. (2011) "Nueva regulación de la trata, el tráfico ilegal y la inmigración clandestina de personas." *Estudios Penales y Criminológicos* 31, pp. 325-390.
- MINISTÈRE DE L'EUROPE ET DES AFFAIRES ÉTRANGÈRES. (2021) "Lutte contre la traite des êtres humains." Online version: <https://www.diplomatie.gouv.fr/fr/politique-etrangere-de-la-france/droits-de-l-homme/actualites-et-evenements-sur-le-theme-des-droits-de-l-homme/>

- actualites-2021-sur-le-theme-des-droits-de-l-homme/article/lutte-contre-la-traite-des-etres-humains-30-07-21
- MINISTÈRE DE L'EUROPE ET DES AFFAIRES ÉTRANGÈRES. (2017) "Lutte contre la traite des êtres humains." Online version: <https://www.diplomatie.gouv.fr/es/politica-exterior/derechos-humanos/lucha-contra-la-trata-de-seres-humanos/>
- MINISTÈRE DE LA JUSTICE. (2022) "La traite et l'exploitation des êtres humains depuis 2016: une approche par les données administratives." Online version: [http://www.justice.gouv.fr/art\\_pix/Infostat\\_189.pdf](http://www.justice.gouv.fr/art_pix/Infostat_189.pdf)
- OBSERVATORIO DE IGUALDAD Y EMPLEO. (2022) "Fondos europeos dirigidos a fortalecer la autonomía laboral de las mujeres víctimas de violencia de género." Online version: <https://www.observatorioigualdadyempleo.es/fondos-europeos-dirigidos-a-fortalecer-la-autonomia-laboral-de-las-mujeres-victimas-de-violencia-de-genero/>
- ORBEGOZO ORONÓZ, Izaskun. (2020) *La trata de personas con fines de explotación sexual en la Comunidad Autónoma del País Vasco*. Vitoria-Gasteiz: Ararteko. Online version: [https://www.ararteko.eus/RecursosWeb/DOCUMENTOS/1/0\\_4969\\_3.pdf](https://www.ararteko.eus/RecursosWeb/DOCUMENTOS/1/0_4969_3.pdf)
- PÉREZ GONZÁLEZ, Carmen. (2016) "La tipificación de la trata de seres humanos como crimen contra la humanidad: una contribución al debate en torno al elemento político de los crímenes." *Revista electrónica de estudios internacionales* 31.
- PÉREZ-LUZARDO DÍAZ, Jessica & María Magdalena Fernández Pérez. (2018) "La provisión de la traducción y la interpretación en los servicios públicos de Canarias: retos de un territorio insular." In: Foulquié-Rubio, Ana Isabel *et alii* (eds.) 2018. *Panorama de la traducción y la interpretación en los servicios públicos españoles*. Granada: Comares, pp. 65-83.
- PUGNAIRE SÁEZ, Iris. (2015) "La migración ilegal África-Europa." *Fundación Sur*, p. 1.
- RUDVIN, Mett & Francesca Pesare. (2017) "La interpretación y la mediación lingüística para víctimas de la trata de personas." *TRANS* 1:19, pp. 95-108. Online version: <https://doi.org/10.24310/TRANS.2015.v1i19.2095>

## BIONOTE / NOTA BIOGRÁFICA

MARÍA FERNÁNDEZ DE CASADEVANTE MAYORDOMO is a lecturer at Universidad Rey Juan Carlos and a certified translator. She obtained her PhD in 2019 with a thesis entitled *Translation and interpreting as an essential means of accompanying immigrants*, which was awarded the Extraordinary Doctoral Award. Before she became a university lecturer, her professional career centred on the field of International Relations. Her research focuses on aspects related to the social dimension of translation and interpreting and pays special attention to disadvantaged social groups. Her work includes articles published in the journals *Church, Communication and Culture* (2023) and *Lengua y Migración* (2021) and the monographs *Luces y sombras en la traducción e interpretación judicial: transposición de la Directiva 2010/64/UE* (Peter Lang, 2021) and *Inmigración, traducción e interpretación en el ámbito sanitario* (Comares, 2020).

MARÍA FERNÁNDEZ DE CASADEVANTE MAYORDOMO es profesora de la Universidad Rey Juan Carlos y traductora jurada. Se doctoró en 2019 con la tesis titulada *La traducción e interpretación como medio esencial de acompañamiento a los inmigrantes*, que obtuvo la mención internacional y el premio extraordinario de doctorado. Antes de dedicarse a la docencia universitaria, desarrolló su labor profesional en el ámbito de las Relaciones Internacionales. Su investigación se centra en aspectos relacionados con la vertiente social de la traducción y la interpretación, y presta especial atención a los colectivos más desfavorecidos. Entre sus trabajos destacan los artículos publicados en las revistas *Church, Communication and Culture* (2023) y *Lengua y Migración* (2021) y las monografías *Luces y sombras en la traducción e interpretación judicial: transposición de la Directiva 2010/64/UE* (Peter Lang, 2021) e *Inmigración, traducción e interpretación en el ámbito sanitario* (Comares, 2020).