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Cultural Mediation in Refugee and Migrant Protection

Communication, Power, Ethics, and the Politics of Support

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SOLROUTES Series
2

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Abbreviations

ADR – Alternative Dispute Resolution
CBAI – Centre Bruxellois d'Action Interculturelle
COVID-19 – Coronavirus Disease 2019
EU – European Union
FRA – European Union Fundamental Rights Agency
EURODAC – European Asylum Dactyloscopy Database
HP – Harmful Practices
FGM – Female Genital Mutilation
ICMPD – International Centre for Migration Policy Development
INGO – International Non-Governmental Organization
IOM – International Organization for Migration
NGO – Non-Governmental Organization
NVQ – National Vocational Qualification
PTSD – Post-Traumatic Stress Disorder
RSD – Refugee Status Determination
SGBV – Sexual and Gender-Based Violence
SOGIESC – Sexual Orientation, Gender Identity and Expression,
and Sex Characteristics
SOP – Standard Operating Procedure
UASC – Unaccompanied and Separated Children
UN – United Nations
UNHCR – United Nations High Commissioner for Refugees
UDHR – Universal Declaration of Human Rights
WHO – World Health Organization

Preface

The landscape of contemporary migration in Europe presents a complex constellation of challenges that demand innovative, interdisciplinary approaches to understanding and supporting displaced populations. This volume on Cultural Mediation in Refugee and Migrant Protection: Communication, Power, Ethics, and the Politics of Support emerges at a critical juncture in migration studies, offering vital insights that complement and enrich the broader theoretical and empirical investigations undertaken within the SOLROUTES research project.

The SOLROUTES project, with its ambitious mapping of solidarity practices along migration routes, aims to illuminate the intricate networks of support that sustain unauthorized movements across European borders and beyond. By employing a critical ethnographic lens that foregrounds power asymmetries and grassroots resistances, SOLROUTES has revealed how solidarity practices emerge, evolve, and adapt to the shifting dynamics of border regimes. This book on cultural mediation provides an essential micro-level analysis that deepens our understanding of one of the most fundamental yet under-theorized aspects of these solidarity networks: the role of communication and cultural interpretation in refugee and migrant protection.

The relationship between this volume and the SOLROUTES project is both complementary and symbiotic. While SOLROUTES examines the macro-structural dimensions of solidarity along migration routes, mapping the 'what,' 'how,' 'who,' and 'why' of support practices through innovative methodological approaches including Generative Narrative Workshops (GNW) and digital ethnography, this book explores the intimate, often invisible work of cultural mediators who facilitate communication between displaced populations and the institutions, services, and communities they encounter. The cultural mediators analyzed in this volume are themselves integral actors within the solidarity networks that SOLROUTES seeks to understand, serving as crucial bridges not

only between languages but between worlds of meaning, power structures, and protection systems.

Putting the emphasis on the everyday micropolitics of migration and solidarity, the cultural mediators documented in this book embody this recognition, moving beyond traditional interpreter roles to become facilitators of migrant agency, advocates for culturally sensitive protection practices, and bridges between formal humanitarian systems and the lived realities of displacement. The challenges of professionalization, standardization, and ethical practice documented in this book mirror the broader tensions between institutionalized humanitarian governance and grassroots solidarity practices that SOLROUTES has identified along migration routes. The book reveals how formal systems often fail to adequately recognize or support the essential work being performed by cultural mediators and solidarity actors, leading to ad hoc responses that, while filling critical gaps, remain precarious and undervalued. The prevalence of ad hoc interpreting described in this volume, from the Ukrainian refugee influx to the 2015 crisis response, exemplifies the systemic inadequacies that SOLROUTES addresses through its comprehensive mapping of solidarity networks.

The volume's analysis of power dynamics in cultural mediation, including the ways that gender norms and cultural assumptions shape perceptions of vulnerability and agency, connects directly to SOLROUTES' exploration of how solidarity practices both challenge and sometimes reproduce existing hierarchies and exclusions. The discussion of how single men are often overlooked in protection responses while women from certain cultural backgrounds are assumed to be victims of trafficking demonstrates the complex intersections of solidarity, power, and cultural interpretation that our inquiries seek to illuminate.

The protection-sensitive approach advocated in this volume, which moves beyond traditional interpreting models to encompass broader forms of intercultural communication and advocacy, anticipates the kind of holistic understanding of solidarity that SOLROUTES develops through its comprehensive mapping of support practices. As we face an era of increasing global displacement and hardening border regimes, the insights contained in this volume become ever more critical for understanding and supporting the complex networks of solidarity that make survival and dignity possible for displaced populations. The cultural mediators analyzed here are not merely service providers but key actors in the broader networks of solidarity that SOLROUTES maps across European migration routes and beyond. Their work and the challenges they face illuminate fundamental questions about communication, power, and ethics that extend far beyond the immediate context of refugee and migrant protection.

This volume thus serves as both a complement to and a deepening of the SOL-ROUTES project's investigation of solidarity practices along migration routes. It contributes to an emerging understanding of migration that moves beyond simple push-pull models toward more nuanced appreciations of the complex, dynamic, and often resistant networks of support that sustain human mobility in an age of increasing restrictions. They remind us that behind every successful border crossing, every asylum application, every moment of intercultural understanding, there are cultural mediators and solidarity actors whose largely invisible work makes these achievements possible.

The academic and policy implications of this book are profound, calling for new approaches to migration governance that recognize and support the essential role of cultural mediation and solidarity practices in protecting displaced populations. The lack of proper recognition of cultural mediation as a distinct profession within international human rights frameworks, as noted in this volume, exemplifies the broader invisibility of solidarity practices that SOLROUTES seeks to address through its comprehensive documentation and analysis.

As the SOLROUTES project continues to map and analyze networks of support across migration routes from the traditional European corridors to the understudied Outermost Regions of the EU, this volume provides the granular, practice-based insights necessary to understand how solidarity actually functions in the daily encounters between migrants, refugees, and the institutions designed to serve them. The 'turbulent' dimension of migrations and the dynamism of migrant trajectories that SOLROUTES explores requires precisely the kind of nuanced understanding of intercultural communication and cultural mediation that this volume provides.

<div align="right">Luca Queirolo Palmas</div>

SECTION I
FOUNDATIONS AND DEVELOPMENT
OF CULTURAL MEDIATION

1. The Emergence of Cultural Mediation in Migration Context

The 2015 European Refugee Crisis was not the first large-scale refugee crisis to occur within Europe, however, some unique features of this Crisis and the specific social and political environment within which it occurred, provide a case of special interest for examining cultural mediation both as a form of facilitation of intercultural communication in the refugee/migrant protection context, and a cultural and social approach to understanding migration flows. The subject of intercultural communication is in itself a constantly developing field, within which the topic of cultural mediation in migration context is still a new and under-researched topic, in need of much further investigation and research. The topic is multidimensional as it is related to intercultural communication, humanitarian action, and migration. The emergence of cultural mediation in the migration context as a yet to be established and recognized profession has raised compelling questions in the areas of interpreting studies, the implementation of refugee/migrant protection, and approaches to addressing migration issues.

In the study of intercultural communication, the terminology associated with interpreting and cultural mediation can often be confusing and dichotomous. This complexity arises from the multifaceted nature of cultural mediation, which encompasses various activities and processes. The deconstruction of the traditional conduit model in intercultural communication and interpreting has linked cultural mediation with conference and community interpreting, further complicating the issue and underscoring the close connection between interpreting and mediation.

Verrept (2019), in his Health Evidence Network Synthesis Report 64, argues that shifting from the interpreter-as-conduit model to the interpreter-as-cultural-mediator model acknowledges the necessity of roles traditionally associated

with intercultural mediators. This change in perspective, viewing the interpreter as an equal participant in interactions, «clearly refers to roles traditionally associated with intercultural mediators, such as cultural brokerage, advocacy, communication facilitation, and providing help» (Verrept, 2019, p. 11). It also reiterates the centrality of protection in humanitarian action, cultural mediation being a central component to any protection-led response. Early efforts to understand interpreting beyond the conduit model utilized the concept of mediation to analyze and comprehend intercultural communication. Baraldi (2015) notes that «[t]he proposal to observe interpreting as mediation was first introduced in the 1980s (Knapp-Potthoff & Knapp, 1987), well before the upsurge of interest in public service interpreting (Wadensjö, 1998; Davidson, 2000).» The mediator's understanding of the message provided clues to the processes involved in intercultural communication. Knapp-Potthoff and Knapp (1987) observed non-professional interpreters or mediators to analyze interactions, as mediators would verbalize the original message again; discrepancies between the primary interlocutor's and the mediator's versions served as a starting point for analysis. When the focus of investigation shifted to dialogue interpreting and mediation, even processes associated with conference interpreters working within a stringent framework of invisibility were found not to fit the norms of the conduit model precisely. This led to a rethinking of previous machine-like models of interpreting that excluded the agency and visibility of the interpreter, and new models emerged where interpreters were seen as active contributors to the construction of meaning (Diriker, 2004). The tripartite model suggested by Pöchhacker (2008) considers mediation in interpreting in its cognitive element, 'mediation of cognitive relations,' the linguistic/cultural element, 'mediating intercultural relations,' and the contractual element, 'mediating social relations.' However, for Pöchhacker, viewing interpreting as cultural mediation is not without risk. He limits the term to the mediating and transformative process necessary for successfully relaying utterances from one language to another, «including the subjective cognitive processes of the interpreter, rejecting the conduit model,» while seeing 'mediating social relations' as a separate activity from interpreting, related more to dispute resolution rather than interpreting (Pöchhacker, 2008).

Despite these dilemmas and debates surrounding intercultural communication activities and terminology, cultural mediation mainly refers to the work of cultural mediators in the context of refugee and migrant protection.

From Grassroots Solidarity to Professional Practice: Historical Trajectories

The increase in migration, particularly from the Middle East, Africa, and South-east Asia to European Union (EU) countries, has intensified the focus on the relatively new profession of cultural mediation, or facilitating intercultural communication in the protection of refugees and migrants. Cultural mediators are described as first responders who address intercultural communication needs, serve as a bridge between refugees and migrants, and members of host communities, manage conflicts, advocate on the ground to ensure refugees and migrants can access services, provide information about the host environment to refugees and migrants, and inform protection actors about protection issues and concerns (The New Humanitarian, 2015). Cultural mediators are often the primary contact of humanitarian response, often responsible for ensuring protection needs are timely addressed and capturing information vital for refugee and migrant integration in humanitarian settings. Although the 'new profession of cultural mediator' drew significant attention at the peak of the European Refugee Crisis, cultural mediators had been active for a considerable time. They were regarded as 'a new breed of linguists' in various European countries with a history of immigration laws enacted to regularize the status of previously irregular migrant workers (Amato & Garwood, 2011).

A new profile emerged in the field of refugee and migrant protection, and intercultural communication: the cultural mediator, who acts as a facilitator of intercultural communication and carries out tasks on the ground related to refugee and migration protection as a frontline worker, often in emergency reception conditions but also in contexts of cultural orientation and integration. While cultural mediation has faced some criticism, it has also garnered many supporters. In various countries, it has evolved over time from an ad hoc solution to a valuable profile and profession, both in protection and in the broader context of social cohesion, albeit in a non-uniform and chaotic manner. Cultural mediators have been recognized as essential in improving interactions between members of refugee and migrant communities, and members of host environments, aiding refugees and migrants in accessing services, and empowering them. The delicate and sensitive task of facilitating intercultural communication between refugees and migrants, often in vulnerable situations, and service providers or other members of the host environment, must consider the unequal power dynamics at play, requiring that the communication be protection-sensitive. Cultural mediators must manage conflict, understand migration issues and forms of vulnerability

and harm, grasp relevant service systems, and be aware of the rights and obligations of refugees and migrants to assist protection personnel in their work. The typical trajectory of cultural mediation development in many European countries was somewhat similar, despite variations in the implementation of strategies to meet the rising demands for intercultural communication within the refugee and migrant protection context. Non-state actors, NGOs, and other civil society entities were the first to respond, typically employing or engaging bilingual individuals, often without prior training or experience in interpretation. Humanitarian responders were also the first to establish training and capacity-building programs for cultural mediators. Academia became involved at a later stage in some countries, offering courses for cultural mediators. However, cultural mediation in the migration context remained closely tied to civil society solidarity, grassroots initiatives, and humanitarian efforts that sought to provide essential support in intercultural communication, assist refugees and migrants, and help them access their rights.

For instance, in Italy, cultural mediation dates back to the initial laws enacted to regularize the status of irregular migrant workers and their families. No plans were established to provide translation and interpreting for public service providers at the time, nor were funds allocated for this purpose. Previously, ad hoc interpreting was offered by relatives and fellow migrants, but this could not satisfy the rising demands. Faith-based and other civil society organizations stepped in to help. The practice of ad hoc interpreting remains prevalent in the refugee and migrant context. This became evident in the most recent Ukrainian refugee influx. Due to linguistic similarities between the Polish and Ukrainian languages many initially underestimated the need for cultural mediators, however in the first year of the humanitarian response, it was evident that in order to address protection needs cultural mediation was essential as part of an effective humanitarian response. While there are circumstances with no alternatives, ad hoc interpreting is an inadequate and problematic solution.

The sheer volume of needs in Italy prompted intervention by civil society and humanitarian actors, leading to the emergence of pioneering cultural mediators in migrant protection. They not only interpreted for newly arrived migrants but also advanced the goals of these voluntary organizations by supporting the migrants, advising them, and assisting them in claiming their rights, grounded in empathy and advocacy. Cultural mediation became integral to refugee and migrant protection activities. In Italy, the Naga association organized the first course to train cultural mediators, and «the main players remained the Italian NGOs and local authorities, with the central Government a more or less distant

onlooker» (Amato & Garwood, 2011). Thus, pressing demands for intercultural communication amid an increased influx of refugees and migrants were addressed by civil society and humanitarian actors who predominantly employed bilingual individuals without training or experience in interpreting or previous work in refugee and migration protection. The NGOs that utilized them aimed to offer various types of support to refugees and migrants while also helping public services enhance communication. Many NGOs also designed and provided different types of training for cultural mediators. This pattern continued over the ensuing decades, including during the peak of the European Refugee Crisis. It is important to point out that in humanitarian contexts authorities often put the responsibility to have their needs heard directly on refugees themselves, disregarding their own obligation as a refugee hosting country to establish two-way communication.

Because of the nature of the response to the 2015 Crisis, governments failed to recognize the necessity for language services, resulting in their general inaction regarding the organization and provision of language services. In most European countries, regardless of EU membership, the situation was similar, with civil society organizations taking the lead in delivering language services and training cultural mediators and interpreters. Civil society continues to play a crucial role in the training of cultural mediators. According to the 2015 TIME Research Report on Intercultural Mediation for Immigrants in Spain, «several Master Programs and Technical Professional Courses are currently offered in Spain.» Additionally, civil society is actively involved in developing learning resources for cultural mediation. Federación Andalucía Acoge, established in 1991, has been conducting courses for the training of intercultural mediators with assistance from the Centre Bruxellois d'Action Interculturelle (CBAI) under the European program HORIZON (Federación Andalucía Acoge, n.d.). Likewise, the 2015 TIME Research Report on Intercultural Mediation for Immigrants in Greece indicates that «…Greek Civil Society and many NGOs have been very active in cultural mediation…» and that «stakeholders in Intercultural Mediation in Greece include training organizations and employment entities. Some Vocational Training Centers are accredited and recognized to provide training programs for migrants who aspire to become intercultural mediators in Greece.»

Another aspect of developing cultural mediation is the variety of profiles for cultural mediators. Differences in roles and tasks arise from diverse country-specific migration contexts, which have also led to a confusing array of terminology within the field of cultural mediation. According to the 2015 TIME Research Report on Intercultural Mediation for Immigrants in Europe, «the engagement

with the field of intercultural mediation is chaotic due to the multitude of terms used. Certainly, the use of different terms reflects the various genealogies of the phenomenon observed in each country and the distinct roles assumed.»

The list below presents some of the terms used across the countries surveyed:

- Austria: Cultural Interpreter; Community Interpreter
- Belgium: Intercultural Mediator; Family Supporter; Social Interpreting
- France: Social Sector Interpreter; Social and Cultural Mediator; Femmes Relais Mediatrice
- The Netherlands: Interpreter; Ethnic Minority Healthcare Counselor
- Germany: Mediation and Arbitration; Alternative Dispute Resolution (ADR) and Mediation; Linguistic and Integration Mediation; Community Interpreter; Integration Facilitator
- Greece: Interpreter; Intercultural Mediator
- Italy: Social Interpreter; Communication Facilitator; Linguistic Mediator; Technician of Linguistic Mediation for Immigrants; Linguistic and Cultural Mediator; Social Mediator; Intercultural Operator
- Portugal: Sociocultural Mediator; Community Mediator; Intercultural Mediator
- Spain: Intercultural Mediator
- Switzerland: Intercultural Interpreter; Intercultural Mediator.
- Poland: Translator; Social Worker; Outreach worker.
- Bosnia and Herzegovina: Cultural Mediator

In Belgium, the mediator «facilitates access to hospitals for foreign patients.» The mediator reportedly explains to the patient «the workings of the healthcare system in Belgium and, on the other hand, explains to the caregiver how to approach the patient considering their cultural background.» In Flanders, social interpreters are prohibited from engaging in cultural brokerage or conflict management; mediators involved in asylum procedures can intervene under specific guidelines. In France, the interpreter is seen as a cultural broker, providing information and explanations. In specific areas, with the participants' consent, they may manage conflicts and assist participants in reaching resolutions. In the Netherlands, intermediaries are primarily associated with ethnic minority healthcare in a counseling role. They facilitate health education, identify health issues in minority groups, and implement strategies such as developing community networks, advocacy, and improving cultural competence among healthcare providers. In Greece, cultural mediators function similarly to community interpreters, interpreting for public services and connecting migrants to healthcare and legal

aid services. In Italy, cultural mediators support integration-oriented services by facilitating communication between immigrants and members of the host community, disseminating information, assisting immigrants in understanding their rights and responsibilities, and participating in cultural orientation.

In Poland, interpretation was essential to ensure refugees were able to access health services. Given the complexity of Polish medical services despite similarities between Ukrainian and Polish languages, elderly refugees especially struggled to articulate their needs. Cultural mediators who often took on dual roles, also acting as protection workers, were responsible for helping refugees obtain PESEL numbers essential for accessing social services. In addition to Ukrainian and Russian languages, Roma language interpretation was essential for Roma-speaking refugees from Ukraine not only for interpretation but for social cohesion and acceptance. For Roma Ukrainian refugees who were often isolated from the rest of the Ukrainians, humanitarian assistance required interaction with the outside community that was often beyond what they were comfortable with due to societal norms, thus ensuring that organizations employed Roma-speaking mediators was a key element in protection-centric programming.

Several good practices can be observed in cultural mediation for refugee and migrant protection; however, there has been a general failure to address issues of roles, scope, and ethics, leading to undesirable consequences. These include a consistent lack of focus on developing cultural mediators' linguistic, interpreting, and interpersonal communication skills, confusion among practitioners regarding their roles and boundaries in protection activities, the merging of the tasks of cultural mediators with those of protection case workers, and inadequate organization of bilingual and bicultural human resources on a national level to meet intercultural communication needs in the context of refugee and migrant protection. This can be attributed to several factors. Based on the humanitarian response modality, the first responders to the refugee influx in Greece were later called upon to respond to influxes in Serbia, Bosnia and Herzegovina and most recently were also responsible for setting up refugee response programs in Poland. Due to the nature of humanitarian work, there was limited formalization of lessons learned from the response in Greece, and the role of the cultural mediator quickly spread without a clear overview of job descriptions and qualifications.

Furthermore, the European Refugee Crisis presented a unique case of mixed migration involving several different population groups, some speaking languages for which few or no interpreters were available. The large influx also meant that even available bilingual resources needed to be increased. In non-European contexts, during refugee influxes, the first responders were primarily humanitar-

ians, not necessarily local communities. If they were local communities, those along the border areas often spoke a common or similar language. At the same time, this was the first time the communication gap presented an enormous challenge in the migration context. For instance, in other significant humanitarian responses, such as in Bangladesh, Rohingya refugees who fled to Bangladesh settled in the Chittagong region, an area with close community ties. Thus, reliance on local staff with a cultural understanding of the Rohingya community allowed for an effective initial response. Later, members of the refugee community were recruited for a more comprehensive humanitarian response. In so-called IDP responses, where individuals affected are internally displaced persons, such as in South Sudan, Syria, Yemen, and Iraq, despite sectarian and ethnic differences, the affected population tends to speak the same languages. Major cultural differences (in the above-mentioned responses) were not as evident as in the European humanitarian response, creating significant gaps, particularly in protection programming. In the most recent refugee influx to Poland, a similar need for cultural mediators did not arise, and limited funding was allocated for translation services. Reliance was primarily on Ukrainians who spoke some Polish, particularly from border areas, or the older Polish generation who spoke Russian, again highlighting the unique nature of earlier refugee migrant responses across Europe. However, in both the cases of Bangladesh and Poland, despite local communities being able to fill some of the gaps, the broader humanitarian response would only be adequate with trained cultural mediators who are properly sensitized to protection contexts. Therefore, the European Refugee Crisis presented a challenge, emphasizing the importance of cultural mediation in protection response when there are gaps in intercultural communication, and the value of a cultural perspective in building a comprehensive understanding of migration issues. According to a 2021 study, Frameworks and Good Practices of Intercultural Mediation for Migrant Integration in Europe, there is a lack of harmonization and standardization, and a need for centralized and structured training programs for cultural mediators.

Although cultural mediators are primarily employed by agencies and organizations that implement refugee and migrant protection activities, a common issue is the lack of attention to their specific role in protection case management and the overall protection response. Another shared characteristic in the development of cultural mediation across Europe is the overlap with community interpreting, along with the interchangeable use of 'cultural mediator' and other terms. In some regions of Spain, cultural mediators, community interpreters, and mediators in cultural conflict prevention are viewed as equivalent terms. In other parts

of the country, community interpreters and cultural mediators are recognized as distinct professions. This situation is quite common, with the terms 'interpreter' and 'cultural mediator' (as in dispute resolution) being used interchangeably in France, Italy, Belgium, and Germany (Pokorn & Južnič, 2020). In conclusion, cultural mediation has evolved into an umbrella term that encompasses a wide range of profiles and activities: mediation in Alternative Dispute Resolution (ADR), public service interpreting, capacity building in cultural competence, contributing to cultural orientation and integration, facilitating communication, and various forms of assistance in the context of refugee and migrant protection.

Clarifying Roles, Scope, and Ethical Principles in Mediation

Central to the development of cultural mediation in refugee and migrant protection is a persistent tendency to view cultural mediators more as social actors than as facilitators of communication, with an essential role in implementing protection activities. Cultural mediators are also often viewed as easily replaceable. In contexts where cultural mediators are asylum seekers who intend onward movement, working as a cultural mediator is perceived as a brief endeavor thus organizations tend to not sufficiently invest in their capacity building. Ignoring the cultural mediator's primary responsibility to interpret and handle communication tasks in a protection context has hindered the profession's growth. While cultural mediators are often assigned other tasks, such as escorting patients to hospitals and navigating the health system for access to healthcare, their main responsibility remains interpreting, with most other tasks involving interpreting and interpersonal communication. However, it is assumed that cultural mediators do not need to be 'skilled interpreters.' Consequently, cultural mediators' capacities have developed in migration-related areas that do not directly relate to providing language services, leading to a neglect of their linguistic, cultural, interpreting, and other communication skills and competencies. Compared to community interpreters, cultural mediators' additional skills connected to protection fieldwork are regarded as an advantage, which they offer 'at reasonable costs' (Pokorn & Južnič, 2020). Although this observation emphasizes the skills that interpreters lack but cultural mediators possess, it indicates that the cultural mediator profile in the refugee and migrant context emerged not only due to a lack of interpreters or insufficient protection personnel in emergency response situations. While these factors were present, it acknowledges that a genuine gap existed in the overall protection response that involved intercultural communica-

tion, which required individuals capable of interpreting, assisting, and managing interpersonal relationships to build trust between refugee and migrant communities and their host environments, linking them to necessary services. Additionally, the development of the cultural mediator profile was a financially feasible solution. This profile was not merely a temporary emergency response in refugee and migrant protection or an improvised solution to protection gaps in specific host environments; instead, it evolved naturally and gradually as a response to growing intercultural communication needs in this sector.

An intriguing comparison can be drawn between cultural mediators in the refugee/migration protection context and Roma mediators working in various European countries. The gradual erosion of conventional living patterns among indigenous nomadic populations in Europe has made Roma mediators essential for helping the Roma access services and rights while promoting social inclusion and integration. They also tackle issues such as marginalization, isolation, discrimination, exploitation, trafficking, and statelessness. Roma mediators resemble social workers or case managers, as facilitating intercultural communication for them does not always require interpreting, which is therefore not central to their role. The role of Roma mediators sheds light on the function of cultural mediators in refugee and migrant protection. While interpreting and facilitating communication remains a central task, cultural mediators must also partner with case workers on the ground to ensure adequate protection responses. Cultural mediation has evolved from community interpreting, dispute mediation, and refugee and migrant protection, merging linguistic, social, and humanitarian elements from these three professions into a new profile. As these elements combined, they underwent transformations, each acquiring new characteristics suited to the new profile.

Cultural mediators collaborate with other service providers relevant to refugees/migrants for reception, orientation, social inclusion, and integration across Europe, in transit countries (such as Albania, Serbia, North Macedonia, Poland, Romania, Hungary and the Western Balkan route), as well as in destination countries like Italy, Spain, Germany, and France. Naturally, the profile varies in different contexts. Still, regardless of the local environment, protection actors recognize cultural mediators as valuable and feasible resources for carrying out protection-related intercultural communication tasks. However, NGOs employing cultural mediators do not function as language service providers. They implement projects to offer various types of assistance to refugees/migrants, requiring the services of cultural mediators. For instance, if an organization conducts workshops to raise awareness about Sexual and Gender-Based Violence (SGBV)

for refugees/migrants, they will ensure that the cultural mediator is properly sensitized and can grasp all relevant definitions, concepts, and terminology related to SGBV. Yet, linguistic, interpreting, and other communication skills of cultural mediators are often deprioritized in terms of training and capacity building. At the same time, there remains an apparent need to focus on cultural mediation as a vital component of protection responses when intercultural communication needs arise. Cultural mediation is often viewed as merely a tool for implementing various project activities rather than a specific and distinct communication service inherently tied to refugee and migrant protection. A perspective that fails to fully acknowledge and appreciate the need for a comprehensive response to intercultural communication issues in the refugee and migrant protection context undermines the value of cultural mediators as communication professionals and partners to protection actors. Consequently, it results in a lack of development in their communication skills and potential in the protective context of their role.

This vagueness, inadequacy in training, and lack of standardization – especially when combined with conditions that create protection gaps in numerous host environments – generate confusion among practitioners and blur the lines between the roles of the cultural mediator and the bilingual protection case worker, which can have seriously negative consequences for both communication facilitators and their beneficiaries. The issue of burnout and secondary traumatization among interpreters and cultural mediators as frontline workers is only beginning to be adequately addressed in training. Although most organizations are required to provide psychological supervision to interpreters or cultural mediators they employ, questions have yet to arise as to whether burnout is partially caused by confusion regarding roles, scope, and ethical issues. Cultural mediators also often feel responsible for ensuring refugees have all their needs addressed and other humanitarian workers often overlook the enormous self-imposed responsibility many cultural mediators feel. While other relevant actors, such as social workers, doctors, and legal officers, have clearly defined roles and belong to recognized and registered professions, cultural mediators lack a well-established work model grounded in a sound framework for determining issues of role, scope, and ethics. Their profession needs legal recognition and registration. Instead, they face daily confusion, dilemmas, and challenges that can significantly affect the quality of their services and their well-being. Their employment opportunities remain uncertain, primarily depending on NGOs whose project goals do not focus on language service provision. The donor community often lacks an understanding of how crucial cultural mediation is and stand-alone cultural mediation organizations do not receive sufficient funding.

The general failure to acknowledge that the central task of cultural mediators in the refugee and migration protection context is to facilitate communication – requiring interpreting and interpersonal mediation skills – has resulted in a lack of attention to their primary role as communication professionals in the specific context of refugee and migrant protection, posing an obstacle to reaching a functional and practical definition of their role, determining scope according to the types of intercultural interactions where cultural mediation should facilitate communication, identifying their precise tasks in protection case management, and clarifying their position within an overall protection response in situations where intercultural communication needs arise. Similarly, a widely accepted and binding code of conduct that successfully integrates the ethical tenets of communication professionals with the moral principles of refugee and migrant protection is absent. Defining roles, scope, and ethics is central to standardization efforts aimed at comprehensively meeting intercultural communication needs within a globally applicable framework in the refugee and migrant protection context, allowing for adjustments to country-specific needs and helping practitioners perform their work more effectively without negative consequences for their beneficiaries or their personal lives.

Linguistic, Sociolinguistic, and Humanitarian Dimensions

Cultural mediation in refugee and migrant protection has primarily been examined from a linguistic and sociolinguistic perspective. Although the context is humanitarian, efforts have not been made to develop a framework of international human rights documents that underpins cultural mediation in refugee and migrant protection. From a linguistic and sociolinguistic perspective, academics and trainers often create a dichotomy between interpreting and cultural mediation, typically framed as 'cultural mediation vs. interpretation.' This issue intersects the profiles of cultural mediators and community interpreters. Many host environments use these terms interchangeably, and both tend to operate in similar settings. The issue is theoretically discussed in numerous training programs for cultural mediators and in academic literature. Training documents for cultural mediators often depict the interpreter's role as that of a 'conduit,' unconcerned with facilitating mutual understanding between participants. They portray the cultural mediator as better equipped to navigate cultural barriers because they actively contribute to mutual comprehension. In this perspective, the

interpreter is sometimes portrayed as a 'machine,' while the cultural mediator is idealized as a vital agent of social change.

According to the 2016 TIME Research Report on Intercultural Mediation for Immigrants in Europe, 'Interpretation aims to convey the meanings of what is said during an interpersonal encounter as accurately as possible. Intercultural mediation is a much broader and more enriched way of communicating messages from sender to receiver and vice versa. Thus, intercultural mediation bridges cultures, meanings, silent languages, terms, and collocations. Interpretation differs from intercultural mediation mainly because it primarily focuses on language structure rather than the deeper meanings of a message.' The report also states that 'the third person at the heart of the mediation is a key element – no mediation would be possible without this third person. A mediator enables individuals, and particularly social or cultural groups, to avoid living in isolation, unrecognized by the rest of the population, ignored, despised, or rejected in meaninglessness and violence.' In intercultural communication, cultural mediators focus on the 'inner meanings of messages,' while interpreters are viewed simply as conveyors of 'linguistic messages.' In social contexts, cultural mediators are idealized as saviors of vulnerable individuals and groups. Such assertions are made without sufficiently clarifying the role of cultural mediators as communication professionals within the framework of refugee and migrant protection.

Critics of this viewpoint argue that reducing the interpreter to a mere 'conduit' disregards the deconstruction of the 'interpreter as conduit' model over the past few decades and the extensive research that highlights the visibility and agency of interpreters. It is widely recognized that the role of an interpreter extends beyond the passive 'conduit' role defined by traditional normative frameworks of accuracy and neutrality. Interpreting is no longer perceived as a machine-like passive activity; interpreters are acknowledged as active participants in the coordination of communication and the construction of meaning. Therefore, it cannot be asserted that interpreters serve solely as machine-like conveyors of words without engaging with deeper meanings or cultural nuances. Additionally, community or dialogue interpreters participate in complex interactions that inevitably influence them. Interactions are, in turn, shaped by the interpreters' contributions in facilitating dialogue as active participants in coordinating discourse.

Critics contest the overly simplistic comparison of the interpreter's role to that of the cultural mediator. They further emphasize that cultural mediators are often not trained interpreters, as they frequently begin working without prior training and experience, with their training focused more on competencies related to refugee and migrant protection rather than language and interpreting

skills. Some conclude that there is no essential difference between intercultural mediation and community interpreting concerning interpreter training. Advocates of cultural mediation have inaccurately promoted the idea of interpreting as a mechanical activity to elevate the profile of the cultural mediator. The only difference between the two roles is that cultural mediators or intercultural mediators undertake additional valuable tasks for protection actors (Pokorn & Južnič, 2020).

This conclusion reflects a general consensus among critics that while cultural mediators are important for certain tasks, they should not be regarded as interpreters. Their contributions to facilitating intercultural communication can only be validated by inaccurately portraying the 'interpreter as conduit' model and underscoring cultural mediators' unique skills and competencies. This viewpoint has partly emerged due to a lack of standardization in addressing cultural mediators' roles, scope, and ethics. Without defining and describing cultural mediators as distinct communication professionals in the context of refugee and migrant protection, along with their specific knowledge, skills, and attitudes, it would not be possible to differentiate their profession from community interpreting.

The belief that cultural mediators are merely untrained community interpreters who serve a vital role in protection-related tasks on the ground is as simplistic as viewing the community interpreter as a conduit. This suggests that, as communication professionals, cultural mediators have contributed nothing innovative to facilitating intercultural communication; while they might be valuable for other tasks and purposes, they are seen as ineffective in facilitating communication as interpreters. Furthermore, it is frequently assumed that cultural mediators can perform specific roles, such as advocating for patients on the ground, which are beneficial to protection actors because they are not bound by the ethical standards of professional interpreters. This deviation from ethical guidelines is perceived as the sole factor distinguishing them from community or public service interpreters. Unfortunately, even training programs for cultural mediators often reinforce such perceptions. According to the 2016 TIME report, while interpretation is a regulated profession and cultural mediation is not, «a professional interpreter must adhere to certain standards and a code of conduct including, among other things, the verbatim conveyance of the parties' words without adding or omitting anything, without expressing one's own opinion, agreement, disagreement, or stance, and without substituting any of the involved parties. In contrast, intercultural mediation focuses on issues of culture and language, emphasizing communication's complex and interdisciplinary nature.» It should be noted that deconstructing the 'conduit' model of the interpreter, which is tied to consecutive and simultaneous conference interpreting in

legal and political arenas, takes decades. The profession of conference interpreter was born during the 1919 Paris Peace Conference and evolved to incorporate simultaneous interpretation with advancements in technology, particularly linked to the Nuremberg trials, enabling communication among individuals speaking four languages (Gaiba, 1998).

During the 1919 Paris Peace Conference, Paul Mantoux of the French military interpreter corps emerged as a famous conference interpreter due to his extensive knowledge of English and insights into British culture, thanks to his background as a historian of the British Industrial Revolution. Mantoux was a highly skilled interpreter who utilized full consecutive interpretation, allowing a speaker to complete a portion of their speech uninterrupted before interpretation began; thus, he is regarded as the founder of conference interpreting (Baigorri-Jalón, 1999). Full consecutive and note-taking remains one of the primary methods in conference interpreting. Moreover, Mantoux became well-known as a public figure due to his remarkable talent and connections with the political elite of his time, contributing to a sense of glamour and prestige in conference interpreting that persists to date, establishing a hierarchy in the field of intercultural communication concerning status and remuneration. Subsequently Hollywood movies also glamorized the official United Nations interpreters who were tasked with accurately delivering some of the most decisive rulings in modern history. This has also played a role in sustaining the strict normative framework tied to the conduit model. While theoretically outdated, the conduit model continues to influence various codes of professional ethics, promoting the invisibility of interpreters (Okoniewska, 2022). Sherman and Shaffer (2005) note that from an early conduit model of the interpreter, characterized by metaphors like the telephone, various models have evolved over time, encouraging interpreters to acknowledge their active role. Although this evolution represents a shift away from conduit models regarding the interpreter's function, conduit thinking often persists as an «unquestioned assumption about how human communication works,» and «despite our best efforts to eliminate it from the field, the conduit model remains, driven underground.» Similarly, Martínez-Gómez (2016) states that «studies about interpreters' self-perception of role have shown that the interpreter's paradox is still notably prevalent in the profession. Despite growing evidence of its limitations, the academic and professional ideology favoring the conduit model remains largely unchallenged, even among interpreters.» While the deconstruction of the interpreter's conduit role also pertains to court interpreting, and the challenges faced by court interpreters in accurately conveying a speaker's intended message have been discussed for decades, in practice, court

interpreters are often expected to maintain an unrealistic and counterproductive level of accuracy (Morris, 1995). In this context, it is understandable that training programs for cultural mediators tend to oversimplify the interpreter's role, and that clients and/or end-users find the direct involvement and interventions of cultural mediators in interactions to be a markedly different experience than that of having a trained professional interpreter present. The comparison between cultural mediation and community interpreting, where advocates of cultural mediation claim that cultural mediators excel in fostering positive interactions, while critics argue that their lack of proper training and focus on conflict management and advocacy compromise their neutrality as communication facilitators, creates a competitive and adversarial dialogue surrounding issues of intercultural communication, which does not contribute constructively to solutions in real-world scenarios.

A comprehensive examination and discussion of these issues is not the focus of this work and falls outside its scope. Analyzing cultural mediation solely from a linguistic or sociolinguistic perspective is not entirely sufficient. Cultural mediators in the realm of refugee and migrant protection primarily function within the broader international legal humanitarian framework. This specific and significant aspect of their work must be considered to grasp their role fully. In contrast to power politics, when humanitarian issues arise, the concepts of accuracy, neutrality, and confidentiality must be reevaluated and established according to international humanitarian norms. In this regard, community interpreting and cultural mediation overlap in practice, sharing elements of context and setting but also differ in conception of role. Therefore, it is more relevant to examine the commonalities between the work of the community interpreter and the cultural mediator to better understand the cultural mediators' approach to communication facilitation and distinguish their work from that of the community interpreter within the context of refugee and migrant protection – the work of pioneering researchers in interpreting highlights these commonalities.

In her research, Cecilia Wadensjö (1998) analyzes interpreter-mediated communication and describes interpreting as interaction, which contributed to a radical shift in the concept of the interpreter from a passive, invisible conduit for relaying messages to a definition of the interpreter as a cultural mediator. Ian Mason (1999) defined dialogue interpreting as «variously referred to in English as community, public service, liaison, ad hoc, or bilateral interpreting – the defining characteristic being interpreter-mediated communication in spontaneous face-to-face interaction.» Mason's work established a fundamental distinction between approaches to interpreting monologue and dialogue, emphasizing that

the interpreter inevitably becomes an active participant in dialogue situations. Claudia Angelelli (2004) examined issues related to community interpreting and framed it within a social context, distinguishing it as a speech event. Based on her research, which involved studying interpreter-mediated interactions in medical cross-cultural settings and identifying ways in which the interpreter demonstrates visibility, Angelelli asserts that «the interpreter's invisibility is a myth,» and presenting it both as fact and ideal raises concerns. Angelelli argues that this concern exists on both theoretical and practical levels. In her view, for the field of interpreting to progress, there must be an underlying theory, yet «a theory based on a myth [the interpreter's invisibility] is not a substantial theory.» The idea of an invisible interpreter is merely a myth, and a potentially dangerous one at that. The notion that interpreter-mediated interaction can enable two parties who do not share a common language to establish a direct rapport as if no mediating element were present is unrealistic and thus misguiding and impractical.

Angelelli's model of medical interpreting proposes that the interpreter's visibility and agency can be observed when they undertake one or more of the following in an interpretative communicative event (ICE):

- introduce or position themselves as a party to the ICE, thus becoming co-participants and co-constructors;
- set communication rules (for example, turn-taking) and control the flow of information;
- paraphrase or explain terms or concepts;
- adjust the message along the register scale;
- filter information;
- align with one of the parties;
- assume the role of one of the parties in the ICE.

According to Angelelli (2020), interpreters are essential for bridging cultural communities of providers and patients; therefore, cultural mediation is necessary to achieve shared understanding. Angelelli examines interpreter-mediated health encounters (in-house medical interpreters at hospitals) to investigate «the roles and responsibilities in the construction of (mis)understandings among patients, healthcare providers, and interpreters.» She concludes that during interactions, interpreters can take on tasks and roles belonging to service providers, such as documenting medical history and explaining medical procedures, and are often encouraged by the service provider to do so. Angelelli notes that this type of role shifting can negatively impact interactions, stating that each participant, including the interpreter, must remain within their roles' boundaries for mutual

understanding. Similarly, Davitti (2013) finds that dialogue interpreters actively engage during parent-teacher meetings. While they seem to strive for common ground, their focus remains on facilitating smooth communication by ensuring parents concur with teacher assessments. The outcome is that teachers permit interpreters to undertake some of their tasks, while parents are unable to express their agency in the interaction. It is recognized that in an interpreter-mediation interaction, three parties participate in dialogue (or trialogue, or three-cornered interpreting, as some prefer) and interact. Thus, the question arises: what should the third bilingual and bicultural mediating side do to ensure mutual under-standing while upholding the ethical values of accuracy, neutrality, and confidentiality? Roy, C. (1990) famously quoted Fritsch-Rudser's comment at an interpreter's conference: «Interpreters do not have a problem with ethics; they have a problem with role.» This quote appears in several works to emphasize and highlight the dilemma facing community interpreters: not how to uphold ethical values, but how to do so within their assigned roles. The conclusion reached is that it is not feasible; hence, the role needs redefinition and a fresh description.

Given that theoretical expectations regarding their role were unrealistic, community interpreters were forced into a different role for which they were not trained, managing delicate social or, one might say, 'human situations.' They endeavored to address communication gaps to the best of their ability, despite unrealistic limitations imposed upon them, which impacted communication negatively or positively. Academic efforts to describe the interpreter's role as a cultural mediator reveal differing opinions on defining their role as mediators in an interaction. One aspect of interpreting as cultural mediation is interpersonal mediation, or, as Pöchhacker (2008) refers to it, 'contractual mediation.' Conflict management and advocacy are frequent tasks of the cultural mediator in the context of refugee and migrant protection. In Pöchhacker's proposal, this third element, 'contractual mediation,' which involves handling interpersonal relations or conflicts, is distinguished from linguistic/cultural and cognitive mediation and should be separated from interpreting. Pöchhacker seeks to establish interpreting as 'cultural mediation' but makes a distinction from interpersonal mediation, recommending that the dimension of 'contractual mediation,' which involves handling intercultural conflict and interpersonal relationships, be excluded from the scope of the interpreter as mediator. According to Baraldi (2015), Pöchhacker emphasizes a clear distinction between the roles of interpreters and contractu-al or conflict mediators, also known as intercultural mediators. Concerns arise because cultural mediators are «employed not only for translating between the languages of host communities and those of migrant communities but also for

managing cultural differences that may arise during public service encounters.» Pöchhacker appears to worry about the emergence of a professional field where the task of fostering positive intercultural relations between parties is separated from – and potentially takes precedence over – the task of mediating between languages, resulting in a professional sphere where the primary expertise lies not in interpreting. For this reason, Pöchhacker is often quoted as saying, «Every interpreter is a mediator (between languages and cultures), but not every mediator is an interpreter.» Although Pöchhacker (2008) envisions the possibility of the same individual being able to engage in both interpretation and mediation, he does not see this occurring simultaneously. He believes that these activities must remain distinct, and clients should be informed about which services will be provided.

However, viewing interpersonal mediation as a significant departure from the interpreter's function may be unwarranted. Based on research into the roles of cultural mediators in Italian healthcare, Baraldi (2015) notes that «while language mediation is always cultural mediation, this does not necessarily mean that it is also intercultural mediation,» concluding that intercultural mediation is «a subset of the dialogic form of language mediation, which promotes patients' perspectives and allows doctors to explore patients' problems and needs.» The complexity of interpreting as a form of mediation is a topic that requires further exploration. Baraldi views intercultural mediation as interlinked with language mediation, stating that «intercultural mediation is vital because, while institutional cultural presuppositions are well-established, it is assumed that new cultural forms, which may not be known or accepted by institutions, can lead to significant issues in interaction. In this regard, the intercultural dimension of language mediation involves enabling the expression of cultural diversity in interactions, thus fostering positive intercultural communication.» Davitti (2013) describes dialogue interpreting as «closely intertwined with intercultural mediation, a social activity that promotes cultural acceptance, participation, mutual understanding, and empowerment.» Davitti argues that dialogue interpreting and intercultural mediation are complementary, closely related aspects of what can ultimately be conceptualized as «mediating across the boundaries of language and culture.» For Davitti, separating dialogue interpretation from intercultural mediation – concentrating linguistic analysis on dialogue interpreting, and adopting a goal-oriented approach to studying intercultural mediation as an activity necessary for cultural acceptance, cohesion, and the empowerment of participants – neglects the fundamental reality that these goals are «ultimately achieved through language.» Baraldi (2006) clearly articulates the untenability

of this dichotomizing perspective: «[I]nterpreting raises issues of cultural acceptance that can be addressed through translation; however, mediation does not occur after interpreting; it always occurs through interpreting.» Davitti further explains that while dialogue interpreting does not always overlap with intercultural mediation, and encounters may not present interactions typically associated with traditional mediation, as participants may not be coming together due to an existing cultural conflict, «the risk of tensions cannot be entirely discounted.» Additionally, «intercultural mediation differs from conventional conflict resolution: it requires interpreters not only to address but also to mitigate subtle potential misunderstandings and coordinate various cultural premises to establish common ground for interlocutors. Resolving, preventing, and coordinating are crucial for the event's success.» This depiction of the challenges frequently encountered in intercultural interactions and the strategies to manage them closely resembles the work of cultural mediators in contexts involving refugees and migrants. While Baraldi and Davitti appear to be reshaping the differentiation between (inter)cultural or contractual mediation and interpreting by underscoring that interpersonal mediation is also a linguistic and communicative activity conducted through interpreting, there are instances where a contrasting approach has been adopted. In Ireland, a model has been established that distinguishes between the cultural mediator tasked with managing conflicts in healthcare services and the medical interpreter who assists patients in communicating with the doctor during medical exams. Medical interpreting and cultural mediation are considered two distinct but complementary professions.

According to Martín and Phelan (2009), «[I]n the last six years, cultural mediators in Ireland have been trained not to be interpreters but to assist immigrants accessing and utilizing healthcare services and to mediate in situations of conflict between healthcare providers and patients. Meanwhile, interpreters have been hired to bridge the language gap.» Martín and Phelan propose a model where cultural mediators should empower refugees and migrants to access health services while mitigating any potential conflicts or misunderstandings arising from cultural differences before the healthcare user meets the healthcare provider. For this purpose, the cultural mediator would meet both parties separately and together as needed. After resolving these issues, the healthcare user can proceed to consult with the health practitioner for a medical exam, using a medical interpreter for communication. They also contend that cultural mediators should refrain from advocating for patients, although some codes of conduct allow for this. The emergence of specific profiles under particular circumstances also influences their development. For instance, in comparison with Ireland It-

aly has a long history of immigrant communities, while «medical interpreting and cultural mediation are emerging professions in Ireland, where large-scale immigration is a relatively recent phenomenon, leading to unclear and confusing boundaries between both roles for many healthcare providers.» Additionally, for Martín and Phelan, the chaotic situation concerning the role of the cultural mediator across Europe, where the terms interpreter and cultural mediator can seem synonymous, poses challenges. In France, Italy, and parts of Belgium and Germany, the terms interpreter, cultural mediator, and intercultural mediator are often used interchangeably, leading to unclear role boundaries. This situation echoes Pöchhacker's concern that an inherent ambiguity and confusion may arise from equating 'interpreting' with 'mediation,' potentially hindering progress in community interpreting. A comparable distinction is noted in Slovenia, where community interpreters were unavailable for the numerous languages spoken by refugees and migrants during the European Refugee Crisis. In contrast, the previous crisis stemming from the civil war in Yugoslavia did not present monumental challenges since the language variations within other parts of former Yugoslavia were not significant, and many Slovenes were familiar with the shared language of Serbo-Croatian. Problems emerged, however, with Albanian speakers and during the migration of refugees who spoke languages like Arabic and Farsi (also known as Persian).

Like in other European countries, intercultural communication was often left to anyone who could speak Slovene and another necessary language. This led to the establishment of national vocational qualification standards for community interpreters and cultural mediators. The National Vocational Qualification (NVQ) for intercultural mediators is not language-specific; it does not demand a high level of language mastery and primarily focuses on social work and counseling. Although intercultural mediators work to bridge language gaps, their role is not to facilitate direct interpretation between parties who do not understand each other. Instead, they aim to explain the healthcare, legal, or educational systems of the host country, thereby empowering users of public services. In contrast, community interpreters ensure accurate transmission of the source language message to the target language, making them essential in situations where precision is critical, such as during hospital admissions, history-taking, discharge, and asylum interviews (Pokorn & Južnič, 2020). According to Pokorn and Južnič, the NVQ was established to address the issue of «two different profiles with similar yet distinct tasks, competencies, and ethics working side by side: community interpreters and intercultural mediators.» Like Martín and Phelan, Pokorn and Južnič seek to differentiate community interpreting from cultural

mediation based on linguistic competence; community interpreters are expected to have greater linguistic knowledge and skills for high-risk settings, while cultural mediators are anticipated to possess the knowledge and skills necessary for information dissemination, establishing and facilitating intercultural communication within institutions and society, and promoting dialogue between refugee/migrant communities and host society members. Consequently, the primary role of the cultural mediator is described more as that of a social actor, whereas the community interpreter's main responsibility is linguistic interpretation. This perspective is also influenced by Pöchhacker's belief that interpreting should not be assigned to cultural mediators, as further explained by Pokorn and Južnič in their article Community interpreters versus intercultural mediators: Is it all about ethics? They support Pöchhacker's view that mediation pertaining to conflict management should involve a professional other than the community interpreter and that cultural mediators employed by migration-related NGOs have assumed interpreting responsibilities due to a shortage of community interpreters for specific languages. This viewpoint presents a challenge regarding how the profession of cultural mediation is perceived, categorizing mediation related to conflict resolution as a separate competency while highlighting the lack of bilingual and bicultural resources for certain languages as a significant factor in distinguishing between community interpreting and cultural mediation. This approach can be seen as both purist and pragmatic; it emphasizes the preservation of community interpreting as a profession within an evolving normative framework rooted in outdated norms of invisibility, while also addressing the practical need to manage communication tasks outside the scope of the community interpreter's role by delegating such tasks to cultural mediators, who are perceived to require a lower level of linguistic knowledge and interpreting skills.

The application of this approach raises two issues. One is that, although the cultural mediator's main task is not viewed as interpreting within a specific interaction related to community or public service interpreting, they are still tasked with facilitating intercultural communication, disseminating information, and enhancing intercultural dialogue. These responsibilities require linguistic and cultural knowledge as well as interpreting skills. While they possess a strong social dimension, this does not imply that these tasks can be performed properly by someone with subpar linguistic and interpreting abilities. Providing information and guidance, as well as establishing and facilitating communication between service providers and members of the host society and refugees or migrants, are complex, delicate tasks that ideally necessitate a high level of bicultural knowledge inherently linked to a corresponding level of bilingual knowledge. The sec-

ond issue concerns the neglect of the context of refugee and migrant protection, in which many cultural mediators facilitate communication, and the need for a protection-sensitive approach. When examining the role of the cultural mediator, experts in translation and interpreting studies consider the aspect of interpersonal or contractual mediation, as Pöchhacker refers to it. However, they often overlook the context of protection or the humanitarian aspect.

An example provided by Pokorn and Južnič in their article about NVQ for community interpreters and cultural mediators in Slovenia illustrates a dilemma faced by a cultural mediator for Albanian and Slovene:

> Last week, I was making my rounds with a community health nurse. We visited an acquaintance who had just given birth to her first child. It was a routine visit, and it went smoothly without any complications. However, just before we left, the mother of the newborn took me aside, asked me not to tell anything to the nurse, and whispered that she felt overwhelmed and had urges to end it all by killing herself and the baby. I kept that for myself. Now, I have trouble sleeping; I keep checking in with her family to ensure she and the baby are OK. I do not know what to do!

This same example is referenced in the Slovene Standards of Practice for Community Interpreters, where the solution is outlined in the ethical principle of non-disclosure. This principle does not apply if withholding information could lead to harm, and such information should only be disclosed to a qualified individual able to address the issue – in this case, the health nurse and not the mother's family. In this instance, the cultural mediator's inadequate response is not due to a lack of linguistic or interpreting skills but rather a deficiency in training regarding ethical principles in interpreting and protection training. A cultural mediator with a robust protection-sensitive approach would avoid such an oversight. Their primary motivation for sharing the information with the health nurse would be to address a severe and immediate protection concern. Worries over the interpreting abilities of cultural mediators and their capacity to uphold the principles of neutrality, accuracy, and confidentiality, especially if they are also tasked with conflict management and advocacy, are understandable. Conversely, distinguishing between the medical interpreter and the medical cultural mediator in Ireland, or the community interpreter and the cultural mediator in Slovenia, is based on the assumption that tasks essential to the well-being of both refugee and migrant communities and their host societies – such as fostering good relations, successful intercultural dia-

logue, and assisting with integration – are not primarily centered on interpreting, even if they involve it. Such tasks could be effectively managed by cultural mediators lacking well-developed linguistic and interpreting skills, a premise worth questioning. In these approaches, it is also assumed that once an interaction begins, for example between a doctor and patient, following consultations with the cultural mediator, no new situations will arise during the interaction that exceed the interpreter's role.

Another assumption behind this distinction (as seen in the case of the Ireland model) is that when individuals providing interpretation strive to keep communication accessible and engage in advocacy for those in vulnerable situations who cannot access their entitled rights and services, they will, by default, become unable to maintain neutrality, accuracy, and confidentiality. However, this assumption lacks a solid foundation beyond concerns regarding the linguistic capabilities of cultural mediators and their personal ability to retain neutrality and objectivity. There is no inherent incompatibility between interpreting, conflict management, and advocacy that would inevitably lead to ambiguity and confusion, nor do conditions exist that would cause a failure to uphold fundamental ethical values when these activities are combined into a single profile. On the other hand, certain profiles should not be combined because doing so would unavoidably violate ethical principles. For example, there is a strong argument to be made against the dual profile of a cultural mediator and bilingual protection case worker or interpreter and bilingual mediator in Alternative Dispute Resolution (ADR) because such mergers compromise the principle of confidentiality. Consider a scenario in which a cultural mediator facilitating communication between an Unaccompanied and Separated Child (UASC) migrant and their caregiver at a state social welfare accommodation facility learns that the child is a survivor of Sexual and Gender-Based Violence (SGBV) but is not receiving adequate psychological support. If the cultural mediator reports this to their organization or an agency advocating for the rights of refugees/migrants, it would constitute a severe breach of confidentiality. In this scenario, the cultural mediator assumes the responsibilities of the child's caregiver and/or legal guardian, whose duty is to identify the problem and take necessary steps. The cultural mediator might act this way because they believe the child's caregiver and/or legal guardian have failed to address the issue due to protection gaps or because their organization has a vested interest in reporting individual cases to demonstrate their value. If the cultural mediator directly advises the caregiver to ensure psychological support is provided, they may be meddling in the work of others, overstepping their boundaries.

Likewise, bilingual mediators may confront dilemmas regarding confidentiality and disclosure, jeopardizing the dispute-resolution process (Bernal, 2007). However, cultural mediators in refugee and migrant protection do not encounter such situations. Ethical confidentiality discussions pertain to bilingual mediators in ADR, who assume dual roles of interpreter and mediator, which do not apply to cultural mediators. Unlike bilingual mediators in dispute resolution, cultural mediators in refugee and migrant protection do not engage with conflicts and disputes related to the justice system. The Irish or Slovenian model is not universally accepted, practical or cost effective, and in many countries, the health sector favors services provided by cultural mediators. Numerous project evaluations have validated the positive role cultural mediators play in facilitating communication within the health sector, such as the 2019 WHO Health Evidence Network Synthesis Report 64 by Hans Verrept and the IOM regional project Re-Health – Support to Member States under Specific Migratory Pressure in their Response to Health-Related Challenges, which was implemented from July 2016 to July 2017.

Ultimately, healthcare is not the sole area where refugees/migrants access service providers in a host environment. Relevant service providers in refugee and migrant protection are interconnected through referral pathways and applicable Standard Operating Procedures (SOPs) to coordinate timely assistance when needs arise. In this protection-oriented approach, elements of cultural mediation related to conflict management have a natural role in facilitating intercultural interactions, particularly when these interactions are prone to misunderstandings and conflicts that can lead to severe consequences for marginalized groups or vulnerable individuals. Service providers are qualified to work in various relevant services, from healthcare to employment. They are not protection case workers. However, frequent contact in such contexts between cultural mediators and refugees/migrants may lead to the identification or disclosure of general protection concerns.

Cultural mediators with well-developed protection sensitivity can identify refugees and migrants in vulnerable situations through interactions with service providers. For instance, during an interview with a potential employee, an asylum-seeker shares their previous work experience, which alerts the cultural mediator to the possibility that they may have been a victim of trafficking in their country of origin. With the asylum-seeker's consent, they could be referred to appropriate organizations, such as legal aid and psychological support, through established referral pathways and relevant SOPs. Given that bilingual and bicultural human resources are limited or non-existent for specific languages in

many countries, a common trend has emerged to utilize members of the refugee and migrant community. Their status is sometimes regularized due to the need for their communication services, but their command of the host society's language and culture often falls short. This trend is widespread; although initial emergency conditions have evolved, there has yet to be a coordinated and standardized effort toward training and capacity building. This training is necessary to ensure that the responsibility of establishing intercultural communication in sensitive areas of refugee and migrant protection can be entrusted to cultural mediators with strong linguistic and interpreting abilities, interpersonal mediation skills, and a well-developed, protection-sensitive approach to communication. There should be clear definitions of areas where cultural mediation services are beneficial.

NGOs and other relevant actors continue to employ bilingual individuals from refugee and migrant communities without enhancing their linguistic and interpreting skills, acknowledging that they may have limited proficiencies but can still perform their duties. Considering the severe shortage of bilingual human resources across Europe, this approach is undesirable in the short term and impractical in the long run. According to the European Union Agency for Asylum's 2022 Report, European countries face significant challenges in providing interpreting services. Croatia, Greece, Belgium, and Spain have reported a lack of interpreters in various migration-related service areas, including return procedures, asylum application processing, social services, education, and healthcare. Some languages and dialects are not represented at all. In such circumstances, insisting on a distinction between community interpreting and cultural mediation – both of which occur under very similar circumstances and share many elements in interpreting methods and ethical principles – by strictly limiting interactions between service providers and refugees/migrants to community interpreters, while disregarding the importance of developing the linguistic and interpreting abilities of cultural mediators already working within refugee and migrant protection contexts, can be both counterproductive and impractical. Nevertheless, this distinction can provide a basis for an interim solution. While cultural mediators with limited knowledge of the host society's language and lacking interpreting skills would require further education and training, they can still offer valuable cultural insights. In such cases, differentiation may be relevant. For example, an Afghan asylum-seeker assisting with communication during a series of Best Interest Determination interviews with Unaccompanied and Separated Children provides crucial insight, indicating that Afghan boys and men may feel insulted when questions concerning female family members are posed, such as asking for their mother's name or the number of sisters in the family.

Regarding the interpreter shortage in certain languages and dialects, caution is warranted. For instance, Afghans speak Dari that resembles Farsi, and they can communicate directly with Iranians. However, there are notable differences in vocabulary and word usage. Often, these languages are deemed similar enough for an interpreter to utilize Farsi instead of Dari. While alternatives may sometimes be lacking, this can create communication problems. It may also be advantageous to implement a differentiation model in such situations by pairing a cultural mediator with limited linguistic and interpreting competence with an interpreter, to provide clarifications.

Case Studies in Practice
(All information that could lead to a breach of confidentiality has been omitted)

Service Gaps in Asylum Interpretation
During an asylum hearing for an Afghan applicant in an EU country, an interpreter from Iran was hired. In the account provided by the applicant, they explained how they traveled from point A to point B in Afghanistan. They stated that this journey was accomplished via 'Qatar.'[1] The term translates to convoy in Dari and train in Farsi. The Iranian interpreter conveyed that the applicant had traveled by train. Since no train was available from point A to point B in Afghanistan, this error cast doubt on the entire testimony of the Afghan applicant. Their asylum application would have been rejected if this mistake had not been discovered during a review.

There are also instances where people may share a language yet not share a culture. For example, Arabs from the Maghreb and other groups in Africa speak French, but their cultures differ significantly from French culture. In such cases, a cultural mediator might be necessary to facilitate communication, provide cultural insights, clarify differences in word usage, and more, without interpreting being their task. Speaking the same language but hailing from a different cultural background is an issue that Martín and Phelan also address in their work. Consequently, models like those described by Martín & Phelan (2009) and Pokorn & Južnič (2020, 2021) could serve as useful interim models, while long-term solutions should be sought by investing resources in standardized,

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[1] The word Qatar qāṭār (راطق) in Arabic and Farsi means train, however in Dari it means convoy.

centralized, and comprehensive training tailored for practitioners and suitable candidates to address needs for languages and dialects that are only minimally, or not at all, covered. While there are many common elements in community interpreting and cultural mediation, and the two can often be interchangeable, distinctions emerge in the profile of the cultural mediator within the refugee and migrant protection context, incorporating aspects of conflict management and advocacy, a protection-sensitive approach to communication, and the humanitarian and ethical principles of refugee and migrant protection that form part of the ethical framework of the cultural mediator.

In this regard, it is also compelling to observe a familiar and broader aspect of humanitarian ethics shaping the foundation of all interpreting, reflected in the fact that interpreters, regardless of their status, abilities, or performance, are aware of the duty that they take on when entrusted with a message with the expectation that it will be conveyed as originally intended. In an interaction between two sides who do not speak the same language, the bilingual individual holds the most power in terms of communication. According to Anderson (1976), quoted by Ian Mason, «the interpreter as the sole bilingual in an exchange enjoys the advantage of power.» Viewing this power as a responsibility arising from being entrusted with a statement is a humanitarian act, as it fosters connections between individuals beyond their linguistic and cultural identities and differences.

This sense of obligation will be manifested as a commitment to the overall quality of communication, regardless of the type of interpreting involved. One could assert that one of the primary qualifications for being an effective communication professional is an awareness of this broader goal. As Roderick Jones (1998) notes in his work Conference Interpreting Explained, «We must not forget that an interpreter is what we might call a 'communication professional.» It is their role to help people come together and understand one another.' Depending on the context of the intercultural interaction, this concern drives efforts to ensure mutual understanding, sometimes at the expense of faithfully preserving the meanings of messages and relaying them as intended between the different parties. This is where conference interpreters, community interpreters, and cultural mediators converge but also diverge. While there are instances when conference interpreters «may tone down comments to take the sting out of a meeting» (Jones, 1998), they are not primarily expected to manage conflict in communication or ensure that participants engage in a constructive interaction.

Power Dynamics in Political Interpretation

A conference interpreter is called to interpret during a meeting between a Western European delegate and the head of state of a Western Balkan country. Initially, the delegate and the head of state have their interpreters; however, as their private discussion becomes increasingly confrontational and heated, the delegate's interpreter (less experienced) feels a high degree of discomfort in relaying harsh utterances with swear words to the other side. At this point, the European delegate allows their interpreter to leave. The dialogue continues with only one interpreter, with the explicit request that the interpreter convey everything said by both sides, including swear words (being previously acquainted with the interpreter and knowing they were competent to carry out their task even under uncomfortable circumstances).

The heated discussion continues, during which the interpreter speaks for one participant and then the other, accurately repeats all utterances, including swear words, with the same tone of voice and body language with which they were initially expressed. The conference interpreter completes the task successfully and receives gratitude from both sides for doing their job well. This anecdote was shared by a high-profile conference interpreter as an example of the interpreter's invisibility. Here, the conference interpreter's task was not to manage conflict but to enable interaction between participants. The two politicians expressly wished to engage in private debate without any interference and to hear each other's messages intact without the omission of any offensive vocabulary or swear words, and the interpreter was successful in their task because they provided them with the opportunity to do so. The power that inherently belongs to the interpreter cannot be exercised in conference interpreting settings, despite their 'active role' in the construction and conveyance of meanings and interventions to help people understand each other. In the political domain, conference interpreters are part of interactions such as negotiations between entire nations that can have monumental consequences, including sanctions, wars, etc., but the power is held entirely by the participants they interpret for.

On the other hand, dialogue interpreters or community interpreters work in situations where they have the scope and possibility to exercise their power in the interaction. Participants on either side have certain expectations of them and might even rely on them. In these encounters, the success of communication and positive interactions is usually tied to situations in which a solution is required by both service users and service providers, for example, doctors and patients, social workers and their beneficiaries, etc. Communication success is often connected to direct consequences for an individual in a vulnerable situation. Whether a

community interpreter or cultural mediator, if the communication professionals are aware of their ethical responsibilities as human beings able to create better mutual understanding, they will do their best to ensure that communication between service providers and users is successful, so that a solution is found. This implies that they will inevitably exercise some of the power that inherently belongs to them, however, this is also the slippery slope where lack of clarity regarding role boundaries can result in interpreters impacting the interaction negatively or positively.

Refusal and Cultural Misunderstandings in Healthcare

A pregnant Arab woman, accommodated with her husband and children at a state reception center in a country on the Western Balkan route during the European Refugee Crisis, has frequent episodes of bleeding, indicating a significant risk of life-threatening miscarriage. Each time, the center manager calls the medical emergency service and the patient is advised to be admitted to the hospital to avoid risks to her life, but she persistently refuses.

The center manager and medical staff have discussed the matter with her. However, she refuses to change her stance, causing severe problems, as the emergency services complain to the center manager that they are called in each time the patient suffers an episode of bleeding, when she needs to be hospitalized for proper treatment. During an emergency visit to the hospital, the doctor warns the patient of the risks again, this time with the help of a female cultural mediator for Arabic. During their rather lengthy conversation, it is finally revealed that the patient had formed a misconception that if she were to be hospitalized, doctors would terminate her pregnancy. The misunderstanding had occurred during her first examination with a doctor who had pointed out to her and her husband that the fetus was showing signs that the baby would be born with severe physical disabilities, and should the couple wish to terminate the pregnancy, the option was available. The couple had strongly disagreed but had gone on believing misguidedly that in the country in which they were at the time, it was a norm to terminate all pregnancies that could result in the birth of babies with disabilities. Therefore, they saw all subsequent efforts at persuading her to accept hospitalization as attempts by hospital staff and the center manager to terminate her pregnancy forcefully.

Once the cultural mediator grasped the cause of the patient's attitude, it was easy for the doctor to clear up the misunderstanding and reassure the patient that no such procedure could be carried out without her informed and written consent and the treatment being offered at the hospital was to prevent miscar-

riage and possible risks to her life. The woman accepted hospitalization, and her condition stabilized. It remained unclear how the initial misunderstanding had come about, but it is evident that communication during the first medical exam was unsuccessful. This case study contrasts starkly with the earlier study concerning dialogue between two political figures. The cultural mediator's task is to help find the cause of the conflict, and the success of communication is crucial because the lives of a mother and child depend upon it.

The essential point here is not that a community interpreter and cultural mediator would behave differently, but that they are likely to behave similarly. They will actively engage in the conversation, provide additional information and explanations to both sides, ask questions to understand the situation better, and contribute their utterances to reassure and calm the distressed patient. Community interpreting and cultural mediation share context and setting, but while there are similarities, there are also some differences. The cultural mediator's approach, instead of having evolved from invisibility-dominated norms, developed from an explicit presence in the interaction not just because the pioneering cultural mediators were previously untrained 'natural interpreters' but also because they based their role on empathy and advocacy and were trying to secure rights and services for refugees/migrants and negotiating on their behalf with service providers, an element essentially related to protection.

For cultural mediators working in the refugee and migrant protection context, the goal of successful interactions is connected to a heightened duty of care because they are working with vulnerable individuals. This is why they are expected to possess refugee and migrant protection-related competencies and participate in interactions with a protection-sensitive approach. According to the United Nations Human Rights guidance on the human rights protection of migrants in vulnerable situations, «The concept of vulnerability is a foundational element of the human rights framework. Together with the requirement to uphold human dignity, the need to recognize and address vulnerability underpins the legal obligation of States to respect, protect, and fulfill human rights. 'Migrants in vulnerable situations' are thus persons who are unable to effectively enjoy their human rights, are at increased risk of violations and abuse, and who, accordingly, are entitled to call on a duty bearer's heightened duty of care.»

The concept of a duty bearer's 'heightened duty of care' applies to all actors involved in protection, according to their mandate and role. Similarly, the cultural mediator, as a communication professional in the refugee and migrant protection context, must make efforts to ensure successful communication and positive intercultural interactions. This duty is related to the protection element

in their work, linked to conflict management and advocacy, and cannot be separated from it. This could be considered a divergence regarding the roles of the community interpreter and the cultural mediator. Protection-sensitive communication involving the provision of cultural insights, managing conflicts, and carrying out advocacy, if necessary, is part of the work of the cultural mediator in the context of refugee and migrant protection. However, it is not a professional requirement for the community interpreter.

Davitti (2013) observes, «While dialogue interpreters may contribute greatly to ensuring that parties interact, they are not bound to facilitate the dynamics of communication or help establish common ground between the two sides.» Thus, in the refugee and migrant protection context, the role of the third bilingual and bicultural mediating side is much more explicit than in community interpreting. Another aspect of the discussion related to community interpreting and cultural mediation is the difference in the status of the communication professionals engaged in the two fields of intercultural communication. While there is considerable overlap between the two profiles in practice, and both areas lack desirable levels of standardization, when it comes to recognition and acknowledgment of their profession, community interpreters are in a slightly better position. The International Organization for Standardization has developed Guidelines for community interpreting. In many countries, the status of community or public service interpreters tends to be better than that of the cultural mediator working in the refugee and migrant protection context regarding teaching and training tools, established codes of conduct, affiliation to language service providers organized according to internal or even national regulations, and focus on their work in academic investigation.

Conversely, cultural mediation is unstandardized, making assessing the quality of services provided a complex task. Cultural mediators usually work for the civil sector in NGOs, but these organizations cannot be held accountable as language service providers because they operate without a regulatory framework. Standardization of cultural mediation can resolve the overlap between community interpreting and cultural mediation. Protection needs would guide us in determining where and under which conditions cultural mediators are to assist in communication with relevant service providers.

Language Barriers and Health Risks During COVID-19

The COVID-19 pandemic created multiple challenges for refugee and migrant communities in various countries around the globe. One significant consequence of the pandemic and related measures was the suspension and disruption of es-

sential services, resulting in harm to numerous social groups in many nations. These effects were particularly severe for refugees and migrants, many of whom were already in vulnerable positions, and many states had limited resources to manage the emergency. Restrictions on freedom of movement transformed state accommodation centers into detention facilities. Refugees and migrants living outside these state facilities were rounded up and forcibly detained in state centers with inadequate food, medical care, and living conditions. In one of the Western Balkan transit countries, apart from a handful of international and local entities involved in refugee and migrant protection, most international agencies and NGOs withdrew their field staff, including cultural mediators. During the state of emergency, when the number of refugees and migrants in various accommodation centers surged dramatically, the lack of interpreters and cultural mediators on the ground resulted in considerable confusion and distrust regarding the measures adopted for refugee and migrant groups.

A primary reason for the absence of cultural mediators during this crisis was that they were employed by NGOs that, despite being de facto language service providers, were not actual providers of language services. No regulations were in place to hold them accountable for failing to provide essential services during a crisis. Moreover, cultural mediators employed by NGOs to deliver language services, did not have a clearly defined understanding of their roles and profession, lacked clear rights and obligations within a binding regulatory framework, and lacked an established code of conduct that outlines their duties. Although provision of language services was critical, especially during a crisis when trust between refugees, migrants, and representatives of different authorities was minimal, and providing accurate information efficiently and effectively through cultural mediators known to refugee and migrant communities as trustworthy individuals was essential, one of the leading NGOs withheld cultural mediation services in state accommodation centers.

A medical team at one of the main accommodation facilities requested direct telephone access to cultural mediators for telephone interpretation while they were physically absent (as opposed to submitting a request to administrative staff and waiting for a cultural mediator to respond, which the overwhelmed medical team could not afford) but the NGO rejected the request. Without adequate information dissemination and communication among refugee and migrant groups, riots erupted in several accommodation centers, prompting authorities to use excessive force, including tear gas and physical violence, to disperse protesters. The failure to provide necessary language services during a crisis was a failure of ensuring fundamental human rights for an organization whose stated aim was

to support refugees and migrants. Furthermore, their complicity in the harmful consequences and severe violations of other fundamental rights of refugees and migrants went unaddressed. No measures of accountability were imposed on the NGO in question. Even though the organization was the de facto language service provider employing a significant percentage of the already limited national pool of bilingual personnel, it was not held responsible under any regulations applicable to cultural mediators.

The quality of service delivery is highly questionable without an established, standardized, and well-regulated intercultural communication service provision system. Without harmonized education and training, assessing the quality of services that cultural mediators provide becomes impossible. The absence of a binding normative framework for the profession means that service provision is subject to arbitrary decisions influenced by personal, political, or strategic interests. The NGO withheld services due to liability concerns in the aforementioned case study. Gathering information about the authorities' violations of refugee and migrant rights during the pandemic and state of emergency was perceived as a potential risk to relations with the state body responsible for refugees and migrants. Although the situation varies from one country to another, many countries face similar challenges regarding recognizing and regulating cultural mediation in refugee and migrant protection as a distinct and separate profile and profession. This has resulted in the undesirable consequence of an essential service becoming entirely unregulated, with its provision reliant on the interests and capabilities of entities employing cultural mediators and viewing them primarily as organizational resources rather than as national assets.

Upholding ethical principles in cultural mediation is only feasible if cultural mediators are no longer regarded as organizational resources, where their employer's goals dictate their work, and where these organizations cannot be held accountable as providers of essential services. Cultural mediators should be insulated from influence by political, strategic, or other interests of their employers, instead possessing a clear understanding of their profession, its scope, and its normative framework.

2. Cultural Mediation in Refugee and Migrant Protection Systems

The 2015 European Refugee Crisis presented several unique challenges for protection systems. As mentioned earlier, one of the key issues was the presence of large population groups from various countries. Although the Syrian population was predominant at the start, groups from Afghanistan, Iraq, and Pakistan quickly grew in numbers. Other groups from African nations such as Eritrea, Somalia, Morocco, and Algeria were also present. In later stages, the diversity of countries expanded even further; for example, there was a sudden and substantial presence of groups from Iran, India, Tunisia, Burundi, Cuba and others, due to Serbia's temporary relaxation of visa requirements for these nations. Changing situations in countries of origin, such as Morocco and Algeria, due to post-COVID-19 economic difficulties, led to increased arrivals from these locations. Another issue was that while large populations typically flee across international borders due to war and violence, they usually do not travel long distances. However, this situation was particularly evident in the European Refugee Crisis. According to a 2016 FRA report, while Turkey and Jordan hosted the most refugees globally in 2015, many continued along the Western Balkan route, heading toward Austria, Germany, and Sweden, among other EU countries. This caused significant strain on reception capacities and asylum systems in the countries of first arrival, transit, and destination.

The movement of Syrians led to other populations joining in because the large influx along the route created favorable conditions for further movement. For instance, Pakistani migrant workers previously predominantly in Greece chose to relocate due to their unfavorable circumstances, such as increased hostility toward migrants and the failure to regularize their status despite years of residence and work in the country. Similarly, Afghans residing in Iran as refugees decided to move due to discrimination and dire living conditions. Afghan refu-

gees in Pakistan also faced issues due to changes in state policies towards ethnic Pashtuns, which associated them with security threats, prompting their migration along the Balkan route. Even though the EU-Turkey deal initially decreased the number of Syrians using the route, other groups continued their irregular movement (secondary movements by Syrian refugees later led to a surge in their numbers along the Western Balkan route).

Solidarity among EU states, founded on respect for human rights and values enshrined in international humanitarian law, began to deteriorate as a parallel process to the growing divisive and polarizing attitudes toward migration. According to a 2015 ICMPD review report, Europe's response to the 2015 Crisis was marked by discord regarding the reception and distribution of refugees. Border security within and beyond the Schengen area was intensified, and border controls were reinstated. EU member states also began amending their national asylum legislation, further restricting the rights of asylum seekers. The Paris attacks ignited public debate about migration and terrorism, despite lacking evidence of a clear link.

After the initial wave of humanitarian assistance when the route was 'closed down,' issues such as 'stranded migrants' surfaced, first in Serbia and later in Bosnia and Herzegovina, as heightened border security complicated mobility. Refugees and migrants either did not want to or were unable to regularize their status in the countries where they were located, and they were also unwilling or unable to return. Those registered for Assisted Voluntary Return frequently attempted to cross borders. The same held true for many involved in extended asylum processes. As a result of push-backs many refugees were repeatedly retraumatized having encountered incidents while attempting to cross borders. As part of advocacy, humanitarian organizations, such as the Danish Refugee Council relied on cultural mediators to collect testimonials to advocate against the use of force by and humiliation by states against refugees attempting to cross borders.

Sovereign states along the route and destination countries implemented differing policies and strategies. For example, while Serbia viewed the relaxation of visa regimes with certain countries as a favorable step for national interests, many individuals arriving from these nations sought to cross into the EU. To manage the resulting influx of refugees and migrants toward Western EU countries, Serbia faced pressure to retract the relaxation of visa regimes with several of these countries.

Since an unprecedented mixed migration caused the crisis, challenges regarding the protection of the rights of all migrants, regardless of their status, under international humanitarian values, became especially apparent. In the aftermath of the crisis, those classified as 'economic migrants,' who lacked the means to regularize their status in the host country, sometimes for extended periods, ceased to

fall under the mandate of any relevant international agency, making states directly responsible for their safety and fundamental rights. However, sovereign states can choose not to extend certain rights and services if their policies discourage irregular migration or if they prefer not to allocate resources towards necessary services. Many EU states and transit countries implemented increasingly restrictive policies concerning refugee and migrant rights, claiming this was necessary to protect their citizens' well-being. Thus, contrary to logical expectations, countries with high human rights standards offered lower quality asylum (Abdelaaty, 2021).

The discord and unpreparedness of the EU in the face of the crisis were reflected in the disorganization of the humanitarian response. During the emergency phase, the initial influx of Syrian refugees to Europe prompted overwhelming humanitarian aid. However, this assistance was not grounded in an accurate assessment of needs. For instance, at the peak of the crisis, organizations in all countries along the route provided food and non-food items in such large quantities that much of it went to waste. People were able to move quickly and did not require large supplies of food or non-food items. Trails of discarded winter jackets, UNHCR blankets, and cans of sardines became a commonplace sight. Nevertheless, once the emergency subsided, narratives and policies shifted despite ongoing needs, leading to a drastic decrease in funding. The outbreak of war in Ukraine provided a stark comparison. Arab and Afghan refugees and migrants voiced their frustration over the disparity in reception conditions. While Ukrainians were embraced with open arms in various EU states, and reception facilities were upgraded for them in many transit countries, policies toward other refugees and migrants became even more stringent, violence by border patrols increased, and the issue began to recede from public discourse. The response was inadequate and highlighted Europe's unpreparedness to handle the challenges presented by the 2015 influx. Given the Ukraine conflict was highly politicized, humanitarian assistance was less restrictive and host countries quickly advocated for integration programs due to harmonized asylum procedures which created less restrictions for Ukrainian refugees. Simultaneously, international non-governmental organizations and relevant international agencies shifted their focus and redirected resources toward new conflicts and crises.

The Political Economy of Migration and Protection

While movement from developed countries to less developed ones, even by unskilled young people, does occur, it is hardly noticeable; however, migration from

south to north has become a politicized, securitized, and controversial economic issue. The stratification in migration becomes more pronounced when considering that distinctions also apply to refugees, with preference granted to educated and highly skilled individuals. Conversely, regardless of their country of origin, individuals with sufficient wealth can purchase access to desired destinations (Savran, 2022). This situation mainly stems from the unpredictable economic impact of a significant influx of irregular migrants with profiles that are often viewed negatively, such as low education and a lack of skills. Additionally, host societies can quickly become anxious about integrating groups from different cultural and social backgrounds. Furthermore, demographic changes can influence their political relations with countries that have large diasporas. The politics surrounding these issues is frequently driven by competing interest groups. Managing human mobility has evolved into a global issue interconnected with other matters such as development, security, and climate change. A global framework of migration, security, development, and human rights has emerged, characterized by controversy and polarizing rhetoric (Pécoud, 2018). As populism continues to rise in Europe, restrictive migrant policies have become a key attribute of political propaganda. Following the most recent U.S. elections, it became evident that despite migrant communities contributing to economic growth, demonizing refugees was a quick route to political victory.

When humanitarian responses are needed in highly politicized and controversial contexts, it becomes challenging to implement them purely on humanitarian grounds, even by non-political actors such as relevant UN agencies and institutions. UN bodies often face constraints in opposing state practices and tend to work through local NGOs or INGOs. However, these civil society actors can encounter similar challenges. Moreover, they often function more as employees rather than partners with the agencies that fund them (Weiss, 2013). During the 2015 European Refugee Crisis, the so-called transit states, including North Macedonia, Serbia, Bosnia-Herzegovina, and relatively recently integrated EU member states like Poland, Hungary, Bulgaria, Romania, and Croatia, presented environments where international and UN actors struggled to provide an adequate protection response. In transit countries, the focus remained on creating and maintaining employment opportunities in the civil society sector due to the Crisis, particularly in less developed areas. Allegations of corruption, including misuse of funds and misappropriation of humanitarian aid, as well as various forms of abuse and exploitation of refugees and migrants by authorities, could not be properly investigated because relevant UN bodies prioritized diplomacy and the maintenance of a mutually favorable status quo among local UN repre-

sentatives and civil society actors. The hastily organized roadmap by powerful EU countries, which sought to transform transit countries into safe third nations for asylum seekers, unfolded without the necessary checks and balances, resulting in failure. The so-called transit countries continued to be just that. This practice can be seen with Libya and Rwanda, which have been proposed as 'safe' destinations.

EU states like Croatia, Bulgaria, and Romania, which have weaker economies and political structures, were expected to align with policies agreed upon by the most influential EU member states. Moreover, countries that served as main entry points into the EU along the Western Balkan route, including Hungary, Romania, and Croatia, adopted policies of denying access to territory or engaging in pushbacks, often accompanied by extreme violence, to deter irregular migration. Despite this ongoing practice, a strong, coordinated effort by relevant UN bodies and mainstream civil society actors was not implemented to put an end to the violence. A similar trend was observed in Turkey and Greece, where the detention and forced removal of refugees and migrants had become standard and normalized practices. Following the recent escalation in Iran, many Iranians who fled to Turkey have faced negative stigma, with some social media outlets drawing unfavorable comparisons between Iranian and Syrian refugees, despite the fact that those who fled are mostly dual nationals intending onward movement.

Throughout the European Refugee Crisis, the protection response remained consistently inadequate and weak, often compromised by the interests of local civil society actors. International agencies struggled to advocate for upholding humanitarian values and to oppose powerful political influences. Information gathered by humanitarian actors became instrumental in achieving goals related to controlling migration flows and establishing consensus around prioritizing security concerns. The imbalance between security and human rights approaches resulted in the use of information to manage the influx of people and the externalization of EU border security. Additionally, a dramatic division between a migrant and a refugee still exists. For example, climate migrants or young men fleeing for favorable economic opportunities are marginalized and considered unworthy of humanitarian assistance. Meanwhile, there was little focus on developing a comprehensive understanding of the dynamics of irregular movement, which would include migrant perspectives in protection responses, and the implementation of pragmatic strategies to address the Crisis while upholding human rights, all to create long-term solutions. This situation partially occurred due to the operational dynamics of certain international migration-related bodies. As INGOs and NGOs often competed for funding, information was filtered and directed based on strategic interests. Information that would be vital for im-

plementing humanitarian activities was often used to advance various political agendas, prioritizing the political interests of donors.

Differences in mandates and donor interests pose additional challenges in this regard. INGOs and local NGOs in various countries are implementing projects funded by different international bodies with specific mandates that focus on relevant information while neglecting other key details. For instance, if an NGO is funded by an agency focused on access to asylum, it will only report and channel information relating to that issue, lacking any mechanisms to share information about other protection concerns with the appropriate bodies, despite potentially having access to it.

Trust, Information, and the Role of Mediation

During the European Refugee Crisis, cultural mediators served as the primary source for gathering general information due to the presence of various population groups on the move simultaneously. However, interpreters and cultural mediators have been and continue to be employed by different organizations, each operating with separate reporting channels and independently handling information, often without clarity on information ownership. Sharing cultural mediators is also not a common practice, since access to information is viewed as a key source of donor funding, thus many centers could have multiple same-language translators that are not proportional to refugee population. In individual case management, information cannot be obtained or shared without the written consent of the individual receiving assistance. Conversely, general information collected via anonymous surveys, informal conversations, and other methods is treated as the property of the organization that gathered it. This issue can be addressed in a protection context with intercultural communication gaps by recognizing cultural mediation as an integral component of the protection response. To achieve this, the role of cultural mediators must be properly acknowledged in the context of refugee and migrant protection. Their work should be organized within host environments to define their roles rather than being used randomly by the civil sector to achieve other project aims, organizational interests, and political goals. Without such an approach, cultural mediation and the information it generates cannot be used in a neutral and transparent manner, nor can it be shared with all relevant actors without being filtered according to the mandates and interests of a specific group. Consequently, refugees and migrants cannot be recognized as the rightful owners of such information.

Case Study: Trust and Information Sharing
in Migration Contexts
(All information that could lead to a breach of confidentiality has been omitted)

A survey was conducted to profile a specific population group traveling through the Western Balkans route, whose numbers had dramatically increased despite no changes in the visa regime for their country of origin. The anonymous survey included a standard profiling questionnaire that asked participants about their country of origin, area of residence, reasons for leaving, means of travel (whether or not they used a smuggler's assistance), the amount spent on travel, and their preferred destination country, all administered using a smart device.

The survey took place in a communal hall with a sample population residing at a state accommodation facility near an exit point in a Western Balkan transit country. However, members of the migrant community were reluctant to participate in the survey, expressing concerns about the purpose of collecting this information and fearing it might be used against them. This skeptical attitude sharply contrasted with the cooperative responses exhibited by the same population group during earlier periods, particularly during and immediately after the emergency situation, when similar information-gathering tools were employed by NGOs providing humanitarian assistance in hubs or squats.

Additionally, the survey was conducted without a cultural mediator or interpreter, leading to most communication going through one individual in the community who spoke limited English. Only when it was clarified that the purpose of the survey was to assess needs for humanitarian assistance did some individuals agree to participate. The results revealed that most had traveled independently without assistance from smugglers, and many provided random, widely varying accounts of travel costs.

A few months later, the same questions were posed in a Focus Group Discussion held at a state accommodation facility with members of the same population group, this time with the presence of a cultural mediator. Before the discussion began, the presenter made it clear, with the mediator's help, that they were aware of the social injustices prompting many young people to leave their countries and the challenges in doing so through regular means due to strict visa regimes. The group discussed the dangers and difficulties of irregular travel and border violence. With the mediator's assistance, it was explained that the purpose of the discussion was to understand the reasons behind the sudden exodus from their country and the challenges faced, allowing protection actors to better provide assistance. Once trust and understanding were established, the initially skepti-

cal community members felt more at ease and openly discussed their problems. The results differed dramatically from the earlier survey. Nearly all participants reported that they had to pay smugglers for travel, acknowledged being in debt from borrowing significant amounts of money for the journey, and expressed concerns that without reaching a destination where they could earn enough to repay the loan with interest, their families' lives and well-being back home would be at risk.

The radically different results pointed to three significant factors. One was the presence of a cultural mediator who could effectively convey all messages to the entire group and help build mutual trust. The second was the absence of a smart device to record responses. The discussion addressed all the questions in the questionnaire, but was conducted through conversation. The third was the setting. While the survey was conducted in a communal hall, the Focus Group discussion was held in a private and quiet space. Another question that arises here is the value attached to collecting accurate information on migration trends of various population groups and the precise purpose for doing so. While cultural mediators frequently explained that the information was being gathered to help design suitable plans for assistance, this was more a communication device to obtain user cooperation based on the professed general aims and purposes of an organization, rather than specific and verifiable information. The concern of refugee/migrant populations regarding the ultimate purpose of gathering information, particularly in the aftermath of the Crisis when borders had become extremely difficult to cross, was therefore not without genuine grounds. Cultural mediators were constantly aware of the possibility that any information they were gathering could ultimately be treated as intelligence and used to create policies directed against refugees/migrants. Furthermore, the implementation of information gathering tools was mostly conducted without taking steps to ensure that the information was accurate, rather information was collected to fit an existing premise, for example, almost all Moroccans are economic migrants, primarily unskilled labour without higher education. There was very little real engagement to gain a true understanding of the situations in which a particular population group was moving, which would be the only way to design a proper response in line with international humanitarian norms.

Throughout the course of the European Refugee Crisis, trust in state actors and NGOs among refugee/migrant communities continued to decline, particularly in conditions where basic needs were unmet. Following the ban on distributing food and non-food items in the center of Belgrade and the closure of hubs, attitudes among refugees/migrants became distrustful and sometimes even hos-

tile when representatives of relevant agencies and organizations approached them in the field to conduct surveys. They were generally uncooperative and believed that the state, agencies, and organizations were 'making money' through their presence without offering them any real help. Even when cultural mediators, who were already known to members of refugee/migrant communities and had previously helped them access services, attempted to create a suitable atmosphere for sharing information, the presence of personnel from organizations perceived as 'useless' undermined communication. It is frequently overlooked that refugees/migrants traveling irregularly, influenced by instructions from people smugglers, and fearing detention or deportation, are generally unwilling to share information, viewing attempts to gather information as a potential threat to their ability to continue their journey and reach their desired destination. Thus, even when they do provide information, it is often inaccurate and misleading if obtained without first establishing trust.

The bridging role associated with the cultural mediator in interactions extends beyond individual encounters in the protection context; it includes crucial information sharing necessary for understanding protection issues and designing adequate responses. While migration can be viewed through the lens of political economy, it is also, quite literally, a meeting between cultures or a large-scale cultural event. The contribution of cultural mediators in understanding such events is an essential necessity that cannot be neglected. The 2015 European Refugee Crisis illustrated this need clearly. However, rapidly changing national and international priorities resulted in a situation where responses remained consistently inadequate, and policies turned hostile towards refugees/migrants. Information regarding general protection concerns and migrant perspectives was persistently neglected. Steps in line with this information were not taken to address major protection gaps in most so-called transit states. There was a general failure to establish robust protection systems and processes to build and organize reliable and long-term solutions for intercultural communication in refugee/migrant protection, aimed at fostering social cohesion, well-being, and fairer societies.

Integrating Cultural Mediation into Protection Frameworks

One of the main issues in discussing cultural mediation within the refugee and migrant context is the failure to examine and define the precise role of the cultural mediator in protection activities. Cultural mediators have primarily been viewed as interpreters and social actors, and the importance of their role in social

cohesion has been acknowledged. However, while humanitarian organizations often provide cultural mediators with some level of protection training, the third aspect of their work, which relates to supporting protection actors, has not been adequately defined or described.

Despite the growing need for intercultural communication in various societies around the globe, especially within the refugee and migrant protection context, there has not been a coordinated effort to design a protection response that incorporates cultural mediation as an integral component. Naturally, the specific secondary responsibilities of cultural mediators in the refugee and migrant protection context vary depending on the specific country in which they operate. Nonetheless, the central role of the cultural mediator is that of a communication professional within this context whenever there are intercultural communication needs. This necessitates that cultural mediation be consistently integrated into protection responses and tailored to specific contexts. Efforts should be made to identify, define, and describe cultural mediation as its own distinct profession to leverage its potential within the protection framework fully; just as social work stands as a distinct profession, it remains an essential part of protection.

While there is no universal definition of protection, in the context of refugees and migrants, protection frameworks rely on the specific situations on the ground. Issues such as statelessness, challenges internally displaced persons face due to conflict, natural disasters, climate change, and mixed migration flows present unique challenges. According to the 2020 IOM Handbook on Migration Protection and Assistance, «the term is often used to describe all actions intended to maintain individual safety and well-being in accordance with the letter and spirit of relevant bodies of law.»

The Handbook further elaborates on types of protection:

- Human rights protection is based on three core international documents: the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social, and Cultural Rights. States are obligated to respect, protect, and fulfill the rights of all individuals in their territory, regardless of migration status and without discrimination;
- legal protection is provided through the implementation of domestic and international legal instruments that safeguard human rights;
- physical protection ensures the safety of individuals and their belongings.
- social protection encompasses all actions taken to support individuals, families, and communities, ensuring their well-being while reducing poverty, exclusion, and inequality:

- humanitarian protection refers to the assistance given to those affected by armed conflicts and natural disasters, ensuring that the rights of people in crisis situations are respected, protected, and fulfilled without discrimination;
- specific protection frameworks apply to children, women, individuals living with disabilities, trafficked persons, smuggled migrants, migrant workers, and refugees under relevant international documents.

The Handbook also offers a comprehensive framework for understanding the various factors contributing to vulnerability among refugees and migrants, including:

- Individual factors: Personal characteristics such as age, sex, ethnic identity, sexual orientation, gender identity, and personal history influence a person's ability to cope with situations and can place them at varying levels of risk;
- household and family factors: Family dynamics, including the composition of family members (young children, the elderly, etc.), socioeconomic status, and overall family circumstances, also play a significant role in assessing vulnerability. Families may be a source of support, but individuals can also experience harm from family members;
- community factors: Although community networks can offer vital support, they may also present risk factors through harmful practices, such as early or forced marriages or the marginalization and exclusion of specific individuals or groups;
- structural factors: The political, social, and environmental conditions, along with the influence of national, regional, and international institutions, are structural factors that determine vulnerability. Examples include endemic corruption, systemic discrimination, weak rule of law, lack of accountability, conflict, and migration policies.

To design and implement an effective protection response, it's essential to have a clear and comprehensive understanding of general protection issues in a specific environment and how these may impact various groups and individuals. Engaging communities in meaningful ways is vital for this purpose. In scenarios where protection involves intercultural communication needs, cultural mediators can play a critical role in building trusting relationships within the community. Protection-sensitive cultural mediators can offer valuable insights to relevant protection actors regarding overall protection concerns. Direct contact with individuals affected by the factors influencing vulnerability can enhance the understanding of protection issues from individual to structural levels and provide insights into effective responses.

For example, a cultural mediator might identify an individual with diverse SOGIESC escaping persecution from their country of origin who may find themselves in a vulnerable situation due to potential trauma. However, they may also be at risk in their community and the host environment. They could also encounter circumstances in a transit or destination country that highlight structural issues affecting those with diverse SOGIESC, such as the reluctance of law enforcement to respond to a hate crime, or discrimination while accessing service. Cultural mediators working in close cooperation with relevant protection actors can help define such issues because usually it is the cultural mediator that an individual unable to speak the local language will confide in. However, if suitable steps are not taken by protection actors to provide assistance in an individual case or if such steps are taken only in one case and systemic issues are left unchecked, protection response will remain inadequate. To further illustrate the issue, regardless of the fact that during the 2015 Crisis, finding private accommodation for asylum-seekers and recognized refugees remained a persistent issue, with property owners unwilling to take in 'migrant tenants', no initiatives were implemented within local communities to deal with the problem. Cultural mediators made individual efforts at establishing rapport between potential property owners and migrant tenants to secure accommodation.

The recognition of the role of cultural mediators is vital to implementing protection responses involving intercultural communication needs. UNHCR describes community-based protection as «Community-based protection (CBP) puts the capacities, agency, rights and dignity of forcibly displaced and stateless persons at the centre of programming. It generates more effective and sustainable protection outcomes by strengthening local resources and capacity and identifying protection gaps through regular consultation», and it is stressed that UNHCR takes a community-based approach to protection in all its work. Some of the key points in CBP are, «Do not rush the process of building trust and engagement. It requires regular and consistent involvement and transparent communication with the community. Spend as much time as possible in the community and use all opportunities to engage with diverse members and structures.» Similarly, a survivor-centered approach cannot be implemented properly if the survivor cannot communicate properly with protection actors without procuring a suitable service for communication. UNICEF (2021) describes the survivor-centered approach, «A survivor-centred approach aims to put the rights of each survivor at the forefront of all actions and ensure that each survivor is treated with dignity and respect. By putting the survivor at the centre of the process, such an approach promotes their recovery, reduces the risk of further harm and reinforces their

agency and self-determination. Practicing a survivor-centred approach means establishing a relationship with the survivor that promotes their emotional and physical safety, builds trust and helps them to restore some control over their life.»

Not much attention has been given to creating a protection model that clearly defines the role of the cultural mediator to maximize their contributions to protection services. The current neglect of cultural mediators in the overall protection response results in a wealth of valuable information regarding the identification of general protection concerns and issues being left disorganized or overlooked, particularly when incorporating refugee and migrant perspectives in needs assessments and advocacy efforts before state bodies by international agencies and civil society actors in pursuit of appropriate solutions.

Moreover, it is crucial to define and articulate the role of the cultural mediator in protection case management, ensuring that wherever intercultural communication is facilitated, the cultural mediator can assist without overstepping the boundaries of protection staff.

Conversely, protection personnel and other service providers should also familiarize themselves with the work of cultural mediators and how to effectively collaborate with them. It is often overlooked that many individuals find mediated intercultural interactions challenging and must acclimate to these interactions and comprehend their dynamics. Service providers should also be aware of the limits of the cultural mediator's role in protection.

Individual case management involves the following steps:

- identification: Protection personnel identify refugees and migrants in vulnerable situations by engaging with members of migrant communities. While self-identification is common when members of these communities can approach relevant staff to discuss their issues, building relationships of trust with these communities is essential for this to happen. Many individuals may remain unaware of their vulnerability; others might hesitate to share information due to a lack of trust, fear of stigmatization, or reluctance to confront their experiences and seek help;
- assessing needs in individual cases: The needs of identified individuals can vary based on their unique circumstances. Protection personnel determine these needs to provide appropriate support. An individual may require legal aid, psychological counseling, medical treatment, etc.;
- referral pathways: Host environments offer various services through state or non-state actors, and generally speaking, coordinated referral pathways exist in protection systems, whereby protection personnel refer individual cases to relevant services;

- advocacy: Protection personnel may need to advocate for specific services to be provided to individuals in need, especially if administrative or other obstacles exist. For example, if an individual requires certain living conditions due to special needs, their case could be presented to the relevant service provider;

- follow-up: After referrals have been made, regular follow-ups are conducted to ensure that services are provided adequately or if new needs have emerged that require addressing. For instance, an unaccompanied Asylum-Seeking Child might be placed in suitable accommodation, but during this process, it is discovered that they survived sexual and gender-based violence in their country of origin, necessitating further action. Individual cases should ideally be resolved by providing a suitable, durable solution. Such solutions typically include repatriation, resettlement to a third country, local integration through various mechanisms for status regularization, Assisted Voluntary Return and Reintegration, and others. The cultural mediator's role should be consultative and supportive, adding value in a liaison capacity on the ground to support protection personnel in delivering assistance;

- consultative role: Members of refugee and migrant communities often choose to share their concerns with someone they regard as a 'safe and/or helpful person.' They frequently turn to cultural mediators because they speak their language and often share similar ethnic backgrounds. If the cultural mediator identifies a refugee or migrant in a vulnerable situation, they will refer the case to a relevant protection actor in their consultative capacity. During an interview between a protection service provider and a beneficiary, such as a protection officer and a refugee or migrant, facilitated with the help of a cultural mediator, the mediator's consultative role includes providing additional insights and clarifications;

- supportive role: Throughout ongoing individual cases, it is common for refugees and migrants to feel anxious about procedures. For example, a person awaiting their voluntary return may need to inquire repeatedly about the progress of their case. The cultural mediator can provide them with updates obtained from the officer in charge of their case as often as necessary and generally support them through a challenging time;

- liaison role: Communication between a protection officer and a refugee or migrant often occurs through the cultural mediator. The cultural mediator informs the protection officer of any new needs or situations that arise during an ongoing individual case and delivers feedback to the beneficiary, thus fulfilling a liaison role. If a new need or risk arises, the cultural mediator, with their protection-sensitive approach, should be capable of understanding and

reporting this (Vještica et al., 2024). Often, they also assist a refugee or migrant in accessing services based on referrals made by the protection officer, such as escorting them to a healthcare center, facilitating communication, and advocating for the patient on the ground if necessary.

Vulnerability and Child Protection: Unaccompanied and Separated Children

The number of UASC was very high at the peak of the 2015 European Refugee Crisis. According to a 2016 Eurostat press release approximately 90,000 children sought asylum in the EU in 2015 and a quarter (23%) of them were unaccompanied minors. The number of young adults was also big. This trend persisted for a considerable period and one of the unanimous impressions of field workers was that this was a migration of children and young adults. Even at present, there has been an increase in the number of UASC, following a prior decrease, and according to Eurostat, in 2024, 15.9% of the total number of first-time child asylum applicants were unaccompanied minors. UASC are most prone to risk and harm during irregular migratory journeys. During the 2015 Crisis, the overwhelming majority of these children were from Afghanistan. The number of available interpreters/cultural mediators for the mother tongue of these children, Pashto, was very scarce in most transit countries and the information gathered about the grave protection concerns affecting these children by cultural mediators was not given required attention because of the policy of state social services to encourage further movement of all migrants regardless of their age. When the essential role of cultural mediation is overlooked in an overall protection response, the gap between ground realities and policymaking widens, important issues can go unaddressed, and harmful consequences can ensue.

Many male unaccompanied asylum-seeking children, as young as seven years old, and older teens from Afghanistan left their home country during the peak of the European Refugee Crisis to reach a destination in Europe due to traditional expectations for a son to provide financial support to their family. These children and teens felt a deep sense of commitment and loyalty toward their families, which motivated them to achieve the goals set for them by their elders. However, they also expressed that they were leaving home to escape child recruitment, with the most likely outcome being employment in the Afghan army, police, the Taliban, or others. These UASC become easy targets for various forms of ex-

ploitation and trafficking, including for organs. UASC from Afghanistan tended to be highly traumatized and boys displayed a concerningly widespread trend of self-harm, most frequently by inflicting cuts on their arms. Several studies have shown that the majority of Afghan children suffer from various forms of mental health issues. According to one study 42% of refugee children from Afghanistan were going through symptoms of post-traumatic stress disorder (PTSD). In another study 38% of parents reported that children attempted self-harm (Qamar et al., 2022). Many become invisible to legal and social systems after turning 18 when their asylum applications are denied.

A 2023 European Parliament report titled At a Glance: Disappearance of Migrant Children in the EU notes, «The number of migrant children has been growing, both globally and in the European Union. According to estimates from 2020, 35.5 million children worldwide (1.5 million more than in 2000) were living outside their country of birth. In 2021, Lost in Europe, a journalism project investigating the disappearance of migrant children, reported that more than 18,000 migrant children had gone missing in Europe between 2018 and 2020.»

Throughout the Crisis and afterward, conditions continued to be inadequate for understanding the movement of UASC from Afghanistan and for ensuring proper social care in many transit countries. Instead, children older than 14 often did not receive the care they needed, as most state social workers in transit countries insisted that the only appropriate solution for these children was to 'move on,' asserting that the children did not want to stay and had their own set goals. The prevailing belief was that these children were 'different and more mature' than typical children, and if they had managed to get this far, they were fully capable of continuing their journey. These beliefs persisted among most social workers despite the harrowing accounts of sexual and physical abuse that UASC shared with cultural mediators.

In Serbia and Bosnia and Herzegovina, very few children, typically the younger ones, were placed in specialized state facilities suitable for accommodating only migrant children. The number of suitable accommodation facilities remained seriously inadequate, with many younger children being housed in correctional facilities for local juvenile offenders. The majority of UASC were housed in reception centers alongside adults, which resulted in instances of sexual abuse and exploitation. This situation also exposed children to people smugglers eager to recruit older teens as guides for logistical tasks and drug dealing.

Older teens were primarily portrayed in public narratives as young, single, capable fighters. In many countries – both transit and destination – their presence became the focus of conspiracy theories concerning 'secret Jihadist invasions,'

among other claims. The topics of child recruitment, forced labor, and sexual exploitation of children rarely entered the broader national and international discussions among relevant state and non-state actors, as well as the public.

Partially, this resulted from non-state actors' reluctance to adopt a more proactive stance in addressing shortcomings in social care, aiming to avoid disrupting their relationships with state social care entities. Additionally, both state and non-state actors lacked the transparency needed to foster a constructive dialogue with the public about these issues. Generally speaking, in various transit countries, the public in host societies was seldom engaged in discussions regarding migration issues by any party involved. Instead, they remained largely uninformed, relying on skewed information provided by politicized media outlets. The failure to utilize cultural mediators as a resource within the refugee/migrant protection context also contributed to the situation.

Case Study: Guardianship and Mediation Gaps
(All information that could lead to a breach of confidentiality has been omitted)

During the European Refugee Crisis, due to a high number of unaccompanied asylum-seeking children, a relevant organization launched a program to provide guardianship to these minors, aiming to enhance the response of state social services. Initially, the program included a cultural mediation component, but this was later removed. Although the UASC under guardianship were unable to communicate directly in their native language with their guardians, no system for assisting communication was designed or implemented. As a result, guardians tended to depend on friends of the UASC who spoke English or preferred to take under guardianship those UASC who could communicate in English; they occasionally employed cultural mediators or interpreters, either freelance or from partner organizations, when medical exams or other official procedures required it. Some of the UASC under guardianship became involved in selling hard drugs in networks operated by human traffickers and local dealers. The ensuing gang violence led to three deaths; one of those killed was a UASC under guardianship, who was fatally stabbed by a peer inside a state accommodation center in broad daylight. The guardians were completely unaware of the involvement of the UASC in gang activities. It was repeatedly pointed out to the organizers of the guardianship program that without a carefully designed communication strategy with the children, achieving the intended goals of safety and support for refugee/migrant UASC would be impossible. However, the program continued

without the cultural mediation component. The case described above illustrates a severe neglect of the vital service of communication. Had the cultural mediation component been part of the program, guardians would have had timely access to information regarding the protection issues impacting the UASC at the accommodation center and those under their care. This would have led to more successful implementation of the protection activities outlined in the program.

Models of Protection During the European Refugee Crisis
(All information that could lead to a breach of confidentiality has been omitted)

In a transit country along the Western Balkan land route, a local NGO implemented a protection model in a project funded by an international agency. The project aimed to support refugees and migrants through the dissemination of information, identification, referral, and follow-up. Cultural mediators conducted protection activities on the ground. Most cultural mediators lacked prior experience in interpreting or in migrant services. They only received training on protection issues and service provision systems, not linguistic, interpretation, or interpersonal communication skills. This effectively turned them into bilingual protection caseworkers while also requiring them to facilitate intercultural communication in various refugee and migrant protection activities and regularly interpret for public services, including law enforcement and judicial bodies. Consequently, they served as community interpreters, cultural mediators, and protection caseworkers. Although an overlap exists between community interpreting and cultural mediation, the formal merging of the roles of cultural mediator and protection caseworker does not occur.

The responsibilities associated with this dual or even triple role required cultural mediators to conduct independent fieldwork, identify refugees and migrants in vulnerable situations, conduct initial interviews, and refer individual cases for external assistance. They were also accountable for following up on individual cases, connecting migrants to relevant services, and advocating when necessary. Their additional tasks included medical escorting, assisting with communication at state accommodation centers for refugees and migrants, and fostering good relations with the communities whose languages they spoke.

This protection model was applied in a host environment with significant protection gaps, low cultural competence among service providers, and an almost dysfunctional public service system for the local population. For instance, there was insufficient suitable accommodation for unaccompanied asylum-seek-

ing children, a severe lack of safe shelters for survivors of sexual and gender-based violence, limited mental health facility capacities for hospitalization, inadequate legal assistance for crimes against irregular migrants, and difficulties accessing legal counseling and asylum procedures. The model's initial success stemmed from employing cultural mediators as bilingual protection officers as a stopgap in an environment with pronounced protection gaps. If a social worker during an interview were found to be inexperienced, ineffective, or unwilling to identify UASC in vulnerable situations, risking the child's safety and well-being, the cultural mediator would report this in their role as a protection caseworker to their coordinator, who also coordinated language services and acted as a protection case manager. This strategy could have been improved through coordinated protection responses. During crises and emergency reception situations, NGOs could have bolstered protection actors on the ground by providing additional protection staff alongside cultural mediators rather than asking cultural mediators to assume responsibilities for two incompatible roles for ethical and practical reasons. While the financially feasible approach of merging roles yielded short-term gains in identifying individual cases and ground support for case management, the long-term results were detrimental. This undermined service providers' trust in cultural mediators as reliable and neutral communication facilitators, resulting in increased reluctance among service providers and relevant actors to utilize cultural mediation services. For example, staff members at a state-funded home for UASC struggled to communicate with the children there. Yet, the authorities refused to regularly employ cultural mediators due to past incidents where confidential information from children's interviews had been leaked. Over time, potential benefits, such as enhanced interactions between caregivers and UASC at the facility, were sacrificed for short-term objectives and compromises regarding a non-confrontational stance toward the state's inefficiencies and/or hostile protection policies, consequently using cultural mediators merely as a temporary solution for existing protection gaps.

Additionally, the NGO frequently tasked cultural mediators with gathering information on specific issues for reporting exclusively to designated actors. Information collected from the ground was also filtered according to the NGO's strategic interests. While interpreting is a fundamental human right, the organizations supplying language services in the refugee and migrant context did not officially function as language service providers and could therefore withhold services based on their interests. For instance, if the NGO discussed in this case study preferred to avoid conflict with a state body, it could decline to provide language services for interviews assessing whether a refugee or migrant had suf-

fered from power abuse by an individual in that body. This occurred despite the NGO's role as a language service provider on the ground. Although this model was an isolated example, where an NGO formally merged the two different and ethically incompatible profiles of the cultural mediator and the protection caseworker, there were many instances on the ground where cultural mediators became a means to work in an environment where authorities did not cooperate reasonably with international or local bodies when it came to refugee and migrant protection issues. It was hard to ensure respect for the basic human rights of refugees and migrants. Additionally, in such conditions, most local protection staff of international agencies concentrated more on building diplomatic relations with state bodies than on addressing general protection concerns and identifying individual cases. There were also cases where state bodies did not permit NGO protection staff from specific organizations to access refugee and migrant communities in state accommodation facilities, but still needed interpreting and cultural mediation services. Such organizations utilized cultural mediators as de facto protection caseworkers. This overall situation resulted from state policies, the quality of public services, the relatively limited role of international organizations, and the strategic interests of local protection actors.

Circumstances that create protection gaps are summarized in the following quote from a Concept Note by the United Nations Human Rights Office of the High Commissioner during a Technical Roundtable on Ensuring Human Rights Protection in the Global Compact for Safe, Orderly, and Regular Migration: «International Human Rights Law (IHRL) provides an important protection framework that applies equally to all migrants, safeguarding all civil, political, economic, social, and cultural rights under the International Bill of Human Rights, including several universally binding and non-derogable norms. However, due to inadequate operationalization of these standards, it is increasingly evident that significant human rights protection gaps exist at the global, regional, and national levels.» As a result of such circumstances in host environments, cultural mediators often stepped outside their role boundaries. For example, one persistent issue in a transit country along the Western Balkan route was the determination of age. Due to widespread belief that UASC have a higher chance of being integrated into a destination country, many young adults incorrectly stated they were under 18, yet there was no systemic response.

Age determination procedures are both invasive and costly, and social care services unaccustomed to dealing with young adults presenting as children, without any personal documents to confirm their claims, struggled to develop a proper strategy for managing the situation. The challenge of determining wheth-

er someone is 16, 17, or 18 became a highly controversial issue. In Serbia, no legal provisions authorized any actor to conduct age assessments, which resulted in all stakeholders making these assessments informally on the ground. The police registered individuals as adults or UASC based on their own evaluations, while those responsible for providing suitable accommodation to UASC made their own judgments, and field social workers identifying and referring UASC to services conducted their assessments as well. Cultural mediators frequently intervened and advocated in cases where they believed harsh living conditions and trauma could have caused a teenager to appear older. This prompted them to make age assessments and advocate for necessary services such as suitable accommodation, or to plead the case of a vulnerable young adult before relevant actors unwilling to offer assistance.

The situation clearly illustrated the consequences of inadequate protection responses, prompting cultural mediators to act as a stopgap solution, compelling them to step beyond their boundaries and carry out advocacy entirely outside the scope of their work. They became one of the parties conducting unauthorized, arbitrary age assessments. The failure to address this issue led to negative consequences, including the accommodation of adults alongside children in the same facilities. In adopting cultural mediators/community interpreters as de facto protection case workers as an improvised solution to individualized case management, the long-term goals of enhanced relations and social cohesion were overlooked. Cultural mediators faced excessive workloads. They were often labeled as 'spies' by state actors and served as convenient scapegoats for non-state actors in instances of failures in protection case management. One of the most serious negative outcomes of these trends in protection responses during the European Refugee Crisis was the inability to tackle actual issues such as inefficient service provision, low cultural competence, hostile policies, and overall subpar performance among relevant protection actors in their efforts to uphold the rights of refugees/migrants, while relying on cultural mediators to assume other roles on the ground, for instance, that of a social worker or protection case worker to implement individual case management. This stopgap approach also meant that cultural mediators were frequently the only individuals present alongside refugees/migrants in vulnerable situations, striving to secure much-needed assistance. Many cultural mediators experienced severe burnout as a result.

Instead of acknowledging the significance of cultural mediators and their role within the protection response, there has been a rising trend in hiring bilingual protection staff. In some organizations, cultural mediators have been given a 'promotion' by being appointed protection officers. While having bilingual pro-

tection staff is undoubtedly beneficial, they cannot replace cultural mediators because their primary task is not to facilitate communication. They cannot provide language services to social workers, doctors, legal counselors, etc., nor can they engage with the community daily in the field. Furthermore, by requiring a specific language proficiency to work as protection staff for a particular group of refugees/migrants, there is a risk that qualified and experienced protection personnel may not be hired simply because they do not speak a certain language, which they may not need if they have access to a cultural mediator. This could limit the pool of candidates and potentially lead to situations where a protection officer is unable to communicate effectively due to insufficient language skills. Additionally, while protection officers are generally expected to possess strong communication and interpersonal skills, it is important to note that they are not communication professionals. Not everyone will have the necessary aptitude and skills for effective communication.

One positive outcome of the project mentioned in the case study was the enhanced identification of refugees and migrants in vulnerable situations due to the presence of cultural mediators within refugee and migrant communities (at state accommodation facilities). These mediators assisted individuals with daily challenges and established bonds of trust, leading refugees and migrants to confide in them. In an appropriate work model, once a cultural mediator identifies an individual case, they should, with the individual's consent, report this to a relevant officer for an interview through a designated channel. In certain instances – such as reports of violence or expressions of self-harm intentions – the cultural mediator is obligated to report to the relevant authority without requiring consent. Another positive outcome of the project highlighted above was the extensive amount of valuable information regarding general protection concerns, trends, and irregular movement patterns gathered by maintaining regular contact with refugee and migrant communities through cultural mediators. This information was obtained without violating confidentiality through building trusting relationships with the communities, which is also crucial for truly understanding the perspectives of refugees and migrants concerning their issues. Connections with refugee and migrant communities were fostered and sustained by the ongoing presence of cultural mediators who spoke the languages of the main population groups residing in state accommodation facilities and other areas, such as public spaces where refugees and migrants tended to gather, outreach locations, and hubs where migrants sought information and assistance.

In the protection model mentioned, cultural mediators conducted independent fieldwork. Their informal conversations with refugees and migrants signifi-

cantly improved the overall quality of the protection response. However, due to the absence of channels for sharing information with all relevant state and non-state bodies, utilizing this information effectively in the broader protection response proved challenging. The protection model involved serious ethical and practical issues; nonetheless, it pointed to a potential framework for optimizing services by ensuring that intercultural communication is supported by properly trained cultural mediators with a strong understanding of protection sensitivities. Cooperation and coordination between protection personnel and cultural mediators on the ground, with a clearly defined role for the cultural mediator, can yield optimal results in the protection response at all stages of individual case management and the overall protection strategy. Another issue arising from the ambiguity surrounding the cultural mediator's role is the unregulated overlap between their work and that of community interpreters. Clearly defining the cultural mediator's function as a facilitator of intercultural communication within the refugee and migrant protection framework should be viewed not as a critique of other communication professionals, but rather based on the real needs of intercultural communication on the ground. Not enough attention has been given by protection actors to determining which type of communication facilitation would best serve different kinds of interactions. There is a lack of standardization in both community interpreting and cultural mediation, especially within the refugee and migrant context. Cultural mediators can thoroughly provide facilitation of communication in settings related to refugee and migrant reception, social welfare, health services – including Mental Health and Psychosocial Support (MHPSS) – legal counseling, education, employment, and housing, ensuring the successful implementation of protection initiatives.

Court interpreting and legal interpretation, particularly in processes involving specialized bodies like asylum hearings, are better suited for trained interpreters with the necessary specialized training in these areas. Codes of conduct often prohibit certain types of overlap. For instance, if a cultural mediator facilitates communication during preparation for an asylum hearing, they should not interpret during the hearing itself to maintain impartiality. However, this could mean the asylum seeker must recount distressing experiences to yet more unfamiliar individuals, potentially exacerbating secondary trauma.

Cultural mediators in the refugee and migrant protection sector typically lack the qualifications for court interpreting for several reasons, one being the expertise required. Court interpreting entails specific competencies that cultural mediators generally do not possess. There are additional reasons why many organizations and agencies involved in refugee and migrant protection frequently

refrain from providing language services to law enforcement and judicial bodies. Cultural mediators serve a bridging role between members of refugee and migrant communities, and various service providers critical to protection in the host environment. If cultural mediators regularly interpret in legal processes involving charges against refugees and migrants, this could undermine their position as partners in refugee and migrant protection efforts. Questions surrounding whether a distinction should be made between the settings suitable for cultural mediators in the refugee and migrant protection context, versus those for community interpreters, tend to be resolved through several on-the-ground factors. These factors include the availability of human resources, local regulations, and the needs identified by institutions themselves, as well as broader funding and policy issues.

Currently, theoretical discussions regarding the roles, scope, and ethics associated with cultural mediators in the refugee and migration protection context have little impact on this issue. Furthermore, cultural mediation in the refugee/migrant protection context has not been properly considered as a distinct profession in the framework of international human rights documents, hindering its development in the right direction. As one of the essential services in refugee/migrant protection when intercultural communication needs are present, the quality of all other services depends on it. Edward T. Hall, credited with using the term 'intercultural communication' for the first time, found communication so intrinsic to human life that he believed, «Culture is communication and communication is culture.» The two words were synonymous to him. While it might seem that this statement overly emphasizes the connection between culture and communication, it remains true that in its broadest sense communication is a form of expression without which culture cannot be known to each other, for instance, music and paintings, and even everyday objects produced by people communicate something about their culture. For Hall communication was such a vital dimension of human life that he could not emphasize its importance enough. Although Hall's work was linked to specific aims and objectives of projects and policies implemented by the US government, the relevance of key concepts introduced by him is enduring. Communication, verbal or non-verbal, is a constant part of our lives and so pervasive that we usually tend to underestimate its influence. Similarly, the issue of communication in the context of refugee/migrant protection tends to be treated as a problem of procuring a person able to speak a foreign language when needed, instead of realizing the vital importance of suitable communication in the provision of an entire range of protection services. While it cannot be asserted that establishing a proper system of cultural

mediation services would bring about the kind of dramatic social change associated with it, sometimes, in terms of tackling discrimination, systemic inequalities, etc. efforts to build such a system would reflect an acknowledgement of the social and cultural realities of migration and the readiness to address issues of individuals unable to speak the language of their local environment in the spirit of international humanitarian law.

Towards an Integrated Protection Model: Embedding Cultural Mediation

A protection model that maximizes the use of bilingual and bicultural resources to facilitate intercultural communication and communication-related protection tasks is essential. This model should recognize the cultural mediator as a communication professional in the refugee and migration protection context, with their specific role, scope and ethics being integral to implementing an optimal protection response. So far, limited attention has been paid to the critical challenge of adequately and effectively addressing intercultural communication needs in the refugee and migrant protection context, particularly concerning research on issues related to this field. Similarly, concerted efforts are needed to develop permanent learning resources, implement training, and standardize and harmonize practices beyond country-specific contexts. Furthermore, treating and organizing bilingual and bicultural human resources as a national asset rather than as organizational resources is crucial. This allows cultural mediators to practice their profession independently, like other service providers, without being tied to any specific employer, ensuring that their work remains uninfluenced by the agendas and interests of their employing organizations.

In the absence of a proactive role by states to adequately meet intercultural communication needs, various agencies and organizations typically employ cultural mediators in projects that do not aim to provide language or public services. Consequently, refugees and migrants struggle to rely on efficient, dedicated services to facilitate intercultural communication. Cultural mediators often lose their positions when projects change and/or shrink, which is particularly problematic for rare languages. Moreover, organizations tend to 'own' cultural mediators instead of focusing on pooling resources and creating an independent network of communication professionals that is accessible to all relevant actors. Ideally, an independent network of cultural mediators, who are neither employed by the state nor the civil sector, should be available to all relevant protection actors,

including on-the-ground protection staff. Given practical limitations like funding issues, one approach could involve pooling resources from all field actors to employ cultural mediators and recognize them as distinct service providers. They would operate according to their professional scope and ethics, working closely with all protection actors and remaining available to public service providers.

Additionally, cultural mediators should be able to transparently share information regarding general protection concerns and issues gleaned from direct contact with refugee and migrant communities with representatives of all relevant actors. This information would be valuable for developing coordinated protection strategies that incorporate refugee and migrant perspectives (excluding confidential details concerning individual case management). This necessitates a joint supervisory body to coordinate information-gathering processes, analyze trends, and establish a reporting channel or focal point for information sharing. Furthermore, information dissemination channels must be established with all relevant protection actors to actively involve cultural mediators in information dissemination strategies. During the European Refugee Crisis, it was noted that information distribution through leaflets, posters, and online platforms was less effective than personal delivery by cultural mediators to individuals and groups. Several underlying reasons contributed to this observation. Cultural factors, discussed in detail later, played a significant role in this context. Additionally, many individuals moving irregularly did not regard the provided information as relevant or did not understand its implications for their circumstances. For example, even when a poster explained exploitation, its mere existence was insufficient for someone in a vulnerable position to self-identify, as requesting help involves discussing their struggles with someone they trust. Many were also influenced by disinformation from people smugglers and harbored skepticism about the agencies and organizations offering assistance or about the authorities themselves. Finally, illiteracy among many individuals further hindered their ability to comprehend the information presented.

A protection model that allows cultural mediators to fulfill their role effectively would necessitate independent fieldwork by cultural mediators, including mingling and building trust with refugee and migrant communities to better understand their concerns, troubles, and views on solutions and forms of assistance provided. Strategies should involve outreach and/or presence in accommodation centers and hubs. Establishing communication with communities through these means should be a professional endeavor based on clear guidelines in varying reception conditions to ensure service quality. Moreover, the role and significance of cultural mediators in individual case management should be recognized and

formalized within protection models to optimize outcomes. Clear channels for reporting and identifying individual cases should be established through a focal point representing all relevant protection actors involved, who would then make appropriate referrals. This method would enhance the coordination of responses, as various agencies and organizations provide different services and possess distinct mandates. For instance, if a refugee or migrant with both mental and physical health issues is identified as a potential victim of human trafficking, referrals would need to be made to various organizations and institutions in order to address all their different needs. As professionals in their own right, cultural mediators should also have access to channels for reporting any misconduct by service providers, just as other service providers can report and take action when an interpreter or cultural mediator fails to perform their duties effectively.

During the European Refugee Crisis, the politicization of a humanitarian issue led to the urgency with which the security approach rose to the forefront, resulting in gross neglect of humanitarian principles and the cultural and social dimensions of the migration, and consequently the failure to design strategies to deal with major migration issues effectively to achieve fairer and safer societies in the long run. In such circumstances, it is not surprising that there has been little coherent effort to address intercultural communication needs by organizing resources and finding sustainable solutions instead of relying on an array of improvised responses, including charity organizations, faith-based organizations, NGO partners to relevant international UN agencies, volunteers and members of refugee/migrants interpreting for other members of refugees/migrants, etc.

On the Western Balkan route, the so-called transit countries are reluctant to devote resources to the area of intercultural communication because they keep seeing refugees/migrants as people who will move on, even though new immigrant communities are already emerging in societies in transit countries and are expected to grow due to labor shortages. Ultimately this reflects the unwillingness of states to recognize its responsibility for building resources, including access to interpretation as a basic human right, that can allow migrant workers to live and work within the framework of rights and responsibilities envisaged by relevant international conventions and pacts. Destination countries in the EU are also reluctant to address intercultural communication needs since social cohesion has become less important than the dominant security approach, in which outsourcing is the preferred strategy, leaving little space for inclusion and integration. The riots in France in June 2023 are only part of a series of regular outbreaks of communal violence, and social tensions are growing. Meanwhile, the ongoing war in Ukraine is straining major economies and increasing the

number of refugees/migrants in countries all over Europe. Despite these fragile social situations, intercultural communication is still a largely neglected area, and robust systems of intercultural communication in the migration context, to achieve social well-being and fairer societies have not been implemented.

SECTION II
CONCEPTS, PRACTICE,
AND PROFESSIONALIZATION

3. Defining and Framing Cultural Mediation

Cultural mediation is a distinct communication service in refugee and migrant contexts. It is essential to view it within the relevant framework of international human rights and as an integral component of refugee/migrant protection activities whenever intercultural communication needs arise. It is also important to regard it as a communication activity with specific characteristics that require suitable knowledge, skills, and attitudes. Interpreting, conflict management, and advocacy are not separate tasks for the cultural mediator; they are intricately related to communication and interconnected in interactions where cultural mediators facilitate communication.

According to the Framework and Good Practices of Intercultural Mediation for Migrant Integration in Europe (Erdilmen, 2021):

> The following are the main tasks for integrating migrants with different capacities in European countries: interpreting; bridging intercultural gaps (cultural brokerage); establishing and maintaining a rational, friendly atmosphere for negotiation; building trust between parties by resolving misunderstandings; preventing conflict and supporting resolution; acting as a 'reality check' by showing parties each other's perspectives; and advocacy, if necessary (in certain circumstances, a mediator might need to ensure the quality of services and the protection of migrants' rights).

For the cultural mediator, these are all essentially 'communication tasks.' Ideally, these tasks should be performed by a bilingual and bicultural person with well-developed linguistic, interpreting, and interpersonal communication skills who is properly sensitized to working within the refugee/migrant protection context.

To highlight the distinct approach with which cultural mediators in the refugee/migrant protection context facilitate communication, it is crucial to consider

how interpreter-mediated interactions naturally occur. In everyday life, these interactions happen when two parties who do not speak the same language need to communicate. Such interactions can take place in various settings, such as a tourist trying to communicate with someone in a foreign country, a local person helping out by speaking their language, or a local hosting a foreign friend and interpreting for them during their visit. In all these scenarios, mediated communication occurs as a three-way conversation and can involve conflict management and advocacy elements. For example, if a foreign guest falls ill during their stay, we would naturally accompany them to a healthcare facility, advocate for their right to receive treatment if necessary, and interpret for them during a medical examination. It can be said that these naturally occurring mediated interactions represent the basic form of interpreter-mediated intercultural interaction (Vještica & Sjekloća, 2020; Vještica et al., 2024).

Bilinguals, who may be have been untrained as interpreters, generally adopt a natural and intuitive method to facilitate communication when acting as cultural mediators. Antonini (2011) defines a natural interpreter as «an untrained and often unpaid bilingual individual who serves as a linguistic and cultural (inter) mediator in a variety of formal and informal contexts and situations.» While the work of natural interpreters has not been a significant area of study, a small body of research focuses on this field, particularly on Child Language Brokering (CLB). The concept was first established by Harris and Sherwood (1978).

In An Annotated Chronological Bibliography of Natural Translation (1913-2007) by Brian Harris, it is noted that natural translation or interpreting became associated with refugee and migrant contexts during the 1980s when increased south-to-north immigration created a demand for interpreting in community contexts. However, professional interpreters in many languages were not available. The differences in context and setting necessitated varied interpreting techniques, better suited to conversational dialogue than the long consecutive ones used for speeches in formal contexts. Community or public service interpreters typically use the short consecutive method, which untrained interpreters can utilize and is also 'used instinctively by natural translators' (Harris, 2007, p. 6). Natural translation, also called interpreting, is «the translation performed in everyday circumstances by bilinguals who have not received special training for it» (Harris, 1976). Harris contended that the ability to translate and interpret is innate to bilinguals, suggesting that research into translation should focus on the processes occurring within the minds of natural translators and the development of translation skills among bilingual children (Harris, 1978). In an overview of research into child language broker-

ing, Antonini (2010, p. 3) notes that «non-professional translation (both inter-preting and translation), despite being a vast and submerged reality involving individuals translating and interpreting regularly or on an ad-hoc basis across sectors such as tourism, media, public services, and activism, remains an of-ten-overlooked area of research.» The concept introduced by Brian Harris that «the empirical study of translation should be based on understanding how bi-lingual children can perform translating activities without any special training in translation» has been contested, arguing that simply being bilingual does not make one an interpreter.

A study on the experiences of young bilingual individuals concerning their interpreting work in healthcare in the UK (Green et al., 2005) found that while there are concerns about families using their children to interpret in order to ac-cess services, this practice is nonetheless common. Some families even prefer it to interpreters because they believe that their family members better understand their situation. The study indicates that children differentiate between straight-forward tasks, such as interpreting in a healthcare setting, and more complex situations that may involve conflict, requiring young interpreters to mediate or advocate. Older participants discussed their various roles in healthcare settings, which extended beyond merely conveying utterances. An ethnographic study of children as language brokers for their families in the US finds that children in-terpreting for their families at home, answering phone calls, dealing with mail, and interpreting in communal settings are capable of mediating between lan-guages and cultures, and are not limited to simple reproductions of messages. Instead, they tend to develop 'transcultural repertoires' – a range of skills em-ployed in and arguably honed through such work (Orellana, 2010, p. 60). An in-depth analysis of studies regarding the work of children and young adults as interpreters is beyond the scope of this work (of course, not all bilingual indi-viduals functioning as 'natural interpreters' are children or young adults, and the use of children for interpreting in refugee or migrant protection contexts is debatable). A reference is made to this area of investigation as relevant to the concept of the natural interpreter, with findings that support concepts related to the approach taken by natural interpreters in executing their tasks in the refugee and migrant context.

In displacement settings children are also a lot more efficient when it comes to learning new languages and during prolonged crises are a bridge between parents and service providers as well as government representatives.

The 'Third Space': Theoretical Approaches to Intercultural Mediation

Many bilinguals acting as 'natural interpreters' rather than 'trained professional interpreters' were born to mixed marriages or learned the host environment's language as children after emigrating with their parents. Many immigrants learn the host society's language as adults after living there for an extended time, and they can assist members of their communities who have recently arrived. Additionally, members of the host environment can learn the language of a specific migrant community and familiarize themselves with its culture. A common practice in cultural mediation is employing members of a refugee or migrant community who are still developing their knowledge of the host environment and possess less-than-ideal linguistic skills and understanding of the host society's culture. These typically represent the four categories of individuals engaged as cultural mediators, especially in the European context (Vještica et al., 2024). The pioneering cultural mediators or natural interpreters adopted an intuitive and organic approach to facilitating communication, which was crucial for establishing trust and playing a bridging role.

One feature of this approach was the explicit visibility of the cultural mediator, also reflected through indirect speech. This methodology led to interactions that resembled a natural three-way, non-mediated conversation more closely than those typical of traditional community or dialogue interpreting. In all such situations, mediated communication manifests as a three-way conversation possessing many characteristics of a natural conversation, such as multiple sources, coherence of discourse, language as action, cooperation, open-mindedness, artifacts, indirectness, and shared responsibility (Warren, 2006).

A detailed comparative study of these features in interactions facilitated by cultural mediators versus non-mediated interactions falls outside the scope of this work. The most significant aspect related to the natural approach of pioneering cultural mediators is 'multiple sources,' or the equality of all participants. The interpreter is very present and adds substance to the conversation. Professional community interpreters are traditionally trained to use first-person or direct speech while interpreting. The rationale behind this rule is based on the idea that by using the first person, the interpreter enables participants to communicate as if they were speaking directly to each other. Although the deconstruction of the conduit model acknowledges that interpreters actively participate in the dialogues they interpret, the norm of using the first person continues to endure. Employing indirect speech tends to be associated with being untrained. Howev-

er, in a study regarding the self-perception of interpreter roles, Aguirre Fernández Bravo (2019, p. 66) notes that within a continuum of roles interpreters assume, «Advocate interpreters are more likely to use the third person to convey interlocutors» messages. This allows the interpreter to consistently differentiate their statements (in the first person) from those of the parties (in the third person), clarifying who is conveying what. Using this method simplifies and makes it more natural for interpreters to provide advice or address cultural issues.' The term advocate interpreter stands in contrast to conduit interpreters in the continuum model to describe interpreters who «do not obscure their influence on the message,» and that «if an advocate interpreter sees it necessary to add, explain, or comment on something, they will do so openly, without attempting to disguise that they are the authors of such clarifications as they deem necessary to enhance the communication between the parties.»

The actual roles of interpreters (including trained professional interpreters) frequently conflict with their 'conduit model training.' Conversely, interpreters often remain unaware of this and continue to view their role as invisible. They adjust register, explain, define terms, and provide cultural context but still believe in their invisibility. In interactions, even if a speaker uses the second person, for instance, 'Does she/he,' the interpreter will typically render this utterance in the first person, ultimately aiming to negate their presence to foster the illusion of direct rapport between speakers, although the speaker acknowledges it. Therefore, the first-person grammatical approach appears contradictory even within the prescriptive norms of training (Hsieh, 2021).

An interesting study (Yonatan & Schuster, 2018) was conducted with Eritrean asylum-seekers in Israel who received training to become medical interpreters. Many were already assisting communication informally, but the training aimed to develop their skills as professional medical interpreters with clear role definitions and boundaries. While the training heightened their awareness regarding the principle of confidentiality and improved their linguistic and interpreting skills, it also prompted them to contemplate their role and to question it. Course graduates described their role «as a transparent tube – translating everything 'as is,» without even altering the pronoun from 'I' to 's/he,' but they also recognized that their role in the clinic extended beyond mere interpreting. They conveyed that they served as cultural mediators. One graduate referred to their role as a 'bridge' and illustrated this with the example of a patient informing the doctor he had two children with a six-year age gap. This revelation did not signify anything particular to the doctor, but the interpreter understood that the age difference was culturally significant. This led the interpreter to suggest that the doctor

ask further questions, revealing that the patient faced reproductive health issues. According to the interpreter, the doctor appreciated this intervention. While the course graduates perceived increased emphasis on accuracy and the adoption of direct speech as markers of their professionalism, and utilized vocabulary tied to the conduit model to characterize their role 'as a transparent tube,' they also identified with the term 'bridge,' realizing their capacity to facilitate a proper connection between the doctor and the patient. This example illustrates the interpreter's paradox and connects to issues surrounding interpreter visibility and agency in interactions.

In cultural mediation, the use of the third person is associated with the presence of a bilingual individual facilitating communication. This presence should be distinguished from interpreter visibility. For pioneers of cultural mediation as natural interpreters, adopting an intuitive approach meant they did not find anything problematic about providing interpretation while also being present in interaction as a third participant, relaying messages in indirect speech, speaking in their voice, explaining cultural points, preventing conflicts, and helping to resolve issues while carrying out advocacy if needed. The interaction thus unfolded as a natural three-way conversation, better suited to organic situations and reflective of life and its subtleties (Vještica et al., 2024). The interpreter's paradox never became an issue in cultural mediation because the approach of the pioneering cultural mediators was rooted in empathy and advocacy linked to their presence in the interaction. Additionally, there is an emotional and psychological dimension to the presence of the cultural mediator. In the context of refugee and migrant protection, an impersonal attitude by the person facilitating communication can negatively impact the interaction. It can be perceived as a lack of care and interest, which diminishes the potential for establishing trust. One of the cultural mediator's essential tasks is to facilitate communication during interviews conducted by protection personnel or relevant service providers with refugees and migrants in vulnerable situations. In such interactions, the presence of the cultural mediator can positively affect communication and trust-building. Therefore, elements that undermine or negate their presence or create distance between them and other participants, such as using direct speech, would adversely impact the interaction. In this context, the cultural mediator's natural response of acknowledging their presence in the interaction also affirms and validates the presence of other participants. Any model with dominant or implicit invisibility norms not only undermines the personhood and humanity of the communication facilitator but also affects other participants similarly. The cultural mediators' natural and intuitive response of being visibly present in the

interactions they facilitate acknowledges the reality that they are human, affected by the interaction, and simultaneously impact the interaction. This is a realistic and valuable foundation for facilitating communication. For instance, in an interaction between a social worker and a distressed child affected by domestic violence, the communication facilitator would be doing a disservice to both sides by opting to use direct speech to relay messages. In such situations, this artificial approach creates discomfort that hinders establishing contact and trust. The natural acknowledgment of each participant's presence keeps communication authentic and comfortable. The cultural mediator can assert the presence of the social worker, who can provide the child with much-needed assistance, offering reassurance while the child is in a vulnerable situation. The duty of the cultural mediator as a third bilingual and bicultural participant is to create a comfortable and safe space for the child to discuss distressing events and for the social worker to present solutions. Cultural mediators maintain their presence in interactions with empathy and objectivity. They intervene by contributing utterances to the interaction, whether to help a distressed participant calm down, provide insights, manage conflicts, or advocate when necessary. The cultural mediators' natural approach validates the personhood, agency, and ultimately the humanity of all participants, including the service provider, refugee/migrant, and cultural mediator. In his work on the interpreter's role in cross-linguistic discourse, Davidson (2002, p. 1275) finds that analyses of interpreted discourse have often overlooked aspects of discourse processing that are central to the analysis of same-language discourse. Firstly, speakers and listeners are equally engaged in the ongoing process of constructing conversational meaning, and secondly, to negotiate and capture the meaning of an utterance produced within an ongoing discourse, one must participate in the discourse itself. A model of communication facilitation that does not consider the perspectives of all parties, including the communication facilitator as a professional, cannot create conditions under which two sides that don't speak the same language and don't share the same cultural background can participate with an equal opportunity to be heard and understood. The presence of cultural mediators in interaction is also tied to the concept of protection by presence. This concept is outlined by the Office of the United Nations High Commissioner for Human Rights (OHCHR) as follows:

> A human rights field presence may provide protection through its very presence and visual impact. For example, an OHCHR logo and the way it is used locally, the location of a country office, the visit by a special rapporteur to remote communities or urban slums, the presence of human rights officers wearing United

Nations jackets during demonstrations or when visiting human rights defenders at risk are all forms of a visible presence that can provide protection. Therefore, HROs should be aware of the impact that their presence may have and they should use it strategically to improve protection.

On the ground, this concept can be observed in the experiences of bilingual protection personnel and refugees/migrants, as described in a post by Mark Turner on the global UNHCR website: «Sometimes, the simple act of being there is enough. They call it protection by presence. Arabic speakers and Farsi speakers, wearing the blue colors of UNHCR, offer a moment of reassurance as thousands of refugees make the long, uncertain trek through Europe. Under the driving rain, as each group waits to cross from Serbia to Croatia, they help unite separated families or rush the most vulnerable to the support they need. They ask how people are, share a joke, and listen to stories about their journeys, worries, and hopes.» This is very similar to the experiences of cultural mediators on the ground. The presence of a cultural mediator during interactions is akin to that of a mediator in dispute or conflict resolution, as outlined in a definition by Pruitt and Kressel (1989) cited in the Routledge Handbook of Intercultural Mediation (2023, p. 23): «third-party assistance to people trying to reach an agreement in a controversy. There are hundreds of things a mediator can do to help, ranging from simply being present at a joint discussion to generating new ideas and advocating for them vigorously.» The value of the cultural mediator's presence in interactions is also linked to their bilingual and bicultural identity, though it lacks the element of vigorously advocating for new ideas. Both sides can relate to them, and through their presence, connect more easily. For many refugees/migrants, the presence of a cultural mediator with bilingual and bicultural identity and skills is reassuring. It provides the support needed by vulnerable individuals, such as victims of torture or trafficking, to open up to strangers from another country and culture and share painful and intimate personal experiences. Just as service providers feel challenged and uncertain about how to convey their messages to someone who speaks a different language and seems foreign, aiming to find a reliable communication facilitator to ensure successful interactions, refugees/migrants view cultural mediators as individuals they can relate to and confide in within an otherwise unfamiliar host environment. In fact, refugees/migrants may occasionally develop an unrealistic perception of cultural mediators as 'powerful and influential' figures capable of communicating with service providers and obtaining access to specific services and solutions. Although cultural mediators should promptly address such misconceptions (which could lead to seriously negative consequences if

not handled properly), it illustrates that for refugees/migrants, cultural mediators represent a source of comfort and support as individuals who speak their language, understand their issues, and are adept at navigating the host environment.

Communication, whether non-intercultural or intercultural, cannot always be ideal. In both facilitated and non-facilitated communication, participants' sincere intention to understand one another is essential for optimal interaction. A cultural mediator can assist in this process, but the success of the interaction does not rely solely on their contributions. Despite accurate, empathic, and objective facilitation equipped with adequate linguistic, interpreting, interpersonal, and mediation skills, interactions can remain dysfunctional if participants are unwilling to listen and truly understand. Listening and understanding are empathic processes that extend beyond linguistic factors. For this reason, there are times when people who do not speak the same language manage to understand each other because they genuinely strive to do so through non-verbal cues and body language. Conversely, those who share a common language often struggle to reach mutual understanding. The willingness to listen and understand is the primary requirement for achieving mutual comprehension; when this willingness is complemented by linguistic and other skills, communication reaches its optimal state. This principle applies equally to both facilitated and non-facilitated, as well as intercultural and non-intercultural communication.

Furthermore, individuals can be viewed both as unique persons and as members of a larger group sharing common characteristics. Both understandings are necessary to offer appropriate assistance. This process involves comprehending what individuals are saying and understanding who they are; without this, protection needs cannot be accurately assessed and met within protection services. The universal human condition remains unchanged by cultural backgrounds. One survivor of sexual and gender-based violence experiences trauma similarly to another, even if they come from vastly different cultural contexts. However, it is crucial for a psychologist to understand who they are speaking with and how to best communicate with them, and this is where a cultural mediator aids in helping them get to know their client as a unique individual from a different cultural background. If protection services are to be delivered meaningfully and effectively, mediated intercultural communication must facilitate connections for those who do not share a common language, allowing refugees and migrants to express their issues, enabling service providers to gain an accurate understanding of service users and their specific situations, and assisting in identifying suitable solutions to their needs. In the context of refugee and migrant protection, cultur-

al mediators assess interactions and messages, as well as the relaying of messages, from a protection-sensitive perspective. Additionally, in a protection context, the importance of being bilingual and bicultural is tied to factors such as perspective and identity. The bilingual and bicultural identity of the cultural mediator serves as a reference point for both culturally different parties in an interaction, addressing issues from both sides' viewpoints. This approach helps diminish the sense of 'otherness' present in interactions.

Being a bilingual and bicultural specialist is a key qualification for cultural mediators in the context of refugee and migrant protection. The facilitation of intercultural interactions empowers cultural mediators to help create a third shared communication space, despite the varying perspectives and identities of participants. A similar reflection by Davidson (2002, p. 1284) further elucidates this concept: «Any working model of interpreted discourse must recognize that there is not a singular conversational common ground being constructed, but rather two separate sets of common ground between the interpreter and each of the two interpreters.» Transforming these two distinct sets of common ground into a jointly constructed third shared ground leads to the goal of mutual understanding. Being bilingual and bicultural allows the cultural mediator to cultivate openness beyond differences, acknowledge the universal human condition, and lay the groundwork for empathy and objectivity. An article on the role of cultural mediators in supporting migrants published by the International Organization for Migration recognizes empathy as a cornerstone in the work of cultural mediators within the refugee and migrant protection context: «Empathy and language skills form the foundation for building rapport and effective communication.»

However, empathy should not be viewed solely as an approach for refugees and migrants. The cultural mediator must demonstrate empathy towards both parties. Empathy works in conjunction with values of objectivity and neutrality to establish a balanced attitude. Training programs for cultural mediators emphasize empathy as a vital component in fostering communication, confidentiality, and neutrality. In everyday non-mediated conversations, individuals can contribute positively to understanding between one another or influence that process negatively. They may hinder interactions by only listening to one side, adopting a singular perspective, or focusing solely on their views and imposing them on others. It would be advantageous if they could appreciate perspectives from both sides and facilitate better understanding instead of taking sides or only expressing their own opinions. Similarly, when communication is mediated, the facilitator must embody empathy and objectivity by engaging participants from a bilingual and bicultural perspective to perform their role effectively. This requires cultural medi-

ators to grasp the viewpoints of both parties involved in the communication and leverage their bilingual and bicultural knowledge to form a third communicative perspective. This third perspective and the ability to engage from it to cultivate a 'third space for communication' are pivotal to the role of the cultural mediator.

The concept of third spaces, as posited by Homi Bhabha (1994), has been evolving over time in discussions across various fields, from politics and sociology to ADR and pedagogy. It signifies the fluidity and hybridity of cultural identity and represents a creative and transformative process that goes beyond stereotyping the self and the other in intercultural encounters. Examining Bhabha's 'third space of enunciation,' Bhandari (2020, p.84) observes that according to Bhabha, intercultural encounters in such spaces «result in something new and substantially different from just a mixture of the two.» New understandings emerge as perspectives shift within this fluid third space of hybridity. If intercultural interaction is viewed this way, a meeting between two culturally distinct parties becomes a dynamic force, creating third spaces where transformative and constructive processes can occur. The cultural mediator, as a bilingual and bicultural facilitator, plays a crucial role in this mutual effort to establish new meanings and understandings. For the cultural mediator, it is essential to help create third spaces for communication that are comfortable and conducive to better mutual understanding. In a refugee and migrant context, this closely resembles the actual physical safe space required for confidential discussions about sensitive topics with refugees or migrants in vulnerable situations. However, a safe physical space cannot fulfill its purpose if the virtual communication environment is not suitable for sharing intimate and personal information. The concept of a 'third communication space' is also to be found in other humanitarian contexts, as in the work of humanitarian negotiation with state actors, armed groups, etc. to secure access to people in need of humanitarian assistance (CCHN Field Manual on Frontline Humanitarian Negotiation 2019).

Despite significant advancements in training and education, cultural mediators in refugee and migrant contexts often remain untrained in many countries. The benefits of the natural approach are maximized when the individual facilitating communication is a bilingual and bicultural specialist, as described by Roy (1993). The bilingual-bicultural model of interpreting was established to move away from the conduit model, as proposed by Silvia Arjona and Robert Ingram. Arjona noted that «the translation process is considered to occur within a situational/cultural context that is, in itself, an integral part of the process and must be considered to bridge, in a meaningful way, the gap that separates both sender and receptor audiences» (Arjona, in Roy, 1993, pp. 146, 147).

Discussing the implications of this interpreting model regarding the work of the cultural mediator in refugee/migrant protection is beyond the scope of this work. It can be said that the cultural mediator is seen as having a 'bridging' role because they can decrease the gap that separates different parties in an interaction, and their bilingual and bicultural knowledge, along with their third perspective, are critical for achieving this goal. Furthermore, the kind of bilingual and bicultural knowledge they should possess must be practical and developed through engagement with a specific population group (Vještica & Sjekloća, 2020; Vještica et al., 2024). In our own culture, we often take our understanding of communication behavior in various social settings for granted. We can adjust our behavior accordingly (though not everyone possesses equal social skills due to various factors). We understand how to engage with a casual acquaintance, greet an old friend, or handle an unpleasant civil servant. However, saying the right thing or behaving appropriately in similar situations within a different culture requires more than simply language from a tourist phrasebook or classroom learning. Edward Hall elucidates the intricacies of cultural background and non-verbal communication (considered part of overall communication behavior) in his book, The Silent Language, 1959, p. 58, by quoting an excerpt from A Case of Identity by Sir Arthur Conan Doyle. Sherlock Holmes observes a woman's behavior through the window of his room, concluding that she seeks advice on a romantic matter but is unsure how to express it. He further notes that she does not appear seriously wronged; if a woman were deeply injured, she would not hesitate, whereas the woman he observes seems confused and distressed rather than angry. Hall states, «Sir Arthur made explicit a highly complex process which many of us go through without knowing that we are involved.» We take communication behavior in our familiar environments for granted to the extent that we are often unaware of the processes that allow us to pick up cues guiding our appropriate verbal and non-verbal responses. In our own language we have access to a frame of reference that helps us understand overall communication behaviour. Bilingual and bicultural individuals have access to dual frames of reference, thus able to process information about communication behaviour connected to two languages and cultures. A study on the effects of cultural frame switching on translation equivalence finds that being truly bilingual means an individual is also bicultural, and «biculturals have two distinct and complete sets of knowledge structures, one for each culture» (Luna et al., 2010, p. 280). Cultural frame switching is a spontaneous process among well-integrated individuals who are comfortable identifying with both cultures.

Individuals with these bilingual and bicultural characteristics are likely to excel as cultural mediators. Identifying with two different sets of values, attitudes, behaviors, and worldviews equips the cultural mediator, as a bilingual and bicultural specialist, with the ability to view situations from both perspectives in an interaction while maintaining objectivity. The cultural mediator can share this third perspective with participants in an interaction to foster common ground.

Mediation and Alternative Dispute Resolution (ADR): Overlaps and Distinctions

The development of mediation in dispute resolution and conflict prevention, aimed at achieving social cohesion across various social and legal contexts, has become intertwined with the evolving role of the intercultural mediator. This connection is particularly evident in refugee and migrant contexts, resulting in the interchangeable use of the terms intercultural and cultural mediator for two distinct profiles.

This blending of cultural mediation in refugee and migrant contexts with alternative dispute resolution (ADR) practices has created confusion regarding the profession of cultural mediators in these scenarios. It associates them with the mediation profession, where linguistic and interpreting skills are not the primary requirements, and diminishes the significance of their role in protection contexts. According to the Framework and Good Practices of Intercultural Mediation for Migrant Integration in Europe (Erdilmen, 2021, p. 6):

> Intercultural mediation is a newly emerging profession in Europe, although the practices of dispute resolution, conflict prevention, and translation are as old as the first migrant flows to Europe and have gained attention alongside the increasing focus on social cohesion policies in migrant-receiving societies. Beginning with the United Nations General Assembly's Uniform Mediation Act in 2002 and the introduction of the European Code of Conduct for Mediators in 2004, intercultural mediation aimed at supporting migrant integration in Europe has become more visible. However, each European country has its own legislative framework regarding mediation, leading to a lack of harmonization and shared standards of intercultural mediation in several Member States.

The 2002 Uniform Mediation Act and the 2004 European Code of Conduct for Mediators are documents related to mediation understood in the context of

conflict prevention, conflict resolution (including cross-border and international commerce), and enhancing relations among mainstream society, ethnic minority groups, and other social groups, such as immigrant communities and refugees or migrants, within communal and social settings, bridging them to services, and within families and communities.

The report on the Framework and Good Practices of Intercultural Mediation for Migrant Integration in Europe also highlights the case of Portugal, where the profile of 'socio-cultural' mediators is established by Law 105/2001, which defines their legal status (Article 1), outlines their competencies and duties (Article 2), and specifies training and certification procedures (Article 4). This law also delineates the areas of public service in which intercultural mediators can work, including local authorities, health institutions, and the Foreigners and Borders Service. An analysis of mediation trends in Portugal notes that while mediation has existed since ancient times across various societies, and those with authority and social standing have historically addressed conflicts, official recognition of mediation as a profession has emerged relatively recently, leaving some ambiguity surrounding it. Mediation is a complex activity that draws on multidisciplinary knowledge and skills. Training programs in Portugal are diverse, as they are across Europe. The variety in training and practice became particularly evident in Portugal starting in 2010, when regulations for the professional qualification of mediators were introduced into the Alternative Dispute Resolution Office (GRAL) system. These regulations emphasized the conflict mediator as a new player in legal practice. The study finds that «despite the existence of a few documents regulating mediation practice in Portugal and Europe, the profession is not recognized in the Portuguese Framework of Professions, which adversely affects its acknowledgment both professionally and socially» (Costa e Silva & Guiomar, 2023, p.36).

In addition to areas such as Public Family, Criminal, and Labor mediation systems in Portugal, laws also define the profile of the socio-cultural mediator. «Socio-cultural mediators shall perform their respective roles in schools, social security institutions, health institutions, alongside the Immigration and Borders Service, within the Social Reintegration Institute, and with local authorities, public services, or any entity that may require their assistance.» The study further remarks that, «In contrast to the provisions of the Justices of the Peace Act, where mediators are confined to resolving extrajudicial disputes, this new statute expands their scope of operations. They move beyond simply resolving conflicts (of a socio-cultural nature) to assume a role in defining social intervention strategies, as well as promoting inclusion, respect for cultural diversity, and equality» (Guiomar, 2023, p. 39). In Portugal, we find an example of the integration of

cultural mediation in refugee and migrant contexts into mediation practices related to Alternative Dispute Resolution (ADR). The TIME research report on Intercultural Mediation for Immigrants in Portugal refers to socio-cultural mediators as intercultural mediators, describing their role as one of support for immigrant citizens; since they share a common language and often share similar migration experiences, they help forge cultural and linguistic connections (Santa Cruz & Diniz, 2015).

The Frameworks and Good Practices of Intercultural Mediation for Migrant Integration in Europe Report (Erdilmen, 2021) also discusses the legal frameworks of various European countries, including Bulgaria, Spain, and Germany. However, these legal acts primarily govern mediation in ADR. The Bulgarian Mediation Act of 2004 establishes mediation as an alternative method of dispute resolution and addresses the work of the Network of Health Mediators, which serves ethnic minorities in the country, but lacks mediation services specifically for migrants. The Mediation Act of 2012 in Germany regulates the activities of mediators in dispute resolution, but it does not address the work of cultural mediators in refugee and migrant contexts. Similarly, in Spain, Law 5/2012 of 6 July on Mediation in Civil and Commercial Matters governs mediation within the justice system and dispute resolution. The Report also cites Belgium and Switzerland as two European countries that have effectively defined professional standards for mediators. In Switzerland, the national association for community interpreting and intercultural facilitation, INTERPRET, along with the Belgian COFETIS-FOSOVET, or the national Public Service and Interpreting platform, oversees community interpreting services based on intercultural competencies. While these two models integrate cultural mediation practices with community interpreting, other countries mentioned in the report, such as Bulgaria, Germany, Spain, and Portugal, tend to view cultural mediation in refugee and migrant contexts as a subset of mediation focused on conflict prevention and dispute resolution. These approaches differ significantly, as community interpreting and ADR mediation are distinct professions. Although cultural mediation in refugee and migrant contexts encompasses elements from both, it also incorporates aspects of refugee and migrant protection. In many European countries, there is no applicable legal framework; for instance, in Austria, existing laws only indirectly pertain to the profession, as seen in Greece, where legal provisions address the integration of third-country nationals but lack specific measures for cultural mediation. Although the Immigration Code in Italy defines the role of an intercultural mediator, profiles vary across regions (Theodosiou & Aspioti, 2015; 2016).

For cultural mediators in refugee and migrant contexts, conflict management and serving as a bridge between two parties align with mediation in ADR; however, they are not identical forms of mediation. Both involve communication activities central to the ADR field, where parties aim to 'talk out' their issues. The arbitration process is framed as a communication challenge, and when parties encounter language and cultural barriers, this adds complexity to communication issues (Bernal, 2011). In ADR, the problem is addressed by engaging an interpreter, while in the refugee and migrant protection context, the cultural mediator collaborates with protection actors and other relevant service providers to present a solution.

The cultural mediator's role within the refugee and migrant protection context closely resembles that of the bilingual mediator in ADR, who must possess cultural sensitivity and linguistic competence to establish rapport, fostering amicable dialogue quickly. The mediator «assumes that their primary mission is to clarify and enhance communication between the parties to assist them in deciding what to do» (Nguyen, 2014). This observation highlights the importance of building a rapport in mediation, which extends beyond conflict management and is more closely related to the role of the cultural mediator than that of the ADR mediator, given that parties involved in ADR typically come together due to an existing disagreement. A prior conflict is not always present or essential in interactions facilitated by cultural mediators. For example, a protection officer and a refugee/migrant may convene for identification purposes, with the cultural mediator still fulfilling the mediating role of establishing rapport to facilitate productive dialogue through their bilingual and bicultural communication skills. Furthermore, when conflict arises, the cultural mediator aims to help clarify issues for both parties rather than providing a solution. However, as previously discussed, merging the profiles of ADR mediators and community interpreters is considered a contentious strategy. Similarly, although cultural mediators in refugee and migrant contexts manage conflicts during interactions, their roles should not be conflated with those of dispute resolution mediators, who require a distinctly different set of knowledge, skills, and attitudes. As such, the expectation for cultural mediators in refugee and migrant contexts to also serve as interpreters is questioned, although the validity of recognizing cultural mediators as a type of ADR mediator remains open to consideration.

This ensuing confusion is echoed in various studies and reports. The TIME Self-Study Course for Trainers of Intercultural Mediators Module 6 (2016) emphasizes the need to differentiate cultural mediation in refugee and migrant con-

texts from other areas, explaining that mediation services can relate to dispute resolution or prevention in contexts such as contract negotiation, legal services, social interventions, and various community life sectors, such as family, workplace, commerce, and public disputes. The module encourages trainers to acknowledge the boundaries between other types of mediation services and the role of intercultural mediators for immigrants, fostering a better understanding of their interventions.

Training Gaps and Professional Standards in Mediation

According to the TIME Research Report on Intercultural Mediation for Immigrants in Europe, training programs and studies on intercultural mediation vary significantly, and there are three main categories: vocational programs in all countries surveyed (Austria, Belgium, Netherlands, France, Germany, Greece, Italy, Poland, Bulgaria, Portugal, Spain, and Switzerland); university degrees in interpreting (France, the Netherlands, Italy, Spain, Belgium), social sciences (Italy, Poland, Spain, Portugal, Greece, Belgium, and Spain), and mediation (Germany, Poland, Austria, Spain); and training within specific project implementations in most surveyed countries (Theodosiou & Aspioti, 2015; 2016). One consistent issue with training and teaching programs for cultural mediators has been the neglect of linguistic and interpreting skills. Although some countries, such as Italy, have taken steps to address this issue, interpreting has been recognized as one of the primary tasks of cultural mediators in all relevant documents providing guidelines (Amato & Garwood, 2011). Verrept (2019) in Health Evidence Network Synthesis Report 64 raises concerns about limited or absent training in interpreting, along with a lack of professional guidelines, standards, strategies for ensuring quality, and the limited role of academia in professionalizing the intercultural mediator's profession. Several studies have elaborated upon the negative consequences for communication due to inadequate training and insufficient experience in interpreting among cultural mediators. According to a study conducted by the AIM (Analysis of Interaction and Mediation) consortium in Italy to identify training needs among cultural mediators, issues of conversational dominance and proxy roles were observed. Conversational dominance manifests in three types: quantitative dominance, characterized by contributing too many utterances; topical dominance, by introducing new topics; and interactional dominance, by controlling the flow of communication and becoming the main participant, thereby reducing the participation of the refugee/migrant. Other studies have highlighted issues such as

a lack of consultation with all participants regarding interventions, which was also evident. An overemphasis on cultural differences, driven by the cultural mediator's self-perception as a cultural expert and the tendency of service providers to assign excessive significance to cultural differences, led refugees/migrants to feel stereotyped (Verrept, 2019). While there is much progress to be made in developing training and teaching programs for cultural mediators in refugee and migrant contexts across Europe, the so-called transit countries of the Western Balkans tend to lag considerably. This is primarily because these countries did not have a history of receiving migrants and faced challenges mainly due to the 2015 European Refugee Crisis, for which they were ill-equipped, especially in intercultural communication. Many of the population groups arriving via the Western Balkan route lacked prior immigrant communities that could serve as sources of bilingual and bicultural individuals. Even during and after the Crisis, very little concerted effort was invested in organizing national bilingual and bicultural resources to address the increasing intercultural communication needs, largely due to the influx of regular migrant workers from countries such as Sri Lanka, India, Nepal, Bangladesh, Pakistan, and Indonesia. Cultural mediators continue to be engaged by NGOs or relevant international agencies without any prior training and are mostly provided with training within specific implemented projects designed to equip them with information and knowledge about relevant systems and concepts, such as healthcare, social welfare, psychological support, SGBV, and SOGIESC. Refugee influx is viewed as a temporary issue, responsibility of which lies with the western European countries, thus there is an overall lack of ownership at government level. Thus very few training sessions are available for developing communication skills, and the development of linguistic and interpreting capacities has been almost entirely neglected. Another gap related to nearly all training and teaching programs is the neglect of defining and describing the role of the cultural mediator in refugee/migrant protection and tailoring training and teaching according to this role. As a result, teaching programs do not include the knowledge, skills, and attitudes required for cultural mediators to support protection actors by recognizing protection concerns and issues, identifying individual cases, and contributing to protection monitoring. This gap creates a serious disconnect between training programs and the real-life situations faced by cultural mediators in their daily work. This is particularly true in environments where significant protection gaps exist due to inefficient service provision systems and/or hostile and discriminatory attitudes toward migrants. Without suitable training to develop a protection-sensitive approach to communication, cultural mediators may either assume roles that are not theirs, such as

social workers or protection case workers, or become ineffective on the ground by failing to recognize and/or respond to situations they are not equipped to handle. Without a clear foundation and definition for the cultural mediator's activities in refugee and migrant contexts, whether in reception, orientation, or inclusion and integration, and without recognizing the role of cultural mediation in the refugee/migrant protection context, it will be challenging to design harmonized and standardized teaching and training guidelines with global applicability suitable for adaptation to country-specific contexts. Currently, training and teaching programs reflect the overall ambiguity associated with the profession and profile of the cultural mediator and the associated terminology.

According to Verrept (2011), «Clear definitions of the nature and limits of the profession, including the regulation of professional practices (a code of ethics and standards), are considered essential factors in the effectiveness of intercultural mediators in health care.» The lack of harmonization and standardization and the need for centralized training programs are also noted in the 2019 Health Evidence Network Synthesis Report 64 and the 2021 Frameworks and Good Practices of Intercultural Mediation for Migrant Integration in Europe. Although the report by Verrept focuses on cultural mediation in healthcare contexts, as healthcare is the primary area where cultural mediators are utilized, this observation extends to all other contexts, including reception, orientation, inclusion, integration, and cultural mediation in refugee and migrant contexts globally, transcending country-specific situations. The tendency to develop standards and training programs based on country-specific needs, or even regional and smaller local contexts, has resulted in a wide variety of vastly differing programs, leading to a fragmented approach. This fragmentation overlaps with community interpreting and mediation practices, focusing on some areas of activity while neglecting others. For example, while cultural mediators tend to be most active in healthcare due to the nature of the service, many training programs are often only advanced within the health sector. However, cultural mediators also operate in fields such as social welfare, education, and employment. Together with protection actors, they identify migrants in vulnerable situations and contribute to overall social cohesion through their interactions.

Frameworks and Definitions for Migrant Contexts

The Migration and Home Affairs of the European Commission defines a cultural mediator as: «In the context of migration, a professional who facilitates

communication (including interpretation) between people who speak different languages and come from various cultural backgrounds,» as articulated by the European Migration Network. They further explain:

- Cultural mediators provide information on diverse values, life orientations, beliefs, assumptions, and socio-cultural conventions by clarifying culture-specific expressions and concepts that may lead to misunderstandings.
- Intercultural mediation is not a registered profession; therefore, the role of cultural mediators is not clearly defined or recognized. As a result, this practice does not adhere to a standardized code of conduct and does not operate within a specific legal framework.
- The terms 'cultural mediator' and 'intercultural mediator' are used differently across EU Member States, and differing standards apply.
- A cultural mediator should not be confused with the term 'interpreter,' as intercultural mediation encompasses a broader and more enriched method of conveying messages from sender to receiver than mere interpreting.

Several other definitions of cultural mediation can be found, of which the most important are the following:

According to Giménez (1997) «Intercultural mediation – or social mediation in multiethnic or multicultural contexts – is understood as a mode of intervention of third parties, in and about social situations with multicultural significance, oriented towards the achievement of the recognition of the Other and the approach of the parts, the communication and mutual understanding, the learning and development of coexistence, the regulation of conflicts and the institutional adequacy, between the social actors or institutions with ethno-cultural differences.» Professor Carlos Giménez led a team from the Autonomous University of Madrid in a project initiated to ensure quality public services were offered to immigrants and to help their integration process, encouraging positive social interactions between immigrants and members of the host environment. The aim of the project was to define the socio-cultural mediator's purpose, describe the functions of mediation aimed at developing a systemic approach to the management of cultural diversity in public services providing care, and build guidelines for training in accordance. In a primarily integration context, the emphasis was on equipping the socio-cultural mediator in Portugal with skills to identify the effects of prejudices and stereotypes on interpersonal and social relationships, to manage inter-ethnic conflict, and to recognize shared ground between different sides. Viewing cultural mediation as an instrument for creating interculturality, Giménez sees the broader field of mediation as the right

framework for intercultural mediation or socio-cultural mediation (Santa Cruz & Diniz, 2015). The definition presented by Giménez provides a broader mediation framework for the work of the socio-cultural mediator, including all aspects of a mediation process that may be employed to bridge culturally different entities, by overcoming barriers posed by the perception of the 'Other.' The overall aim of the mediation process is 'recognition of the Other', and the method of achieving this goal is social mediation taking place in multiethnic or multicultural contexts. The cultural mediator is the third mediating side, or a bilingual mediator entrusted with the task of managing relationships between culturally different sides, the 'Other', and actors in society.

Chiarenza presents another important definition or description of the cultural mediator's work within the context of healthcare in the Italian region of Emilia-Romagna, where the Migrant Friendly Hospitals project was implemented in the province of Reggio Emilia. However, the description of the intercultural mediator's role does not limit itself to healthcare only. Chiarenza (2019) describes the intercultural mediator as someone who is able to accompany relations between migrants and the specific social context, fostering the removal of linguistic and cultural barriers, the understanding and the enhancement of one's own culture, and the access to services. In addition, the intercultural mediator assists organizations in the process of making services offered to migrant users appropriate. Chiarenza's description of the profile of the intercultural mediator is based on specific tasks and goals in terms of enabling intercultural communication by removing linguistic and cultural barriers, protection related tasks such as access to services, positive transformative social and cultural change in encounters and also an overall increase in the cultural competence of service providers. A set of related skills is also specified: understanding of different migrant needs and resources; linguistic mediation: interpreting & translation; intercultural mediation: culturally competent communication; orientation of relations between migrant users/services.

According to Pöchhacker (2008, p. 21), the skill set is «a description of the mediator's four-fold role. It is clear from the juxtaposition of key terms and from the rather abstract functional description that the notions of 'mediation' and 'interpreting' in this conception are inextricably intertwined.» For Pöchhacker, this merging of the roles of the mediator and the interpreter is questionable, as interpreting is not the primary profession of a mediator. Chiarenza (2021, pp. 203, 216) also recognizes the complexity of the cultural mediator's context. Commenting on research in this area, Chiarenza concludes that the boundaries between healthcare interpreting and intercultural mediation are 'still unclear and confusing,' and states, «there is general agreement that their intervention takes

place in a complex relational context in which communication difficulties are linked not only to language but also to socio-cultural, health literacy, and even institutional issues.»

In a practice-based training program, Chiarenza provides examples that reflect this complexity:

- Example 1: At the end of a mediation session during an internship/placement, you notice that the intercultural mediator informed a young woman that the doctor said she was pregnant. The intercultural mediator exited the exam room with the young woman, who had her husband waiting in the lobby. He approached the intercultural mediator and asked, «What did the doctor tell my wife?» What would you do? Why?
- Example 2: Before starting an internship session at the maternal care service, the patient confided to the intercultural mediator that her husband is abusing her and asked for advice. What would you do? Why?

The scoring system evaluates whether the trainee is able to relate their response to the code of ethics. Both examples present situations where the cultural mediator must exercise caution, prioritizing the woman's well-being. In the first scenario, the husband doesn't directly inquire his wife about the medical exam results; instead, he directs his question to the cultural mediator. The husband might hold traditional patriarchal attitudes, perceiving his wife, the patient, as being overlooked. A protection-sensitive cultural mediator would understand that pregnancy is a sensitive topic. The husband could have various reactions, from disbelief regarding the child's paternity to feelings of resentment or potential violence against the wife. These possibilities do not require confirmation for caution to be warranted. Cultural factors may also come into play, such as the disclosure of the wife's pregnancy by someone outside the family, based on the individuals' backgrounds. If the cultural mediator is cooperating with protection agencies, they may notify a protection office about the potential risk to the woman without divulging confidential details. If operating solely as a community interpreter, they should adhere to confidentiality protocols to prevent harm, as it is the foremost principle of protection. The second example explicitly addresses a woman in a vulnerable position, experiencing domestic violence and seeking assistance. This information is given to the cultural mediator prior to the medical examination. Here, confidentiality might not apply, and the cultural mediator should inform the woman that this information must be disclosed to the doctor (according to specific SOP, medical staff should contact the relevant law enforcement and/or social services to ensure help).

Both examples depict typical scenarios that cultural mediators may encounter outside healthcare environments. Refugees or migrants in precarious situations often share their difficulties with a cultural mediator and expect assistance. Providing this support relates to protection systems, emphasizing that the cultural mediator must act in line with ethical protection principles. The framework guiding the cultural mediator's role in refugee and migrant contexts is rooted in the same international human rights documents that serve as the foundation of refugee/migrant protection and integrates the ethical principles of protection with those of the communication professional. Cultural mediation in refugee and migrant contexts, intertwined with mediation and community interpreting, introduces ambiguity. Pöchhacker (2008, p. 28) describes this ambiguity as an «unclear and sometimes uneasy relationship between interpreting and mediation.» Other perspectives discuss community interpreting and cultural mediation as existing on a continuum, from conduit to advocate (Aguirre Fernández Bravo, 2019), or as interactions that may overlap in practice when normative frameworks fall short in addressing real-life situations that require interpreter intervention (Hsieh, 2009).

The two common frameworks for cultural mediation, community interpreting and dispute mediation, tend to overlook the essential third element connected to protection in the work of cultural mediators within migrant contexts. Ambiguity and complexity, along with unclear boundaries regarding community interpreting and conflict mediation, can be clarified if we view the cultural mediator's labor in refugee and migrant contexts through the lens of protection, defining and describing it accordingly. Furthermore, failing to contextualize cultural mediation within the framework of protection limits the potential of the service and hinders the appropriate design of training and educational programs necessary to address the diverse situations cultural mediators encounter daily. It is crucial to differentiate cultural mediation in the refugee/migrant protection context – encompassing reception, orientation, social inclusion, and integration – from cultural mediation in other scenarios to mitigate ambiguity and terminological confusion. Such definitions should integrate the three elements linked to the cultural mediator's work that correspond to three distinct professions and profiles: mediation in ADR, community interpreting, and refugee/migrant protection, which, while related, are not identical. A suitable definition should also encompass the approach to facilitating intercultural communication exhibited by 'natural interpreters', who engage as equal and active participants in interactions with communicative objectives. It is anticipated that such a definition will enhance understanding of the cultural mediator's role, scope, and ethics within

the refugee/migrant protection context while establishing recognition of cultural mediation as a unique service and profession.

The definition of 'Cultural Mediation in the Refugee and Migrant Protection Context' is the optimal utilization of the presence of the bilingual and bicultural facilitator of communication in intercultural interaction, fostering a third shared space for mutual understanding while employing a protection-sensitive approach.

4. Criminalization, Vulnerability, and Protection-Sensitive Communication

The movement or migration of people worldwide is a natural process linked to our evolution and survival. It is intrinsic to our behavior as a species and has been part of our lives since ancient times. Before the rise of settlements and sedentary societies, hunter-gatherers were non-sedentary and moved based on the availability of seasonal food resources. Insights into their lives preserved in Paleolithic cave art reflect elements of a world dominated by nature and reveal movement traces, with paintings layered over each other by different groups occupying the caves. The caves served as gathering places where our non-sedentary ancestors invested considerable collective effort into creating what we now recognize as cave art. Scaffolding had to be erected, and paint had to be mixed to produce the artwork. Handprints frequently found in caves indicate that the drawings were made by all members of a community, including men, women, children, and adults. In addition to having ritualistic, religious, or magical significance, this communal activity might have also served to exchange information with those who would later inhabit the area and the caves (Ehrenreich, 2019). From prehistoric times to the present day, mobility remains a vital aspect of human life across the globe.

There still are mobile regions in the world where greater emphasis is placed on roads rather than on settlements. For instance, in the Sahara-Sahel region of Africa, an OECD study (2014) notes that since prehistoric times, the lifestyle of the area's inhabitants has been characterized by knowledge that has allowed them to adapt to the arid desert environment. They relied on trans-Saharan routes, with permanent settlements located along the shore (Sahel in Arabic). The new state borders imposed by colonialism created a map of the Sahara-Sahel that overlooked this mobility. The 'reactivation of a circulation zone' is viewed as at least a partial solution to the challenges of stabilizing and developing the region. 'The

mobile space paradigm is proposed based on the concept of movement as a key factor in the organization of space' (OECD 2014, p. 17). This paradigm extends beyond the Sahara-Sahel, applying to other routes and 'mobile regions.' Ancient routes that have connected the world have been well-established since the Stone Age and continue to this day, facilitating the exchange of goods, culture, and knowledge, many of which remain active today, such as the Silk Road. In ancient times, human mobility was linked to animal migrations and the availability of food resources. Migration opened opportunities to establish new settlements and discover new resources (Piezonka et al., 2023). Despite the rise of permanent settlements linked to the processes of civilization, mobility has always been and remains a vital aspect of the ongoing development of our societies. While mobility as a lifestyle is now primarily associated with nomadic groups, a global migrant workforce can also reflect a culture of mobility. The way of life focused on pursuing food sources in the hunter-gatherer era, along with the unique lifestyles of nomadic peoples shaped by natural resources, is ultimately comparable to that of the modern migrant worker, who typically moves from one country to another for employment. The dilemma surrounding territory as a settlement versus as a route is central to contemporary migration patterns. The fundamental human right to freedom of movement is increasingly positioned within the context of the sovereign nation-state and border security, rather than the idea of natural human mobility along routes established since ancient times. Increased security measures at borders have resulted in the criminalization of irregular border crossings, leading to the label of migrants as 'illegal' in public discourse, which suggests they are criminals. International human rights documents offer some protection against the criminalization of mobility.

Representatives from various international organizations have expressed their concerns regarding the language used to describe migrants. The UN High Commissioner for Human Rights noted in a 2009 speech that the term illegal immigrants should be avoided and instead replaced with the internationally accepted terms 'irregular' or 'undocumented' migrants, which more accurately reflect the situation. The European Commissioner for Home Affairs stressed in a 2010 address that, «Illegal migrants do not exist. People may enter the EU and may need to use irregular means, but no human being is illegal.» The term 'economic migrant', primarily referring to irregular migrants seeking employment or irregular workers, has acquired a derogatory connotation in public discourse. However, the Resolution concerning a fair deal for migrant workers in a global economy, adopted by the highest governing body of the International Labor Organization in 2004, refers to 'irregular status' and 'workers in irregular situations.'

Risks and Complexities in Migration

While a significant amount of regular migration occurs when people move to other countries with the necessary permissions and documentation to study, work, live, or join spouses or family members, the steadily decreasing freedom of movement for citizens of many countries – due to stringent and highly restrictive visa policies – often leaves them with few opportunities for regular migration. Refugees and migrants rely on smugglers to help them navigate their journeys, evade border security, and access the necessary infrastructure for irregular migration, such as accommodations, money transfer methods, and transport services. However, smugglers often exploit and pose risks to those on the move. Migratory journeys remain perilous due to treacherous terrain, exposure to natural elements, heavily guarded borders marked by walls and fences, and the denial of the right to enter certain territories, resulting in violent pushbacks. In these circumstances, irregular movement follows patterns of much older routes of human mobility, which conflict with modern state border maps. The criminalization of movement becomes a complex equation involving security policies designed to control state borders, refugees and migrants needing to traverse roads or pathways through sovereign territories, and competing smuggling and trafficking networks vying for control over these paths to bypass state authority.

One of the consequences of increased emphasis on the security approach to resolve migration issues and the resulting criminalization of irregular movement is the difficulty faced by those fleeing to save their lives from countries that are isolated because of harsh visa regimes. Some Muslim countries, such as Pakistan, have been labeled as 'safe havens for terrorists', and individuals from these countries have very limited possibilities of traveling through regular channels to find work or to flee from danger. During the European Refugee Crisis, Pakistanis were considered to have the least justification for irregular movement. This opinion ignored the situation in Pakistan, a country that had been devastated and left with huge financial losses and approximately 50,000 civilians dead in the US-led war against terror. Furthermore, despite highly concerning human rights reports by Amnesty International and Human Rights Watch regarding the position of many groups and general conditions, the prevalent attitude throughout the European Refugee Crisis to the present is that nobody from Pakistan could have a genuine claim for international protection as a refugee. According to the accounts of Pakistani refugees/migrants traversing the Western Balkan route, usually, the worst forms of border violence during pushbacks were directed towards them.

Case Study: The Case of Arshad Sharif

According to a 2024 report by the Committee to Protect Journalists, a 2022 incident involved high-profile journalist Arshad Sharif from Pakistan, who was unable to find safety in a secure country after leaving Pakistan due to death threats from state actors following his reporting on large-scale corruption. The only countries he could access through regular channels were Dubai and Kenya. He had to leave Dubai, where the persecution continued, and relocated to Kenya, where he was shot and killed by Kenyan police on October 23, 2022, with authorities claiming it was a case of mistaken identity. However, a Kenyan court ruled in 2024 that Kenyan authorities violated Arshad Sharif's right to life and determined that his death was arbitrary and unconstitutional.

The case highlights the plight of those who, while fleeing persecution, choose regular channels for movement but face dire consequences because they lack access to safe third countries. Meanwhile, the Red Cross EU Office observes that the issuance of humanitarian visas for at-risk individuals outside the EU to regularly reach a safe country and lodge an asylum application is a flawed mechanism. This is due to the difficulty of accessing the process, the absence of formal procedures to examine applications, the lack of defined humanitarian grounds, and the fact that EU member states are not obligated to issue such visas.

Navigating Migratory Routes: The Western Balkan Experience

Each migratory flow has its own specific anatomy or structure regarding country of origin, reasons for migration, the broader social and cultural context in which the movement occurs, mechanisms and routes of movement, and the resulting protection concerns. For example, migration involving people fleeing a war zone and crossing an international border to seek safety in another country presents one type of scenario; individuals forced to leave their homes due to a natural disaster or violence in a specific area of their country are referred to as Internally Displaced Persons (IDPs) and may encounter a distinct set of challenges; statelessness leads to particular problems; a mixed migration flow comprising groups from various countries moving for different reasons, sometimes along complex and diverging routes such as the Western Balkans land routes and the Mediterranean sea route, presents a range of protection, social, legal, and security challenges.

Mixed migration flows are complex movements in which individuals in various circumstances are on the move. The Migration Data Portal describes such

flows as «cross-border movements of people, including refugees fleeing persecution and conflict, victims of trafficking, and individuals seeking better lives and opportunities.» Motivated by multiple factors, people engaged in mixed migration have different legal statuses and face a range of vulnerable situations. Although entitled to protection under international human rights law, they are often exposed to numerous rights violations along their journey. Moreover, refugees and migrants travel along similar routes, using similar means of travel – often traveling irregularly and wholly or partially assisted by human smugglers.

The terms 'Balkan Route,' 'Balkan corridor,' and 'Balkan Circuit' are often used interchangeably to describe a transit zone with blurred distinctions between entry and exit points (Hameršak et al., 2020). The 'Balkan Route' consists of two primary migration pathways: the Eastern Mediterranean Sea Route from Turkey to Greece, and the overland Western Balkan Route, which includes Albania, Northern Macedonia, Kosovo, Montenegro, Serbia, and Bosnia and Herzegovina, before reaching EU member states such as Croatia, Bulgaria, and Romania (BVMN n.d.). The term 'transit country,' used during the 2015 European Refugee Crisis, reflects a much older reality. Since the late 19th century, the Balkans have served as a significant route for migratory movements. Early infrastructure projects, such as the Paris-Istanbul Orient Express (1883) and the Berlin-Baghdad railway (1903-1940), facilitated these movements. During World War II, the Middle East Relief and Refugee Administration redirected European refugees toward the Middle East. In the post-war period, the Yugoslav Highway of Brotherhood and Unity enabled migration from Istanbul and Athens to Austria and Germany. Additionally, significant refugee movements toward EU countries occurred after the fall of communism and during the conflicts in the region during the 1990s (Hameršak et al., 2020). Since the 1970s, law enforcement agencies have viewed the Balkans as a major route for illicit activities and smuggling from east to west (Scaturro, 2022).

The migration along the Western Balkan route involves groups from countries in Asia, the Middle East, and Africa, fleeing war, violence, and persecution, as well as migrants seeking work. Many have previously worked as regular or irregular migrant workers and are compelled to move due to changes in local conditions. These changes may include shrinking economies in once-popular destinations, exploitation and abuse of workers, sanctions, inflation that reduces currency value, difficulties in regulating their status despite years of work, limited access to medical services as irregular workers, and stricter policies towards these workers. Afghan and Pakistani groups that initially joined the Syrian influx at the height of the Crisis were primarily former migrant workers (both regular and

irregular) in Iran, Turkey, and Greece. Subsequently, there was a sudden influx of migrants from India, caused by a temporary easing of the visa regime between Serbia and India, many of whom had also previously worked regularly or irregularly in various countries. Migrant workers often become a mobile workforce, pursuing opportunities for better working and living conditions, even as they aim to regularize their status in a specific destination. Those traveling along the Western Balkan route generally aspire to reach destinations in Western EU countries. Relatively few opt to seek asylum or regulate their stay through other mechanisms in so-called 'transit countries' because access to asylum, employment opportunities, and overall living conditions appear more favorable in EU destinations. Additionally, many have family members and communities already residing in these places, making them more appealing. An individual with a legitimate claim to international protection, a potential asylum seeker or refugee, may remain irregular in a 'transit country' where they hesitate to request asylum due to personal circumstances, such as limited job opportunities and the necessity to support family members back home. This scenario has led to attempts to transform transit countries into countries of asylum. However, these so-called transit countries have persisted as transit countries, even while deemed safe third countries for asylum. The primary argument presented by state authorities in these locations is that migrants 'don't want to stay.' This viewpoint is also bolstered by the lack of established conditions that would encourage individuals to remain, coupled with hostile or inadequate policies that hinder refugees and migrants from accessing services. The transition of a so-called transit country into a country of asylum has not been approached with a comprehensive view as a sensitive and gradual process, which should encompass not only the implementation of legislative and bureaucratic measures but also their effective application through social and cultural transformation. Consequently, state policies in these countries continue to be linked to the notion of transit, suggesting that refugees or migrants simply wish to pass through, thereby reaffirming their historical and cultural significance.

The Western Balkan route is also marked by the need to cross multiple borders before refugees and migrants reach their preferred destinations, along with a frequent denial of the right to access territory and seek asylum. According to the Border Violence Monitoring Network's (2024) input to the European Union for Asylum Agency (EUAA), the criminalization of those in transit has intensified, and incidents of immigration detention and border-related violence have risen. Over the past seven years, pushbacks have become a central, albeit unofficial, component of the migration regime of European states, both EU member states and others. BVMN defines pushbacks as state practices through which people on

the move are forced back across a border, sometimes immediately after crossing and sometimes without regard to whether they have previously transited through that border, without consideration of their individual circumstances and without the opportunity to apply for asylum or to contest the measures taken. Pushbacks are illegal and often entail a range of other human rights violations, such as the prohibition of non-refoulement, the right to life, and the prohibition of torture and inhuman or degrading treatment. Pushback practices represent the most common tactic used by states to prevent access to territory and, consequently, access to rights, including the right to seek asylum. In recent years, states have referred to pushbacks as 'prevention of entry,' 'refusal of entry,' or 'prevention of departure.' Regardless of the terminology used, these practices are unlawful.

Generally, refugees and migrants understand they are entering a territory unlawfully, as expressed in the nearly universal phrase: «We know we are breaking the law by entering this country without permission, and they can return us if they catch us, but they should not beat or humiliate us.» While refugees and migrants report experiencing violent and degrading treatment, many remain unaware of the illegality involved in the processes that deny them access to territory and push them back. The consequences of being pushed back can be extremely harmful and sometimes fatal. Individuals lost in border areas with treacherous terrain, exposed to severe weather conditions, and at the mercy of smuggler and/ or human traffickers, can suffer accidents that lead to serious injuries and may also experience physical abuse and sexual assault. Meanwhile, the urgency to continue their journey due to various factors remains strong despite these challenges, leaving migrants vulnerable to extended travels and increased risk of exploitation.

People smugglers have always operated along the Western Balkan route, but the Crisis gave smuggler networks a chance to expand and become deeply entrenched. This situation involves a criminal aspect of irregular movement that poses threats to both refugees and host communities. There is very little distinction between people smuggling and human trafficking. Increasing security at borders has led to extremely dangerous methods of irregular movement and a sharp rise in human trafficking and exploitation during transit, as well as in host countries across Europe. One consequence of tightened border security along the Western Balkan route is the dramatic increase in travel and overseas employment agencies in many countries of origin participating in human trafficking. The exorbitant fees charged for people smuggling or visas through employment agencies often leave migrants in debt, compelling them to work and repay the costs, which may put their family members back home at risk if they fail. The burden of debt remains one of the most pervasive factors driving irregular move-

ment along the Western Balkan route, pushing refugees and migrants to continue their journeys despite the dangers they encounter. Even at the height of the Crisis, refugees and migrants from Iraq, Afghanistan, and Pakistan borrowed substantial amounts from community members to undertake their journeys to an EU destination. Additionally, Syrians paid smugglers for expedited transport to the borders, even when the route was considered 'open'.

An interesting aspect of mixed migration in the Western Balkans has been the variety and fluctuation among different population groups moving along the route. While the number of Syrians was notably high during the peak of the crisis, it decreased following the EU-Turkey deal, and there was an unexpected increase in the number of refugees and migrants from Afghanistan and Pakistan. However, the overall situation shifted again with secondary movements of Syrian refugees from Turkey, Greece, Lebanon, and Jordan due to worsening living conditions. Various population groups from Egypt, Iraqi Kurdistan, Iran, India, Burundi, Morocco, Algeria, Turkey, and Afghanistan remained relatively prominent due to various factors, including changes in visa policies with Serbia, coupled with conditions in their countries of origin, such as post-COVID-19 economic challenges and political events like turmoil, indiscriminate violence, and economic sanctions.

For most people, only those individuals escaping war are considered proper 'refugees', as opposed to 'illegal migrants', especially when large numbers flee their country and cross international borders to seek safety. Those fleeing war, large-scale violence, or persecution are typically referred to as prima facie refugees because they are escaping from clear and objective circumstances. Examples include the Rohingya facing genocide in Myanmar, Syrians escaping civil war, and refugees departing from Ukraine. In these situations, urgent international protection is necessary, and the usual individual process of determining refugee status is not viable. Consequently, 'group determination' of refugee status is employed, and status is assigned prima facie (i.e., in the absence of contradictory evidence). Typically, the best solution for such refugees is deemed to be repatriation. This means that UNHCR can assist in facilitating the return of refugees to their country if they express a desire to do so and if certain conditions in their home countries are met. Repatriation is a lasting solution that can be executed only when the necessary mechanisms are established to make return feasible, ensuring safety and well-being. It would be incorrect to assume that only those fleeing from war are refugees. The UNHCR defines a refugee as:

> Someone who is unable or unwilling to return to their country of origin due to a well-founded fear of persecution based on race, religion, nationality, membership in a particular social group, or political opinion. For instance, an individual who belongs to a persecuted religious minority, whose rights the state fails or chooses not to protect, or who is involved in the persecution through discriminatory laws, may find themselves in a life-threatening situation and compelled to seek international protection.

The concept of belonging to a specific social group is fluid and contextual. According to the IOM Glossary N 34, «members of the group share an innate characteristic or a common background that cannot be changed, or they share a characteristic or belief that is so fundamental to their identity or conscience that a person should not be forced to renounce it. Additionally, that group has a distinct identity in the relevant country because it is perceived as different by the surrounding society.» People with diverse SOGIESC can be seen as belonging to a Particular Social Group and may find themselves in a position where they have to leave their country due to various violations of their rights, amounting to persecution. Women and girls, survivors of SGBV, and those seeking refuge from Harmful Practices (HP), such as early or forced marriage or Female Genital Mutilation (FGM), can also be identified as members of a Particular Social Group. A persecuted ethnic minority is yet another example of a Particular Social Group. Individuals who have been compelled to leave their country of origin or habitual residence for such reasons can be among those on the move in mixed migrations. Unlike cases involving large populations fleeing across an international border due to war, which are recognized as prima facie refugees, individual asylum seekers undergo the process of Refugee Status Determination (RSD), defined by UNHCR as:

> Refugee Status Determination, or RSD, is the legal or administrative process through which governments or UNHCR assess whether an individual seeking international protection qualifies as a refugee under international, regional, or national law. RSD is often a crucial step in assisting refugees in realizing their rights under international law. States hold the primary responsibility for conducting RSD; however, UNHCR may carry out RSD under its mandate when a state is not a party to the 1951 Refugee Convention and/or lacks a fair and efficient national asylum procedure.

Migrants can also shift along a continuum of regularity and irregularity. A 2007 Council of Europe issue paper states:

> Irregularity is defined by national immigration rules and is not a fixed condition. Irregularity arises in several ways. Migrants may enter a country illegally, without valid visas, by avoiding border controls or using false documents. Those who enter legally but overstay their visas become illegal; this likely accounts for most irregular migration, including individuals who are trafficked. Migrants may also enter on a non-working visa and then work, which may retroactively make their entry illegal. Most irregular migrants are workers; they tend to be less skilled than those who migrate legally because legal pathways for 'managed' migration are increasingly limited to those with the technical skills needed by developed economies, such as doctors, nurses, and IT specialists.

While moving along the regularity/irregularity continuum, a migrant can also become a refugee *sur place* due to new circumstances that require international protection. For instance, a migrant might initially leave their country to seek work, but if a war breaks out in their country of origin in the meantime, their situation changes. It is also possible for a person not to qualify for refugee status but still be at risk of torture or other serious forms of harm upon return. For example, some countries impose disproportionately harsh punishments for minor legal violations. The state has a responsibility not to return individuals to countries where they are at risk, in line with the principle of non-refoulement. According to international human rights law, «the principle of non-refoulement guarantees that no one should be returned to a country where they would face torture, cruel, inhuman or degrading treatment or punishment, and other irreparable harm. This principle applies to all migrants at all times, regardless of migration status.»

The example of the Western Balkan route presented many cases of refugees and migrants whose status had been regularized as asylum seekers in a country along the route but later became irregular because they did not want to remain in that specific country. Bulgaria was a particularly prominent example, where all irregular refugees and migrants apprehended found that the only way to avoid detention and removal was to apply for asylum. Most refugees and migrants did not wish to stay in Bulgaria, primarily because it was not their desired destination, but also due to inhumane treatment by border police and degrading living conditions in reception centers. In Serbia, most refugees and migrants had their status regularized when police issued them certificates of intent to seek asylum as a default procedure for processing, typically without an interpreter present.

These migrants would lose their regular status if they failed to reach their designated accommodation facility and/or did not submit an official asylum application within the allotted time frame.

One of the most significant aspects of criminality associated with irregular movement is the perceived threat to national security posed by the presence of third-country nationals without personal documents. The term 'undocumented migrants' is often used as an alternative to 'illegal migrants.' The implications of this term are noteworthy. Although it is utilized instead of illegal, the term suggests a lack of visibility to the system or authorities. While it is true that some migrants may never encounter authorities during their journey or in the destination country, most experience processing multiple times, albeit not through procedures for obtaining personal documents. For migrants traveling irregularly, possessing personal documents is often a liability, as it facilitates authorities' ability to forcibly remove and return them. Conversely, the absence of personal documents, or their possession by another individual, increases migrants' vulnerability to exploitation and trafficking while making access to legal remedies more challenging. Smugglers provide strict advice to their clients to leave their personal documents behind, either with someone in their country of origin or in a transit country at the start of the journey, to avoid forced removal or return.

If we consider the European Refugee Crisis as an example, even during the initial massive influx of refugees and migrants, many were processed at checkpoints, and their personal data was collected. Subsequently, most who traveled the route regularly interacted with authorities from various states at the borders, and their personal data was recorded, for instance, prior to a collective expulsion or pushback, or when being referred to a state accommodation center or a detention center. Most of them underwent processing multiple times, either in the same country or another country. Similarly, in destination countries, refugees and migrants are processed upon arrival and during the submission of asylum applications, but if their applications are denied and they are ordered to leave the country, they may still remain irregularly and become undocumented.

Additionally, under the new EU Pact on Migration and Asylum adopted on April 10, 2024, the EU's biometric database for asylum seekers, EUDAC, has been expanded to include the fingerprints, facial photos, and biographical information of all individuals aged six and older. Previously, the database contained only fingerprints, excluding images or biographical details, for people above the age of 14. The pact also facilitates easier police access to the database (Micinski, 2024).

The implication that undocumented refugees or migrants might pose a security threat is generally unsupportable. Thus, the term undocumented primarily

refers to a refugee or migrant lacking personal documents or a recognized status (asylum applicant, refugee, regular worker, etc.) according to the laws of the country in which they reside, and consequently lacking access to various rights, rather than indicating that they have not been processed or vetted by the authorities. The term describes a condition that can potentially expose migrants to harm and vulnerable situations.

Trafficking and Smuggling: Addressing Harm in Migration

Refugees and migrants are especially vulnerable to harm when they are undocumented or irregular. Even those engaged in legal processes such as family reunification, resettlement, voluntary return, asylum procedures, and local integration can find themselves in precarious situations. This vulnerability arises due to the risks of people smuggling and trafficking associated with migration, as well as gaps in protection services within specific host environments.

Vulnerability is defined by IOM as:

> Within a migration context, vulnerability is the limited capacity to avoid, resist, cope with, or recover from harm. This limited capacity is the result of the unique interaction of individual, household, community, and structural characteristics and conditions.

The Working Group on Migration, Human Rights, and Gender defines the concept of vulnerability within the contexts of migration:

The vulnerable situations migrants face can arise from various factors that may intersect or coexist, influencing and exacerbating each other while also evolving as circumstances change. The concept of vulnerability is a foundational element of the human rights framework. Alongside the need to uphold human dignity, recognizing and addressing vulnerability underpins the legal obligation of States to respect, protect, and fulfill human rights. 'Migrants in vulnerable situations' are individuals who cannot effectively enjoy their human rights, face an increased risk of violations and abuse, and are therefore entitled to call on a duty bearer's heightened duty of care. Factors that create vulnerability may prompt a migrant to leave their country of origin, arise during transit or at their destination, regardless of whether the initial movement was freely chosen, or may be linked to a migrant's identity or circumstances. Vulnerability in this context should thus be understood as both situational and personal. However, migrants

are not inherently vulnerable nor do they lack resilience and agency. Instead, vulnerability to human rights violations results from multiple and intersecting forms of discrimination, inequality, and structural and societal dynamics that create diminished and unequal levels of power and enjoyment of rights. As a principle, to ensure that every migrant can access appropriate protection of their rights, each person's situation must be assessed individually.

The range of vulnerable situations and forms of harm that refugees and migrants may encounter, particularly when they are undocumented but also when they are documented, tends to be similar for individuals in various types of movement. Just as protection principles and case management on the ground cannot vary in structure based on country-specific contexts, the types of vulnerability, risks, and forms of harm linked to irregular movement will not differ significantly among displaced populations, stateless individuals, and people involved in different migratory flows.

Migrant journeys typically commence with some form of vulnerability in their home country (primarily in the case of irregular migration). Experiencing a vulnerable situation in their country of origin can force individuals to leave their homes and families. Despite a sort of 'hierarchy of legitimacy' associated with the distinction between refugees and economic migrants, for many individuals migrating in search of work, this may be the only viable solution to ensure their families' survival, which is also why they may accept exploitation and even trafficking.

Moreover, in the countries of origin from which refugees and migrants come, poverty is not the only challenge. Many of these nations also experience highly volatile and unstable political conditions and/or widespread violence, with corrupt and repressive regimes that have records of severe human rights violations. Additionally, in these countries, ethnic or religious minorities may not be safe; individuals with diverse SOGIESC could face hate attacks, discrimination, and exploitation, while people's lives could be endangered due to their political opinions. In such situations, the absence of war cannot be equated with the presence of peace, because true peace is linked to social justice and wellbeing. Furthermore, migrant workers from these countries cannot be simply categorized as 'economic migrants,' which implies that there was 'nothing wrong' with their lives and that they merely sought to improve their social standing. Although it is true that some individuals choose to travel irregularly solely to increase their income for better living standards, this perspective overlooks the broader contextual issues many face.

When poverty results from systemic and endemic corruption, alongside deeply entrenched social inequalities, individuals may find themselves unable to access

essential rights like housing, healthcare, education, and justice in their own countries. This situation can compel them to seek better living conditions elsewhere. For instance, during the European Refugee Crisis, many young single men from Bangladesh traveled irregularly toward the EU. These young people predominantly identified as students with limited employment opportunities. Most reported facing ongoing harassment from members of the ruling party due to their ties with the opposition. Several claimed they were fleeing potential imprisonment and torture due to their political activism, having witnessed such events happen to others. Nonetheless, their shared goal was to reach an EU destination where they could secure jobs to improve their families' financial situations back home.

On the surface, most of these young men were viewed as migrants seeking 'better life prospects' or economic migrants, with attitudes towards their claims of political repression remaining skeptical. However, following the recent removal of Sheikh Hasina from the office of Prime Minister in Bangladesh, after violent clashes between students and police, the full scope of the unemployment issue and its deeper political implications have become apparent. According to a 2024 report in The Guardian, young people found it difficult to secure employment in public services due to a quota system that assigned a significant percentage of government jobs to war veterans and their children, as well as various ethnic minorities, while students who met job criteria were turned away. Although a court ruling eventually abolished this quota system, the violence inflicted on students had already generated such opposition to Sheikh Hasina's 15-year rule that she was compelled to resign and leave the country.

Slavery continues to persist globally in various forms. For instance, feudalism is still present in countries like Pakistan and the Philippines. This type of feudal system differs significantly from the historical concept of Medieval Europe, where those of higher rank owned land and offered protection to their 'tenants or vassals' in exchange for a share of their agricultural produce and their pledge of loyalty. A story in The Atlantic from 2017 describes the feudalism practiced in the Philippines, stating, «Feudalism is primarily an agriculture-based economic system where most farmers or peasants do not own land and must work for a landlord who profits from excessive land rent rates, exorbitant loan interest rates, and very low crop prices, among other issues.» A similar system exists in many regions of Pakistan, where feudal landowners effectively exercise ownership rights over the workers employed by them.

The IOM Glossary N34 defines slavery as «the status or condition of a person over whom any or all the powers attaching to the right of ownership are exer-

cised.» According to global estimates of modern slavery from the International Labor Organization and the International Organization for Migration:

> Modern slavery, as defined for the purpose of the global estimates, consists of two main components – forced labor and forced marriage. Both refer to situations of exploitation that a person cannot refuse or leave due to threats, violence, deception, abuse of power, or other forms of coercion. The scourge of modern slavery has certainly not been relegated to history. The 2021 Global Estimates indicate that 49.6 million people are in modern slavery on any given day, either forced to work against their will or trapped in a marriage they were coerced into. Forced labor accounts for 27.6 million of those in modern slavery, while forced marriage involves 22 million.

Servitude is linked to slavery but encompasses a broader concept, defined as follows: «State of a person deprived of liberty and subservient to another, forced to live on the other's property and unable to change his status. Servitude is listed as one of the possible forms of exploitation under the definition of trafficking in persons in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children» (EMM 2.0 E-Library).

There are many types of exploitation that can be classified as modern slavery, with forced or bonded labor being one of the primary forms. Debt bondage, defined as «the status or condition arising from a pledge by a debtor of his [or her] personal services or those of a person under his [or her] control as security for a debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined» (EMM 2.0 E-Library).

Families trapped in debt bondage often have a history of this form of slavery. Typically, they lack literacy and receive very low wages. They are forced to borrow from their employers and may be unable to verify the amount of debt and interest. Sometimes, entire generations become ensnared in this type of slavery, inheriting debts from their parents and passing them on to their children. Children who work from a very young age in these circumstances are deprived of education and other rights. This type of slavery can be observed in the brick kilns of Pakistan, India, and Afghanistan, for instance.

Forced marriage is another form of modern slavery. The IOM Glossary N34 defines forced marriage as a union entered into without the free and full consent of one or both intending spouses. This practice violates Article 16(2) of the Universal Declaration of Human Rights, which states, «Marriage shall be entered

into only with the free and full consent of the intending spouses.» This right is also enshrined in Article 2 of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery. Forced marriage is recognized as a form of gender-based violence.

Forced marriage also encompasses early marriage. Such unions frequently lead to exploitation, slavery, or slavery-like conditions. It is important to note that there is a distinction between forced and arranged marriages. In many societies, marriages are arranged by families with the consent of adult children.

Research has also examined the connections between displacement and early marriage. Factors such as economic hardship, limited educational opportunities, and the heightened vulnerability of girls and women in unfamiliar host environments contribute to a rise in early marriages. Fears of sexual violence against girls, coupled with the family's desire to provide security and protect its honor, emerge as primary drivers of early marriage among Syrian refugees in Jordan. (Al Akash 2021).

Children are also vulnerable to recruitment by militant groups worldwide. According to the Paris Principles on the Involvement of Children in Armed Conflict (2007), «a child soldier is any person under 18 years of age who has been recruited or used by an armed group in any capacity, such as combatants, cooks, porters, or for sexual purposes.» A UNICEF report states, «Between 2005 and 2022, more than 105,000 children were verified as recruited and used by parties to conflict, though the actual number of cases is believed to be much higher.» Children may be abducted or threatened to join armed groups, while some enlist due to poverty or to protect their communities. Regardless of the circumstances, child recruitment remains a severe violation of child rights and international humanitarian law. Many unaccompanied and separated children migrate to escape recruitment into armed groups.

Individuals may also face forced displacement and statelessness if they are removed from a country where they cannot regulate their status or stay for other reasons and sent back to a country of origin that does not recognize them as citizens or presents administrative hurdles in obtaining necessary documentation. Many Palestinians from Gaza encounter statelessness in Syria and Jordan due to state policies. Roma returnees in Serbia can become stateless due to various circumstances, including a lack of documents like proof of residence or birth registration. Certain groups in some countries become stateless for other reasons. For instance, in Morocco, a family code known as the Moudawana, stemming from ancient interpretations of Islamic law, governs family matters such as marriage, divorce, births, inheritance, and more. Despite amendments aimed at

improving the registration of children born outside of wedlock and enhancing women's rights, implementation remains poor due to social norms that stigmatize and criminalize mothers who have children outside of marriage, alongside restrictions on legally accessible abortion. This situation forces many mothers to abandon their babies. Additionally, children often remain without legal status because paternity cannot be established. These children are unable to access education and other services, leading to marginalized lives.

Depending on specific contexts, migrants may experience varying levels of risk regarding certain vulnerable conditions. For example, because IDPs do not cross an international border, they are not at risk from people smugglers, but they may face limited access to housing, food, and non-food items, exploitation, various forms of abuse, domestic violence, trafficking, and an increased risk of sexual and gender-based violence. Similarly, those fleeing war across an international border also do not necessarily need to rely on people smugglers, but they too may face similar risks as IDPs. Irregular migrants who use dangerous methods to cross borders with the help of smugglers are at an increased risk due to the inherent dangers of their travel methods, such as unseaworthy vessels, and from the potential abuse they may suffer at the hands of smugglers, including sexual assault. Even those with refugee status in a host country might find themselves in vulnerable situations due to severe living conditions, limited resources, and policies enacted by authorities. For instance, according to a UN report, «UNHCR, the UN Refugee Agency, the United Nations World Food Programme (WFP), and the United Nations Children's Fund (UNICEF) are deeply concerned about the rapid deterioration in the living conditions of Syrian refugees in Lebanon. Almost the entire Syrian refugee population cannot afford the survival minimum expenditure basket (SMEB).»

Lebanon's compounded socio-economic and health crisis has severely impacted the most vulnerable Lebanese and refugee families. The preliminary findings of the 2021 Vulnerability Assessment of Syrian Refugees in Lebanon (VASyR) highlight a dire situation, with nine out of ten Syrian refugees still living in extreme poverty. In 2021, a considerable number of refugees continued to rely on negative coping strategies to survive, such as begging, borrowing money, not sending their children to school, reducing health expenses, or skipping rent payments. The survey indicates that, in 2021, more family members took poorly paid jobs, high-risk jobs, or extra shifts to earn the same income the household had in 2020.

Policies enacted by authorities toward refugees can also infringe upon their rights, putting them at significant risk. For example, a 2023 Human Rights

Watch report documented that the Lebanese Armed Forces (LAF) arrested and deported thousands of Syrians, including unaccompanied children, to Syria between April and May 2023, without considering their refugee status or the consequences of their return. In 2024, the situation deteriorated when, due to intensified Israeli attacks, Syrians had to flee Lebanon and return to Syria, where they faced the risk of detention and abuse.

According to a Human Rights Watch 2024 report, thousands of Syrians were forcibly deported by Turkish authorities to a Turkish-occupied area in Northern Syria, where they were coerced into signing documents stating their return was voluntary. Humanitarian conditions in this region are dire.

Regular migrant workers can also face risks. In Serbia, labor shortages prompted the recruitment of migrant workers from countries such as India, Pakistan, Sri Lanka, and Vietnam. These workers are typically hired through third parties or agencies in their home countries, which leaves employers unaccountable. These agencies charge exorbitant fees for work visas and give a misleading impression of working conditions, often resulting in exploitation and trafficking.

Countries like Portugal, Spain, Italy, and France have relied on undocumented migrant labor to boost production while maintaining low prices. Initially, Portugal offered pathways to regularize status, facilitate social inclusion, and promote integration. However, many migrant workers could not take advantage of these opportunities due to administrative obstacles and subcontractors who failed to register workers. Recently, under EU pressure, Portugal retracted its policy on regularizing undocumented migrants, leaving many from Southeast Asian nations like Nepal, Bangladesh, India, and Pakistan without a chance to legalize their status, despite having worked and paid taxes. Such actions encourage further irregular migration, exploitation, and trafficking.

Individuals can also face SGBV in their country of origin, during irregular movement, and in destination countries. SGBV may be one of the reasons prompting a person to flee their home country, such as a transgender individual facing persecution or a woman targeted for honor killing by her family. Sexual violence against women has also been a persistent feature of wars and armed conflict. This violence is not always committed between opposing sides. The breakdown of law and order during wartime, the large movement of refugees fleeing violence, and the resulting conditions of displacement make girls and women, and to some extent boys and men, easy targets for sexual violence and exploitation. Certain living conditions for refugees can further heighten domestic violence against women when the patterns of normal social life disintegrate, similar to the increase in domestic violence seen globally during the COVID-19

pandemic. Perpetrators are not limited to family members; they can include anyone from host communities, refugee/migrant communities, or those in positions of authority among service providers.

Irregular movement renders migrants particularly vulnerable to SGBV. They often spend extended periods in different countries, where they remain invisible to authorities or organizations that might offer assistance. Often, they refrain from seeking help due to fear of removal or their intention to continue their journey, and they frequently do not report crimes committed against them. For instance, migrants traveling the Western Balkan route often share accounts of girls and boys, as well as women and men, being sexually assaulted by smugglers while moving irregularly, in squats near border areas, or in 'safes' (the houses where migrants are kept upon arrival at a designated destination until their payments are cleared, commonly referred to as 'safes' by migrants), yet witnesses and survivors are hesitant to report these cases to authorities. During the European Refugee Crisis, in transit countries, there were even unverified reports from refugee/migrant communities in state accommodation centers that women were being coerced into providing sex to smugglers as payment for further movement, although these reports could not be confirmed due to the unwillingness of women and girls to self-identify.

Many irregular migrants find themselves involved in forced prostitution. According to a 2019 Policy Brief and Recommendations on the Rights of Migrant Sex Workers by the International Committee on the Rights of Sex Workers in Europe, as a consequence of repressive immigration policies, many refugees, asylum-seekers, and undocumented migrants are driven to sell sex in conditions of poverty and limited employment opportunities.

People smuggling and human trafficking are two distinct crimes, yet they share certain connections.

The two crimes are different, but they are closely interlinked. Consequently, determining whether a case involves trafficking in persons or people smuggling can be quite challenging for various reasons:

- They are frequently operated by the same criminal organizations, utilizing the same routes and transportation methods for both crimes.
- Some individuals may pay to be smuggled but become victims of trafficking during this process, with coercive means employed against them, rendering their initial consent irrelevant.
- Similar to trafficked individuals, smuggled migrants are often victims of other crimes, such as mistreatment, violence, or human rights violations.

- Finally, once smuggled migrants reach their destination, they are illegally residing in a country. Most likely, they also need to work illegally, often without understanding the language or laws of the country, or avoiding law enforcement out of fear of deportation. Therefore, their status in the country to which they have been smuggled makes them vulnerable to human trafficking.

The lines and criteria between the two crimes are thin and can continue to blur. For instance, a young woman from Somalia accepts a job abroad as a housemaid in Saudi Arabia, but upon arrival, her personal identity documents are taken from her, and she is confined to the house, unable to leave. She cannot access services on her own and relies entirely on her employer. If she were to suffer abuse of any kind, it would be extremely challenging for her to seek help.

According to Human Rights Watch's 2024 World Report, Saudi Arabia's economy relies heavily on migrant workers, and based on a 2022 census, there are approximately 13.4 million migrants in the country. The visa sponsorship program is known as kafala, and it is «the most restrictive and abusive system in the region, which remains largely unchanged despite recent reforms.» The kafala system grants employers excessive power over migrant workers' mobility and legal status in the country and underpins their vulnerability to various forms of abuse – from passport confiscation to delayed wages, which can equate to forced labor. Migrant domestic workers also face verbal, physical, and sexual abuse. Saudi Arabia has regularly conducted arrests and deportations of irregular migrant workers; however, «many workers become undocumented through no fault of their own when their employers report them, sometimes falsely, for 'absconding,' even when they are fleeing abuse. Migrants are denied the right to contest their detention and deportation.»

With this background in mind, if a single woman from Somalia is traveling irregularly to a destination in Europe after returning from Saudi Arabia, there is a possibility that she may be exploited and/or trafficked again. Throughout the European Refugee Crisis, a pattern of such movement was observed among young women from Somalia, but they rarely discussed their situations and future plans.

One of the main challenges in identifying a victim of human trafficking is the unwillingness or inability of the victim to acknowledge that they are being trafficked or to self-identify. This might stem from the belief that they will find better job opportunities in a different country, or from a willingness to accept abusive working conditions to support families back home. For many irregular workers, working conditions in their countries of origin are highly exploitative.

Consequently, exploitation in transit or destination countries may appear to offer better prospects, as wages and working conditions can be superior to those in their home countries. There are also situations where trafficking victims in their countries of origin or along the route do not recognize their circumstances and come to understand that they have been trafficked only once they receive assistance and their situation is explained to them. For example, a group of Indian women employed as domestic workers for Greek families were detained at their employers' properties and worked without pay for a year. Although these women could describe the exploitative conditions that compelled them to escape and travel irregularly to Portugal in search of better work, they did not realize they had been trafficked and, as such, were entitled to certain forms of protection. Similarly, according to a 2012 Trafficking in Persons Report on Pakistan, «illegal labor agents charge high fees to parents with false promises of decent work for their children, who are later exploited and subjected to forced labor in domestic servitude, unskilled labor, small shops, and other sectors.»

During the European Refugee Crisis, many unaccompanied asylum-seeking children primarily from Afghanistan, but also from Pakistan, stated that an 'uncle' had paid for their journey and that they were traveling to a destination in the EU, where another 'uncle' was ready to provide them with accommodation, along with opportunities to study and work. The term 'uncle' was often used by UASC to refer to older men in their group, but this didn't always indicate a family relationship. For example, «He is not really my uncle. We only call him uncle – he is our neighbor. A boy of 16, Afghanistan/Iran» (Jovanovic, 2019). The same term was employed to refer to smugglers, either to disguise their identities or because the smugglers were part of the children's community.

In the case of UASC from Afghanistan and Pakistan traveling irregularly during the European Refugee Crisis, the narratives of their journeys exhibited similar patterns, often involving a generous relative who loaned money to the family, and another generous relative in the destination country who would provide the child with opportunities to study and work. All UASC understood was that they would have to repay the loan given to their families. Despite strong suspicions of potential trafficking, it was difficult to assist these children because, due to traveling 'voluntarily', they could not be recognized as victims of trafficking. In situations where members of extended family and community frequently serve as smugglers and/or traffickers, considerable trust may be placed in these individuals, leaving the person traveling irregularly unaware of the potential for exploitation and/or trafficking. According to data released by IOM (2017), «almost half of identified cases of child trafficking begin with some family mem-

ber involvement. The extent of family involvement in the trafficking of children is up to four times higher than in cases of adult trafficking.»

An NGO from Nepal, Maiti Nepal (2023), observes that «most of the girls and women from Nepal who are sold to brothels in India are trafficked by their own relatives or family friends. The human traffickers trap the girls from poor families, luring them with offers of good jobs or other similar temptations.» From 2022 onwards, the presence of an increased number of Nepalese women moving irregularly towards a destination in the EU, having previously worked in India, could mean that many among them might have had a previous history of trafficking or were at risk of trafficking.

Referring to the Western Balkan route example, various groups of population were more or less dominant during the different phases of irregular movement along the Western Balkan route. The presence of single women from Nigeria indicated that some of them might have been or could be at risk of trafficking in a destination country in the EU. According to a US State Department 2022 report on trafficking in Algeria, in Oujda, Morocco, along the Algerian border, and in northern coastal cities, undocumented migrant women and children are exploited in sex trafficking and forced begging. Female migrants, particularly from Nigeria, transiting Oujda, are trafficked for sex work in destinations in Europe. Nigerian networks, together with Moroccan criminal elements, retain control over their victims after arrival in Europe. A 2019 INFOMIGRANTS report comments that there has been an 'insidious trend' emerging across Germany, and an increasing number of young women from Nigeria are being trafficked into prostitution. According to the report, more than 20,000 Nigerian women had crossed the Mediterranean to Italy during a period of three years. The UN estimated that approximately 80% became victims of sex trafficking. Although their initial destination was Italy, smugglers and traffickers started moving them increasingly to Germany. One of the possible reasons is the legal status of organized prostitution in Germany, and the second is insufficient efforts by Germany to combat trafficking.

The assessment of this increasing trend is supported by a 2022 situation report from the Federal Criminal Police Office, which states that the number of cases of trafficking for sexual exploitation has significantly increased compared to the previous year. There was also a rise in labor exploitation. According to a 2023 report by the Global Organized Crime Index on Germany, the country remains primarily a destination for human trafficking, particularly sex trafficking, involving both German nationals and foreign individuals. Sex work has been legal in Germany since 2002. However, the assertion that the legalization and taxation of sex work would lead to a reduction in sex trafficking is a contentious

and unproven claim. Conversely, evidence suggests that, on average, countries where prostitution is legalized report a higher incidence of human trafficking inflows (Cho et al., 2012). Extensive human trafficking networks that operate in the countries of origin for various populations arriving in Europe via the Western Balkan route function both externally and internally, increasing the risk of trafficking for irregular migrants from these regions. Many countries from which refugees and migrants are arriving in Europe through the Western Balkan route and the Mediterranean route serve as source, transit, and destination points for human trafficking. This indicates that human trafficking networks are highly active within and beyond the borders of these nations. Given the conditions in destination countries, the risk of trafficking and other forms of harm does not lessen once refugees and migrants complete their journeys.

Protection-Sensitive Approaches to Communication

Developing a protection-sensitive communication approach for cultural mediators in the refugee and migrant protection context is as crucial as fostering cultural competence among service providers. This work does not aim to cover the entire spectrum of protection-related topics. Its purpose is to establish a framework for creating a protection-sensitive approach to communication specifically designed for cultural mediators as communication professionals.

Cultural mediators working in the refugee and migrant protection context should possess background knowledge relevant to their field, just as other communication professionals, such as conference interpreters, are expected to have comprehensive knowledge of their specific areas of expertise, including politics, economics, science, and technology. Cultural mediators must be informed about general migration issues and have a solid understanding of the specific migratory flow in which they are involved, along with foundational knowledge of international conventions and local regulations regarding the rights and responsibilities of refugees and migrants. They should be well-acquainted with the socioeconomic, political, and human rights profile of the countries their refugee and migrant groups come from, including the reasons they leave their countries of origin, the routes they take, the nature of their journeys, the influence of cultural norms on their migratory experience, and the risks and vulnerable situations that migrants encounter in their countries of origin or habitual residence, during their journey, and potentially in destination countries. Additionally, they should have fundamental knowledge of the rights and responsibilities of refugees, migrants,

and asylum seekers, as well as the services available in the host environment for the refugee and migrant population, such as legal aid, healthcare, social welfare, employment, housing, education, and other services provided by both state and non-state actors. To develop a protection-sensitive approach, it is essential to gather information about countries of origin, migratory flows, vulnerabilities, and forms of harm, as well as to cultivate a specific approach and attitude.

Developing a protection-sensitive approach to communication means that if a cultural mediator hears something and receives certain information, they should be able to anticipate the range of risks a person may face at that moment. For instance, if a migrant requests information about another migrant, asking about their whereabouts and claiming that the individual is their brother who has been separated, it's entirely possible that the man is a smuggler seeking a client who no longer wishes to travel with him, or he may be looking for someone to take revenge. Although none of these scenarios has to be true, they must be considered in the context of protection before taking further action.

A cultural mediator with a well-developed protection-sensitive approach is able to:

- Listen carefully to what is being said, paying attention to information that may indicate a protection concern. Example: A migrant staying at a state accommodation center tells the cultural mediator, «I couldn't sleep again last night because the family in the room next to me was fighting again.» The cultural mediator should consider the possibility of domestic violence or another form of abuse occurring and report this concern to the relevant protection officer. While it's entirely possible that nothing serious is happening, it's also possible that someone is at significant risk.
- Relay an utterance to alert a protection officer to the potential risk faced by a refugee or migrant. Example: A migrant is working irregularly at a hotel as cleaning staff. In response to a question from a protection officer about their work situation, the migrant replies with a grin, «Everything is fine. Sometimes the boss is harsh, but he is okay.» Cultural mediators should communicate the utterance accurately without downplaying or minimizing the part where the migrant worker critiques their superior; instead, they should ensure this aspect is highlighted. While the migrant worker may be providing an accurate observation, it's also possible they are experiencing some form of abuse from their superior and may feel uncertain about safely expressing it. A protection-sensitive approach requires the cultural mediator to convey the second part of the statement as crucial information rather than a casual remark that lacks significance.

- Contributing utterances to an interaction or saying something to a refugee or migrant during independent fieldwork must be a carefully controlled activity.

Any information provided should be approved for dissemination by relevant supervisors, including the communication strategy for the dissemination process. Any feedback on questions that the cultural mediator cannot answer should be checked first, rather than giving opinions. While the nature of contact can be casual and informal, cultural mediators should maintain clear professional boundaries and avoid forming relationships that resemble private friendships with refugees or migrants they frequently encounter. Cultural mediators should not 'dig for personal information' out of curiosity or the desire to 'identify' an individual case. Refugees and migrants often confide in cultural mediators or others they trust and are comfortable communicating with, but they should never feel pressured to share their experiences. Instead, they should have access to safe individuals and safe spaces to talk, where they may share their problems in their own time and by their own choice. Several international documents, pacts, and conventions protect the rights of refugees, asylum seekers, and both regular and irregular migrants.

> Protection for migrants is defined as all activities aimed at obtaining full respect for the rights of individuals in accordance with both the letter and the spirit of the relevant bodies of law (i.e., International Human Rights Law, International Humanitarian Law, and International Refugee Law). This definition incorporates:
> - Protection under International Humanitarian Law (IHL), which applies to situations of armed conflict as addressed principally in the four 1949 Geneva Conventions and their Additional Protocols of 1977.
> - Protection under International Refugee Law (IRL), which applies to persons who meet the refugee definition under international, regional, or domestic laws, or under the mandate of the United Nations High Commissioner for Refugees (UNHCR).
> - Protection under International Human Rights Law (IHRL), which applies to all persons at all times and is grounded in the Universal Declaration of Human Rights (UDHR) and the nine core international human rights instruments.

The further a host environment is from adequately implementing these conventions, the more serious protection gaps will arise, leaving many refugees and migrants in highly vulnerable situations. These nine core international documents are the following:
- [International Covenant on Civil and Political Rights](#)

- [International Covenant on Economic, Social, and Cultural Rights](#)
- [Convention on the Elimination of All Forms of Discrimination against Women](#)
- [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#)
- [Convention on the Rights of the Child](#)
- [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families](#)
- [International Convention for the Protection of All Persons from Enforced Disappearance](#)
- [Convention on the Rights of Persons with Disabilities](#)
- [International Convention on the Elimination of All Forms of Racial Discrimination (ICERD/CERD)](#)

5. Solidarity, Smuggling, and Security in Migration

Throughout the 2015 European Refugee Crisis and into the present, refugees and migrants traveling the Western Balkan route have consistently expressed that when regular channels of movement are closed to them, people smugglers become their only option, albeit not the preferred one. Many attempt to travel through legal means but find themselves unable to do so due to restrictive visa policies. Irregular migratory journeys facilitated by people smugglers remain perilous, yet many refugees and migrants see no alternative. Despite secure borders, threats of border violence, risks of detention and removal, and dangerous travel methods, individuals opt to risk their lives, take out loans, or invest everything they possess to pay smugglers large sums of money for irregular travel to reach their desired destinations. Smugglers themselves represent one of the many dangers and risks that refugees and migrants face during irregular journeys. According to the first UNODC global study on people smuggling (2018), migrants traveling irregularly worldwide often experience various forms of abuse, exploitation, and even deliberate killings (such as being thrown overboard from boats to evade capture by coastal authorities or being abandoned without assistance when too weak or sick to continue). While migratory journeys may vary in danger, many are lethal. According to IOM, since the beginning of the Missing Migrants Project, over ten years, more than 63,000 deaths and disappearances have been documented globally. The year 2023 proved to be the deadliest on record, with 8,565 deaths occurring along migration routes worldwide. While these estimates offer a general sense of the dangers associated with migratory journeys, they are approximate figures, and numerous deaths remain unreported.

During the 2021 U.S. withdrawal from Afghanistan, shocking images emerged of young men and boys clinging to the landing gear of a U.S. jet in hopes of fleeing the country, resulting in several deaths. While these scenes were unbelievable to most, for those familiar with fatalities during irregular migratory

journeys, they revealed a similar level of despair that drives migrants to choose crossing methods that result in drowning in fast-flowing cold rivers, exposure to freezing temperatures, or electrocution while hiding in dangerous parts of trains, among others. Although migrants are often ill-informed about the risks of irregular movement, this is not always the case. Using social media, refugees and migrants frequently exchange information, and while they may be influenced by people smugglers, they make informed choices about the risks they accept. Nevertheless, many overestimate their ability to endure the hardships of the journey. Studies increasingly indicate a link between irregular migration and Post-Traumatic Stress Disorder (PTSD). The journeys not only expose migrants to life-threatening situations but also subject them to abuse and violence from smugglers and law enforcement officers. The stress and trauma involved in irregular movement – from the country of origin, during transit, and in destination countries – can lead to PTSD, major depressive disorder, psychosis, and suicide (Bustamante et al., 2018). According to the Protocol against the Smuggling of Migrants by Land, Sea and Air, which supplements the United Nations Convention against Transnational Organized Crime, people smuggling is defined as «the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.» Under Article 5 of the Protocol, migrants shall not be liable to criminal prosecution for having been smuggled. Although the purpose of the Smuggling of Migrants Protocol is to combat migrant smuggling while protecting the rights of smuggled migrants, the impact on the ground has been twofold and negative. Refugees and migrants are increasingly treated as criminals due to their irregular migratory status, and those assisting them without financial or material benefit – such as friends, family members, community members, and humanitarian actors – have also faced penalties and sanctions. The PICUM 2024 Briefing on the criminalization of migration notes a convergence between administrative and criminal law in the area of migration and border control over the last three decades. U.S. scholars coined the term 'crimmigration' to describe this trend, which was later applied to European contexts as well. As a result, punishments under criminal law are imposed for irregular entry or stay, and an individual's migration status affects the determination of punishments for non-migration-related minor criminal charges, such as sleeping rough, shoplifting, and begging. Third-country nationals face prosecution and detention more frequently in such cases, while charges are often dropped for EU nationals or replaced with other sanctions. Refugees and migrants are also often held and prosecuted on smuggling-related charges in lengthy proceedings during

which they may lack adequate defense, including translation and interpretation services. In many instances, pre-trial criminal detention lasts for years, even for individuals who are ultimately acquitted. According to another PICUM Briefing (2023):

> People have been criminalized for actions including offering assistance with an asylum application; driving migrants by car or assisting them during a train ride; buying or providing money to buy public transport tickets for migrants; providing food, water, and/or shelter to migrants; occupying abandoned buildings to shelter migrants; rescuing or helping migrants in distress at sea; helping migrants to disembark safely; being on a boat or helping others in need on a boat; helping migrants who had been pushed back to cross the border again; photographing coast guard vessels; and anti-racist, pro-migrant activism.

The report concludes that the focus on deterring and criminalizing migration is based on the unfounded assumption that smuggling is one of the main causes of irregular migration. This narrative obscures the human rights costs of combating smuggling and ignores the fact that irregular migration is not caused by smuggling; rather, people smuggling is a consequence of border control. Moreover, these strategies frequently yield no results, leading to even more perilous journeys.

Border Solidarity Versus Criminalization

Even after the closure of borders and increasingly harsher border control measures, one of the most common remarks by refugees and migrants traversing the Western Balkan land route was, «As long as there is the slightest chance of reaching our destination, this will never stop.» Such remarks were made casually during informal discussions with cultural mediators, mostly by refugees and migrants from Afghanistan, highlighting the fact that when people are in desperate circumstances, they will continue to take enormous risks in the hopes of improving their lives. In a broader context, these comments can be seen as indicative of the fundamental reality that mobility has always been, and will continue to be, part of human life, regardless of whether routes or roads are closed or open, dangerous or safe. Similarly, solidarity actors are a natural part of human societies, acting in ways fundamental to human nature and in accordance with universally accepted moral values. This includes individuals acting in

a personal capacity by providing food, water, and shelter to irregular migrants, giving them directions, or even helping them with transportation, without any financial or material benefit; as well as humanitarians working in a professional capacity in civil society organizations, providing food, non-food items, or information, among other forms of assistance. The implementation of the Protocol tends to criminalize irregular movement and solidarity actors, primarily because it is enforced alongside heightened border control measures and violent pushbacks, rather than upholding international humanitarian law on access to territory and due process. Such strategies to combat people smuggling are aimed at controlling, minimizing, or completely eliminating irregular migration. The outcomes of these strategies typically result in the emergence of alternative and more perilous routes, heightened demand for smugglers and increased costs, riskier methods of crossing borders, and prolonged migratory journeys that leave migrants more vulnerable to exploitation and trafficking. These strategies also perpetuate corruption among border police and lead to increased use of fraudulent documents, often aided by officials responsible for issuing visas and related documents. Furthermore, there is an increase in human trafficking for forced labor and sexual exploitation through illegitimate overseas employment agencies. Overall, these strategies are dysfunctional and counterproductive because they are based on an inherently flawed premise: that the securitization of migration can lead to minimal or zero irregular migration. It is unrealistic to implement global measures aimed at achieving complete control over human mobility. Likewise, imposing formal or informal bans on the provision of assistance by solidarity actors or criminalizing their work cannot eradicate the presence of solidarity among human beings.

Solidarity is an essential part of irregular migratory journeys. In the absence of systemic guarantees regarding the various rights associated with different types of personal documents, irregular migrants depend on family and community at home for financial support and other assistance along the way, as well as on members of the group they travel with. They also communicate through social media networks to share information about the forms of assistance provided by civil society actors along their routes. Often, they journey to destinations where they have friends, family, or communities that can help them once they arrive. Nowadays, solidarity in the context of migration is grounded in the premise of human rights, particularly the right to freedom of movement. However, this perspective on the principle of solidarity is relatively new. The paradigm of solidarity, mobility, and security is an ancient concept. Caravans made up of merchants and other travelers journeying along ancient routes exemplify this configuration

of the three elements. For instance, in the ancient Near East during the pre-Islamic period, caravans faced constant threats of plunder, and rulers imposed taxes along roads to ensure safe passage. Local kings of Syria-Palestine and Sabaean kings sent gifts to the Assyrian king as tributes and also as tokens of friendship and loyalty. Caravans traveling from Arabia to Syria and Mesopotamia often diverted from the King Highway through Transjordan to avoid paying taxes to local kings along the way. These detours resulted in the emergence of alternative routes where hubs or caravan stations developed. Moreover, the caravan system led nomadic tribes to abandon their practice of robbing caravans in the desert in favor of becoming merchants or raising donkeys and camels needed for caravans. Caravans themselves were highly organized to endure the challenges of long and perilous journeys and to negotiate safe passage. Each caravan had a leader responsible for managing the journey and making decisions based on their expertise in navigating specific routes, and they also hired guides for navigation. Caravans required a king's permission to enter a country or territory, and kings protected merchants' interests (Maraqten, 1996). Thus, solidarity can be seen as an acknowledgment of interconnectedness. Solidarity as a process that contributes to desirable conditions for global mobility involves both states and individuals. During the time of caravans traveling along ancient trade routes, the concept of solidarity focused on building relationships and facilitating movement for mutual benefit, trade, and the exchange of knowledge and culture. Mobility – encompassing both voluntary and involuntary migrations – and solidarity are natural processes that transcend the distinctions between regular and irregular migration, as well as the constructs of 'push and pull factors.' Historically, solidarity has served as a mechanism for enabling safe mobility. In contrast, the criminalization of irregular migration, as a form of human mobility, is associated with efforts to exert control over all forms of movement, resulting in the securitization of borders rather than ensuring the safety of people on the move. In this context, the values of solidarity with migrants, regardless of their migratory status, as enshrined in international humanitarian law, are increasingly expressed by grassroots movements that challenge state policies (Özdemir, 2022).

Case Study: Solidarity and Criminalization at the Borders
(All information that could lead to a breach of confidentiality has been omitted)

An increase in pushbacks in one of the transit countries along the Western Balkan land route led to a situation where a group of refugees and migrants, in-

cluding families with young children, were denied access to the territory and forced to return to an uninhabited border area. Due to sub-zero temperatures and a lack of adequate clothing, shelter, food, and water, the group found itself in a precarious situation. One of the members reached out to an NGO via cell phone for assistance. The NGO then contacted local police, and a border police officer decided to organize a rescue mission despite orders to the contrary from their superiors. Thanks to the rescue mission, the group of migrants was rescued in time, and several individuals received medical treatment for frostbite and hypothermia.

The case presented a rare instance of not only a display of solidarity but also of upholding international humanitarian law by a member of a law enforcement body of a sovereign state. The police officer decided to act according to their personal moral sense of duty with the readiness to face consequences for disobeying direct orders from their superiors. During the early phases of the implementation of the externalization of EU border security, transit countries that previously did not regularly carry out pushbacks, were pressured to keep numbers of arrival at a minimum, requiring border police to adopt violent expulsion tactics, and pushbacks were reported in daily news as «successful prevention of illegal entry into state territory.»

Smuggling Networks on the Western Balkan Route

The Western Balkan land route presents a useful case for examining the equation of people smuggling, solidarity and security in irregular migration. While the route was already in use for people smuggling long before the 2015 European Refugee Crisis, the dominant security response to it provided smuggling networks an opportunity to grow and become even more deeply entrenched. The initial humanitarian response was quickly overtaken by attempts to control the flow of people by limiting the 'right to transit.' The policy of 'closing' the officially managed route from Greece via North Macedonia and Serbia to Croatia, to all population groups other than those from Syria, Afghanistan, and Iraq, was the harbinger of complete 'closure.' During this time, in order to ensure that the 'right' people were entering the EU through Croatia, language checks were introduced at the Serbian-Croatian border (in addition to a document issued by Serbian authorities with information about country of origin), conducted by interpreters on the Croatian side to determine country of origin. These checks were introduced when Serbian authorities started issuing registration certificates

to people from population groups other than from Syria, Afghanistan and Iraq, stating that they originated from these countries. However, the language checks proved to be largely inefficient because interpreters were not qualified enough, and/or looked the other way as a gesture of solidarity. Thus, many migrants from Pakistan, Bangladesh, and India, who had previously worked in Arab countries and were able to speak Arabic, succeeded in using the official route. Iranians speak Farsi, which is similar to Dari (one of the two national languages of Afghanistan), and this allowed them to cross the border as Afghans. Furthermore, the second national language of Afghanistan, Pashto, is also native to Pashtuns living in Pakistan, although there are some differences in dialect. Most of the Pashtuns from Pakistan at that time also crossed the border into Croatia as Afghans.

Later, the pressure on the Hungarian border from the influx of numerous migrants was addressed by an exclusive policy characterized as 'unofficial,' known as the Hungarian List. This solution was reportedly negotiated with representatives from the migrant community and officials from Hungary and Serbia, although both sides denied the official status of the List. Before Hungary fully closed its borders to migrants, the List served as a mechanism for allowing entry primarily to individuals from Syria and Afghanistan, prioritizing families, unaccompanied asylum-seeking children, and those in highly vulnerable situations, such as victims of trafficking and survivors of sexual and gender-based violence. Serbian authorities indicated that the names of all individuals entering Serbian reception facilities at the time were included on the List. However, individuals in certain categories, such as single men from countries like Pakistan, Bangladesh, and Morocco, had very little chance of being granted entry into Hungary. Allegations of corruption and bribery also surrounded the entire entry system. Members of various migrant communities claimed that 'places on the list' were being bought and sold, enabling some individuals to be 'moved up on the List.' Ultimately, the system was dismantled when Hungary decided that anyone seeking asylum in Hungary needed to approach the Hungarian embassy in Belgrade and wait for the outcome of their application outside Hungarian territory.

The construction of categories based on country of origin to confer legitimacy of movement upon certain population groups, while denying this legitimacy to others, has also resulted in similar discrimination by civil society actors regarding the provision of various forms of assistance and support. This approach is akin to treating specific population groups as fixed categories of 'vulnerable individuals,' such as single women, families, and unaccompanied asylum-seeking children, even when they may not be at risk, while viewing the category of 'single men' as fixed in being 'non-vulnerable,' despite the possibility that they

might be very much at risk. Additionally, other categories were created under this approach; for example, solidarity is often reserved for asylum-seekers and recognized refugees or acknowledged victims of trafficking and gender-based violence, while irregular migrants are excluded from support and assistance programs. Solidarity actors providing assistance regardless of migratory status in Serbia during the immediate aftermath of the initial crisis largely comprised a minority of local NGOs and volunteer associations from EU destination countries, such as No Name Kitchen and No Borders. These actors relied on non-mainstream donors or alternative funding sources. Major donor organizations funded projects focused on 'legitimate' solidarity, offering support to asylum-seekers, UASC, victims of trafficking, SGBV survivors, and people with diverse sexual orientation, gender identity and expression, and sex characteristics (SOGIESC). The role of activism-based solidarity actors, such as the aforementioned volunteer organizations, was primarily perceived by the state and the majority of the civil sector as questionable and even detrimental. This perception was partly linked to the actions of volunteers, such as supporting migrant communities in squats predominantly managed by people smugglers. For smugglers, it is vital to remain close to their clients or potential clients to ensure they maintain influence over them and conduct their business on the ground. Smugglers prefer squats to state reception facilities because this allows them to exercise full control over migrants and keep newly arrived groups in their custody until payments are cleared. Furthermore, the vision of solidarity based on equal rights to freedom of movement for volunteers from EU destination countries was not entirely compatible with the situation in so-called transit countries, where encouraging further irregular movement posed serious risks to migrants. Many volunteers formed friendships with migrants and promised assistance once they reached a particular destination but lacked the means to ensure their safe transit. Some volunteers also participated in organizing protests and marches by migrants, often led by smugglers, calling for open borders. Smugglers exploited these opportunities to spread false information about impending border openings, aiming to attract more clients, who in turn became stranded in Serbia. Conversely, volunteers played a crucial role in providing assistance to stranded migrants when other civil society actors acquiesced to the unofficial ban on the distribution of food and non-food items in Belgrade.

During these early years following the initial emergency in Serbia, most smuggling networks operated at full capacity. When squats were dismantled and migrants were relocated to state reception facilities, network agents accompanied them and openly carried out their activities at various centers. Furthermore, cen-

ters were established at all exit points leading to the Croatian, Romanian, and Hungarian borders. For most so-called transit countries, particularly hotspots like Serbia and Bosnia-Herzegovina, it was crucial to keep migrants on the move. Likewise, smugglers became a 'necessary evil' for broader efforts to manage and gradually reduce the flow of people along the Western Balkan route. This resulted in a policy of tolerating the presence and activities of smugglers by law enforcement agencies. According to accounts from migrants at state reception facilities, smuggling network agents stayed at these centers to avoid paying for their own accommodation, food, and medical care, allowing them to save more money for the time when they stopped working and eventually reached a destination country. These agents on the ground also referred their clients to all services provided by civil society actors. As main 'transit hubs', Serbia and later Bosnia and Herzegovina saw economic benefit in hosting migrants, while communities where accommodation centers were located, or urban areas with a concentration of migrants benefited from increased income with migrants buying food and other everyday items, and smugglers renting properties in urban and rural areas. A continuous flow of migrants was seen as beneficial for the local economy, particularly because migrants were also ready to work for low wages. At the same time the local population also protested against the presence of migrants in their areas. Hate crimes and fake news occurred regularly. While reluctant to become destination countries, the so-called transit countries allowed people smuggling networks to operate with impunity.

The policy of tolerating and relying on smuggling networks to facilitate controlled movement remained in place while border security strengthened, coinciding with the externalization of EU border security. Law enforcement operations against various smuggling networks along the Western Balkans land route were initiated once the flow along the route became manageable. For transit hubs along the Western Balkans land routes this was not an entirely desirable outcome, since hosting migrants and people smuggling are both sources of profit. It is estimated by the European Commission (2024) that annual profits worldwide for people smugglers can reach billions of euros. Despite the dismantling of many smuggling operations, the route remains operational, albeit with a reduced presence of people smugglers. Steps taken to control the flow by controlling people smuggling activity does not recognize the safety of migrants as a priority, reflecting a general attitude in which human beings are not seen as a resource, but a commodity of variable value.

According to a policy brief from the European Council on Foreign Relations dated December 2023, the securitization of migration has led law enforcement

agencies to become the primary actors in addressing migration issues. These agencies, «operate under a simpler logic than politicians: to identify and neutralize threats. The problem became so abstracted that the seemingly impossible goal of stopping all irregular migration appeared necessary, even credible. The externalization of Europe's borders – building legal, procedural, and often physical or violently coercive barriers in the EU's neighboring states to prevent migrants from entering Europe – was perceived as a natural solution.» Furthermore, the resulting increase in arrivals via the more dangerous Mediterranean Sea route indicated that this approach «does not even reduce arrivals beyond the short term.» The policy brief also notes that addressing smuggling networks has proven challenging due to a flawed assumption about their nature. People smuggling is a highly fluid and diverse activity that continually evolves based on demand and route availability.

The overall structure of smuggling networks operating along the Western Balkan route closely mirrors the global landscape depicted in the first UNODC global study on people smuggling (2018). A smuggling network typically consists of:

- recruiters in countries of origin: to find new clients;
- hawala brokers: to manage finances and payments;
- smugglers: to develop strategies for crossing borders;
- agents on the ground: for logistical purposes, such as maintaining contact with groups, organizing transport, handling payments, and recruiting new clients along the route, among other tasks;
- guides: to escort groups to the border and then return;
- mercenary gangs associated with the smuggling networks: members can be hired to carry out vendettas, punishments, or kidnappings of refugees/migrants, etc. (in later stages, many mercenary gangs began extorting smuggling networks by threatening to kidnap their clients and demanding a high ransom if they were not paid a certain amount.);
- members of the local population: to rent houses, organize transport, facilitate transactions through Western Union or MoneyGram, produce counterfeit travel documents, etc. Members of local authorities frequently become involved in corruption, working together with smugglers. These can include border police personnel and embassy staff.

Despite discussions about people smuggling networks as organized crime, the most prominent networks associated with Punjabi (Pakistani), Pashtun (Afghan and Pakistani Pashtun), Kurdish, Turkish, Somali, Sudanese, Moroccan, Algerian, and Bangladeshi population groups operating on the Western Balkan route

functioned in a highly flexible and organic way. Ground agents performing various minor tasks, such as referring clients to specific smugglers, assisting clients with accommodations upon arrival at destinations, providing contact numbers, and recruiting guides, were often migrants who temporarily worked for smugglers to earn enough money to move on, after which they were replaced by new members. Refugees and migrants, typically older teens or young adults, often start working for a smuggling network without fully understanding that they have become involved in criminal activities and the serious consequences that could follow. Many of these temporary workers end up getting arrested and sentenced while the permanent and major members of the network remain free to continue their operations.

In the loosely structured hierarchy of a smuggling network, new smugglers can join or leave and move around a region to work in different countries. Smugglers strive to build personal reputations for being more successful than others at getting their clients across borders and ensuring they reach their destinations. They carefully guard their true identities and operate under generic fake names or nicknames. These individuals are often linked to more organized structures behind smuggling networks on the ground. However, there is little evidence to suggest that migrant smuggling is conducted by organized crime networks, partly due to the ambiguity of applicable definitions and descriptions of organized crime and the presence of individuals who engage in both smuggling and trafficking (Vermeulen et al., 2010).

Community Dynamics and Crime in Host Societies

The dynamics of people smuggling change according to conditions in host countries. For example, smuggling networks along the Western Balkan land route operated in close synchronicity with border control measures. The route branched out several times as smugglers adapted to new border controls, spreading across Kosovo, Albania, Montenegro, and Bosnia and Herzegovina. People smuggling networks also competed with one another for control over routes. Often, a smuggling network from one ethnicity had to pay a network from another ethnicity to use a specific road; for instance, Afghan Pashtun networks might need to pay Syrian Kurds to access a route from Serbia to Romania. Disputes within a network or competition among different networks led to frequent violence, including stabbings and shootouts in border regions and cities. Much of the violence and crime associated with the presence of refugees and migrants in a given area

was actually perpetrated by smugglers but attributed to the refugee and migrant communities as a whole. While several studies indicate no correlation between immigration and an increased incidence of crime (CORDIS - EU research results, 2023; Abramitziky, R. et al., 2023; Light, T.M., 2022), ample evidence shows that undocumented migrants are often victims of crimes, including various forms of abuse and trafficking (David, F. et al., 2019).

One of the issues associated with the securitization of migration is the neglect of its social and communal aspects. Recruitment agents often belong to the same communities as the migrants, and frequently, they are even members of the extended family. Similarly, community and family members in destination countries support efforts to undertake irregular journeys. Since modern migration predominantly occurs from south to north, the cultural backgrounds of those embarking on irregular migratory journeys tend to be similar, characterized by strong family, community, and caste/clan/tribal ties, all of which play a vital role in these journeys. When the journey occurs in long stages, where migrants must stay in transit countries to work and gather enough funds to move on, they rely on existing networks of migrants from their home countries for employment, accommodation, and other assistance. For instance, Istanbul has become a reservoir for migratory flows from various regions, with different routes branching out toward EU destinations. At the same time, the city has also emerged as a major hub for long transitory stays for those navigating the Western Balkan land route, as it offers employment opportunities for irregular migrant workers, albeit often under exploitative conditions that may overlap with trafficking. Similarly, Athens has become a hub, attracting irregular migrant workers seeking temporary employment before moving on. Both cities serve as significant centers for people smuggling activities, akin to cities in Serbia and Bosnia-Herzegovina along the route. Regarding destinations, the favored ones are where community and family members or friends reside, whose support is vital for migrants.

People on the move, whether they pass through a particular country quickly or stay in a specific country for longer periods before moving on, often find themselves in destination countries where they may have difficulty regularizing their status. These individuals live in an environment of irregularity and rely on social structures that have become integrated into this reality. Often, migrants without work permits work irregularly for those in the community residing legally in a transit or destination country, or for friends among the local population. They depend on these individuals and/or local solidarity actors for access to essential services. Such situations are not inherently exploitative due to their irregular nature; they are part of the social landscape associated with irregular migration.

However, as a result of their irregular status, migrants are vulnerable to exploitation and trafficking, as well as other rights violations. According to a report by the Migration and Home Affairs of the European Commission, Greece has emerged as both a transit and destination country for human trafficking victims, including those subjected to sexual exploitation, forced labor, and forced begging. Victims come from various places, including other Eastern European EU member countries, post-Soviet Union countries, Southeast Asia, and Sub-Saharan Africa. Similarly, a 2023 US State Department report on trafficking highlights that Turkey hosts a large refugee population consisting of approximately 3.4 million Syrians and over 330,000 refugees of different nationalities. Members of this population remain vulnerable to domestic servitude and trafficking for sexual exploitation, forced labor, begging, and early and forced marriages.

If the analogy with ancient forms of mobility is extended further, hubs along routes and destinations resemble the towns and places along ancient caravan routes, which became intertwined and dependent on the caravans for their economy. Communities in towns and cities along pathways traveled by migrants who move irregularly, as well as in destination countries where they may stay for long periods without formal status, tend to form part of an invisible network of routes and hubs in irregular migratory journeys. If the analogy is expanded to compare the ancient slave trade with modern slavery and human trafficking, the shifting patterns of human trafficking in response to changes in migratory routes closely mirror the changing locations for sourcing slaves and preferred slave trade destinations across different historical periods, evolving in accordance with political and economic developments (Nikita, E., 2024; Moorthy Klos, 2023).

People smuggling and human trafficking both have a significant social context. While combating these crimes can enhance safety for migrants, the outcomes will remain largely ineffective or counterproductive if migration and human mobility overall are regarded as problems to be solved or security concerns to be managed and controlled, with irregular migrants treated as criminals, contrary to international humanitarian law. From ancient times to the present, safe passage during journeys – whether for caravans along trade routes or individuals traveling for personal reasons – has always been an interconnected issue, resolved in various ways through agreements between rulers or negotiations with community representatives along specific routes. In the context of modern irregular migration, this issue must be considered in light of relevant international documents, with a broad and comprehensive understanding of mobility, solidarity, and security as natural global social phenomena. Mobility, including migration, is a universal aspect of human life. However, when it comes to south-to-north

mobility, all movement becomes problematic, and regular travel channels are closed off for vast groups of people. Common narratives, including the Mass Migration Narrative, Migration Threat Narrative, Migrant Victim Narrative, and Migration Celebration Narrative, tend to obscure the issues linked to irregular migration. Normal patterns of human mobility become controversial and complex challenges that require solutions and are unfortunately often approached without adequate consideration of migrant perspectives (de Haas, 2024).

During the 2015 European Refugee Crisis, in many so-called transit countries, the primary source of information about the operation of smuggling networks and movement trends were refugees and migrants, who typically shared this information with cultural mediators. Although the information came from informal discussions and did not include personal or confidential content, once it was relayed to various donor bodies, it was used to implement migration policies without considering migrant perspectives, thus denying migrants ownership of this information. For instance, young adults from Pakistan often stated, «the harder the borders become to cross, the more we will try to cross them,' or, «agents are very clever; they always find a new way.» Sometimes, smugglers would also remark, «For us, a border that is difficult to cross is a challenge; it is more fun.» However, the phrase that was most frequently repeated was, «nobody leaves their home if they can help it.» The so-called economic migrants did not view their decision to travel as a mere whim but rather as a life-threatening challenge they were determined to undertake for the sake of their families. Many Afghans expressed surprise at the level of violence during pushbacks and the prevalence of arbitrary detention and forced removal. Many would often say, «We don't even want to stay here. We just want to pass through.» The perilous and deadly nature of irregular migratory journeys, intensified by the criminalization of irregular migration and the questionable validity of security policies aimed at controlling global mobility patterns, never became a topic for discussion, although this accurately reflected migrant perspectives on the issue.

People smuggling can be viewed as a community-based social response to a social need and could be considered a form of solidarity if it didn't involve gaining financial or other material benefits. However, due to the nature of people smuggling, in which smugglers exploit the desperation of individuals who have no access to regular travel channels, along with the significant violence involved and the often-blurred lines between smuggling and trafficking, it becomes a serious crime against migrants. Similarly, hawala brokers, who are widely used in South Asia, the Middle East, and Africa for financial transactions in people smuggling, are often members of migrant communities. They are typically high-

ly trusted individuals held in high regard by community members. For migrants, they serve as neutral third parties, where their money is securely deposited and not released to smugglers until they reach their destination. However, hawala brokers frequently operate as more than neutral third parties, focusing primarily on maximizing profits rather than safeguarding their clients' funds.

Financial Autonomy and Informal Systems: The Hawala Example

The hawala system, defined by Interpol as «money transfer without money movement» for quick and anonymous transactions, can be seen as an ancient banking system used across Asia, the Middle East, and Africa. The term hawala comes from Arabic, which literally means 'assignment or bill of exchange'; it is primarily used in the Middle East and Africa. The Hindi term for hawala is Hundi, which is used in Southeast Asia, but the system operates in the same manner everywhere.

Originating in the Middle East and South Asia before the development of Western banking systems, the hawala system gained popularity among Arabs trading along the Silk Road, as it allowed them to travel without carrying large sums of money, thus avoiding the risk of robbery. It also served as a mechanism to send money to family and community members, an important practice according to the principles of charity in Islam. While hawala is sometimes associated with people smuggling, it is also used to manage funds related to terror financing and the trade of weapons and illicit drugs. However, the system is difficult to regulate due to its inherent anonymity (Wheatley, 2014). For hawala brokers, the trade in drugs and weapons is not a new phenomenon, especially considering that substances like heroin are relatively recent, while the opium trade has been established along specific routes for centuries. The drug has taken on particular significance in the economies and cultures of the region, extending beyond the 'East.' In the 19th century, opium was a highly profitable commodity for expanding Western traders (Hevia, 2003). Similarly, the slave trade was once globally accepted. «The 13th century was a time of global arms deals, deterrents, escalations, and grand strategic maneuvers, quite similar to those of today» (Kanisetti, 2022). For hawala brokers, who have been operating according to their established traditions for centuries, handling funds related to people smuggling, trafficking, drug and weapons smuggling, and terror financing may not be considered under these specific labels and terms. Furthermore, there is little evidence that hawala brokers are heavily involved in transactions for terror

financing. For instance, after the 9/11 terror attacks, the US government suspected that hawaladars might have been involved in the transfer of funds used for the attacks. However, most investigations found that the majority of the funds were sent through official inter-bank transfers. The hawala system can be understood through an example of a simplified transaction.

Simplified Hawala Transaction Example

Person Z, residing in the UK, wishes to send remittances to their family in Afghanistan through a relative, Person Y. To do this using the hawala system, Z will contact a hawaladar or hawala broker located in the UK and provide them with the amount to be transferred. The hawala broker will give Z a password, which Z will send to Y along with instructions for contacting another hawala broker in Afghanistan. Once Y receives the password and instructions, they can reach out to the hawala broker in Afghanistan and receive the amount in Afghanis. Both hawala brokers will charge a fee for the transaction. In this way, the funds have moved without the physical transfer of cash. This creates a debt for the hawaladar in the UK to the hawaladar in Afghanistan. The simplest way to settle this debt would be through a return transaction, in which the hawala broker in the UK pays an equivalent amount to a person as instructed by the hawala broker in Afghanistan, allowing both brokers to profit from their fees.

This example is simplified to explain the principle of money transfer without actual money movement. In reality, hawala transactions can be quite complex, involving various hawala brokers who owe each other significant debts that are settled through chains of transactions among them. The Market Business News report states that «Hawaladars keep informal records of individual transactions, as well as a continuous tally of how much is owed by and to different brokers. Settlement of debts between hawaladars can take various forms, including cash, the exchange of goods, properties, services, or even the transfer of employees.» The system operates internationally as a network of hawala brokers, but individual hawala brokers work independently while collaborating with other brokers to facilitate money transfers between clients. Hawala brokers do not use negotiable instruments for money transfers, such as checks or promissory notes. Another reason the transactions remain anonymous is that hawala brokers maintain their ledgers «independently and informally; there is no central record of transactions between customers. Additionally, many hawaladars keep their records in the form of cryptic, handwritten notes and do not retain the records permanently after transactions are completed.»

Hawala brokers operate in the countries of origin or habitual residence of refugees and migrants, in transit countries, and in destination countries. If they

cannot operate openly, their offices are often concealed within the façade of a legitimate business, such as a grocery store or restaurant. In places like Kabul, Afghanistan, hawala brokers do not need to hide their activities and can be seen conducting business openly, with stacks of cash readily visible. In contrast, in countries like Pakistan, where the hawala or hundi system has been declared illegal, the system has become more covert. «Some of Pakistan's largest foreign exchange firms originally began as small hundi operations. Hundi dealers either run 'cash-intensive legitimate businesses' – such as travel and tourism, gold, import and export, or foreign currency trading – mixing their legitimately earned income with profits from their hundi operations, or they are directly engaged in foreign exchange trading» (Imran 2023). In Pakistan, while earlier state policies overlooked hawala activities, recent events that turned dollar inflows into a concern led the government to start 'formalizing' the major hundi companies. However, long-standing informal channels continue to enable everyday people to make transactions without incurring exorbitant bank fees, while also benefiting businesses engaged in export-import through Hundi. This allows them to «undervalue the payment to deceive customs officials and pay the remainder via hundi, thereby paying fewer duties and obtaining dollars at a lower cost.»

The role of Hawala brokers in people smuggling and trafficking in persons is challenging to pinpoint through documented evidence. «Secretive by nature, hawala remains a mystery to most people outside of the ethnic communities that utilize it» (Wheatley, 2014). Refugees and migrants deposit the money needed to pay smugglers with hawala brokers acting as neutral third parties to avoid direct payments to smugglers, who may abscond with the funds without delivering the promised services. The money deposited with hawala brokers is not given to the smugglers until a refugee or migrant confirms to their family that they have reached the agreed-upon destination. Payment can cover the entire journey or occur in phases. Refugees and migrants place immense trust in hawala brokers, primarily because the entire hawala system operates on the impeccable reputation of the broker as a respected community member. While migrants strongly believe that hawaladars are solely responsible for safeguarding their funds, they actually play a deeper role in people smuggling. According to a 2023 report by the United Nations Office on Drugs and Crime (UNODC), hawala brokers are involved in people smuggling in additional ways:

> Hawala brokers also offer various services to refugees and migrants during their journeys. They can assist them in finding work upon arrival, provide temporary accommodation, or refer them to individuals who can offer such accommoda-

tion. They also help with accessing local medical care, as undocumented migrants may be unable or unwilling to visit hospitals. Some hawala brokers even assist migrants and refugees by finding, recommending, or introducing them to a smuggler or by sourcing or directly renting boats and trucks for transportation.

This suggests that hawala brokers serve a role beyond simply being 'neutral third parties' where refugees and migrants deposit money to access the services of people smugglers for relocation. However, the exact nature of this role remains unclear. While it is entirely possible that some hawala brokers, as community elders at home or in the diaspora, provide various forms of support to refugees and migrants from their community or country, it is also plausible that such assistance may not always stem from entirely selfless motives; rather, it could be part of a larger trafficking network.

A Smuggler's Account from Pakistan

A member of a smuggling network from Pakistan working in one of the transit countries on the Western Balkan route provided a detailed account of the process in which the funds deposited for the journey are spent. When a refugee/migrant deposits money with the hawala broker, the broker opens up an auction to smugglers for purchasing the 'rights to move the client.' During this open bidding, smugglers can compete by quoting commissions. The smuggler with the lowest commission will be sold the rights. In this process of selling and buying the rights to move a client, the smuggler and the hawala broker both earn a fee in commissions. Once a smuggler secures the right to move a client, they will transfer them from an agreed-upon point A to point B, for example, from Quetta in Pakistan to Istanbul in Turkey. When the refugee/migrant reaches the destination, they are kept in what is referred to by smugglers as a 'safe.' An entire group can be kept in the 'safe', which is usually a rented house. Refugees/migrants will be detained until the payment from the hawala broker reaches them. After this point, the smuggler can sell the 'rights to move the client' to another smuggler for the next phase of the journey, for example, from Turkey to Greece, and so on and so forth. With each sale and purchase of these rights, the smuggler and hawala broker both earn fees. In the words of the smuggler who provided this information, «It is a disgusting selling and buying of people over and over again as if they are not people but things.» The smuggler was a young man who initially set out on a journey to seek better life prospects. However, he joined a smuggling network temporarily due to a lack of funds. Once he became dependent on his work for income, he found it difficult to leave, despite the negative consequences for his mental health. He struggled with

feelings of guilt and shame and developed chronic depression, for which he was receiving psychiatric help at the state accommodation center where he was staying.

The account above was also supported by information from other smuggling network agents during private, informal discussions with cultural mediators. Most of the money deposited for the journey is spent on commissions, leaving very little for actually transporting migrants. Refugees and migrants have to cover their own transport, food, accommodation, and other expenses along the way. Most do not carry cash due to the fear of robbery, and avoid personal documents because of concerns about forced removal. This situation makes it difficult for them to receive money from their families, leading them to rely on smugglers or local hawala brokers for these transactions, which also incur certain fees, especially when someone with personal documents makes the transactions on behalf of refugees and migrants through standard money transfer services like Western Union and MoneyGram.

One condition for depositing money with a hawala broker is that the funds are non-refundable. Only in rare and exceptional circumstances, such as when the hawala broker is a close relative of a refugee or migrant or under significant pressure, might a refund occur. This could happen if the refugee or migrant decides to stop further movement or chooses a legal option, like local integration, voluntary return, or family reunion. Additionally, the funds deposited are typically borrowed from a private money lender, often a family or community member, and must be repaid with interest after the refugee or migrant reaches a destination where they can earn and send money back. In some instances, families invest everything they possess, such as selling a piece of land, livestock, or their savings. Once the money is deposited with the hawala broker, the refugee or migrant faces immense pressure. If they abandon the journey, the deposited amount is lost, resulting in significant financial hardship for the family. Unpaid debts can also put family members back home at risk from private money lenders.

During the initial phases of the European Refugee Crisis, most refugees and migrants who traveled with the help of smugglers stated that they were unaware of the risks and life-threatening situations the journey entailed. However, once they set off, it was too late to turn back, primarily due to the debt they incurred. This obligation to repay the debt also made it difficult for refugees and migrants to accept legal solutions for local integration in the countries they passed through, as those solutions often did not offer the necessary employment opportunities. In later phases, most migrants were aware of the risks involved, yet they were still desperate enough to embark on the journey, hoping to be the one lucky individual who would succeed against all odds. Many, according to their accounts, over-

estimated their personal ability to endure the hardships. They pressed on despite tremendous difficulties, extreme violence at borders, mistreatment and abuse by smugglers, and exploitation and discrimination in the countries they traversed, sometimes making over fifty attempts to cross a single border.

Crime Ties and Migrant Vulnerability

One feature of the journeys undertaken by migrants is the limited control they have over how they will proceed. Once assigned a smuggler, they only receive a phone number without an ID and typically know the smuggler only by a nickname, as smugglers protect their real identities and few are known by their actual names. They receive instructions via an app detailing where to go, what transportation to use, and where to wait to be taken to the border for an irregular crossing. Refugees and migrants often have little control over the choice of a smuggler arranging their journey or a leg of it. Even when the smuggler is chosen based on recommendations from other migrants, they cannot always decide where to wait or when they will be moved. Refugees and migrants lack control over which group they will cross the border with and may be separated from friends and family. Smugglers create groups to increase the likelihood of avoiding being pushed back, often forming artificial families by adding unrelated women and children to groups of single men. Refugees and migrants might refuse to cross the border when instructed by their smugglers only if a serious illness or injury prevents them; otherwise, failing to move when told means they lose the money deposited with the hawala broker. Although migrants willingly take loans or invest all their assets to finance an irregular journey involving people smugglers, their autonomy diminishes as the journey progresses, and their reliance on smugglers grows. The pressure of debt increases as the journey drags on, leading refugees and migrants to seek assistance from their families, who often end up borrowing more money to help them out.

While refugees and migrants stay updated on information regarding destination countries, asylum procedures, work opportunities, and more via social media networks where such information is shared among migrant communities, they remain vulnerable to information provided by smugglers and can struggle to understand details that may come from official sources. During the European Refugee Crisis and afterward, there was a significant amount of misinformation among refugees and migrants about processes like family reunification. Contrary to actual legal possibilities, many believed they had a right to reunite with distant

cousins or sent their children ahead to a destination country alone, hoping to later join them through legal channels. Additionally, parents in countries of origin mistakenly thought that all children under 18 would certainly be allowed to stay in destination countries, receive an education, and get a sum of money from social welfare, which the children could then send back to their families. This led to many young adults lying about their ages and the alarming trend of sending children as young as nine or ten years old away. Smugglers contributed to the spread of such misinformation, occasionally starting rumors that a specific border would 'open' to encourage movement. They also discouraged refugees and migrants from speaking with personnel from international agencies and NGOs that provide legal assistance by promoting the notion that these organizations were ineffective and that their employees were only there to earn high salaries rather than actively help refugees and migrants. These efforts were partially effective because many international agencies took an overly diplomatic approach, failing to hold relevant local authorities accountable and address protection gaps concretely. Furthermore, the mainstream NGO sector had withdrawn assistance and support from irregular migrants deemed not 'legitimate' candidates for aid. For instance, irregular migrants – those not undergoing asylum procedures – in Serbia had no recourse to assistance if they experienced physical assault by staff at state reception facilities.

Most migrants had complete faith in their hawaladars as neutral third parties and did not question their role; however, their relationship with smugglers was characterized by ambivalence. Smugglers were simultaneously their sole hope and often perpetrators of violence against them. Most migrants spoke about smugglers with a mix of fear and admiration. Additionally, since smugglers were members of their communities or shared the same ethnic background, migrants placed a certain level of trust in them despite the coercive nature of their actions.

People smuggling networks generate enormous profits because very little money is spent on the actual means of an irregular journey, particularly when it involves walking, using transport, or hiding in dangerous parts of trains, trucks, and boats. Contrary to common assumptions, smugglers do not need to ensure that a migrant reaches their destination safe and sound to make money. Hawala brokers and smugglers consistently profit because the entire payment system is based on buying and selling rights to transport the client, with most of the money allocated to these commission fees. Smugglers frequently earn additional profits by staging kidnappings for ransom of refugees and migrants during the journey, staging robberies, or arbitrarily increasing the costs due to unforeseen expenses. Moreover, if a refugee or migrant dies during the

journey, smugglers profit by charging the family for expenses related to sending the body home for burial.

Case Study: Crime and Vulnerability
(All information that could lead to a breach of confidentiality has been omitted)

During the European Refugee Crisis, in one of the countries along the route, four migrants were concealed inside an empty oil tanker by their smuggler. The oil tanker underwent chemical cleansing during which toxic materials were released inside. Three migrants died on the spot, and the fourth miraculously survived and was rescued.

The migrant received urgent medical treatment and ultimately recovered, though he remained in a highly traumatized state. A cultural mediator was brought in to enable the doctors to communicate with the patient. At this point, it became clear that the legal officer at the hospital had been visited by Afghan men who were accompanied by some local individuals and received phone calls from a local funeral home requesting that the patient be handed over to them upon discharge. These same funeral directors had previously claimed the bodies of the three migrants from the morgue.

The legal officer learned from the cultural mediator that people smuggling networks collaborated with undertakers, as this allowed them to charge families back home exorbitant amounts for repatriating the body. If the family could not afford this, they could pay a smaller fee for a local burial. Additionally, if the patient were discharged into their custody, he could face serious danger as the only surviving witness. This made the legal officer fully aware of the gravity of the situation, and they instructed hospital security not to allow the individuals in question onto the hospital premises and for the patient to be discharged directly to a state accommodation center for further recovery. However, the legal officer was surprised when they received a call from their superior, who indicated that they should not have interfered in the matter.

The patient was discharged and safely accommodated at a state center, where he identified the smuggler who had instructed him and the other men to enter the oil tanker. After this incident, the legal officer faced ongoing issues at work from her superior and was denied a promotion.

The collaboration among people smugglers, undertakers, and hospital officials suggests the troubling possibility that high-level state officials may be involved in people smuggling.

SECTION III
COMMUNICATION, POWER, AND ETHICS IN MEDIATION

6. Language Ideologies and Protection-Centred Cultural Mediation

Refugees, migrants, and immigrants who do not speak the language of their host environment or have limited proficiency often remain at a disadvantage. A 2021 report by Hibiscus Initiatives UK on cultural mediation identifies the main services in Europe where cultural mediation is utilized, including healthcare, social services, community settings, educational institutions, public administration (including law enforcement), the justice system, and asylum procedures. The report notes that while the term 'cultural mediation' may vary across Europe, the principle of bridging cultural and language gaps is a common one. It highlights improved access to better reception conditions, health services, social inclusion, legal services, and education in Belgium, France, Greece, Portugal, Sweden, and Italy. The report also references a study conducted in Sweden addressing concerns raised by Somali and Ethiopian migrant women about not receiving the same quality of healthcare as Swedish women. The identified reasons included structural discrimination, lack of communication, and cultural differences. The provision of cultural mediators improved this situation by «reducing the use of painkillers during pregnancy, increasing patient confidence, and enhancing understanding among Swedish healthcare workers regarding the needs of migrant mothers.» Furthermore, the report mentions that the UK Victim's Code recognizes that understanding and being understood is essential for victims of crime. It states, «The impact of being a victim of crime when you have uncertain immigration status and when English is not your first language was clearly articulated in a number of responses. In amending the structure of the Code, we made the decision to make the first right a right to be able to understand and to be understood» (Rakovica, Ianovitz 2021, pp. 6-9). A significant point emerging from this report is that cultural mediators can effectively address structural discrimination. While this often occurs at the level of individual interventions,

systemic responses are also improved by the amendment to the Victim's Code, acknowledging that language proficiency affects access to rights and services, necessitating a remedy.

Cultural mediation in the context of migration is not limited to supporting communication and making services culturally appropriate; it also extends to facilitating access to rights. The presence of a cultural mediator challenges systemic inequalities. The diminishing role of the facilitator can also impact the participant who does not speak the language of the host environment. Ideally, service provision systems should operate according to standards and regulations based on rights recognized by law. However, this is often not the case in practice. According to the 2021 EASO Asylum Report, «While the recast Asylum Procedure Directive outlines the legislative provisions for interpretation, the quality, integrity, and efficiency of interpretation services are indicators that must be met by Member States. In the absence of adequate services, the outcome of the final decision could be affected.» The 2022 UNHCR Handbook for Interpreters in Asylum Procedures provides guidance for interpreters to act as cultural mediators and to convey messages in their proper context. It also includes a comment from an interpreter on its title page: «It is a fiction that I am neutral and invisible.» Relevant legislation and training guidelines establish high standards for language services, but these are not always upheld in practice due to budgetary constraints, weak language provision systems, and institutional language ideologies that tend to reflect and reinforce social inequalities.

In a keynote speech, Dr. Laura Smith-Khan at InDialog, titled Refugee Credibility Assessment and the Vanishing Interpreter (2023), refers to certain language ideologies or assumptions about how communication should function in legal procedures, identified by Eades in 2012. These ideologies are summarized as follows:

- **the ideology of inconsistency**, which discredits credibility by finding discrepancies in various narratives of the same events;
- **the ideology of narrator authorship**, suggesting that the interviewee has produced the testimony independently;
- **the ideology of decontextualized fragments**, which legitimizes isolating specific phrases or words from their context for examination;
- **the ideology of entextualization**, which involves taking decontextualized fragments and inserting them into other contexts.

Creating a written record of oral testimony is a component of many legal processes, and this transformed written text is accepted as 'an accurate and official

record of institutional encounters.' In the context of asylum law, these ideologies lead to a misunderstanding that asylum interviews are solely interpreter-mediated interactions. The 'authorship' of the written testimony does not belong exclusively to the asylum-seeker but also involves an interpreter and a translator. Therefore, it is challenging to appeal against a negative decision based on mistakes made by interpreters or translators. The process of constructing a written narrative from an interpreter-mediated dialogue requires acknowledgment of the facilitator's role in communication. However, the language ideologies prevalent in asylum settings often erase the presence of the interpreter. Additional challenges arise when provisions are made for interpreting in «a language that a person is reasonably supposed to understand,» particularly if an interpreter for the individual's mother tongue is unavailable. This overall approach reduces the complex and nuanced phenomenon of interpreter-mediated intercultural communication to a mere administrative formality, revealing «the inadequacy of a strictly normative approach to interpretation within an asylum administration characterized by bureaucratic, distrustful, and asymmetrical treatment of speech» (Maréchal, 2023, p. 5).

Many of us are familiar with the feeling of being at a disadvantage in a country where we don't speak the local language and the resulting vulnerability. However, not all environments operate under the same language ideologies. For instance, in countries that were formerly British colonies, such as India, despite national pride in the diversity of languages and traditions, English remains the language of the elite. Not knowing English limits employment opportunities and hinders social advancement. High proficiency in English becomes a sign of elevated social status. A foreigner or native English speaker would quickly attain a superior status in such an environment. English is one of the official languages of India and is used by the Government of India for communication. Conversely, a migrant in the UK or the US who does not speak English is likely to be at a disadvantage; they will also be marginalized and find it challenging to access services, including justice, if a crime is committed against them. Piller (2015) notes that in the US, the prevailing language ideology fosters the belief that English is the 'one and only legitimate language of the USA.' Therefore, anyone living in the US must make every effort to learn and speak the language well; otherwise, they are not regarded as 'good' immigrants. According to Piller, «language ideologies are beliefs about language where linguistic difference is invoked to rationalize social organization. Language ideologies are deployed in the interests of a society's dominant group and serve to justify social inequality. This makes language ideologies a site of social struggle and contestation.»

During the European Refugee Crisis and the subsequent period, cultural mediators in Serbia frequently heard from service providers in health and law enforcement that a refugee or migrant «should speak Serbian because they are in Serbia.» This was said despite explanations that the migrant had just arrived in the country a few days earlier, or comments like, «They lie that they don't know Serbian. They understand everything I am saying.» While such reactions were not universal, they occurred often enough to highlight that the language barrier was not the only obstacle to accessing services; discriminatory attitudes that marginalize individuals who are seen as outsiders also contributed to the problem. Moreover, in service provision, there is a distinction made between refugees or migrants from the south and foreigners from the north. For instance, while an English-speaking individual from the UK might also require an interpreter to access a public service, they would not face hostility. However, in social situations, although the native English speaker may not encounter xenophobic attitudes, they could still experience marginalization because local individuals often feel more comfortable conversing in their own language. Clearly, the assertion that a migrant, regardless of their recent arrival in Serbia, should speak Serbian is not a genuine expectation but rather an expression of racism, where language symbolizes ethnic identity and the belief in its superiority over that of the migrant. Piller argues that viewing culture as a fixed entity tied to national or ethnic identity often serves as a thin disguise for racism, inequality, and injustice. Piller interestingly supports this point by presenting the example of mail-order bride websites, citing two excerpts:

> Why choose a Filipina? Women from the Philippines are known for their beauty, grace, charm, and loyalty. With their sweet nature and shy smiles, Filipina ladies possess an inner beauty that many men find irresistible. Filipina women are inherently family-oriented, resourceful, and devoted. Moreover, English is one of the official languages of the Philippines, so communication is straightforward, and since the majority of Filipina ladies are Christian, cultural compatibility is easier than in some other Asian countries.

> Russian women embrace traditional values and seek to dedicate themselves to the man of their dreams. They are affectionate, family-oriented, and unlike American women, they are comfortable with their femininity. They prioritize being nurturing over competing. They expect their man to be the head of the household. Additionally, Russian women focus on the positive traits in a man. They are

not concerned with your appearance or material possessions; rather, they value personal qualities such as sensitivity, trust, and understanding.

After commenting on the cultural stereotyping evident in these excerpts, Piller concludes that the texts from mail-order bride websites employ cultural terms to obscure the reality of their business, which is rooted in material global inequalities. To maintain the industry's function, these websites create an illusion of romantic love by utilizing cultural terms (Piller, 2012, p. 12-13). While this analysis of the language used by the websites is undoubtedly accurate, the use of this example is particularly striking because mail-order bride websites are associated with the international trafficking of women. According to a 2004 hearing before the Committee on Foreign Relations of the United States Senate, Associate Professor of Clinical Law Suzanne Jackson indicated that these websites «have been linked to criminal trafficking in several ways.» They can often be nothing more than fronts for criminal trafficking organizations, in which adults and girls are offered to the public as brides but sold privately into prostitution, forced into marriage (including marriages to men who then prostitute them), or held in domestic slavery. Police in the United Kingdom found organized criminal gangs from Russia, the former Soviet Union, and the Balkans using the Internet to advertise women for sale to brothels in Western Europe and also to men as 'internet brides.' In the context of human trafficking, the language of the websites signifies something far more serious than the perpetuation of global social inequalities. The messages suggest that potential victims of trafficking for various purposes of exploitation are available for a certain price.

In a refugee or migrant protection context, if a cultural mediator notices during a conversation with a family that the wife is not participating while the husband speaks for her, this should not be dismissed as a 'cultural difference.' Rather, it may indicate serious protection issues, such as whether the family relationships have been accurately represented (is it a real family?), whether the woman is being subjected to SGBV, or whether she is being trafficked, among other concerns. If a service provider, such as a reception center worker, fails to notice this, the cultural mediator would confidentially bring it to the attention of a relevant protection officer in a suitable manner, ensuring the safety of the woman is not compromised. Similarly, Roma cultural mediators work to connect individuals in need of specific services with relevant service providers. While mainstream society might easily dismiss the social issues faced by Roma communities as 'their culture,' such as early marriages (where early marriages are common for Roma girls) and lack of access to education and employment (with the

assumption that Roma do not wish to attend school or pursue regular jobs), the Roma cultural mediator does not view 'culture' as the root of these harmful practices and social issues. Instead, they address gender inequalities, social exclusion, systemic inequalities, and marginalization to assist vulnerable individuals within Roma communities. However, the work they do requires fluency in the Roma language and an understanding of their way of life, culture, and traditions, even if they may not frequently be required to interpret, unlike cultural mediators within the migration context.

While it is essential for cultural mediators in the refugee and migrant protection context to be proficient in the languages of their host environment and the community they serve, as well as to possess a comprehensive understanding of both cultures, a significant aspect of their role, in addition to facilitating communication between migrant communities and relevant stakeholders in the host environment, is to aid in the proper implementation of protection responses on the ground. Therefore, for cultural mediators in the refugee/migrant protection context, cultural differences are not the focus, rather it is protection needs that are the main priority. Linguistic and cultural knowledge and the facilitation of communication ensure not just mutual understanding but also address protection concerns. Various training guidelines may assign different roles and tasks to cultural mediators in the refugee and migrant protection context or apply varying definitions to describe their role, but it is evident that pioneering cultural mediators everywhere have instinctively embraced a natural approach to communication facilitation. This approach not only establishes their presence in interactions but also enables them to support the wellbeing of refugees and migrants, leading to initiatives that ensure access to rights and services and integrate elements of refugee and migrant protection within cultural mediation. Cultural mediation is not solely focused on fostering positive interactions; it also utilizes intercultural communication as a tool for securing access to rights and services, challenging discriminatory language ideologies, and contributing to the creation of fairer societies.

7. Guidelines for Constructing a Conversation Model for Intercultural Communication in Migrant Protection Context

Guidelines for constructing a conversation model for intercultural communication in the refugee and migrant protection context, based on the natural approach adopted by pioneering cultural mediators, should primarily create a comfortable communication space that fosters trust. They should enable the cultural mediator to recognize when and how to intervene and to differentiate when intervention becomes interference, obstructing the process of understanding (Vještica et al., 2024; Vještica & Sjekloća, 2020). These guidelines do not serve as a substitute for specific training manuals. Manuals and handbooks for interpreting in asylum hearings, resettlement interviews, and similar contexts, developed by relevant organizations, provide direction for specific procedures. This broad framework of guidelines has emerged from practitioners' work. It addresses issues commonly encountered in practice, focusing on mitigating the negative impacts identified in cultural mediators' work, such as various forms of conversational dominance, proxy roles, lack of transparency, reinforcement of cultural stereotypes, and insufficient protection-sensitive approaches. The guidelines should not be viewed as rigid rules, but rather as components of an overall strategy and sensitivity to facilitating communication. Situations in the field can vary widely and cannot be fully addressed by a set of fixed standards. The primary objective of these guidelines is to help professionalize cultural mediators' natural approach to facilitating communication, maximizing the potential of their bilingual and bicultural presence to promote mutual understanding, mitigate the adverse effects of active participation as equal participants, and develop a protection-sensitive approach to communication.

Building Effective Interview Models: Presence, Flow, and Subjectivity

For cultural mediators, presence in the interaction is key to their ability to help participants connect better and to establish a natural and comfortable 'communication space.' Maintaining presence or personhood during an interaction is a delicate task for the cultural mediator. Despite their natural approach to communication, the cultural mediator is not present in a 'personal' capacity. They are present in a professional capacity, and this means their 'personhood' during the interaction is an expression of their effort to ensure optimal conditions for mutual understanding, while being alert to any signs or cues that are important regarding protection aspects in the interaction. The natural approach needs to be informed by necessary knowledge, skills, and attitudes in order to produce positive results and minimize possible negative impact. For example, just as other first responders, cultural mediators frequently go through the first psychosocial support provision training. If a refugee/migrant becomes distressed during an interview, the cultural mediator can effectively calm them down. However, they cannot say things that naturally come to mind in similar situations, such as, «Everything will be fine, don't worry.»

Such a sentence can have various interpretations for a person in distress, depending on their desires; it might imply that «they will certainly be placed in a safe shelter» or that «they will definitely be reunited with a family member from whom they became separated,» among others. Conversely, a statement like, «I'm sorry. I can't even imagine how hard this must be for you,» could be much more helpful without creating negative effects, such as instilling false hope or promising outcomes that the cultural mediator cannot fulfill.

In many cultures, it is common for people to address others from their community as 'brother' or 'sister', even when they have never met before. If the cultural mediator belongs to the same community as the refugee/migrant and were to reject this custom of addressing, considering it inappropriate because they are interpreting, it would cause harm to the communication. The distancing will be seen as offensive. In cases where the refugee/migrant is in a specific vulnerable situation that can cause stigmatization in their own community, for example, if they are a survivor of SGBV or transgender, as a result of any distancing by the cultural mediator, they might feel afraid to talk about their experience for fear of being judged by the cultural mediator, particularly if they are from the same population group. In such cases, the cultural mediator should make an effort to reassure the person that they do not share the judgmental and discriminatory attitudes and norms that others in the community might have. Such interventions

go a long way in establishing trust and help refugees/migrants in highly vulnerable situations and/or suffering from trauma, open up about their experiences. Any observations or insights the cultural mediator might have while talking to or during an interview with a refugee/migrant that could help service providers understand their situation or needs better should be shared, but wherever appropriate, in consultation with the refugee/migrant, in order to make sure that the insight is valid. For cultural mediators, maintaining presence in an interaction is a conscious and controlled exercise and an important element of their work as facilitators of communication.

While there are occasions when interventions can enhance communication, there are also times when they may interfere and negatively impact it. Cultural mediators should be mindful of specific considerations while interpreting for refugees and migrants during particular interactions, such as interviews where they recount their experiences – like describing incidents of sexual assault or domestic violence, or when making reports of expulsions or pushbacks (excluding interviews related to asylum or other formal procedures for which training manuals have been created by relevant organizations). The statements made by individuals in these interviews contain both objective information and subjective, emotional content. The cultural mediator should recognize this subjective element while accurately preserving and relaying all information. When the cultural mediator listens to a refugee or migrant recount an incident, they are hearing that person's subjective perception of the event, which is crucial to retain. Interviews often involve serious incidents and painful experiences, and individuals frequently provide confused and emotional accounts of traumatic events. People express their experiences in varied ways.

When relaying accounts in interviews, the cultural mediator can have the following responses:

- «This person is talking too much.»
  If an end-user recounts an incident in a long-winded manner, the cultural mediator might be tempted to summarize, but they should resist that urge. Additionally, some individuals feel the need to dwell on certain aspects of their experience or repeat themselves, and this should not be regarded as irrelevant.
- «Let me make sense of this.»
  Organizing information to make an account sound more coherent, such as 'correcting chronology', is a mistake. When a person recounts events in a specific order that may not be chronologically accurate, it reflects their perception of those events. Arranging the account in the correct chronological order alters the content and changes its meaning. If the other participant wishes to have the events presented in chronological order, they can request it.

If an utterance is so confusing that the cultural mediator cannot make head or tail of it, they should inform the participant on the other side instead of initiating a mini conversation to clarify the matter on their own or assuming what the utterance might mean.

A cultural mediator may believe that a participant has made an error in their account and attempt to correct it. For example, if a participant initially states that they had two bags when leaving home and later claims to have only one, the cultural mediator should not simply 'correct the mistake' by insisting there were two bags. If the participant on the other side finds the discrepancy significant, they can ask for clarification.

- «Surely it didn't happen this way!»

  There are moments when the cultural mediator might feel that a participant is either exaggerating or downplaying. They should refrain from adjusting this in their interpretation. The participant on the other side can make such assessments independently. The same applies if the cultural mediator believes that there are utterances that don't 'make sense' or appear illogical in an account. They should not attempt to 'correct and clarify' them.

- «Let me tell your story»

  It can also occur that a participant's account of their experiences evokes sympathy in the cultural mediator, and they may feel tempted to 'retell their story with more force'; however, they must resist this urge. They are not present in the interaction to 'sell a story.'

  If the cultural mediator feels that a participant is not very articulate and is struggling to express themselves well (many people may not be good at expressing themselves, even in their own language), but their meaning is clear, they should again refrain from making stylistic improvements to compensate.

- «I know what you mean»

  Sometimes, a cultural mediator might think they understand what a participant means when expressing something vague. For example, a participant might mention in their account that they reached a body of water. Even if the cultural mediator is confident it was the sea, a canal, or a river, they should never make such conclusions.

- «This seems like an irrelevant detail»

  Typically, when someone shares a story, the listener may believe that certain minor details could be excluded when passing it on to a third party. However, the cultural mediator should never exclude what they perceive to be insignificant.

- «I know you are lying»

It is also possible for a cultural mediator to recognize that a participant has told a falsehood. Sometimes, a falsehood can only be detected with specific cultural information. In such situations, if the cultural mediator is present in a consultative role with a service provider working on behalf of the individual involved, it is appropriate for the cultural mediator to share their opinion regarding the likelihood of a discrepancy based on specific cultural insights. At times, refugees or migrants may feel compelled to conceal certain facts or misrepresent them due to their vulnerable circumstances, making it crucial to assess the situation accurately for their safety and well-being.

For example, a woman traveling alone is often seen in the company of Afghan men. During an interview with a social worker, she states that she is from Iran, but one of her cousins was born in Afghanistan, so she has connections with the Afghan group. This could alert the cultural mediator to the possibility that something is not right, as the usual attitudes towards Afghans in Iran are hostile and discriminatory. It would be unusual for an Iranian woman to be friendly with a group of men from Afghanistan. While there could be several different explanations for the woman's behavior, the cultural mediator should inform the protection officer about their impressions because the woman might be at risk. Such consultations between the cultural mediator and protection personnel should be held separately, rather than the cultural mediator directly expressing to everyone that they have certain concerns regarding the account provided.

However, if the cultural mediator doubts the credibility of an utterance simply because they personally believe it lacks credibility, and there is no cultural aspect involved, this is not a concern for the cultural mediator. For instance, a person may claim they left their country due to a blood feud, but if the cultural mediator personally thinks the individual is a murderer fleeing from justice, they cannot express such an opinion. The responsibility of assessing the accuracy of that statement lies with a legal counselor or asylum officer.

Generally speaking, evaluating the credibility of an account is not part of the cultural mediator's role. Occasionally, a service provider might seek certain assessments and consult the cultural mediator. For example, a legal counselor might ask for an opinion on whether it seems likely that the mother of a young woman would agree to help her escape a forced marriage in a society where women are often subjected to such circumstances. The cultural mediator should avoid providing their opinion, as they are not present in the role of an expert witness.

- «This is too much for me»
  Listening to accounts of distressing and traumatic events can be upsetting, and cultural mediators should remain mindful of their own reactions. It is perfectly acceptable to request a break. Additionally, a cultural mediator may have experienced similar trauma in their own lives, which can sometimes hinder their ability to remain truly objective and neutral. In such instances, cultural mediators should seek professional help and discontinue assistance in cases that cause them distress.

Refugees and migrants share their lives and intimate experiences, while service providers speak in a professional context. This means that the cultural mediator should have a clear understanding of the type of service being provided and the purpose of the interaction. For example, a protection worker may conduct an initial interview to identify a victim of trafficking, or an asylum lawyer is preparing an asylum seeker for their hearing. Service providers do not convey subjective or personal content. When cultural mediators need to communicate messages from various service providers – each with their own expertise – they must ensure that these messages are easily accessible and understandable to refugees and migrants.

While the essential meaning of the statements and messages from service providers like legal counselors, psychologists, social workers, SGBV protection officers, and child protection officers should remain unchanged, the way they are communicated to the refugee or migrant often needs adjustment. If the cultural mediator believes there is a need to rephrase or clarify a specific concept, they should consult the interviewer on how best to do so to avoid misunderstandings.

If the cultural mediator believes that the message is culturally inappropriate, they should consult with the interviewer regarding the issue. For instance, in Pashtun culture, asking a male for their mother's name is considered offensive. The best way to approach the question – by acknowledging its impolite nature, explaining the underlying reasons, and noting that this is not seen as improper in the host environment – can be determined in collaboration with the interviewer, preferably ahead of time. Similarly, in some South Asian cultures, sexual misconduct is often referred to as «They did bad things to me.» Taboos around discussing sexual topics, especially the shame and stigma associated with surviving sexual violence, are so prevalent and deeply rooted in society that terms like 'sexual abuse' have been replaced with the softer phrase 'bad things.' Challenges in addressing such topics can also be tackled in advance or handled during the conversation if they arise.

Secondary trauma from sharing distressing accounts is an inevitable part of the protection process, even when standards ensure that it is minimized and treated with the utmost confidentiality. Opening up to service providers requires significant effort, trust, and support. A well-trained cultural mediator can help make communication as comfortable as possible under these circumstances. Cultural competence among service providers greatly enhances communication, reducing the need for interventions by the cultural mediator. However, the relationship between cultural context, language, and communication is complex, and because communication is an organic and dynamic process that involves individuals with unique personalities in various social situations, cultural mediators often need to intervene to some degree, even with culturally competent service providers, to fine-tune messages so that they are fully heard and understood.

In a natural conversation, people are generally mindful of turn-taking and interruptions regarding good manners and politeness. However, this is not comparable to dialogue in formal processes, such as during a prosecutor's interrogation or a court hearing. A comparison between dialogue at a hospital and in a courtroom is useful for understanding this difference. In the context of a dialogue unfolding like a natural conversation, it is normal for participants to occasionally speak out of turn, interrupt, or leave out one or more participants when making remarks to another. Such features can spontaneously arise in interactions facilitated by cultural mediators, indicating that communicators have greater freedom to express themselves. However, the cultural mediator must ensure that their contribution to the flow of dialogue keeps all participants equally engaged and informed, so that no one feels excluded. For cultural mediators, balancing the atmosphere of natural conversation with efforts to create conditions where everyone can be heard and understood forms a foundation for enhancing communication flow.

They co-participate in a natural conversation, and for successful communication to occur, it is important to recognize all sides as equal participants. This means that cultural mediators should respect the agency of all participants and make an effort to ensure that everyone can express themselves equally. Naturally, this means they cannot dominate the conversation or speak on behalf of any participant, thus depriving them of their agency. At times, a service provider, such as a legal protection officer, may want to focus on specific details of a pushback, but the refugee or migrant being interviewed might also wish to discuss the reasons for leaving their country of origin. While this may not be relevant for the legal officer, the refugee or migrant might have an emotional need to share certain experiences. For communication to be successful, it is essential to acknowledge and validate this need and respond accordingly. The cultural mediator can inter-

vene, with the interviewer's agreement, to provide the refugee or migrant with the space to express themselves.

If a cultural mediator believes introducing a new topic could facilitate a better discussion and deeper understanding for both sides, they can do so. For example, if a woman survivor of domestic violence discusses her experience and needs accommodation in a shelter, it might be helpful for the cultural mediator to mention that many women experience abuse from staff in shelters in their country. This can assist the service provider in addressing any reservations the woman might have about being placed in a safe shelter.

Case Study: Human Elements in Trafficking Victims' Interviews
(All information that could lead to a breach of confidentiality has been omitted)

A Sikh individual with diverse SOGIESC was initially identified as a migrant in a vulnerable situation due to their medical needs. Consequently, it was determined that they had left India because of discrimination against people with diverse SOGIESC, their ethnic and religious affiliation, along with hostile state policies towards Sikh communities amid an ongoing crackdown on a Sikh separatist movement.

Later, during a detailed interview with an asylum lawyer, the individual case (IC) described their childhood and the various expectations they were meant to meet in a traditional Sikh family. At this point, the cultural mediator introduced the topic of the tenets of the Sikh faith – the 5 Ks, which are physical symbols worn by Sikh men: Kesh (uncut body and facial hair), Kara (a steel bracelet), Kanga (a wooden comb), Kaccha (also spelled Kachh or Kachera, cotton underwear), and Kirpan (a steel sword) – as a relevant detail that the IC could share with their asylum lawyer. This led to a discussion about the very conventional and religious background to which the IC belonged. They spoke about others in their community with diverse SOGIESC and the violence they faced from family members to uphold family honor, often resulting in killings. These murders were often presented as suicides. This, in turn, prompted the IC to discuss the risks and abuse they encountered in their extended family, leaving home and living on the streets for a time before accepting shelter from the local Hijra community. The Hijra community exists across India, Bangladesh, and Pakistan.

The IC found it difficult to discuss their life with the community due to the stigma attached to it. The cultural mediator, sharing the same ethnic background as the IC, reassured them that they could safely express their experiences,

emphasizing that they had never held nor shared the prejudices directed at the community or individuals with diverse SOGIESC by mainstream society. As the IC began to share information about their life in the Hijra community, their asylum lawyer became aware that the IC had been a victim of trafficking, forced into begging and sex work, unable to leave the premises of the Hijra group led by a guru, with no right to their income and facing severe punishment if they refused to perform assigned tasks. The trafficking ring was extensive and deeply rooted, with state actors, including members of the police force, state officials, and politicians, involved as clients.

When the lawyer explained to the individual concerned (IC) that they had been a victim of trafficking, they broke down. They had struggled to leave behind a life they did not want and had sought refuge but were unaware that they had been exploited as trafficking victims. The interview had to be terminated at that point for the day due to the condition of the IC.

The above case study illustrates the difficulties involved in identifying refugees and migrants in vulnerable situations. Many are unaware that they may have a claim for international protection. For many, discussing painful and intimate experiences is extremely challenging, especially in a foreign environment with people they do not know. In this case, the cultural mediator made an effort to support the IC by addressing prejudiced and discriminatory attitudes toward people with diverse SOGIESC and reassuring them that the cultural mediator did not share such beliefs.

Three interviews were necessary to construct a comprehensive understanding of the case, during which the IC frequently broke down in tears and needed comfort. The IC displayed a need for physical contact, such as hugging everyone before the interview, during pauses, and afterward, to feel reassured that they were not being hated or despised.

Non-Verbal Communication and Individualized Approaches

Cultural anthropologists Edward T. Hall and Mildred Reed Hall pioneered the study of nonverbal communication and intercultural communication. In their 1971 article «The Sounds of Silence,» they observe that people from all cultures communicate without words, and they tend to do so in different ways. In a sense, nonverbal communication within a culture is a language in its own right or the silent part of spoken language; without knowledge of this silent language, it would be nearly impossible to communicate effectively. Hall (1990) also introduced the

concepts of high-context and low-context cultures, bringing time and space into the study of communication with the terms chronemics and proxemics. According to Hall, context refers to the information surrounding an event, which is vital to understanding the meaning of that event. Event and context are two elements combined in varying proportions, depending on cultural background, that produce meaning. Cultures around the world can be compared on a scale from high to low context. Hall describes the distinction between high-context and low-context communication as the degrees to which information in a message is implicit or explicit. In high-context communication, much of the information is implicit, and very little is presented explicitly, while low-context communication strives to convey all relevant information as clearly as possible. In high-context cultures, people communicate more indirectly and implicitly, leaving many things to be assumed by the other party. For instance, in Arab culture, where individuals tend to maintain close relationships within the community, they often have an understanding of each other's circumstances and don't need to exchange extensive specific information on topics of mutual interest. In contrast, Swiss society's relationships are typically more compartmentalized, requiring the provision of ample background information during interactions. This conceptualization of communication culture is relative. For example, while a person from England might perceive an Italian as belonging to a more high-context culture, an Italian may view an Arab as coming from an even higher-context cultural background.

Gaze, notions of time and space, distance, touch, posture, and gestures are all part of our non-verbal communication. While in some cultures people greet each other by shaking hands and kissing on the cheek, in others such greetings can be highly offensive and unacceptable. In certain contexts, individuals find it appropriate to be physically closer or further from one another. Concepts of intimate space, social or consultative space, and public space vary across cultures. Similarly, in some cultures, strict adherence to appointments, schedules, and punctuality is not a priority; it is perfectly normal for people to visit relatives or friends unannounced. Conversely, in other cultures, it would be unthinkable to show up at a friend's house without prior agreement. Low-context cultures tend to be monochronic, perceiving time as a linear reality, while high-context cultures are characterized as polychronic, where the perception of time is cyclical.

While Hall's concepts were developed in a markedly different era when cultural differences in communication were only beginning to be recognized, and may seem like generalizations to some, they remain highly relevant to contemporary issues in intercultural communication. During the 2015 European Refugee Crisis, refugees and migrants typically came from high-context cultures, whereas many

host environments contributed to a relatively low-context culture. The impact on communication was evident in real-world interactions. For example, patients needing even mildly invasive medical procedures often required consultation with all family members before consenting, which doctors found unreasonable. Similarly, it is common for individuals from Pakistan and Afghanistan to respond with «I'm fine» to inquiries about their well-being, even when they face challenges, making further discussion necessary to understand their situation. In most interactions with cultural mediators, South Asian and Middle Eastern refugees and migrants often showed interest in personal details, such as marital status, number of children, salary, and home ownership versus renting. In low-context cultures, such inquiries might be viewed as intrusive during a first encounter, while in many high-context cultures, they are seen as acceptable topics for initial conversations. Male unaccompanied asylum-seeking children and young adults from Afghanistan and Pakistan often misinterpreted a girl's smile or eye contact as romantic interest, as those gestures signify affection in their cultural context. Police personnel frequently suspected Afghan individuals of being dishonest while recording personal information, as they tended to lower their gaze when responding to questions. However, for Afghans, lowering the gaze is a sign of respect for authority. The broader context of a statement or behavior is easier to comprehend with adequate bilingual and bicultural knowledge. Nevertheless, similar non-verbal behaviors can manifest regardless of cultural background; for instance, a child who has experienced abuse may shrink from touch, irrespective of their origins.

Being alert to body language takes on added importance in the refugee and migrant protection context, where individuals may be dealing with trauma that makes it hard for them to speak about their experiences. Reactions to specific topics can cause distress and signal to service providers potential underlying issues. For instance, if routine information dissemination aimed at preventing gender-based violence makes someone visibly distressed, it might indicate that they have experienced or witnessed sexual abuse.

While the cultural mediator must remain alert to non-verbal communication on both sides, they should also be aware of their own body language. Despite exposure to potentially disturbing content, the cultural mediator needs to maintain their composure. Empathy does not mean they should participate in the emotions of either side; rather, it requires the ability to form a proper understanding of their perspectives, which necessitates that cultural mediators remain calm. Refugees, migrants, and service providers can both exhibit emotionally charged behavior. For example, a migrant patient might become distressed due to living in crowded and unsanitary conditions, with their health not improving

despite therapy, while a busy doctor could be impatient and dismissive. In such cases, the cultural mediator can enhance the interaction by explaining to the patient that the doctor is overwhelmed with work and to the doctor that the patient is distressed because their living conditions are not conducive to a quicker recovery. If the cultural mediator also becomes offended by the doctor's behavior, their capacity to intervene positively will be compromised. Similarly, when the cultural mediator hears a highly distressing account of SGBV, they must remain calm despite feeling disturbed. In everyday life, while comforting a friend, it may be normal for a person to express similar emotions and share experiences. However, if a cultural mediator did this, it would disrupt communication.

Each interaction is unique and may require different responses from the cultural mediator. Likewise, participants are individual and the cultural mediator will use a tailored approach, modifying their register, reformulating, paraphrasing, and rephrasing as needed. Even seemingly simple utterances must be approached with care and a focus on the overall quality of communication. A participant in an interaction may express an utterance spontaneously in various ways. The cultural mediator should determine the best way to convey it, keeping the accuracy and intent of the utterance in mind.

In an interview, a social worker might say to a mother from an Arab country, «The mother cannot leave her baby with the family in the room next door. The baby could be at risk.» The cultural mediator could either simply repeat this statement or phrase it in a way that is clearer, saying, «You are blessed with many children, but I know it can be difficult to care for all of them, especially the baby. The social worker is worried that if you leave your baby with people next door, something bad could happen. You don't know them and don't even speak their language.» In non-intercultural discourse, speakers often resort to reformulation to clarify meanings or make opinions more relatable to their listeners. They try to express the same idea in various ways to determine which approach will be more effective. According to the Oxford Learner's Dictionary, reformulation means «to say or express something in a different way.»

A study of rephrasing, paraphrasing, or reformulating in argumentative contexts indicates that speakers reformulate their own contributions and those of others to gain rhetorical advantage, thereby influencing persuasiveness. According to Cuenca, reformulation occurs «when someone restates something that has previously been said in a different way ('in other words') and assumes that the two formulations can be considered equivalent from either a semantic or a pragmatic perspective.» In accordance with this definition, a reformulation is characterized by a desire to present two segments as equivalent at a pragmatic or

semantic level: reformulation functions as 'an equivalence operation' that offers 'alternative formulations of a single idea.' Expressing the same idea in various ways can encompass both paraphrasing and rephrasing.

The authors define paraphrasing as: «Paraphrases are contributions that express the same meaning using different words.» The distinction between paraphrasing and rephrasing is clarified as, «…contributions that are linked through a rephrase relation but are semantically distant qualify as rephrases, but not as paraphrases.» They define rephrasing as «the reformulation of a statement that neither conflicts with it nor provides a justification to accept it.» The depiction of rephrasing, reformulation, and paraphrasing that arises is that of 'three concepts that are distinct and defined in different terms, yet overlapping and closely related'. In summary, both paraphrase and rephrase generally involve reformulation (Younis et al., 2023, pp. 14-15).

Cultural mediators use reformulations, including paraphrasing and rephrasing, in a way similar to how speakers in non-intercultural discussions might. However, cultural mediators often apply their bilingual and bicultural knowledge to these communication devices to enhance and clarify meanings during intercultural interactions. Furthermore, cultural mediators are not focused on influencing decision-making; instead, their aim is to foster understanding and clarity.

Topics may frequently be discussed where related concepts and vocabulary may not be readily accessible or suitable for an end-user. For example, consider this original statement:

Your asylum application must be registered within 15 days of your arrival at your designated asylum center. Following this, you will be contacted by the asylum office for a preliminary interview to collect basic information about you and your asylum claim. Later, the asylum office will conduct a detailed interview with you.

Paraphrased utterance:

When you reach the asylum center to which you have been directed, you should fill in the asylum application form and send it to the asylum office within 15 days of arrival. After this, the asylum office will contact you and conduct a first interview with you to take down your personal information and a brief account of the reason why you were in danger in your own country and need protection. After some time, the asylum office will conduct another much longer interview with you and ask you a lot of details about why you were forced to leave your country.

Or, for example, we can have an original utterance,

> Many women can experience marital rape and not know that this is rape.

Rephrased utterance:

> In many societies married women are taught that it is their duty to provide sexual satisfaction to their husbands, but even in a marriage a woman might not wish to engage in sexual relations at a given time, and if the husband forces her into sexual relations this is similar to experiencing sexual violence by a man not related to her by marriage and is a form or rape inside marriage.

Sometimes seemingly simple utterances also need to be rephrased, for example, we can have an original utterance:

> We can proceed with the interview after she reads and signs the consent form.

Rephrased utterance:

> There is a document you need to read, understand, and sign. This will confirm your willingness to share information with us. We can't request your personal information or ask other questions without your permission.

Cultural mediators phrase their statements carefully to avoid misunderstandings and ensure they suit the register of each participant as well as the overall interaction. They paraphrase and rephrase whenever necessary to make meanings clearer and more accessible.

Another reason for which the cultural mediator reformulates is to prevent and manage conflicts. Offensive remarks, whether intentional or unintentional, can disrupt communication. For example, an overworked medical practitioner might behave rudely. Rude behavior and statements are connected to body language as well. The patient will be able to sense the unpleasantness. In such cases, the cultural mediator can smooth out the situation by conveying the message from the practitioner while also explaining that medical practitioners are overwhelmed and may act this way due to fatigue. On the other hand, as mentioned earlier, in interviews where refugees or migrants are sharing personal accounts with a service provider, such as a psychologist, if they display anger and use harsh language, the cultural mediator should not reformulate or soften these expressions,

as they reflect the individual's state of mind. Reformulation should be used to enhance and clarify meanings, keep communication flowing, and maintain focus on the subject of discussion.

The settings in which the cultural mediator facilitates communication involve speech and behavior. In many situations, communication can have serious consequences for the lives and well-being of refugees and migrants. Reactions from both sides may seem incomprehensible to each other. Such situations require the cultural mediator to remain attentive to responses to statements and to strive to understand the reasons behind the reactions of both parties. A refusal to accept a specific medical treatment or to enroll children in school may be shocking to a service provider, while a refugee or migrant might reject treatment due to a reliance on alternative medicine, or might be hesitant to send their children to school because, in their home country, children start school at a different age, among other reasons.

In such cases, the cultural mediator should intervene by discussing possible reasons, including both perspectives if necessary, to maintain transparency in the intervention. Providing explanations and additional information helps contextualize an utterance appropriately. There are situations where a service provider, such as a doctor, may lack the time, energy, or inclination to clarify something to a patient or to listen to the patient's concerns. Refusing treatment might put the patient at risk of worsening their condition. In this case, the cultural mediator should step in and ask the doctor to explain the patient's options more clearly. This type of intervention by the cultural mediator should occur only if they believe something is 'not clear' to the patient. However, they should never take on the role of 'convincing' the patient to choose the 'better option' unless explicitly requested by the doctor.

While providing explanations and additional information to clarify situations, the cultural mediator must also adopt a protection-sensitive approach. For instance, a social worker is concerned after discovering that a refugee or migrant claims to have adopted their relative's son, yet there are no adoption documents. The refugee or migrant comes from a country where adoption laws are not enforced, and it is socially acceptable for a family member to adopt a child from another family member. The cultural mediator can inform the social worker about this context, but in such cases, they should exercise caution. A protection-sensitive approach means that the cultural mediator should refrain from mentioning this first to the refugee or migrant, for example, by saying, «But in our country it is normal to adopt a child without any legal procedures, right?»

If a child has been taken through coercion or deception, the cultural mediator will provide justification to the responsible person. In the context of refugee and

migrant protection, cultural mediators offer clarifications during conversations not only to ensure understanding but also in line with fundamental protection principles.

Refugees and migrants often address cultural mediators, making *side remarks* during interactions with service providers. These *remarks could be casual* and based on curiosity. If the cultural mediator shares the same population background as the refugee or migrant, they might be asked when and how they arrived in the current country, whether they visit their home country, and if they are living with their family, among other inquiries. Conversely, if the cultural mediator is from the host community, refugees and migrants are usually surprised to see a local person speaking their language and often want to know how they learned it, if they have visited their country of origin, and how they perceived it. Engaging in mini-conversations within a conversation can be problematic, and the cultural mediator should inform the other participant about the questions posed by the refugee or migrant. It is also common for service providers to initiate a similar exchange with the cultural mediator; in this case, it is also important to involve the other party to avoid any discomfort. There are instances when a refugee or migrant *confides in the cultural mediator* important information during an interview. For example, during legal counseling, a refugee or migrant may reveal that while they are starting the asylum process, they also plan to continue attempting to cross the border irregularly and further their journey.

Such situations leave cultural mediators with dilemmas. They feel that sharing the information with the service provider would betray the trust placed in them by the refugee or migrant. Steps must be taken to prevent such situations from arising. Service providers often forget to commence interviews properly by introducing themselves, clarifying their roles, presenting the cultural mediator along with their role, and explaining that the cultural mediator is obligated to share all information disclosed by the refugee or migrant. Establishing rules and making introductions is crucial for avoiding dilemmas like this. However, if such information is provided to the cultural mediator, they should clarify what has transpired and their obligations during the interaction to all parties involved. If the refugee or migrant continues to share information with them, the cultural mediator should communicate this to the service provider.

The above set of guidelines is rooted in practice and observation, focusing on identifying and addressing issues related to intervention and interference. It also acknowledges the reality that interactions between refugees and migrants and their service providers tend to be more productive when they occur as natural con-

versations. The cultural mediator plays a crucial role in facilitating this dialogue with a professional yet natural demeanor, balancing empathy with objectivity.

This set of basic guidelines can help cultural mediators distinguish intervention from interference, reduce negative impacts on communication, and create optimal conditions for fostering mutual understanding. However, in host environments where service providers may be incompetent, inefficient, or unwilling to fulfill their duties for various reasons, cultural mediators can encounter serious dilemmas. In instances where a refugee's or migrant's human rights are being violated due to abuse of power, discrimination, and prejudice, cultural mediators typically have a clear channel for reporting these violations, such as a relevant Ombudsman's Office. This is akin to the obligation of citizens to report crimes or contact authorities for assistance if they witness someone being subjected to violence. The principle of confidentiality that applies to the work of cultural mediators, particularly regarding refugee and migrant protection, must be viewed through the lens of protection principles. The purpose of confidentiality is to protect individuals from harm that could arise from their personal circumstances becoming public, not to shield abuse of power or violations of rights by any party involved. While it is easier to resolve dilemmas involving more severe rights violations, addressing general inefficiency or inadequate performance by other service providers, such as social workers, legal counselors, and healthcare practitioners, can be much more challenging. In host environments where services fail to function effectively even for the country's citizens, refugees and migrants may find themselves without adequate assistance in highly vulnerable situations. They may go unrecognized and/or not be referred to appropriate service providers, leaving cultural mediators feeling extremely frustrated as the first points of contact.

It is important to note that while cultural mediators often face criticism for not being neutral and for interfering in the work of other service providers, their concerns about the inefficiency of these providers are generally ignored in the overall response to protection issues. For instance, there is no established avenue for a cultural mediator to voice concerns when a social worker overlooks vital well-being issues concerning unaccompanied asylum-seeking children. If they inform someone about this, they risk violating confidentiality; however, if they remain silent, they must carry the burden of knowing they did nothing while a child's well-being was at stake. Channels could be created for cultural mediators to report performance issues of other service providers as part of the broader challenges in protection issues, without discussing individual cases or breaching confidentiality. Meanwhile, cultural mediators operating in difficult situations, alongside other frontline workers, must contend with frustrations stemming

from inadequate service provision systems and host environments impacted by hostile policies toward refugee and migrant communities.

While it may be impossible to provide proper solutions to the numerous challenges and ethical dilemmas that can arise in daily fieldwork, cultural mediators can be guided by two main approaches. First, national and international laws require them to report serious violations of human rights and grant them the full right to refuse participation in activities involving such violations. If a refugee or migrant is at risk of serious harm, the cultural mediator has a duty to report this. Second, when extreme situations do not justify informing the relevant authorities, and if there are no channels for cultural mediators to express concerns about the poor performance of other service providers, professional responsibility implies a need to respect confidentiality. In the long term, fostering trust among service providers that cultural mediators are reliable partners in facilitating intercultural communication and improving the quality of interactions is ethically more appropriate and generally more practical. Attempting to achieve short-term results by securing better services for refugees or migrants in individual cases, at the cost of violating confidentiality, can lead to highly undesirable outcomes. Consequently, service providers may stop viewing cultural mediators as reliable and objective partners for facilitating communication, thereby undermining the overall response to intercultural communication needs in the refugee or migrant protection context. Moreover, such interference in matters for which cultural mediators are neither qualified nor accountable would place the burden of responsibility for any further consequences faced by the refugee or migrant on the mediator, instead of allowing relevant professionals – regardless of their performance – to bear that responsibility.

The model for facilitating intercultural communication based on the above guidelines can provide cultural mediators with methods to ensure they fulfill their role in facilitating communication. Obstacles and dilemmas faced by cultural mediators in various host environments, particularly those related to state policies and protection responses, are issues that need careful consideration and evaluation in coordination with relevant stakeholders and cannot be resolved unilaterally by the mediators.

Case Study: Detention Settings and Protection-Sensitive Communication

During the period following the peak of the European Refugee Crisis, when the influx was decreasing, a group of seven individuals was detained at an airport in

one of the transit countries along the Western Balkan route after immigration officers determined that they could not be issued visas on arrival. They were instructed to board the next available flight back home.

All individuals claimed they wanted to seek asylum and that their lives would be at risk if they returned to their country of origin, even though they had previously stated they were visiting as tourists. This required contacting the asylum office to conduct preliminary interviews. The asylum officers were hesitant to register their asylum claims, questioning their accounts. Meanwhile, the Ombudsman's Office was contacted by the detainees due to bodily injuries suffered from alleged physical violence against one of the group members by police personnel at the airport detention area. The victim of the assault reported that the violence occurred when the group was pressured to board the flight back.

A medical team was called in to examine the nature of the injuries. In the meantime, the asylum office representatives agreed to register the group's claims and allowed them to enter the country. The cultural mediator was asked to inform the group that they should proceed to the area where they would receive the necessary documents to enter the country as registered asylum seekers, but the individual to be examined by the medical team needed to wait for the doctors.

When the individual who filed the complaint of violence heard this, they stated that they did not want to be examined by the medical team. This reaction led the staff from the Ombudsman's Office to doubt the credibility of their complaint, as it seemed they were avoiding the medical exam. The cultural mediator realized that the individual believed that staying for the medical exam would prevent them from receiving their asylum claim registration document. The cultural mediator shared this concern with the Ombudsman's representatives. The representatives asked the individual why they were hesitant to take the medical exam. The individual admitted that they thought this would deprive them of the chance to receive the documents needed to enter the country. They were reassured that this would not happen, and that after the medical exam, they would also receive their document. The individual agreed to stay. The medical exam revealed injuries that most likely resulted from being kicked in the ribs, as described by the victim. The victim received first aid and was referred to a hospital for further treatment.

In the case mentioned above, police and asylum office officials had to negotiate a course of action with the staff of the Ombudsman's office due to physical violence coming to light. The matter was resolved by issuing asylum claim registration documents to the individuals in the group, despite the asylum officers having significant doubts about the credibility of their accounts and being con-

vinced that, once in the country, they would attempt to reach an EU destination irregularly. However, this compromise was reached to prevent further proceedings against the authorities following the assault incident. In this situation, the complaint could be filed at the Ombudsman's Office because the group members had a lawyer representing their interests in the country, who was suspected by the police of being involved in people smuggling. Amid these circumstances, the victim of the assault was not assertive due to a lack of clarity regarding their situation and being in an unfamiliar environment. However, with the help of a protection-sensitive cultural mediator, they received a medical examination that provided initial confirmation of their complaint, even though no further procedures were initiated. The Ombudsman's Office informed the victim that they could pursue legal action if they wished, but the victim did not want to press charges.

This case involves an intervention by a cultural mediator. When the victim of physical violence expressed that they didn't want to wait for the medical exam, the staff of the Ombudsman's Office suggested that the individual might have been lying and that a false complaint had been lodged with their Office. They did not inquire why the victim was declining the exam. At this point, the cultural mediator intervened, proposing that the victim might fear missing their opportunity to receive asylum registration documents and enter the country if they stayed for the medical exam. It was only after this intervention that the Ombudsman's Office staff asked the victim why they had changed their mind about the exam, allowing the victim to voice their concerns. Had the staff questioned the victim earlier, the intervention would not have been necessary. However, the whole situation was complex, as law enforcement and asylum officers were aware of smuggling operations involving a local attorney complicit in the transportation of individuals to further EU destination countries. Representatives of the Ombudsman's Office were skeptical of allegations regarding physical violence committed by border police officers in the transit detention zone, which may have led to their reluctance to ask the victim about their refusal to undergo the examination, while the victim remained too timid to express their doubts. It is also crucial to note that the cultural mediator did not have a private discussion with the victim to clarify their reasons for refusal, but instead communicated with the Ombudsman's Office staff to uphold transparency and neutrality. The intervention in this case can be viewed as a response to poor communication, while also functioning as a means to ensure access to rights and services. This intervention aligns with protection principles, as the cultural mediator recognizes that the assault by law enforcement was a violation of the victim's basic human rights, irrespective of their migratory status.

8. Navigating Power Dynamics in Cultural Mediation

Cultural mediation in the migration context involves facilitating communication within unequal power dynamics. Service providers in the host environment hold institutional power, giving them a social advantage over members of the host community. Historically, interpreter-mediated interactions have occurred «not just between different languages and cultures, but also between tribes, communities, countries, and races with significant power imbalances and status disparities.» Despite the recognition of universal human rights and democratic freedoms today, discriminatory policies and systemic inequalities may persist within the institutional power of governments and authorities. Nevertheless, during an interpreter-mediated interaction, the interpreter possesses power due to their «bilingual and bicultural expertise» (Mason & Ren, 2014, p. 234).

In modern times, intercultural communication is viewed as a remedy to address issues of inequality. However, interpreting and translation could also contribute to the perpetuation of inequality and discrimination when interpreters serve institutional priorities (Angermeyer, 2023; Mason & Ren, 2014). Despite stringent normative frameworks of neutrality and accuracy, community interpreters have been found to act in alignment with institutional goals. For example, interpreters in parent-teacher conferences were found to steer communication towards parents' acceptance of student assessments made by teachers. Additionally, interpreters in medical settings took it upon themselves to conduct parts of the medical interview to keep things running on time amidst busy schedules (Davitti, 2013; Davidson, 2000). Davidson's study begins with a quote from the Head of Interpreting Services at a major private US hospital: «Interpreters are the most powerful people in a medical conversation.» The study also presents a case of medical interpreting where the interpreter is primarily responsible for welcoming the patient and conducting the preliminary physical exam. The interpreter is familiar with the patient from previous interactions, and the doctor does not seem to object to this arrangement,

occasionally asking for specific utterances to be interpreted. At the conclusion of the interview, the patient, who has diabetes, remains unconvinced by the doctor's warnings to change dietary habits to avoid the risk of toe and foot amputations. Davidson notes that it cannot be determined with certainty whether this is due to the interpreter's actions, but it is clear that the interpreter spoke in their own voice rather than echoing the patient. The interview may be considered a failure since the patient leaves unconvinced of the severity of his condition. The interpreter does not utilize their interactional power to ensure the patient has fully grasped the severity of the diagnosis and treatment plan. For a cultural mediator, 'speaking in their own voice' during such an interaction would entail recognizing that the patient is unaware of the risks they face, and if the physician has not addressed this issue, the mediator should introduce the topic into the discussion, encouraging the patient to express their thoughts on the treatment.

On the other hand, another study of similar encounters in healthcare involving English-speaking medical staff in Australia and Italian-speaking patients revealed that while interpreters adopted the role of 'narrator' and used indirect speech when communicating with patients, they did not alter the content of the original messages. However, modifications were made to 'soften remarks' or to explain a message in simpler language. Here, the interpreter also manages power dynamics, aiming to 'create a common communicative environment' using their bilingual and bicultural knowledge. One intriguing concluding remark from the study states that «Awareness and acceptance of the interpreter's 'powerful role' might be promoted by making it more transparent to clients» (Merlini & Favaron, 2003, p. 226).

Differences in the roles undertaken by community interpreters and their subjective decision-making to negotiate unequal power dynamics may reflect an ambivalent relationship between the humanity and professional duty of the interpreter. Merlini & Favaron (2003, p. 208) describe this as the role 'riddle.' Citing Shackman (1984), they note, «A community interpreter is responsible for enabling professionals and clients, who possess very different backgrounds and perceptions and exist within an unequal relationship of power and knowledge, to communicate to their mutual satisfaction,» thereby illustrating the contradictory and confusing expectations placed on interpreters. The question of how to wield interactional power remains unresolved. However, this inquiry transcends being merely a 'riddle' to solve. Community interpreting occurs in sensitive contexts, involving interactions between members of marginalized groups who have little knowledge or proficiency in the language of the host environment, often in situations where the consequences of these interactions are severe. A study on Public Service Interpreting (PSI) in the UK highlights that PSI operates in the context

of Equality, Diversity, and Inclusion (EDI), and that the obligation to provide interpreting and translation services for individuals with limited English proficiency under the Equality Act 2010 underscores the critical role of interpreters in ensuring equality and human rights. PSI can have significant implications for members of marginalized communities. The study references the case of seven-year-old Victoria Climbié, who arrived in the UK from Ivory Coast in 1999 and died in 2000 after suffering severe abuse at the hands of her aunt and her partner. Social workers, health professionals, and police officers initially relied on the child's aunt for interpretation during their first assessment, while an interpreter was appointed for subsequent interviews (Bahbouth, 2024, Victoria Climbié Inquiry Report 2003). Although the study emphasizes the quality of community interpreting and the management of resources, revealing the consequences of inadequate interpreting services, it does not address the broader context as this falls outside its scope. Nonetheless, the broader issues of human rights and the interpreter's humanity remain critically important.

One of the functions of cultural mediation in the context of refugee and migrant protection is to establish the explicit presence of the cultural mediator as a third participant, entrusted with the duty of facilitating communication and exercising their interactional power with a protection-sensitive approach and intervening whenever necessary within the boundaries of their role and tasks. Meanwhile, community interpreting largely remains dominated by norms of invisibility, with exceptions where codes of conduct allow for patient advocacy. The interpreter's agency is manifested in visibility (Angelelli, 2004), but their influence on interactions tends to remain implicit and subjective, as they may continue to view their role as detached and invisible. In contrast, cultural mediators recognize their presence in interactions and follow a protection-sensitive approach to communication based on objective protection principles. However, this does not imply that cultural mediators can remain indifferent to the effects of facilitating communication in unequal power dynamics.

Empathy, Control, and Interference in Asymmetrical Interactions

While situations on the ground can be so varied that it would be impossible to provide guidance that helps cultural mediators resolve every dilemma, some main basic challenges in facilitating communication within an unequal power relationship are commonly faced by all cultural mediators in their daily work (Vještica et al., 2024).

Since pioneering cultural mediators primarily began working in the migration context to 'help out' refugees and migrants from their communities, and because the context is humanitarian, the tendency to empathize only with the weaker side may be seen as one of the most common issues in the work of cultural mediators. When a cultural mediator believes that all refugees and migrants are always victims and inherently weak, it may lead them to contribute utterances in interactions to 'defend' or 'advocate' while crossing the boundaries of their role, even in cases where this is not necessary. Such an attitude can undermine trust in the cultural mediator as a reliable and objective facilitator of communication. It is also counterproductive as it may increase hostile attitudes toward refugees and migrants. Additionally, viewing refugees and migrants as permanent victims is an unhealthy and disrespectful approach. Migrants may find themselves in vulnerable situations, but this should not imply that they are weak individuals incapable of taking care of themselves.

Cultural mediators are expected to meet the challenges posed by power dynamics during interactions, ensuring that all parties are heard and understood while facilitating access to services and rights. However, due to various factors, they may begin adjusting their utterances as they relay information back and forth, aiming to steer communication toward an outcome they desire rather than what the participants intended, thus controlling the dialogue.

Example: A social worker talks to an unaccompanied and separated child about accommodation in a special facility for children in a different city, which would mean separation from his group of young adults and impact their plans for further irregular movement; however, the child is unwilling to do so.

SW: «You are too young to stay at this center. It's not safe for you to be in a group of adults. Children your age should be accommodated at a special facility.»

A cultural mediator, convinced that the child should be allowed to stay with their group due to the risk of leaving the facility if accommodated away, might choose to relay the message in the following manner. Cultural mediator (in an ironic voice): «The social worker thinks you are just a kid and should go to a place for little kids in a different city. She believes you aren't safe here with your friends because they are older than you.»

An utterance like this could make the child even less cooperative. While the cultural mediator's concern might be valid, attempting to influence the outcome of the interaction means they are taking on the role of the social worker. It is also possible that staying with the group of young adults could expose the child to risks. The responsibility to make such assessments falls to the social worker.

The cultural mediator could clarify their involvement by introducing the topic of risks related to attempting to run away from the accommodation facility and trying to reach their group, or of living in a squat. This would alert the social worker to these risks if they haven't previously considered them.

One of the major issues in host environments is the existence of protection gaps, inefficient service provision systems, low levels of cultural competence, and hostile policies. In such circumstances, interventions by cultural mediators can be perceived as interference in the work of other service providers, such as social workers and psychologists. While it's challenging not to overstep role boundaries when a service provider is incompetent, cultural mediators should refrain from interfering and taking on the responsibilities of other professionals as long as conditions where a refugee or migrant would be at obvious risk of harm are not present. However, it is part of the cultural mediator's role to inform service providers if their behavior or solutions are culturally inappropriate or if they have overlooked risk factors.

Refugees and migrants, particularly when their status is irregular, may believe they lack choices in many situations, even when options are available. For instance, when surveys are conducted, many will agree to participate because they think they have no choice. Others may sign documents they don't fully understand or attend events they're not inclined to join. When individuals experience a loss of autonomy and their sense of personal agency is already diminished due to irregular movement or displacement, it becomes crucial to honor their right to make their own decisions. Cultural mediators, along with protection actors, can play a vital role in helping refugees and migrants comprehend specific situations, ensuring they grasp all relevant information to make informed choices. However, due to a lack of training, cultural mediators might feel compelled to persuade individuals to 'make the right choice' as if they 'know what is best for them,' which could lead them to consciously or unconsciously influence decisions. This would violate the ethical standards of cultural mediators as communication professionals and the ethical principles of protection. Cultural mediators and protection actors cannot impose solutions on refugees and migrants, depriving them of their agency. Empowerment is a critical element in refugee and migrant protection, and the power dynamics within interactions relate closely to this broader concept of empowerment.

Cultural mediators often feel intimidated by individuals in authority, especially those associated with state actors. In these situations, a cultural mediator may start to align with the more dominant side in the interaction. For instance, they might choose not to communicate a refugee or migrant's complaint against

staff at a state accommodation center to a protection worker, or may hesitate to advocate when needed.

It is common practice to employ members of refugee and migrant communities who are still in the process of integrating and may have limited knowledge of the host environment's language (sometimes even using relay interpretation) to facilitate communication. Although this practice arose from a shortage of interpreters for less commonly spoken languages and benefits some refugees by providing them with regular status and employment, many organizations do little to enhance and develop their linguistic and cultural knowledge, along with other essential skills and attitudes, which can lead to highly negative outcomes. Refugees and migrants who are not yet fully integrated face their own challenges regarding their relationship with the host environment. They also bear the weight of their experiences during their journey, some of which may be traumatic, and by facilitating communication that involves similar experiences, they can endure repeated secondary trauma. They find themselves in a particularly precarious situation if their services are employed in law enforcement and judicial systems, as this undermines their standing within their community. Community members may begin to view them as 'employees of the police' and feel threatened. They may also face threats from criminals, for example, members of people smuggling networks, if they provide interpretation to law enforcement agencies in procedures initiated against them. They could become particularly inclined to align with service providers because they do not feel equal to others in the host environment. Their connections to people smuggling networks might also lead them to cooperate with smugglers. Generally speaking, while this practice may be unavoidable, careful attention to training and supervision must be provided. Additionally, tasks should be designed thoughtfully to avoid negative outcomes and risks.

Another common practice is to use community and family members for communication. While this can be helpful in certain situations, if no other option is available or if this is the individual's preference (Hsieh & Hong, 2010; Hadziabdic, 2014), there are circumstances where a family member cannot be permitted to interpret, as in the case of Victoria Climbié. Often, such rules are part of Standard Operating Procedures; for example, the 2023 NHS Somerset SOPs for Responding to Domestic Abuse state, «If a patient requires an interpreter, call a language interpretation service. Do not use the patient's family or friends to interpret regarding abuse or the internet, such as Google Translate. Be aware that when using an interpreter, the definition of abuse may vary according to the language.» Many situations in the refugee/migrant context require careful

consideration regarding how communication will occur, as the outcomes of these interactions could mean the difference between life and death.

Participant Perceptions and Mediator Roles

As mentioned earlier, in intercultural interactions, the bilingual and bicultural facilitator of communication holds the most power. This interactional power becomes evident in individual exchanges between service providers and migrants. We are naturally cautious about trusting someone with the task of conveying our message to the person we want to communicate with because we don't know what is being expressed. This is why one of the most common experiences for cultural mediators is hearing instructions from personnel at migrant reception centers, law enforcement representatives, and others: «Say exactly what I am saying!» Meanwhile, refugees and migrants often ask the cultural mediator, «Please explain!»

However, the expectations of service providers and end users from the interpreter, or the person assisting with communication, can vary depending on the context of interactions, influencing how they facilitate communication. Service providers and users in health and social care expect accuracy and confidentiality from the interpreter, as well as the ability to intervene if there is a lack of understanding. Studies show that some service providers don't place significant importance on receiving cultural explanations, while others expect such clarifications and even ask interpreters to formulate their own statements. While courtroom interpreting norms are typically very strict, some judges expect the interpreter to explain cultural points (Pöchhacker, 2001).

A 2020 study on the perception of interpreter support by refugees and migrants conducted in France provides insight into the issues of language proficiency in a foreign host environment and the sense of autonomy. For many asylum seekers in France, not knowing the language led to isolation and emotional distress. Having a person who speaks their language and can help them interact with their environment provided relief and support. The need for assistance in such situations may result in individuals expecting the interpreter to act as a helper. Refugees and migrants are often accompanied by the same interpreter during asylum interviews and when accessing healthcare and other services, leading many to confide in the interpreters. This was a common situation in several Western Balkan countries where the pool of interpreters and cultural mediators was limited. Conversely, refugees and migrants may also show resistance to

using interpreters due to a lack of trust and negative experiences with interpreters and cultural mediators.

Interestingly, the French study reveals that individuals who have been granted protection and have mastered the French language voluntarily interpret for asylum seekers from their countries because they want to help them. These individuals are referred to as 'peer mediators' in the study. One such peer mediator interprets in asylum hearings but guides the interviewees to say what the interviewer needs to hear while omitting what might cast doubt on the veracity of the testimony. The study concludes that training programs should be organized for peer mediators (Le Geoff & Carbonel, 2020). The notion that asylum interviewers require testimonies to be presented in a specific manner for the asylum seeker's claim to be credible not only raises questions about the need for training of 'peer mediators' but also brings into question the competence of the interviewers. If testimonies must be tailored to the interviewer's perspective to achieve positive decisions, the entire principle of interpreter neutrality becomes questionable. This suggests that asylum hearings are conducted by incompetent and/or biased interviewers. What may be viewed by the 'peer mediator' as a form of interactional power to influence communication for the benefit of asylum seekers effectively shifts the responsibility away from the interviewer and/or the legal representative of the interviewee in the asylum process onto the interpreter. While a legal representative has the full right and responsibility to prepare their client for an asylum interview, and the interviewer must exercise their discretion to assess the relevance of testimonies, the interpreter or 'peer mediator' cannot and should not be expected to assume these roles.

A study on the availability and acceptability of interpreting services for refugees conducted in New Zealand raises similar issues. Not knowing the host country's language leads to feelings of isolation and helplessness, as well as difficulties accessing services. Situations that cause distrust of interpreters range from the interpreter's inability to understand and convey messages accurately, breaches of confidentiality, giving unsolicited advice, to not being friendly or kind, and failing to provide emotional support. This situation results in many relying on friends, family members, and even children for interpretation (Campanella, 2023). Similarly, a study on attitudes toward using interpreters in healthcare among Arabic-speaking migrants in Sweden shows that migrants preferred to utilize family members to communicate with service providers because they also offered support. However, they recognized that the limited language proficiency of family members posed a risk (Hadziabdic et al., 2014). In a dissertation examining the roles of interpreters and mediators in humanitarian contexts, conclud-

ing remarks note that interviews with relevant actors revealed positive aspects of working with untrained interpreters and mediators, as they put participants at ease, while trained interpreters and mediators tended to assume an authoritarian position (Giorgi, 2022). Training programs for cultural mediators emphasize empathy, but they often overlook the quality of humility, which allows individuals to listen and understand messages without preconceived notions and attitudes. Without a sense of professional humility, it would be challenging for a cultural mediator to empathize, form an objective understanding of participants' perspectives during interactions, and exercise the interactional power they possess with caution. Awareness of their inevitable influence on interactions should keep cultural mediators alert to the dynamics at play. They must constantly consider how they are perceived by participants and ensure that both sides' expectations align with the principles of migrant protection and the ethical framework of communication professionals.

Studies and findings point to the complexity of the context in which interactions between refugees or migrants and service providers occur, with trust emerging as a common theme. For both migrants and service providers, it is crucial that they can trust the person aiding their communication, though trust can hold different meanings for different individuals. A doctor may want an interpreter or cultural mediator to summarize messages and help wrap up a medical exam quickly, while the patient might wish to discuss certain issues more thoroughly. It is not unusual for an official responsible for conducting asylum interviews to prefer a particular interpreter because they «know what needs to be interpreted and recorded.» Conversely, asylum-seekers may ask their interpreters to 'help them remember things' or assist them in accessing specific types of medical treatment. In such scenarios, both parties might be seen as attempting to leverage the interpreter's interactional power to achieve their communication or interactional goals. While the service provider has institutional power, which could help them secure the interpreter's 'alliance,' the user or refugees/migrants may exert emotional power over the interpreter by appealing to their empathy. Simultaneously, the level of trust that refugees or migrants and cultural mediators place in service providers also tends to influence the interaction. Both cultural mediators and refugees or migrants may have little or no trust in service providers due to dysfunctional service provision systems, the incompetence and inefficiency of individual service providers, and/or discriminatory policies. There are also instances where a refugee or migrant may lack trust in representatives of a relevant agency, institution, or organization, yet they do trust the cultural mediator. This was notably observed during the 2015 European Refugee Crisis.

The distinction between 'social trust' and 'interpersonal trust' is helpful in understanding the dilemmas posed by interactions in these circumstances. While social trust refers to trust in collective institutions, interpersonal trust is cultivated through direct interactions (Pearson & Raeke, 2000).

During the European Refugee Crisis, the inadequate response on the ground, dysfunctional service provision systems in transit countries, and the disinformation spread by smugglers and/or traffickers led many refugees and migrants to distrust representatives of authorities and relevant protection actors. In such situations, whenever cultural mediators facilitated interactions between migrants and service providers, they did their best to explain the presence of certain problems. For instance, delays in return procedures were caused by bureaucratic hurdles at an embassy, not by the officer in charge's unwillingness to work on the case. Such interventions can help maintain a constructive relationship between refugees/migrants and service providers. In circumstances where the cultural mediator realizes that a service provider, such as a social worker, cannot fully grasp the vulnerable situation of an unaccompanied asylum-seeking child, they may need to make an extra effort to highlight the risks to which the child is exposed. Often, service providers lack familiarity with the migration context, making a protection-sensitive cultural mediator valuable. However, they must communicate in a non-assertive way so that the service provider does not perceive the cultural mediator as encroaching on their role. For example, a case manager at a social welfare center in Serbia might lack the context to understand why a ten-year-old child from Afghanistan states they will leave their foster family the moment their father tells them to continue their journey, given that they set out on their path 'with their burial shroud around their head.' To interpret this metaphor and convey the child's situation as well as the foster mother's anxiety, the cultural mediator would need to gradually provide explanations for the child's responses to the case manager's questions to clarify the situation.

Case Study: Trust and Allegiance in Asylum Hearings
(All information that could lead to a breach of confidentiality has been omitted)

During the 2015 European Refugee Crisis, in a Western Balkan transit country, most refugees and migrants were registered as asylum seekers by the police, as this was the main document needed to process individuals. The failure to establish an alternative processing system created extreme pressure on the resources of asylum authorities, which were overwhelmed with asylum requests. Many

asylum interviews did not take place because the individuals had already moved on; however, frequently, asylum proceedings were initiated because the individuals had not continued their journeys quickly. In these cases, representatives of the asylum authorities recognized that the proceedings were merely a formality and that even if a migrant had an asylum claim, they did not intend to remain in a transit country. Since possessing a valid asylum registration document granted migrants access to accommodation, food, and other essential services in state asylum centers, they often felt compelled to attend the interview. The mixed migration flow meant that many did not have a claim to international protection. Whenever a migrant cited poverty as the reason for leaving their country, their asylum claims were rejected after the initial interview. Although due to protracted procedures, they moved on without losing their accommodation in a state asylum center, many individuals felt pressured to fabricate a story to avoid losing their status as asylum seekers.

Under these circumstances, during an interview, an asylum-seeker presented a rather far-fetched account of why they were at risk in their country of origin, and the asylum officer was clearly skeptical. Their body language and occasional remarks indicated disbelief in the testimony being provided. During the interview, the asylum officer stepped out of the room to take a phone call and did not return for quite some time. Although it was not strictly ethical practice to leave the asylum-seeker and the interpreter alone together, it was evident that the asylum officer placed little importance on the interview process and viewed it as an administrative farce. While the asylum officer was absent, the asylum-seeker confided in the interpreter that they had fabricated the entire story because they didn't want to lose their place at the accommodation center and believed they would leave before the next interview. The interpreter refrained from engaging in conversation and did not respond to this remark. When the asylum officer returned, the interpreter chose not to share this information, primarily because they were not trained to interpret in asylum interviews and served as a cultural mediator. They were unaware of their obligation to relay all information shared with them by the interviewee.

While this case underscores the importance of training for interpreters in asylum proceedings, and ideally avoiding the use of cultural mediators in asylum interviews due to potential prior contact with asylum seekers in other contexts, it is also crucial to recognize that the 'asylum seeker' in this instance placed little importance on their interview, as they did not wish to remain in the country. It is quite likely that they lacked a clear understanding of the interpreter's role and responsibilities since the asylum officer did not clarify this at the start of the interview. Under these conditions, even though the asylum seeker had no previous encounter with the interpreter, sharing the same nationality and background led

them to perceive the interpreter as a friend or ally, believing that their information would remain confidential. The asylum officer had already exhibited skepticism towards the testimony, treating the entire process as a tedious formality in which they had little interest. This situation prompted the cultural mediator to consider that disclosing the information might jeopardize the individual's housing at the center, leading them to decide against sharing it with the asylum officer.

In this context, where the asylum proceedings were primarily the result of administrative issues in processing refugees and migrants, the only significant consequence evident to the cultural mediator was the potential loss of accommodation for an individual.

Case Study: Language and Justice Barriers in Court
(All information that could lead to a breach of confidentiality has been omitted)

In one of the transit countries along the Western Balkan route, an Afghan man was accused of leading an organized crime group involved in people smuggling, along with two local individuals. During the court proceedings, an interpreter was provided for the Afghan man, but this interpreter could not speak either Pashto (the Afghan man's mother tongue) or Dari (one of Afghanistan's national languages). The Afghan man could speak a little Urdu (the national language of neighboring Pakistan and the interpreter's mother tongue). When the judge asked if he could understand the interpreter, the Afghan man confirmed that he could. However, in his appeal against the sentence, which found him to be the leader of the organized crime group, he claimed that he had been unable to understand the interpreter and could not follow the proceedings. The appeal court rejected this point, citing his initial statement that he was able to understand the interpreter provided by the court.

To convey the decision that the appeal had been rejected to the convicted Afghan, court officials had to find another interpreter because the Afghan became violent upon seeing the interpreter who had been engaged during the court proceedings. They reached out to a cultural mediator. The cultural mediator objected to the court document that stated the Afghan spoke Urdu, the national language of Afghanistan, reminding the judge that this was incorrect. They were informed that during a meeting with the convicted Afghan, if they could understand him, the interpretation could proceed. The cultural mediator wanted to assess the Afghan's understanding of Urdu. The Afghan could construct a few basic sentences and understand simple questions. According to him, he had

learned Urdu from Hindi movies (the two languages being quite similar in spoken form). It was established that his understanding of Urdu was rudimentary. The cultural mediator then inquired if the court interpreter spoke Pashto, the Afghan's mother tongue. The Afghan replied that the interpreter did not speak Pashto and had communicated with him in Urdu.

The Afghan was interested in knowing the length of his prison sentence and whether the two local individuals (a border police officer and a retired border police officer who worked as a taxi driver) had received shorter sentences. When it was confirmed that his prison sentence was a few months longer than theirs, he asserted that it was untrue that he was the 'leader of the organized crime group' and that all he did was refer migrants who wanted to cross the border irregularly to the two local men. He also mentioned that he had tried to make this point repeatedly during the trial, but the interpreter hadn't conveyed it to anyone.

The interview to orally communicate the court's decision took a long time, and the communication was laborious. The cultural mediator had to use very basic language and find words that were expressed similarly in Urdu and Pashto/Dari to convey the meaning effectively. When asked why he claimed he could understand the interpreter despite knowing very little Urdu, he said, «I thought he would help me understand like you are doing now, but he didn't.»

The Afghan's remark indicates that, like most laypersons, he was not equipped to assess the difference between the proficiency level needed to participate in court proceedings and the level required to understand a few basic statements. His comment also revealed that he was not fully aware of his right to have an interpreter who spoke his mother tongue or another language he understood well. Additionally, he trusted the interpreter to 'help' him understand the proceedings. One aspect of this case was that the court was not operating under a misunderstanding. The interpreter was not registered as a court-certified interpreter for any of the languages he claimed to speak and understand. The court clearly stated in written documents that Urdu was the national language of Afghanistan and the defendant's mother tongue. Furthermore, although the Afghan was less likely to perceive his actions in people smuggling as a 'crime' compared to the border police involved, the court did not consult a cultural expert as a relevant witness. The Afghan's animosity toward the court interpreter revealed that he viewed the man as complicit in the harsher sentence imposed on him.

While this case highlighted a serious miscarriage of justice and suggested possible involvement in higher-level people smuggling, addressing the issue was not feasible due to a lack of resources for examining and responding to systemic corruption in the justice system.

SECTION IV
ADVOCACY, ETHICS,
AND EMOTIONAL CHALLENGES

9. Cultural Mediation as Advocacy and Activism

One of the primary roles of cultural mediators in the context of refugee and migrant protection is to connect individuals to essential services. Navigating service provision systems can be challenging even for citizens of many countries, as vital public services – such as social welfare, healthcare, education, employment, and legal support – require administrative tasks, the acquisition and submission of necessary documents, and interaction with various staff members across different stages of accessing a service.

When it comes to accessing rights and services for refugees and migrants, particularly those with irregular status or who are issued documents granting limited rights and do not speak the local language, many host environments are often not conducive to the provision of these services, whether due to governmental policies or inefficient service provision systems. During the European Refugee Crisis, cultural mediators along the Western Balkan route assisted refugees and migrants in accessing services under difficult reception conditions by accompanying them to hospitals or police stations and helping them navigate administrative hurdles while interpreting.

The need for advocacy does not diminish in destination countries, even when a person's migratory status is regular. Gaps persist as long as individuals lack a certain level of language proficiency and the ability to navigate local service provision systems. The Hibiscus Initiative study on cultural mediation as an inclusive solution for survivors of trafficking notes that, «cultural mediation provides a holistic approach to interpretation. It is about creating understanding between cultures, being an advocate, while also empowering survivors to make their voices heard» (Rakovica & Ivanovitz, 2021, p. 3). Similarly, the TIME Training Course for Intercultural Mediators for Immigrants identifies advocacy as a vital skill for cultural mediators and emphasizes that training should equip cultural mediators with the discernment to recognize when advocacy is necessary, justified, and to

what extent (TIME O4 Part 1, 2016). TIME O3 (2015, pp. 4-5) observes that neutrality should be the 'default' position of cultural mediators; however, in situations where the principle of equal opportunity is compromised or the dignity and rights of the vulnerable are at risk, advocacy may be warranted. Therefore, advocacy is endorsed in specific contexts and is differentiated from 'protectionism, political involvement, and legal advocacy.' Though 'protectionism' is mainly defined within the context of trade, it is reasonable to infer that this reference pertains to a biased protective attitude. Advocacy that goes beyond addressing administrative challenges or disputes with service providers and ventures into pursuing specific political goals or legal representation falls outside the cultural mediator's scope. This viewpoint aligns with prevailing trends in practice, especially because advocacy is seen as a component of communication within specific services. The type of advocacy cultural mediators engage in pertains to navigating administrative barriers within the service provision system. For instance, newly arrived migrants at a state reception center may express concerns about not receiving blankets while others have. In such cases, the cultural mediator can approach the responsible staff alongside the migrants to secure these items if feasible. Cultural mediators are not expected to intervene in situations that require a protection officer's involvement. For example, when services from social care, healthcare, and legal counseling must be coordinated to address the urgent needs of an individual who is in poor physical condition, suffers from severe mental health issues, or requires legal counseling to regularize their status, these actions are beyond the cultural mediator's responsibilities. However, cultural mediators can and should ensure that the refugee or migrant receives the medical care they have a right to by offering patient advocacy if necessary. This task typically would not require a protection officer's on-site visit. These examples of advocacy are distinct from the type of advocacy performed by protection case managers to coordinate service provision among various relevant actors or advocacy by organizations or agencies aimed at influencing the adoption of specific policies or legislative measures by government entities.

Communication Inequality and Access to Rights

Refugees and migrants encounter an unequal power dynamic with host societies, leading to challenges related to 'inequality in communication'. The disadvantaged party faces hurdles mainly due to language barriers and a lack of information about their environment. In advocacy scenarios, cultural media-

tors represent individuals who may not understand the language or have the necessary information to address their issues. Had these individuals possessed sufficient language skills and knowledge, they would certainly present their cases themselves. The type of advocacy that cultural mediators engage in aims to tackle language barriers, cultural differences, and administrative challenges within service provision systems. One of the most common forms of advocacy performed by cultural mediators in practice is patient advocacy. Although emergency medical care is a fundamental right for any migrant, regardless of their migration status, hospital administrative staff often struggle to assist individuals without identity documents, necessitating the intervention of cultural mediators in such situations. Advocacy in the context of facilitating communication sparks controversy, as it seemingly contradicts the principle of impartiality. However, in health care, one of the essential services accessed by refugees and migrants, and a crucial aspect of basic human rights, even codes of conduct for interpreters allow for advocacy. According to the 2005 UK National Council on Interpreting in Health Care standards, «The interpreter may speak out to protect an individual from serious harm. For instance, an interpreter may intervene on behalf of a patient with a life-threatening allergy if the condition has been overlooked. The interpreter may advocate for a party or group to address mistreatment or abuse. For example, an interpreter may notify their supervisor of patterns of disrespect toward patients.» Similarly, the 2010 International Medical Interpreters Association Guide on Medical Interpreter Ethical Conduct asserts, «Interpreters will engage in patient advocacy and the cultural interface role of examining cultural differences and practices with clients when appropriate and necessary for communication purposes, applying professional judgment.» Concerns arise regarding the interpreter's use of 'professional judgment', particularly regarding interpreters who may lack training as cultural mediators and may not be adequately qualified to exercise such judgment (Wang, 2017). While it remains debatable whether experienced medical interpreters would lack such discernment, a legitimate concern emerges beyond medical settings: community interpreters without knowledge of migration and protection contexts may be less effective than cultural mediators equipped with that expertise. The issue is not only about cultural knowledge and its application but also about the specific migration context in which interactions occur. For example, an interpreter explaining house rules in a detention center for asylum seekers might not view it as their responsibility to inform police officials that the detainees have a right to seek asylum and access free legal aid, especially if the detainees do not understand English or are illiterate in their native language and cannot read posted information at the center. In

contrast, a cultural mediator working within the refugee and migrant protection sphere would step in to ensure that officers communicate this vital information. In this way, while addressing inequality in communication, this role also serves as a form of advocacy that enables access to rights. Existing codes of conduct do not account for such scenarios.

In situations where imminent harm may arise from a lack of intervention, the codes of conduct for both interpreters and cultural mediators allow for advocacy and information disclosure. The two main principles of impartiality and confidentiality are perceived differently when considering the real-life impact. Most advocacy conducted by cultural mediators and interpreters takes place in healthcare, as they are permitted and expected to advocate in this area, where their efforts can directly prevent serious harm. In cases of limited access to other services, such as asylum, legal representation for crimes against refugees or migrants, and sufficient care and accommodation for unaccompanied minors, serious and harmful consequences can also occur. However, because these outcomes are not seen as immediate results of a service not being provided, evading responsibility and accountability becomes easier. As a result, advocacy in these areas is neither expected nor permitted for cultural mediators. Advocacy concerning these services must happen at the levels of case management, protection coordination, and institutional oversight. The question of whether the facilitator of intercultural communication can remain neutral or impartial while advocating for access to services and rights essential for an individual's well-being fundamentally concerns how international human rights standards are implemented on the ground. Clearly, cultural mediators or interpreters cannot abandon a seriously ill person without medical care when it simply requires reminding a hospital staff member of their obligation to provide emergency medical care. A study involving Eritrean medical interpreters in Israel found that while course graduates felt a social obligation to assist their community beyond mere interpretation, such as navigating the health system, this obligation was intensified by the marginalization and lack of support caused by the Israeli government's efforts to frustrate asylum seekers and undermine their pursuit of recognition as refugees. The study also highlighted a 'systemic absence of modes of legal integration' (Gez & Schuster, 2018).

Interestingly, healthcare is not the only area where cultural mediators have been advocating. For example, during the peak of the European Refugee Crisis in Serbia, the law enforcement authorities of the Interior Ministry issued a document titled Intention to Seek Asylum Certificate to all refugees and migrants to regularize their status, regardless of whether they wished to seek asylum in

Serbia. This was the sole mechanism available for processing refugees and migrants. This document was issued after the personal information of a refugee or migrant was registered in an electronic database, and it instructed them to report to a designated accommodation center for asylum seekers within three days, during which time they could legally stay at a private address. Initially, it posed no problem to reissue the document if a refugee or migrant claimed it was lost or expired. It was not uncommon for cultural mediators to assist in the reissuance of the document for the refugee or migrant. Theoretically, under the law, a refugee or migrant could express their intention to seek asylum once, change their mind, and then apply again. However, as state policies changed, the regulations for issuing the document became stricter. Refugees and migrants began using the document to extend their stay at private addresses. Consequently, reissuing the document became an exception to prevent its misuse. This also meant that cultural mediators could no longer advocate for reissuance, as there were no legitimate grounds for such advocacy.

Case Study: Advocacy and Asylum Documentation
(All information that could lead to a breach of confidentiality has been omitted)

A group of single men of Pashtun ethnicity crossed the border into Serbia via Bulgaria while the borders were still open. Upon entry, they received an Intention to Seek Asylum Certificate at a police station. The group had no information about the exact nature of this document, nor had they requested it. They were instructed to provide their fingerprints and personal information according to procedure, after which they would receive their documents. While waiting in the designated area, aid workers from an NGO encouraged them to board the train to Belgrade, stating they could obtain their documents there. However, when the group arrived at the police station in Belgrade to request their documents, they were told they had to return to the initial police station where they registered to get the documents. Advocacy efforts made by the cultural mediator to explain the situation were unsuccessful, as the new policy was already in effect.

A high-ranking representative from an international agency personally intervened by visiting the police station and advocating for the group to receive their documents, as they were legally entitled to them. This occurred despite the fact that the group's urgent need for the documents wasn't based on a desire to seek asylum in Serbia later; they required the documents to cross into Croatia and continue their journey. On the other hand, the documents weren't absolutely

necessary for further movement since the borders were not closed at that time. Primarily, the group felt wronged, as they had been promised these documents and viewed the denial of issuance as an insult from the authorities.

This marked an unusual instance of advocacy conducted by a high-ranking protection officer from an international agency to ensure access to rights, prompting a national body of an independent state to act in accordance with the law. Typically, advocacy for issues like document reissuance occurs at the policy level among institutions. It is uncommon for high-ranking officials from international agencies to engage on the ground in such a manner. In this case, the official intervened to secure rights based on law and principle. In other words, this example of advocacy demonstrated the ability of international agencies to influence a national institution's actions to ensure adherence to laws regarding refugee and migrant rights.

Regrettably, coordinated advocacy efforts by relevant actors across various areas of refugee/migrant protection, health, social care, and legal representation were far from sufficient in enhancing systems of service provision under binding international obligations.

Advocacy in Ground-Level Interventions and Policy Impacts

The concept of intervening to ensure the rights and dignity of the weaker side is essentially an act that can be described as a 'human duty'. Such interventions were always an essential part of the cultural mediator's work. Initially, an intuitive and human response to the needs of refugees/migrants from their own communities, these protection-related activities later became some of the basic tasks associated with the profile of the cultural mediator. In this regard, it could be said that advocacy in individual interactions was a form of grassroots activism, particularly because many pioneering cultural mediators were and still are linked with civil society humanitarian actors. On the other hand, this activism is different from political activism because advocacy by cultural mediators is carried out in the wider context of a humanitarian or protection response.

Cultural mediation could be seen as an ineffective bottom-up approach for bringing about social change because interventions in individual interactions alone are insufficient to influence actors at decision-making levels. The value of advocacy on the ground can only be fully realized when it is coordinated with top-down civil society activism and advocacy conducted by relevant actors at the institutional level. The cultural mediator's advocacy contributes to activism

aimed at better implementation of relevant laws and conventions by identifying gaps in service provision locally. To benefit from advocacy on the ground, it is essential to establish channels that link local efforts to organizational and institutional platforms. For instance, the fact that in transit countries along the Western Balkan route, advocacy by cultural mediators for basic healthcare provision has remained necessary long after the Crisis highlights the failure of relevant actors in institutional advocacy to implement appropriate solutions. While issues in service provision are also related to the economy of a host environment, available resources, and the level of accountability to donors, among other factors, they indicate a troubling situation: many states are hesitant to provide services and rights to refugees and migrants in accordance with binding international human rights documents. Typically, these are countries where service provision systems are considerably dysfunctional, even for local populations, and/or a policy of discouraging refugees and migrants from local integration is adopted, complicating refugees' and migrants' access to rights and services. Meanwhile, cultural mediators primarily view the need for advocacy as communication professionals, and in the absence of top-down efforts to improve service provision systems, cultural mediation often remains the only available tool for ensuring access to rights.

10. Ethics, Emotional Resilience, and Wellbeing

The ethical framework for cultural mediators is based on the same principles as that of community interpreters; however, its application is broader and tailored to the role of cultural mediators in the context of refugee and migrant protection. This protection context and relevant international human rights documents shape the understanding of the ethical framework guiding cultural mediators' work. This is reflected in codes of conduct developed by various humanitarian organizations. For instance, the Field Guide to Humanitarian Interpreting and Cultural Mediation (2017), created collaboratively by Translators Without Borders and Save the Children, outlines several dos and don'ts that emphasize the principles of accuracy, neutrality, and confidentiality. It also highlights that cultural mediators should provide explanations for cultural differences and intervene when racist or abusive language is used. The Guide asserts that humanitarian interpreters and cultural mediators must understand and adhere to the code of conduct of their affiliated organization, as well as uphold humanitarian principles. The work of communication professionals, whether humanitarian interpreters or cultural mediators within the refugee and migrant protection context, is inextricably linked to the ethical framework of humanitarian work.

Humanitarian work is conducted according to a universal set of ethical principles, including humanity, neutrality, impartiality, and independence. The European Civil Protection and Humanitarian Aid Operations of the European Union outlines the principles of humanity as follows:
- humanity means addressing human suffering wherever it exists, paying particular attention to the most vulnerable;
- neutrality means that humanitarian aid should not favor any side in an armed conflict or other dispute;
- impartiality means that humanitarian aid must be provided exclusively based on need, free from discrimination;

- independence refers to the autonomy of humanitarian objectives from political, economic, military, or other interests.

A study of the evolution of the principles of humanitarian work concerning the International Committee of the Red Cross (ICRC) observes that while humanity and impartiality are elements of a moral ideal, neutrality and independence serve as tools for implementing this moral ideal in real-life situations, a task that is more sensitive than it may seem. To provide assistance, the ICRC must be perceived as neutral by the different sides involved in a conflict, without adhering to any particular ideology, political agenda, or similar affiliations. The central belief underlying the principle of humanity is that there are no 'good' or 'bad' victims. Providing adequate assistance to all in need, without discrimination and without being seen as an 'ally' to any particular side in highly polarized and controversial situations is a dynamic and constantly evolving challenge, requiring ongoing vigilance and the development of optimal strategies to address dilemmas. There is no set of defined steps that apply to all situations to uphold the principles of humanitarian work; rather, a comprehensive understanding of specific situations and their implications in broader contexts determines the formation of a proper approach (Labbé & Daudin, 2016). Although the study focuses on the challenges faced by the ICRC in adopting the proper approach to maintain impartiality, these issues remain consistent for all humanitarian actors at every level. In the context of refugee and migrant protection, cultural mediators act as first responders in situations requiring humanitarian response. Their ethical framework is grounded as much in the principles of humanitarian work as in the code of ethics of the communication professional. Furthermore, the ethical principles of migrant protection also guide their work. Migrant protection is underpinned by a human rights-based approach (HRBA) founded on international human rights law. This approach recognizes individuals as 'rights holders' by virtue of their humanity, while 'duty bearers' are legally obligated to respect, uphold, and safeguard these rights. Identifying individuals and groups in vulnerable situations at risk of rights violations is a central task in migrant protection. The rights-based approach views all migrants as rights holders, regardless of their migratory status. The fundamental principles of migrant protection include equality, non-discrimination, participation, inclusion, accountability, and the rule of law (United Nations Network on Migration, 2023).

The ethical principles of communication professionals, humanitarian work, and migrant protection are mutually compatible and often overlap. Cultural me-

diators are not 'aligned' with migrants in their interactions; rather, they serve as 'duty bearers' because they work in humanitarian contexts as first responders. Therefore, cultural mediators face challenges and dilemmas in upholding their ethical principles and must rely on an operational framework or communication tools (such as explanations, conflict management, and advocacy) to implement the moral ideals represented by these principles. Although general guidance can help equip cultural mediators with the necessary knowledge, skills, and attitudes, it is impossible to predict and provide answers for every dilemma that arises in daily work. Ultimately, it is the professional experience and discretion of the cultural mediator that guides them in unpredictable situations requiring quick responses. While it may seem far-fetched to compare the dilemmas faced by cultural mediators in communication to the challenges encountered by organizations like the ICRC in their activities, the nuances of communication between individuals in the highly politicized and controversial context of migration often lead to situations where it is unrealistic to expect cultural mediators to consistently uphold ethical principles without facing dilemmas that they would find difficult to resolve. Cultural mediators do not operate in isolation or in an ideal environment, yet ethical standards of neutrality, accuracy, and confidentiality are often presented as abstract concepts detached from real-life situations. Additionally, since cultural mediation is still not standardized and lacks a registered profession with a clear and binding code of conduct, and as the employment opportunities for cultural mediators depend on the organizations they are affiliated with, it is often challenging for them to act independently in accordance with the ethics associated with their role, leading to failure in upholding ethical principles.

Ethical Standards: Confidentiality, Respect, Impartiality and 'Do No Harm' Principle

Integrating the ethical principles of communication professionals with those of humanitarian work and migrant protection means that a cultural mediator's ethical framework is broader than that of a community interpreter. Empathy, respect, and humility become just as important as accuracy and impartiality. Maintaining confidentiality in the context of refugee and migrant protection gains additional significance because of the very serious, even life-threatening, consequences of breaching confidentiality. During the European Refugee Crisis, women turned to organizations for help in terminating pregnancies under the strictest confidence, as doing otherwise could expose them to violence from

spouses and/or stigmatization within their communities. Refugee and migrant communities often encounter people smugglers and traffickers, which adds further risks. One common issue during the Crisis was smugglers posing as relatives to ask NGO staff about an individual's whereabouts. The communal nature of smuggling and trafficking allows information to circulate very quickly. Revealing someone's location without verification could put that person in serious danger. Cultural mediators frequently engage with members of these communities, making it imperative for them to uphold the highest standards of confidentiality. However, information ceases to be confidential when it pertains to serious harm or the risk of harm, and it must be reported to the appropriate authorities. If an individual confides in a cultural mediator about suicidal thoughts, experiences of abuse, or intentions of revenge, that information must be communicated to relevant parties immediately.

For many cultural mediators during the European Refugee Crisis, 'being a good person' was the most common criterion for being deemed a 'good cultural mediator.' This phrase attempted to express that caring for people in vulnerable situations, listening empathetically, and being willing to make every effort to secure access to services were the most vital aspects of a cultural mediator's work. Similarly, one could argue that, to be a good doctor, one must also be a good person. However, the ambiguity of 'being a good person,' with 'good' potentially defined arbitrarily by individuals, needs to be professionalized through a code of conduct or framework of ethical principles. Individual goodness cannot remain a subjective, abstract concept but must be articulated as an objective, measurable value. Codes of conduct typically treat ethical principles as work-related obligations. A disconnect persists between personal and professional experiences of ethical values. Yet, principles that represent abstract moral ideals cannot be put into practice without the development and encouragement of specific attitudes on both professional and personal levels, because ultimately, human life cannot be captured by any set of strict rules, and principles are applied based on personal experience and discretion. Sometimes, ethical decision-making also depends on the broader professional environment. During the European Refugee Crisis in the so-called Western Balkan transit countries, cultural mediators often believed that continuing irregular movement and reaching a desired destination was 'good' for all refugees and migrants, and that any actions contributing to this were considered 'support and assistance.' Notably, this attitude was widespread among many service providers, including social workers caring for unaccompanied asylum-seeking children and protection officers working with survivors of gender-based violence. Public sentiments were also quite similar. Even during the

initial phases of the Crisis, when there was a general sympathy for refugees and migrants, most people in transit countries felt that, due to the weak economies and dysfunctional service systems in their nations, it was better for refugees and migrants to move on and seek a better life. This viewpoint was evidenced by the fact that in 2012, a third of the asylum seekers in Germany originated from the Balkan states, with the highest number of applicants from Serbia (DW, 2013).

While state policies remained firmly focused on maintaining 'transit' status, once the initial wave of global sympathy subsided and the route 'closed,' security issues suddenly took precedence over humanitarian concerns. Relevant service providers, including cultural mediators, continued to see further movement and reaching a Western EU destination as a 'good' solution for refugees and migrants. However, the 'goodness' of this solution became questionable given the heightened security at borders, violent pushbacks, and increasingly dangerous methods of crossing borders irregularly, which resulted in injuries and fatalities. Additionally, the risks of exploitation and trafficking in destination countries increased due to more stringent migration policies. An ethical and neutral stance in such a situation would require the dissemination of accurate information regarding available legal and sustainable solutions and the risks of irregular movement, enabling refugees and migrants to make informed choices. Some common questions that refugees and migrants asked cultural mediators included, «Is this a good country to seek asylum?», «Is it possible to find employment and what are the average salaries?», «Will I be able to get a passport and will my family be able to join me?», etc. In the absence of adequate legal counseling, cultural mediators were provided with updated, verified information, in the form of leaflets, to address basic questions and to connect potential asylum seekers with organizations offering free legal aid for further assistance.

Despite this situation, cultural mediators, as trusted sources of assistance for members of the refugee and migrant communities they worked with, were generally supportive of their determination to continue their journeys. This support could range from advising refugees and migrants not to seek asylum in the country, as they would not be able to build a good life, to purchasing bus tickets to reach border areas, to providing non-food items such as shoes, blankets, sleeping bags, and medicines for the journey, and sometimes even actively participating in the activities of smuggling networks. Although such activities were clearly unethical, being outside the scope of the cultural mediator's work, these attitudes were shared by other crucial service providers. Additionally, international organizations with political agendas promoting freedom of movement contributed to the creation and perpetuation of the 'transit environment' while ignoring the

risks involved in irregular movement, given the heightened securitization of borders and the unscrupulous methods employed by people smugglers to transport their clients across these borders. At the same time, legal counselors frequently presented a grim picture of the asylum process in Serbia to potential asylum seekers and actively discouraged them from applying for asylum, believing that the asylum claims of most individuals were not 'strong enough' or that the approval rate for asylum applications from a specific population group is low, therefore it would be a waste of limited resources to provide free legal aid to anyone without a clearly substantial claim for international protection. Social workers encouraged the children under their care and guardianship to continue their journey, despite being aware of the high risks involved, and celebrated the news of their reaching the desired destination. In an ethical context, this meant that nearly all relevant service providers, including cultural mediators, were deviating from their respective codes of conduct and undermining efforts to strengthen asylum systems at the grassroots level. Furthermore, although international humanitarian documents emphasize the basic human rights of all migrants, regardless of their migratory status, refugees and migrants who didn't seek asylum in Serbia frequently faced challenges in accessing assistance for crimes committed against them. Coupled with state policies aimed at consolidating political and economic gains from remaining a transit country, as well as unethical decision-making by relevant actors at the ground level, this led to a general failure in the protection response to the European Refugee Crisis along the transit countries of the Western Balkan route. Although relevant actors identified some refugees and migrants in vulnerable situations and provided necessary assistance, the ongoing irregular movement and the presence of human smugglers carrying out their activities while being accommodated alongside refugees and migrants in state reception centers introduced a highly questionable dimension to the ethics of the response. The entire system of service provision, including state accommodation centers, food, non-food items, and medical aid, appeared to function more as part of people smuggling operations rather than ensuring the protection of the rights of refugees and migrants.

A different and ethical approach, one that doesn't involve violent pushbacks, combined with coordinated efforts in transit countries to enhance asylum capacities, facilitate local integration, and ensure due process of return, alongside improving service systems and dismantling people smuggling networks, could have yielded different results – perhaps ones of long-term positive social and economic significance. However, these remain mere speculations since such a response was never implemented. On the contrary, transit countries engaged in

so-called hybrid politics, with their NGO sectors experiencing sudden growth at the height of the Crisis. The European Refugee Crisis became an opportunity to enhance livelihoods in transit countries with struggling economies, particularly benefiting interpreters and cultural mediators who were suddenly in high demand. For most organizations and agencies, a prolonged state of crisis and a continuously rising influx of refugees and migrants became a desirable situation, despite it being a clear indicator of worsening human rights and disastrous economic and climate conditions in the countries of origin, as well as involving perilous and deadly journeys. The sudden increase in specific population groups, such as Cubans, created an immediate need for Spanish-speaking interpreters and cultural mediators. Similarly, a surge in refugees and migrants from Iraqi Kurdistan sparked a demand for interpreters fluent in Kurdish dialects. However, when the influx of a particular group diminished, interpreters and cultural mediators found themselves out of work. Relevant organizations and agencies continued to replace needed interpreters and cultural mediators, but they paid no attention to establishing a solid system for education and training, or reliable language services to meet the growing intercultural communication needs. While the number of refugees and migrants in state accommodation facilities fell dramatically, the count of regular and irregular migrant workers in transit countries like Serbia surged drastically, raising the risk of trafficking, exploitation, and further irregular movements. Third-country nationals from Pakistan, Nepal, India, Bangladesh, Sri Lanka, Mongolia, and others speak languages for which there is no local pool of interpreters, a shortage directly linked to failures in responsible development and resource organization. Similarly, in other areas, such as social services, many social workers were employed during the Crisis but later found themselves without jobs. This reflects the overall failure of the response, as sustainable outcomes were not achieved. Ultimately, the shortcomings of the protection response and an overwhelmingly security-focused approach increased risks for refugees and migrants, leading to more trafficking and the invisibility of migrant workers to civil society actors providing assistance to those in vulnerable situations. In 2023, Serbia remained on Tier 2 of the Watch List for Trafficking in Persons according to a report by the US Department of State. In the EU, during the reporting period of 2021-2022, there was a 20.5% increase in the number of registered trafficking victims compared to the 2019-2020 period. In 2022 alone, the number of registered victims showed a 41% increase compared to 2021, the highest figure since 2013. As in previous years, the actual number of victims is likely to be significantly higher than reported figures suggest, as many victims remain undetected (European Commission, 2025). Additionally,

the perilous Mediterranean Sea route became more common due to border security along the land route, resulting in a substantial loss of life. According to data from the IOM Missing Migrants Project, at least 8,565 people died on migration routes across the globe in 2023. The Mediterranean Sea proved to be the deadliest route for migrants in 2023, with at least 3,129 deaths and disappearances recorded (ECRE, 2024). In 2024, recorded irregular crossings decreased, but at least 2,300 people moving were reported as dead or missing (ECRE, 2025). Meanwhile, restrictions imposed on civilian search and rescue efforts criminalized the actions of humanitarians and civil society solidarity actors. Rescue efforts at sea align with the ethical principles of humanitarian work; however, they are being equated with people smuggling rather than solidarity. It could be argued that during the European Refugee Crisis, cultural mediators in transit countries generally failed to uphold the ethical principles of their work because they operated in a non-neutral environment and most of them believed that further irregular movement by refugees and migrants was beneficial for them. From an ethical standpoint, cultural mediators must adhere to the primary protection principle of 'Do no harm.' If asylum in a so-called transit country, local integration, or voluntary return does not offer adequate solutions for individual refugees or migrants due to various reasons, that does not imply that supporting further irregular movement, which poses serious risks to life and well-being, is a suitable alternative. In situations where it is not possible to take any actions to improve conditions, no actions should be taken that could worsen them.

This fundamental principle of protection establishes the ethical foundation for the cultural mediator's approach to communication. Strategies for engaging with communities – whether they involve raising awareness, building relationships based on trust, or disseminating information – should be carefully planned, guided, and executed to ensure that cultural mediators clearly understand the messages they are conveying and the manner of their delivery. Informal conversations with refugees and migrants are crucial for gathering information on general protection concerns as well as for identifying individual cases. Although this type of communication is not a structured activity, cultural mediators must recognize that they are speaking in a professional capacity. Sharing personal opinions, providing uncertain information, and offering unauthorized advice are examples of irresponsible communication that could lead to serious consequences for refugees and migrants. In line with this guiding principle, whenever a cultural mediator is uncertain about the implications or appropriateness of an intervention or explanation, they should refrain from intervening.

Case Studies: Ethical Dilemmas in Detention and Expulsion
(All information that could lead to a breach of confidentiality has been omitted)

Vaccination Communication in Migrant Centers. In a transit country in the Western Balkans, refugees and migrants at a state accommodation facility were offered COVID-19 vaccinations, and cultural mediators were tasked with information dissemination. Most migrants asked cultural mediators whether the vaccines were safe and if they should receive them. The protection staff of an NGO present on the ground aimed to improve their reputation before the state by securing as high a number of vaccinated migrants as possible. They urged cultural mediators to communicate to migrants that the vaccine was completely safe for everyone and that it was imperative for their health and well-being to receive it, in an almost coercive manner. This exemplifies irresponsible information dissemination that can lead to harm. Neither cultural mediators nor protection personnel were medical experts qualified to provide accurate answers to the questions posed by refugees and migrants. The correct message should have emphasized that vaccination is voluntary and that cultural mediators are not qualified to provide any advice regarding the vaccine's safety. Cultural mediators have every right to object to inappropriate communication strategies, just as they have the right to refuse to become involved in interactions that entail an abuse of rights and the duty to report such incidents to relevant authorities. However, this was rarely the case during the European Refugee Crisis; quite the opposite occurred, as cultural mediators were often used to carry out unethical activities that resulted in direct harm.

Ethical Dilemmas in Detention and Expulsion Contexts. In 2016, in a transit country on the Western Balkan route, a state accommodation center at an entry point imposed restrictions on freedom of movement, and several Protection Incident Reports were filed concerning collective expulsions from the center. According to testimonies gathered by protection staff from the NGO sector, refugees and migrants who were expelled and managed to return without being apprehended and sent back to the entry point center reported that center administration staff would visit shared sleeping areas and wake some of the migrants to inform them that they were going to be transferred to another center near the capital city. They were told to board a bus. These messages were delivered by cultural mediators working for a civil society organization present at the center. The migrants boarded the bus, but instead of being relocated to another center, they were expelled from the territory and left in the border area, where they were often attacked and robbed, or were held hostage and subjected to physical and

sometimes sexual abuse by criminal gangs associated with people smugglers from a specific population group. Although reports consistently documented similar accounts, representatives from major relevant international agencies and the state were reluctant to acknowledge restrictions on movement at the entry point center in question or the expulsions. Additionally, cases of collective expulsions involving cultural mediators were never investigated. In both cited cases, cultural mediators compromised their ethical code by putting refugees and migrants at risk. Their ability to challenge unethical practices by service providers was hindered by their direct employment with their respective organizations, and the lack of standardization in their profession left them feeling unconfident in refusing to participate in unethical acts. This unfolded against the broader backdrop of relevant protection actors failing to uphold humanitarian and protection principles to avoid conflicts with state bodies.

Emotional Challenges: Trauma, Boundaries, and Burnout

The work of cultural mediators presents specific emotional challenges, as they are first responders. A 2021 review of the roles and responsibilities of cultural mediators in providing mental health and psychological support notes that this work can be stressful for cultural mediators. A greater focus on training could create clarity regarding their roles, ensure the quality of services, and reduce the potential for trauma. While the review primarily discusses the dilemmas and issues faced by cultural mediators who have traveled the same path as refugees or migrants and experienced similar traumatic events, it also suggests that clarity about their roles is a factor that could lead to better services and less stress for cultural mediators. General confusion about roles and the emotional health of cultural mediators can negatively impact their performance, thereby affecting the provision of other services.

Being human and upholding ethical principles as communication professionals in humanitarian and protection contexts is taxing work. The first hurdle facing cultural mediators is their own human nature. People respond to the suffering of others in various ways. Emotional reactions can negatively impact role perception and performance quality if cultural mediators are not trained and prepared in advance to work in stressful situations that involve testimonies from victims of torture, sexual and physical violence, trafficking, and exploitation. During the European Refugee Crisis, free legal aid providers and medical examiners in Serbia utilized cultural mediators to document the testimonies of

refugees and migrants who had suffered serious injuries inflicted by border police during pushbacks. Facilitating communication in such interactions and conveying details about how various physical injuries were sustained while observing the victims in several back-to-back interviews exemplifies the type of work cultural mediators undertake in the migration context. The generally stressful nature of communication professionals' work in refugee and migrant contexts is widely recognized. Concepts such as vicarious traumatization, secondary traumatic stress, and compassion fatigue (Stamm, 2010) have begun to be applied to the work of communication professionals (Guo et al., 2023; Rzepka et al., 2024). Considerable effort has been made to establish that community or public service interpreters, including ad hoc interpreters, are frequently at risk of secondary traumatic stress (Valero-Garcés, 2015; Bontempo & Malcolm, 2012). Furthermore, it is acknowledged that the addition of ethical dilemmas increases the risk of burnout. Ethical stress, as a form of occupational stress, occurs when individuals must carry out tasks at work that conflict with their values (Hubscher-Davidson, 2021; Kalishchuk, 2023).

In environments where ethical dilemmas persist due to protection gaps, and these dilemmas remain unaddressed, cultural mediators are regularly exposed to accounts of traumatic events. They also bear the responsibility of engaging with refugees and migrants, addressing their unresolved concerns on the ground, and trying to explain why certain solutions may not be accessible. It is often overlooked that such a burden can lead to significant burnout among cultural mediators. Under these challenging conditions, coupled with high workloads during the European Refugee Crisis – when the number of available cultural mediators for various languages was insufficient to meet on-the-ground needs in transit countries, and many cultural mediators had connections to population groups from countries like Syria and Afghanistan, with many being from the refugee or migrant community still in the process of regularizing their status and/or integrating – the lack of training and confusion regarding their roles resulted in poor performance and unhealthy coping strategies, such as substance abuse and alcohol dependence, despite the supervision provided by their respective employer organizations. During the European Refugee Crisis, in many so-called transit countries, cultural mediators experienced frustration due to inefficient service provision systems and/or hostile policies. This led to challenges regarding neutrality, accuracy, and confidentiality, as well as overstepping role boundaries and interfering with the work of other service providers. They sometimes gave unsolicited advice to refugees and migrants and shared information from confidential interviews with service providers with protection actors. Other respons-

es included apathy and withdrawal, neglect of duties – for example, avoiding contact with refugees and migrants while working in accommodation centers or during outreach, dismissing their complaints, and inadequately facilitating communication. Burnout impacts not only first responders but also the individuals they serve.

SECTION V
INTERCULTURAL CONFLICT
AND POST-MIGRATION SOCIETIES

11. Intercultural Conflict
and Historical Migration Pathways

Mobility and migration, whether forced or voluntary, and whether driven by the desire to explore, trade, or conquer, have always been central to human societies around the globe. Conflict and coexistence, arising from mobility and migration, are inevitably intertwined aspects of life. Intercultural encounters are often associated with conflict, but they do not always result in it; they can also foster mutually beneficial interactions. This is true for intercultural exchanges at both personal and collective levels. Encounters can simultaneously involve conflict and the exchange of knowledge and culture. In an article in the Times of Israel (2023), Rich Tenorio points out that during the Crusades, the Crusaders returned to England with gifts from the Holy Land, such as Byzantine silks, which introduced Middle Eastern imagery to Western European artisans. Much of our art, literature, folklore, cuisine, customs, religions, and norms that shape 'distinct' identities reflect historical periods of population mingling. Stretching from Syria in the north to Egypt in the south, the Levant is a region rich in cultural diversity, and its unique material heritage bears witness to the social and economic transformations it has brought to the Middle East and the Mediterranean. Heinz Gaube notes in his foreword to *The Levant: History and Archaeology in the Eastern Mediterranean* (Gatier et al. 2000) that after World War I, the Levant fragmented into nation-states. The people of these states belonged to a shared cultural region with a common language and history, linked by close family ties. Throughout history, people with diverse lifestyles and religions have experienced conflict but have also shown hospitality to one another, coexisting peacefully in many parts of the world and creating rich new cultures and bodies of knowledge. The evolution of hospitality norms significantly contributed to key historical routes that were crucial in enhancing trade and prosperity. Archaeological evidence indicates that cultural exchange in prehistoric Eurasia has a history

dating back to the early Bronze Age, laying the groundwork for the Silk Road during the Han Dynasty between 202 BC and 220 AD (Dong & Han, 2017).

Hospitality codes primarily ensure that roads and routes are safe to travel and they also function through communities that welcome strangers. Hammurabi's Code included rules for visitors and traders, while fortified settlements served as state-owned accommodations. Relief was offered to traders from repaying loans if their goods were stolen, and compensation was provided to victims of robbery within the territories of the empire. A hymn from that era describes hospitality practices:

> I enlarged the footpaths, straightened the highways of the land, I ensured secure travel, built 'big houses' [some form of hostels], planted gardens beside them, established resting places, settled there friendly folk, (so that) whoever comes from below or above might refresh themselves in its cool. The wayfarer traveling the highway at night might find refuge there as in a well-built city. (O'Gorman, 2010)

It is interesting to note that the hymn mentions placing 'friendly folk' in the state-regulated hotel, emphasizing the connection between individual hospitable attitudes and state policies; both are necessary for visitors to find refreshment and refuge. The state's provision of security and safety is just as essential as the friendly nature of the people offering this service. In commercial tourism, a friendly welcome is interpreted as an integral and professional aspect of service provision. On the other hand, the value of hospitality is recognized as a set of social values necessary to establish mutually beneficial relationships with foreigners and strangers, and to minimize the potential for conflict.

Attitudes towards travelling, travelers and strangers have varied since ancient times from place to place, however one of the main features has been the caution with which strangers would be received into society since the fear of bad spirits arriving with them was deep and widespread. In his now classic work on magic and religion, The Golden Bough, Sir James Frazer mentions the widespread rituals associated with accepting guests from a foreign country regarding various peoples, rites connected to leaving one's own land and entering the land of another people, and customs linked to return from a visit to a land of strangers, due to beliefs that each land is inhabited by its own good and bad spirits, and precautions must be taken so as not to become a victim of bad fortune or sickness. Sir James mentions that when the 19th century Russian explorer Baron Miklouho-Maclay, celebrated for studying the indigenous people of New Guinea who had never seen a European, approached a village on the Maclay Coast, one

of the natives accompanying him broke a branch from a tree, went aside and whispered to it and then returned to the party of explorers, spat something on the back of each one and gave him blows from the branch. He then buried the branch deep in the jungle soil.

This ritual was meant to protect the party from any dangers in the village they were about to visit. Similarly, precautions were taken among the Bechuanas (the former name for the Bantu people of Botswana) when a man returned from a journey. Upon return, he had to undergo purifying rituals, including shaving his head, before he could come into contact with members of the tribe, in order to rid himself of any witchcraft associated with strangers he had encountered. Rituals were devised to cleanse the stranger before hospitality could be offered. These rituals typically included the sacrifice of animals, burning incense and fire, sprinkling water, sharing food, and more. Although they may have appeared to be ceremonies honoring the stranger, they were, in fact, cautionary acts aimed at removing the influence of bad magic and evil spirits. Notably, sharing food – often eating from the same platter – was a ritual that reassured hosts that the stranger would not attempt to inflict bad magic upon them through food, as they would not want to expose themselves to it by eating together. Sir James observes that the very rituals borne from a dread of strangers often inadvertently gave rise to customs that led to the formation of moral values associated with hospitality codes (Frazer, 1890). In his examination of hospitality in ancient societies and groups, Sir James also mentions groups so gripped by the fear of strangers (having never seen white people before) that no amount of persuasion could convince them to meet with explorers; thus, they had to move on to other villages and tribes.

This dread and fear of strangers, alongside the potential benefits of displaying hospitality with mechanisms to ensure safety, represents a balancing act between establishing relationships while addressing security concerns. The apparent benefits of hospitality include the exchange of knowledge, culture, barter, and trade. However, over time, social groups that developed and embraced hospitality rituals or codes also created traditions wherein these codes and customs evolved into abstract values deserving of honor. Consequently, in many Eastern societies, extending hospitality – including providing food and shelter to travelers and strangers – is seen as a good deed that brings heavenly rewards in the form of good fortune for the host and their family. These hospitality codes highlight the abstract moral good linked to spiritual and social rewards rather than tangible material benefits to be gained from travelers and visitors. An article examining Pashtunwali and tourism in Afghanistan, with reference to hospitality codes and

Social Exchange Theory (SET), (Culson et al., 2014), utilizes SET as a framework to explore the Pashtunwali hospitality code and its potential compatibility and opportunities for commercialization in tourism. While they analyze the Pashtunwali hospitality code as a pre-Islamic obligation for Pashtuns to provide shelter, food, and safety (even at their own risk) to strangers and travelers, regardless of whether they are friend or foe, the authors acknowledge that, although SET is a useful tool for their investigation, social life is far too intricate a phenomenon to be examined solely through an economic lens. Hospitality thus becomes woven into the fabric of social life, providing both tangible and intangible benefits, establishing a system of mutual assistance, and enhancing social status and prestige. The authors, therefore, suggest a potential expansion of SET toward a hybrid exchange theory. Thus, hospitality presents itself as an aspect of solidarity in the context of mobility and migration, and acts as a force to combat intercultural conflict.

Defining and Understanding Intercultural Conflict

Intercultural conflict is defined by Ting-Toomey and Oetzel (2001) as «the perceived or actual incompatibility of cultural values, face orientations, goals, scarce resources, processes, and/or outcomes in a face-to-face (or mediated) context.'» This definition was presented at a March 2008 Council of Europe Seminar on Intercultural Dialogue, stating that «Intercultural conflict has been defined as the perceived or actual incompatibility of values, norms, processes, or goals between at least two cultural parties over content, identity, relational, and procedural issues» (Ting-Toomey, 1999).

In the migration context, the definition by Ting-Toomey and Oetzel encompasses all major aspects of the issue: clashes of cultural values, assertions of self-image and identity in both private and political interactions, the goals of refugees/migrants or sending countries compared to those of the receiving countries, a competitive atmosphere for jobs and social benefits between immigrants and members of the host society, procedural disagreements, such as those over return and/or repatriation, and the quality of interpersonal interactions between refugees/migrants and members of the host environment, including service providers. It is also important to remember that incompatibilities can be perceived or actual. For instance, the perception that immigrants take jobs from locals is common in host environments; however, in reality, these areas are facing labor shortages due to factors like brain drain and a predominantly elderly population.

Oetzel and Ting-Toomey identify four areas in their study of conflict communication and propose a social-ecological framework for synthesizing various contexts of intercultural conflict. These four areas are interpersonal, organizational, community, and international. In the context of refugee and migrant protection, international conflicts involving violence and war lead to forced displacement, and power and economic imbalances result in the emergence of certain regions as sending countries versus others as receiving countries. On a communal level, certain population groups may become marginalized and/or persecuted in their own countries; the presence of refugees and migrants in a host community often brings some degree of conflict, which can also arise between different refugee and migrant communities. Institutions related to service provision can be dysfunctional, inefficient, and lacking in cultural competence; they may adopt hostile and discriminatory policies, and could be governed by inadequate or discriminatory legislation. For example, in 2018, the Hungarian government passed a bill criminalizing any 'organizational activities' that assist asylum seekers. This includes individuals directly aiding a migrant, the preparation and dissemination of information, and border monitoring (Open Society Foundations, 2018).

While efforts can be made to address issues on international, communal, and organizational levels in a top-down approach through various initiatives to resolve conflict, foster dialogue, and ensure the implementation of relevant laws, the cultural mediator often focuses on interpersonal situations in the context of facilitating intercultural communication for refugees and migrants. In these interpersonal encounters, participants from both host and refugee/migration communities may exhibit attitudes that can lead to conflict. Striving to minimize intercultural conflict in such encounters can be viewed as a bottom-up approach, where individual interactions serve as building blocks of intercultural communication that ultimately contribute to fostering harmonious intercultural relations in society. The quality of everyday intercultural encounters within a community is just as important as collective efforts to enhance cultural competence and other initiatives aimed at reducing discrimination and prejudice.

The Council of Europe Seminar identifies the following types of intercultural conflict:
- highly durable historical forms of hostility, hatred, and grievance;
- newly articulated forms of hostility, hatred, and grievance;
- every day, cultural ignorance, miscommunication, and misrecognition of difference

They also mention ways of carrying out conflict that include:
- individual acts of disrespect, discrimination, and hostility;
- localized, short-lived riots and group violence.

These concepts are valuable and pertinent for understanding the contexts in which the cultural mediator must be capable of helping to prevent and manage conflict.

In certain host environments, and among specific communities of refugees and migrants, there can be highly durable historical forms of hostility, hatred, and grievance. For example, Afghan Pashtun refugees in the Punjab province of Pakistan have faced this situation. Historically, the Pashtuns have viewed the Punjabis as the soldiers and police of the British colonizers, whom they fought fiercely, while the Punjabis regard the Pashtuns as primitive and backward. The relationship between Kurds and Arabs reflects a similar dynamic, with both groups sharing a history of mutual distrust and hostility, and Arabs often looking down on the Kurds.

The sudden and massive influx of certain population groups into another society can lead to newly articulated forms of hostility, hatred, and grievance. For instance, the presence of Pakistanis and Afghans in Serbia, where no previous communities of these groups existed, has created situations in which many members of the host society and refugee/migrant communities have formed new, negative, and hostile impressions of each other. Host environments that are just beginning to transform into multicultural cosmopolitan societies, or that recently experienced a period of isolation from the global community, such as Serbia after the breakup of Yugoslavia, present more opportunities for encounters where everyday cultural ignorance, discrimination, and hostility can lead to conflict. However, these issues can also be observed in host environments that feature cosmopolitan societies, like France and the UK, where narratives of anger and hate against certain groups have gained traction despite the great diversity, causing alienation among population groups within the same society.

When it comes to individual intercultural interactions, cultural mediators can frequently be faced by 'individual acts of disrespect, discrimination and hostility' (Law, 2008). For example, a doctor might state that they hate examining migrants because they are dirty and ignorant. People behave differently when they hear a language they cannot understand, or meet someone from a country they probably did not even know existed, or if they did, had very little or incorrect information about it. These reactions are related to their level of cultural competency. Another aspect of their behavior is their personality. Regarding

conflict in intercultural encounters on an individual level, participants' varying degrees of cultural competence and personality traits are both factors in conflict. For example, a nurse at a hospital in a small town in Serbia may never have met a person from Afghanistan, but they are kind, courteous, and efficient toward patients because they behave similarly with everyone. However, they could also be rude and hostile. Disrespect and unkindness are behavioral patterns not caused by a lack of cultural competence, though they can be reinforced by it. People with such attitudes are likely to exhibit similar behavior toward those who are not culturally different from them. Individuals' attitudes to intercultural interactions are not solely linked to their cultural competence; they also relate to the kind of person they are. If the initial reaction is positive, for instance, grounded more in curiosity, appreciation of diversity, and general goodwill rather than in fear, hostility, and malice, the participants stand a better chance of having a positive interaction with a lower potential for conflict.

Violence and rioting involving refugee and migrant groups, as well as law enforcement authorities in public places or state accommodation facilities, represent extreme consequences of conflict in this context. In 2016, riots erupted at a refugee accommodation center in Bulgaria (BalkanInsight, 2016). Reports from refugees and migrants prior to this period indicated rising levels of dissatisfaction stemming from degrading living conditions, physical and verbal abuse by security personnel in accommodation centers, and restrictions on their freedom of movement, which steadily fueled mounting tensions. Similar incidents occurred in Serbia, primarily at two accommodation centers in Belgrade in March 2020, when tensions escalated due to restrictions on freedom of movement implemented because of the COVID-19 pandemic. Many agencies and NGOs withdrew their staff, including cultural mediators, from accommodation centers, leaving refugees and migrants and state personnel in a precarious situation without adequate means of communication, leading to riots, protests, and a response from authorities that involved disproportionate use of force. In some instances, routine use of force was employed to maintain discipline, particularly in state accommodation centers designated for single men. The creation of communities consisting solely of single men resulted in issues and challenges similar to those seen in all-male educational institutions, prisons, and military units. Instead of pursuing solutions through enhanced communication and engagement, strategies that relied on verbal and physical force and/or abuse were implemented.

The influx of refugees and migrants from non-European countries to Europe created conditions that were likely to result in intercultural conflict. Some primary reasons for conflict in transit countries like Serbia included pre-existing

inefficient service systems, limited knowledge about service provision in migratory contexts, low levels of cultural competence, state policies constantly aimed at keeping Serbia a 'transit' country rather than improving conditions for local integration, hostility and discrimination in service provision, and the externalization of EU border security. In this context, intercultural conflict between a potential host environment and refugees/migrants can be viewed as a struggle by states to keep refugees and migrants out of their territories and the efforts by refugees and migrants to access territory, continue their journey, reach their destinations, and attempt to stay, making migration itself a form of intercultural conflict.

The 2015 European Refugee Crisis served as a litmus test for Europe's commitment to the human rights outlined in the Universal Declaration of Human Rights (UDHR). The Office of the High Commissioner for Human Rights (OCHCR) references Articles 1 and 2 of the UDHR on its website concerning the framework of international standards applicable to migration policy:

> All human beings are born free and equal in dignity and rights.
> They are endowed with reason and conscience and should act
> toward one another in a spirit of brotherhood.
> Everyone is entitled to all the rights and freedoms set forth
> in this Declaration, without distinction of any kind, such as
> race, color, sex, language, religion, political or other opinion,
> national or social origin, property, birth, or other status. […]

Regardless of migration status, all migrants are rights-holders and states have an obligation to 'respect, protect, and fulfill their human rights'.

Although the UDHR is not a legally binding document, other related documents, such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the principle of non-refoulement, and the prohibition against collective expulsion, establish international legal obligations for states. The 2015 crisis clearly demonstrated that enforcing international human rights documents regarding the rights of all migrants, regardless of their migratory status, is often not considered a pragmatic option by states. The strategic political and economic interests of states continue to shape policies towards migration and determine which groups of population might be received into a society and under which conditions, constraints on mobility are exercised in the form of visa regimes and border security, fortification walls are erected to implement this control, solidarity and individual hospitality initiatives are criminalized and ultimately the definition of a human being re-

mains contested within the dichotomy of terminology such as 'illegal migrant' and 'irregular migrant'.

Historical and Contemporary Migration Routes

In the 2005 publication The Fall of the Roman Empire, English historian Peter Heather argues that illegal immigration contributed to the Empire's collapse. Heather emphasizes that the Romans had a migration policy aimed at the assimilation of immigrants, designed to ensure that Roman armies always outnumbered immigrants. However, by the fifth century, conflicts with Persia resulted in a loss of control over immigration. Unassimilated Germanic tribes eventually gained enough power to topple the Empire. In his 2023 blog post Migration and the End of Empire, Heather discusses the 'lessons' modern commentators draw, hoping to link uncontrolled migration to the decline of the modern West. Such a connection suggests that responses to declining economic trends should focus on stronger border control and a firm reassertion of European identity to avoid a fate similar to that of the Romans. Yet, Heather points out that Rome operated as a steady-state agricultural economy, contrasting with modern Western economies. IMF studies clearly show a positive correlation between an increase in the number of immigrants and GDP growth. Given demographic trends, Western economies will increasingly depend on immigrants. Heather also notes that one of the largest modern migrations is occurring within the developing world, generating labor reserves and shifting industrial production away from developed nations. Just as the Roman Empire enriched its core elements while eventually stimulating economic growth at its edges, modern developed Western countries have similarly sparked economies, largely for their own benefit. However, Heather cautions against comparing the generation of wealth in today's world with the economic dynamics of the Roman era, as the modern economy provides equitable opportunities for sharing global GDP. According to Heather, the lesson is to acknowledge demographic realities, cease the demonization of immigrants, and adapt to the changed circumstances where Britain and America are no longer the dominant powers they once were. Continuing to deny these realities and implementing policies aimed at short-term political gains to appease anti-immigration segments could lead to an inevitable downfall.

Ancient Rome is linked to the idea of a refuge and asylum city, with its foundation myths of Romulus and Remus, as well as the flight of Aeneas from Troy, both tied to the city's origins in the concept of offering refuge. The asy-

lum that Romulus established to populate the city and strengthen its power was located in a hollow in the Capitoline Hill and was long known as Inter duos lucos. Rome welcomed immigrants and provided opportunities for people to advance and improve their lives; however, acceptance of immigrants was shaped by Rome's strategic interests, and their integration into society was more of a cultural convention than a binding legal obligation, a convention that never truly relinquished the belief in its own superiority. The 'barbarian' threat lurked just beneath Rome's cosmopolitan surface. Ultimately, the propaganda against 'barbarians' and mistreatment of immigrants, including the notorious abuses against the Goths fleeing the Huns in 376, led to violent revolt and accelerated the fall of the empire (Boin, 2020; Whittaker, 2004).

The opposing ideas of humanism and barbarism are consistently present in both historical and modern migration contexts. Gray (2017) cites the example of a tragic play from the 460s BC by Aeschylus, Suppliant Women. The play is based on the Greek myth of the five daughters of Danaus, the Danaids, who flee Egypt to escape forced marriages with their cousins, the sons of King Aegyptus. The Danaids supplicate Pelasgus, the king of Argos, by performing a ritual of supplication and are granted safety. In pleading their case before the assembly of Argives, Pelasgus argues that the Argives should never provoke the wrath of Zeus, the protector of suppliants. The play was written to be performed at public festivals of Athenian democracy and presented an idealized picture of the Greek polis, where any fellow human being in need of protection is provided with refuge. In practice, the city-state did not adhere to these ideals. Refuge was provided to those in need by various rival city-states according to their political interests, and only forced migrants received privileges, such as the ability to buy their own houses. Voluntary migrants who became foreign residents were not treated equally to citizens and bore heavy military and tax obligations. The pattern is comparable to today's distinction made in the treatment of recognized refugees and economic migrants. Ultimately, Greek humanitarianism, cosmopolitanism, and philanthropy were ideals that existed in the isolated and exclusive world of Greek city-states. Greek humanism did not extend to non-Greeks, who were classified as barbaros (barbarians). The victory against the Persians in mainland Greece was followed by a celebration of conflict as the ultimate test of the superiority of a people, and the traditional Greek-barbarian divide persisted despite efforts by intellectuals and playwrights to broaden the definition of a human being to include the barbarian. The concept of humanism that transcended this dichotomy struggled to take root (Arnopoulos, 1995). The demonization of migrants as rapists and terrorists can be seen as a modern equivalent of the

Greco-Roman concept of the barbarian, unable to speak the Greek language, threatening to overwhelm the civilized world.

Incentives aimed at attracting soldiers and individuals with other desirable traits needed to bolster cities and empires were a common feature of historical migration. After the Thirty Years' War (1618-1648), rulers in Central Europe sought to draw people with favorable profiles to repopulate their towns, while simultaneously imposing repressive measures against religious minorities and beggars. This reflects a modern parallel of allowing migration for certain groups while enforcing strict barriers against unskilled economic migrants and Muslims. The forced relocations of specific population groups within an empire to prevent rebellion or establish defensive lines are tactics akin to today's 'hybrid politics,' where states aim to gain strategic advantages by negotiating over the hosting of refugees and migrants (Behrisch et al., 2023).

Climate refugees might seem like a modern term, but drought, famine, and pasture depletion were widespread issues that caused migrations in the Near East. In the 20th century BC, two networks of fortresses were built to protect the Fertile Crescent of the Nile and Tigris-Euphrates regions. The Pharaohs constructed the 'Wall of the Ruler' to keep out nomads they called 'sand dwellers.' After the collapse of the Akkadian Empire, the mass migration of Amorite tribesmen was controlled by a defensive border known as 'The Repeller of the Amorites.' Between 1550 and 1200 BC, small-scale migrations driven by famine and other factors became common. Regulations governed the movement of tribal groups, intended to be enforced by rulers with shared responsibilities to manage the issue. Host communities were required to feed the migrants and return them to their homelands without detaining them, reflecting a policy of return (Stieglitz, 1993).

To form a perspective on present-day migration issues, including the 2015 European Refugee Crisis, Rowley (2021) examines the migratory forces that shaped American history, drawing a parallel between the influx of refugees and migrants to Europe during the 2015 Crisis and the arrival of Pilgrims and Puritans on Native American lands. Rowley acknowledges that such historical parallels can never be perfect analogies but can yield useful insights. The comparison of the refugees and migrants involved in the 2015 European Crisis to Pilgrims and Puritans seeking refuge from hardship raises the fundamental question of the right to access territory. If refugees and migrants lack the right to access territory (as Rowley cites in the case of Hungary), then Pilgrims and Puritans similarly had no right to the lands of Native Americans. However, Rowley presents a nuanced picture in which freedom and equality emerge as contested values. The 2015 Cri-

sis can also be viewed as a time when these values became contested within Europe. Although historical contexts have differed greatly, and no migration is exactly like another, some central issues remain consistent because migration is not a new phenomenon. It leads to continuous intercultural encounters, prompting fundamental questions of identity, difference, inclusion, and belonging for both migrants and those who encounter them (Rowley, 2021, p. 5). Questions surrounding the relationship between members of the host community and the stranger, or the host and the guest, are also closely related to hospitality norms. The hospitality norms of a society define the stranger and determine how they will be treated, influencing the conditions for peaceful coexistence among different groups and the ethics governing the stranger's interaction with the host. Thus, hospitality codes are closely linked to the formation of migration policies and attitudes toward immigrants. One of the features of the 2015 European Refugee Crisis was the significant presence of Muslim population groups from Southeast Asia, the Middle East, and Africa. These diverse groups were part of a mixed migration flow, which included individuals fleeing war and persecution, as well as those seeking livelihoods while facing serious violations of their social and economic rights in their countries of origin. The Islamic concept of seeking refuge is broader than conventional definitions of refugees and migrants, along with the classifications of those fleeing war, trafficking victims, and migrant workers. All individuals seeking refuge are viewed as equals. This closely relates to the Islamic view of the stranger (Jureidini & Reda, 2017; UNHCR, 2012). In Arabic, the term for stranger is *gharib* (plural: *ghurba*). According to tradition, the Prophet of Islam spoke about strangers, proclaiming, «Blessed are the strangers.» When his companions inquired about the definition of strangers, the Prophet responded that «the strangers are those who are removed from their family and relatives» (Saritoprak, 2017). This definition focuses on the acknowledgment of 'vulnerability' rather than the reasons for it. By making 'vulnerability' the criteria for providing refuge, Islam effectively grounds its ethical ideals in practical application. Those who are displaced from their homes and detached from their communities, travelers, individuals seeking livelihoods, and those fleeing conflict or persecution, are worthy of compassion due to their vulnerability. Moreover, in providing refuge, Islam does not discriminate based on race, nationality, ethnicity, or religion. The Islamic ethic of hospitality is founded on this same principle. Offering care, shelter, food, and safety to travelers temporarily or providing permanent refuge is an obligation towards the vulnerable. A distinction is made in Arabic between the *gharib* or stranger and the refugee or *muhajir*. A person can be a stranger either temporarily or permanently, while the refugee relocates permanently (Saritoprak, 2023). Thus, the Islamic concept of hospitality is

primarily centered on private moral duty and societal obligation, and secondarily on the state, which can determine rules for coexistence based on a specific context (UNHCR, 2012). For instance, upon fleeing to Medina from Mecca, the Prophet and his companions entered into a pact with other groups in Medina, including the Christian and Jewish tribes, to establish relationships within the society. The migration also defined the interactions between the refugees and their helpers, the *muhajirin* and the *ansar*. The Prophet declared a bond of brotherhood between the two. Families thus became interconnected, and the refugees were housed and supported by their new brothers and sisters. This was complemented by the Islamic duty to work, become self-reliant, and assist others. Islam prohibits begging, which is only permissible in the direst of circumstances (Jureidini & Reda, 2017). The hospitality culture of the largely Muslim populations arriving during the 2015 Crisis was radically different from the hospitality norms of the EU.

Aliu & Aliu (2022) analyze the EU's hospitality and welcome culture through a neo-Kantian lens, deeming it dualistic and contradictory. They propose that the phrase «No human being is illegal» should be regarded as a principle of the EU Charter of Fundamental Rights. Kant's model places the responsibility of hospitality solely on the state, excluding individual and social responsibility, and does not encompass the 'non-European'. Consequently, hierarchical, top-down reception policies fail to establish a non-hierarchical, horizontal network of hospitality that integrates with vertical structures, resulting in the exclusion of 'categories of human beings' that do not qualify for state hospitality. In a study addressing hospitality and migration issues, Luccioni (2023) explored the operations of ROOM, an NGO active in the Paris Region since 2015, which runs a 'citizen hosting' program limited to recognized refugees, thus excluding asylum-seekers, irregular migrants, and holders of various other residence permits. Should hospitality be relegated solely to the state and disconnected from private moral ethics, it would perpetuate injustice and criminalize solidarity when extending hospitality to those excluded from the state's definition of 'human being'.

The hospitality culture of the EU primarily extends to fellow Europeans. The divide between anti and pro-immigrant sentiments does not stem from drastically different traditional hospitality norms within European societies but arises from a political, democratic, and intellectually driven debate culture. Much like in ancient Greece, calls for the equality of all human beings are often seen as political activism and dissent. During the 2015 European Refugee Crisis, slogans like 'refugees welcome' and 'open borders' embodied a belief in the individual ethical duty to care for strangers, essentially striving to create a world without borders in a context that maintains them, thus challenging the concept of na-

tion-states. This idea rests on the belief that the world should serve as a home for all human beings on equal footing, echoing Derrida's concept of 'unconditional' yet impossible hospitality (Derrida & Dufourmantelle, 2000). In contrast, anti-immigrant perspectives draw a parallel between the state and a home, suggesting that the host has the right, even the obligation, to decide who they permit into their house and whether to extend hospitality. As a result, the notion of hospitality, in the context of migration, has become a contested issue in both academic discussions and popular political discourse. Both Boudou and Bessone argue that the conventional understanding of hospitality inadequately addresses justice issues in migration. For Bessone, using the term can be counterproductive, as it depoliticizes migration issues and reinforces injustice through the unequal power dynamic between host and guest. Conversely, Boudou finds merit in keeping the term but redefines it as a 'principle of care' and a 'form of solidarity' to transform it into a practical tool for helping displaced individuals access justice. Boudou highlights the efforts of the academic and activist group in Calais, Exploration Pole of Urban Resources, in presenting this new understanding of hospitality. Offering free Wi-Fi access, assistance with administrative forms, and providing French language lessons are acts that facilitate migrants' access to essential resources. Thus, Boudou envisions the host's role as that of an interpreter who provides information while remaining open to learning from the guest. This observation is crucial in the context of cultural mediation, as cultural mediators often act as the first point of contact and communication for refugees and migrants during the 2015 Crisis. They played a vital role in helping migrants access rights and services, particularly in reception conditions. If hospitality is viewed as the ethics of engagement between strangers, then differing traditions of hospitality on each side could lead to conflict. It is here that cultural mediators have been essential in building trust and facilitating positive interactions. From simple greetings to negotiating expectations regarding rights and responsibilities between both sides, cultural mediators have assisted both the stranger as guest and the stranger as host in better understanding one another.

Types of Conflict: Misunderstanding, Disagreement, and Prejudice

Cultural mediators frequently encounter conflict in interpersonal interactions between members of the host community and refugees/migrants. While these situations may sometimes appear trivial, if left unaddressed, they can disrupt communication. Conflict in the context of migration between two culturally

distinct groups, whether stemming from cultural differences or other reasons, is always intercultural conflict. This is because the groups involved have different cultural backgrounds, and the communication related to the conflict is inherently intercultural in nature. Communication is a crucial component of conflict. In a study examining definitions and approaches to conflict and communication, Putnam (2006) notes the disregard for communication in conflict studies, despite its fundamental connection to conflict. In an interpretive approach, communication is not merely a variable or process; it is integral to conflict itself. This approach posits that communication in interpersonal and intercultural conflict continually defines and shapes the conflict, and culture is not a fixed collective entity but a personal and evolving process of understanding and transformation. In this light, conflict is not necessarily viewed as a negative occurrence; rather, it can be a natural outcome of interaction that possesses the potential for positive results if managed functionally. Conversely, dysfunctional conflict will lead to negative outcomes. For cultural mediators, maintaining functional communication can lead to positive outcomes from conflict.

One of the most common reasons for conflict is misbehavior or rudeness, without elements of discrimination or prejudice. Service providers, such as medical and administrative staff, may seem rude due to their personal attitudes or being overworked. In an unequal relationship, particularly between a service provider and a migrant, this can lead to issues that hinder the success of an interaction, such as a medical examination. In these situations, it is crucial for the cultural mediator to remain calm. Cultural mediators can tactfully encourage both sides to engage in a manner that fosters successful communication. If the person exhibiting misbehavior holds official authority and/or their goodwill is necessary for accessing a service, the cultural mediator often finds it more effective not to confront their behavior, but to explain to the weaker party that, in order to protect their own interests, it is better to show patience rather than engage in confrontation.

Misunderstandings can easily arise due to non-verbal communication, a lack of cultural competence, and other factors. The use of the father's first name as the family name in Pakistan often led to issues during registration with the police, who were under the impression they were being provided with false information. Preconceived notions also contribute to communication problems. Medical staff frequently assumed that refugees and migrants had a good understanding of sexually transmitted infections (STIs) and blood-borne diseases, leading them to believe that patients were not taking their advice seriously. Migrants wanting to return to their countries of origin often strug-

gled to understand the delays in administrative procedures at their respective embassies, attributing these delays to the officers in charge of voluntary return and assuming they were uninterested. Such impressions were formed due to a general lack of efficiency in service provision. Disagreements were common in interactions, particularly under reception conditions. Most refugees and migrants wanted to be placed in a center that would allow them to continue their journey easily, but were assigned to a center far from an exit point. Consequently, many chose to remain in squats.

Prejudiced behavior is often associated only with members of the host environment; however, it is important to remember that both parties in an interaction can hold prejudiced views. The perceived weaker side can also exhibit prejudice, despite being in an unequal power relationship. For instance, a person from a Muslim country might believe that all non-Muslims possess 'loose morals.' Cultural mediators should be cautious not to fall into the trap of identifying prejudice where it does not exist. Members of various refugee and migrant communities can also have conflicts with one another, especially if they share the same accommodation facilities. For example, Arabs and Iranians might tend to look down upon Afghans. Kurds and Yazidis might not get along with Arabs, and ethnic Pashtuns might have issues with ethnic Punjabis, among others. Individuals with diverse SOGIESC may encounter prejudiced attitudes from both their own community members and others, as well as from the host environment. People who follow different interpretations of the same faith, such as Sunni and Shia Muslims, may also face conflicts. Some religious groups, like Ahmadis, can be at high risk if their particular interpretation of Islam is revealed to others within the community. In countries where Christians experience societal discrimination, they are likely to be targets of hostile attitudes even among groups of refugees and migrants from their own country. Hostility based on caste affiliation can also arise among communities where certain societal groups are marginalized and looked down upon. Many Africans encounter prejudice and discrimination in Southeast Asian countries because of the color of their skin. In interactions where either side displays prejudice, cultural mediators should attempt to address this calmly; however, if prejudiced attitudes lead to abusive behavior or denial of services, the cultural mediator has the right to report the matter to the appropriate institution. Prejudice among members of the host environment often complicates solution implementation. For example, one of the persistent issues in Serbia has been finding private accommodation for refugees, despite their legal status, because property owners are reluctant to rent to members of the migrant population (Vještica et al., 2024).

Case Study: Cultural Codes and Conflict on the Balkan Route

One of the main issues that emerged from the 2015 Crisis was 'safe transit'. The mixed migration flow included individuals with a valid claim to international protection, but they did not wish to seek it in a country along the route, but rather in a destination of their choice, usually in the Western EU. For many, this meant joining family members, the possibility of relying on friends and communities in these countries, and better livelihood opportunities. While it is assumed that a person fleeing war, persecution, or another form of harm would seek protection in the first safe country they enter, it is not possible to force a person to seek asylum in a particular country. In the case of the EU, the Dublin regulation means that it is possible to return an asylum seeker to the country where they first entered the EU and to continue their asylum procedure; these countries include Croatia, Romania, and Bulgaria. For many refugees/migrants, these countries were not the destinations where they wanted to seek asylum, and their experience of border violence while entering these territories only added to their unwillingness to do so. There were a few attempts to regulate the temporary presence of refugees/migrants in so-called transit countries, but these did not produce results. From the migrants' perspective, the political EU was not really Europe. They did not see Greece, Bulgaria, Hungary, Poland, Romania, Serbia, and Croatia as part of Europe. Many were surprised to hear that Serbia was geographically in Europe. For most, Afghans, Iraqis, Syrians, Kurds, Pakistanis, Europe started with Austria and Italy. For this reason, violence to deter irregular movement at the borders of these countries was not associated with the EU, and for them, 'Europe' remained a place that offered better living conditions. In this sense, the externalization of EU border security failed to produce desired results, although it did reduce the number of people able to use the Western Balkan land route. Many refugees/migrants voiced the belief that «as long as there was the slightest possibility of reaching and staying in a desired Western EU destination, the flow of people would not stop.» They also used the analogy of 'a door left just slightly open', implying that as long as Western EU destination countries did not impose measures to eliminate the possibility of entering and staying completely, people would try to reach these destinations even if journeys became riskier than ever.

For refugees/migrants moving irregularly along the Western Balkan route, their journey was not framed within the security and legal concepts of regular or irregular. The majority of them described themselves as *musafir*, an Arabic word used widely in other languages in Islamic countries to denote traveller. For them, categories of refugees, asylum-seekers, and economic migrants did not exist.

Self-perception as a traveller included the term *muhajir* or refugee, an Arabic word used widely among non-Arabic Muslim countries for those fleeing from danger to life. The act of migration is related to the journey made by the Prophet Muhammad and his companions from Mecca to Yathrib as a result of persecution faced by tribal leaders in Mecca. The word has religious and spiritual connotations. Furthermore, the Islamic concept of endowing a status of spirituality to efforts to earn an honest living through hard work by relating it to the widely misunderstood word *jihad* or struggle, dignifies all workers regardless of their status, with the only criterion being that the work is honest. Thus, for refugees/migrants from Islamic societies, all connotations of the word traveller are associated with these specific meanings rather than the framework of regular or irregular and other categories. As such, concepts of extending hospitality and refuge are also part of this alternative framework of a perception of their journeys. The most frequent statement by refugees/migrants was, «Why are they beating us at the borders? We do not even want to stay in their countries. We just want to pass through.» Refugees/migrants from Afghanistan were particularly shocked by poor reception conditions, and one of the most oft-repeated comments was, «Is this the way to treat a traveller? In our country, we do not behave like this to travellers.»

For most, Europe remained an ancient cultural entity, quite different from today's geographical and political landscape, and their journey was deeply connected to the cultural memory of the Silk Route.

Over a long period of history, the Silk Route from Turkey to China was supported by caravanserais, offering food, shelter, meeting places, points for trading, cultural interaction, and exchange. O'Gorman (2010) in their work The Origins of Hospitality and Tourism observe that caravanserais were hostels for travellers offering services, where free shelter was provided for 'the traditional three days'. This was based on a saying of the Prophet Mohammad that if a guest stays longer than three days, it becomes charity, and a guest should not become a burden on their host. An interesting digression can be made here to the practice among impoverished aristocratic Mughal families following the colonization of India by Britain. These aristocrats, suddenly deprived of their former wealth and status, were so unaccustomed to earning their own living that they started living off their wealthier relatives, staying at their houses as guests for extended periods of time, relying on their charity.

The caravanserais were not charitable enterprises. They constituted a system of service provision that ensured travelers were never far from help – a place to find shelter and safety. While a charity, such as a monastery or the tomb of a Sufi saint, might offer refuge and assistance to a person in need for an indefinite

time, the caravanserais had to ensure there was space to accommodate travelers rather than homeless individuals. Travelers, mostly traders, would typically stay only one night before moving on. Hospitality was extended to travelers without 'inquiring about the stranger,' even at times when they were known foes.

While the 'three-day' rule was in effect, the caravanserai did not ask about the traveler's identity, which meant they did not discriminate based on race, nationality, or religion when providing services. Furthermore, they did not distinguish between 'friend and foe,' recognizing that even an adversary in a vulnerable situation could not be denied basic rights such as shelter and food. An interesting fact about the regulations in Serbia arises here. According to a popular Serbian proverb, «Three days is enough hospitality for any guest.»

According to the Asylum Procedures Directive in Europe, an asylum claim must be registered within 3 working days. In Serbia, the Intention to Seek Asylum Certificate, the only document available to regularize the status of refugees/migrants, whether they wished to stay in Serbia or not, provided a time period of 72 hours or three days to reach the asylum or reception centre that had been designated to them. During these three days, refugees/migrants had the right to stay at a privately arranged accommodation, freedom of movement, and the right to various services. Similarly, when at the beginning of 2016 the borders were still 'open', a short-lived attempt was made to organize the influx through Serbia to the EU, and a new document was introduced in Serbia that allowed the holder to transit through Serbia within three days. The continuing relevance of the historical Silk Route is also reflected in migration management projects such as the Integrated Border Management in Silk Route countries, by the International Centre for Migration Policy Development. But today, instead of the Silk Route hospitality codes, we have highly securitized borders, and it could be said that a culture of security is now at its ascent.

In many developed societies, access to assistance and rights is linked to personal identity documents. While these documents facilitate the efficient and effective provision of services and assistance, they have also become securitized tools for accessing rights, with the range of accessible rights determined by the type of personal document held. For instance, access to the right of freedom of movement is contingent on the passport an individual possesses, with certain passports granting holders greater freedom of movement than others. Similarly, there are variations in the rights and responsibilities associated with personal documents and the statuses they indicate. For example, documents proving that an individual is under the age of 18 ensure that they are entitled to children's rights. Documents belonging to asylum seekers, seasonal migrant work-

ers, students, and others entail differing rights and responsibilities. The absence of personal documents, being undocumented due to statelessness, or irregular migration often leads to the denial or difficulty in accessing rights guaranteed to undocumented or irregular migrants. Although states can choose to grant or withhold these rights, societies can also perceive irregular migrants as either 'criminals' or otherwise. Consequently, a system of service provision that mandates every beneficiary to be documented, with each sector of life stringently regulated, can be viewed as a cultural phenomenon reflecting a specific value system. The externalization of EU border security has spread this culture of security to parts of Europe that may not inherently align with the cultural region associated with EU values. Initially, the public response in many countries, including Turkey, Bulgaria, Macedonia, and Serbia, was sympathetic to refugees and migrants passing through. However, the narratives shifted swiftly, and the stories shared by refugees and migrants about the help and assistance provided by villagers in the border areas of these countries faded amid the implementation of stringent security measures and a significant change in the political and social discourse surrounding the Crisis.

The concept of establishing accommodation centers for refugees and migrants, particularly for single men, was often managed in an authoritarian manner and accompanied by verbal and physical abuse. This approach conflicted with the ideas of hospitality. Refugees and migrants realized that transit countries received funding per person for those in accommodation centers and expressed dissatisfaction with poor living conditions, inadequate food, a lack of blankets, shoes, and clothing, as well as incidents of violence from staff at these facilities. For these reasons, many refugees and migrants chose to stay in squats, despite the additional risks involved. They also preferred to accept help from volunteers affiliated with solidarity organizations like No Name Kitchen because they were treated as equals. During the peak of the 2015 Crisis, Miksalishte emerged as one of the primary civil society initiatives in Belgrade. The center provided medical aid, food, and non-food items to refugees and migrants. Initially, it operated mostly in an open-air setting, but it later transitioned to a smaller enclosed space. While the center maintained its open doors policy, it became the main hub for refugees and migrants. Eventually, however, the administration was taken over by a state institution, and the open doors policy was discontinued, provoking deep disappointment among refugees and migrants. Throughout Muslim countries, there are spaces typically associated with the tombs of Sufi saints that are open to all, offering food and shelter. This 'open doors' policy resonated with the migrant population and encouraged them to seek assistance at the hub. How-

ever, when security measures were implemented at the entrance, most migrants ceased to visit the location for help.

Cultural norms have influenced the movement in several ways. One of the main cultural factors affecting irregular movement along the Balkan route among populations from the Middle East, Southeast Asia, and Africa is the higher presence of single men. According to Eurostat 2024, «In total, there were 190 first-time asylum applicants per million people in the EU in January 2023. Syrians represented the largest group of individuals seeking asylum (12,960 first-time applicants), followed by Afghans (11,055) and Turks (5,625). A majority of the first-time asylum applicants were men aged between 18 and 34 years, accounting for 43% of the total number of first-time applicants.» In cultures where men are traditionally the breadwinners, it is common for young men, particularly the sons in families, to seek better life prospects. These young men tend to be single, as leaving a wife and children behind is more challenging, although this situation is not entirely uncommon.

One of the major emotional and psychological factors that contribute to the inability of boys and men to give up on the journey and return, even in the face of hardships, exploitation, and even life-threatening risks, is viewing return as failure, losing their claim to 'being a proper man,' and becoming the target of shame by the community.

Along with the burden of having incurred debts for the family, this sense of shame can become a powerful motivator to continue the journey, even at the expense of personal well-being. Even when factors such as debt and the obligation to find employment to repay it and contribute to family prosperity are not present, the need to prove 'manhood' and the fear of shame back home can prevent a migrant from returning. Such norms can be seen as risk factors and obstacles to return and reintegration.

The higher presence of single men also led to the spread of narratives that concluded that the reason for this was a 'secret Jihadi invasion', and this was why the men were without families, single and young. At one point during the years following the peak of the European Refugee Crisis, strange signs appeared on the doors to certain buildings in the Dorcol area of central Belgrade. The sign was reported in the media as the symbol of ISIS or some similar organization. Although the sign appeared from a distance like an Arabic word, it was in fact random shapes drawn to resemble Arabic script and meant nothing. It was speculated that this had been done by an extreme right-wing organization that presented itself as a dog asylum group, but had held several demonstrations against migrants, with hate speeches being made in public.

Another example of cultural norms can be seen in the movement along the Western Balkan route by a large majority of unaccompanied asylum-seeking children. According to Eurostat 2024, in 2023, there were 254,900 first-time asylum applicants registered in EU countries who were children (individuals under 18 years old), accounting for 24.3% of the total number of first-time asylum applications. In 2023, the most represented nationalities of unaccompanied minor asylum applicants in the EU were Syrians and Afghans, constituting 31.6% and 30.1% of all first-time asylum applicants classified as unaccompanied minors, respectively.

In certain areas of Afghanistan, it almost became a tradition resembling initiation into manhood to send one of the male children in the family to another country to help improve living conditions for the family. While factors such as armed conflict, violence, and forced recruitment of child soldiers certainly influenced families' decisions to send away their young sons, the belief that a teenager or even younger male child should bear burdens and obligations usually assigned to adults also contributed to the movement of unaccompanied asylum-seeking children. A similar pattern can be seen in areas populated by Pashtun communities in Pakistan, amidst conditions of poverty and/or internal displacement. In rural Afghanistan, children do not typically experience their teenage years or a period of preparation to transition from childhood to adulthood. Instead, boys as young as nine to twelve years old are seen as responsible for shouldering the burdens of adult duties, such as working in the fields, riding, shooting, and herding. (Dupree, 1980) In the ethnic Pashtun community, Pashtunwali exerts a strong influence, driving unaccompanied asylum-seeking children and young adults to feel a deep sense of filial obligation and loyalty to their families. This sense of duty serves as a significant motivation for their irregular movements, as they have been entrusted by their families with the task of reaching a specific destination and contributing to the family income. Failing to fulfill this responsibility can cause serious distress for these children, often leading them into precarious situations as they strive to continue their journey.

For those unaware of the norms that adversely affect children, it can be difficult to understand the motives of parents willing to send their young ones on a dangerous and irregular journey. While the Pashtunwali code serves as an example to illustrate certain attitudes formalized in a social codex, similar beliefs exist across many Asian cultures, including in the Middle East, where family ties are highly valued and offspring are expected to show loyalty to their families. The concept of family in many of these cultures extends beyond the nuclear family to include extended family, where distant cousins and relatives are

also regarded as family members. Social structures frequently encompass tribal, caste, or clan identities, where family names are shared, even if individuals do not personally know each other or are not closely related. This strong sense of family and community ties often means that refugees and migrants from such social backgrounds travel irregularly with the help of smugglers, hawaladars, and others from their community, placing great trust in them. This trust facilitates smugglers in spreading disinformation and controlling or exploiting their clients, particularly regarding unaccompanied and separated children. For instance, a child may be convinced that a member of the community in their destination country will provide them with good living conditions upon their arrival; however, they could become victims of exploitation or trafficking.

Cultural and social norms in host environments can also impact irregular movement. For example, the concept of families being more vulnerable frequently leads to better assistance for single women, single mothers, and nuclear families in countries experiencing irregular movement, while single men often receive less support. This resulted in smugglers organizing families, merging single women or unaccompanied asylum-seeking children with single men so they can access better conditions or cross borders irregularly more easily.

Norms in host environments, where the perception of risk and vulnerability is associated with certain categories such as single women, UASC, and families, shape the attitudes of service providers on the ground. This leads to a greater focus on these categories of populations on the move, leaving single males in situations where they are deprived of necessary assistance. Cultural and gender norms in host environments that dictate perceptions of women migrating irregularly can often undermine their agency by assuming that a woman from a particular culture, such as Middle Eastern or South Asian, «must be a victim of trafficking and/or exploitation.» While single women or single mothers traveling irregularly may often find themselves in vulnerable situations, especially if they are working as domestic help and are invisible to the authorities, it is important to recognize that women can be heads of households in cultures where men are typically assigned this role. They may migrate regularly or irregularly to seek employment and improve their families' living conditions, or to escape difficult situations in their countries of origin. Additionally, sending away a girl as another member of a family was also a tactic observed during the Crisis. This was seen by the girl's family as a step to ensure her safety and honour.

Women traveling alone or single mothers migrating irregularly along the Western Balkan route from countries like Pakistan, India, Bangladesh, Afghanistan, and Iran are observed in fewer numbers than single men; however, they

move for various reasons, including the hope of reuniting with spouses already in an EU destination country, escaping threatening situations in their countries of origin, or seeking work to support families back home. The resilience and strength of these women are often underestimated, and the belief that women from certain cultures are always 'helpless victims' suggests that assistance provided with such attitudes could be more harmful than empowering. Women traveling with spouses and children form an integral part of the family concept, yet they continue to be treated as secondary or dependent. It is assumed that women are victims of their 'backward cultures' that restrict their rights. Popular media portrays migrant women from Arab or Muslim countries as uneducated and lacking personal agency (Güell & Parella, 2021). This perception also reinforces prejudice against men from these cultures, who are labeled as 'wife beaters' and 'rapists.'

Perceptions among members of the host society regarding cultural differences can sometimes lead to an assumption of reduced risk. For example, if a service provider believes that it is typical for children in another culture to work and live away from home, they may assume these children are more mature and less at risk than those from different backgrounds. Similarly, harmful customs within migrant communities might be viewed as normal and ignored as part of their culture.

During the European Refugee Crisis, service providers in many countries were in contact with people from cultures that are high context in relation to the host environments. Such differences affected the implementation of surveys and questionnaires by various organizations regarding the quality of the services they provided. In high context cultures, it would be impolite to criticize an organization or a person out of hand, and most people would agree that a particular organization is helpful without necessarily thinking so. Only a more detailed conversation would reveal that the interviewees actually did not even know much about the organization in question and were trying not to cause offense. In a similar manner, many refugees/migrants felt obliged to sign power of attorney documents when approached by representatives of an organization providing free legal aid in Belgrade, because they did not want to be rude; on the other hand, since they had no trust in the organization most of them stated afterwards that they had used fake names such as 'baked bread' or 'bag of potatoes'. Information dissemination was one of the most crucial areas where this difference was visible. The concept of providing information through leaflets, posters, websites etc. about topics such as asylum, prevention of sexual and gender based violence, human trafficking was not very effective because people preferred to receive information from a person, furthermore the manner in which the per-

son behaved towards members of refugee/migrant communities and presented the information determined whether the information was received effectively. In cultures where personal relationships are more important and trust is placed in people and not in organizations, information dissemination strategies should be designed and implemented accordingly. Generally speaking, there was a serious lack of engagement with refugee/migrant communities in order to develop effective information dissemination processes. Trust in state institutions, international agencies and NGOs was very low. Refugees/migrants could rarely come into direct contact or enter the premises of international agencies. Similarly, refugees/migrants often commented that employees of NGOs were there 'only to earn their salaries' and 'ask them questions', but not to provide assistance. They had more trust in organizations such as No Name Kitchen, whose volunteers spent time with them, provided various forms of assistance unconditionally, and shared their food, or in individual cultural mediators and protection caseworkers who made efforts to provide assistance and access to rights and services.

12. Conceptions of 'The Cultural Other'

Modern Western concepts of the 'other' and 'othering,' introduced by Hegel, have evolved over time and are primarily used to describe unequal power relationships. Hegel viewed the 'other' as an entity through which the self discovers itself. The Hegelian concept of self-formation is a function of the mind, wherein the perception of the 'other' leads to an awareness of the self. For Hegel, as a thinker of the mystic Hermetic tradition, the process of 'othering' is a crucial element through which the self, when encountering the other, paradoxically sees itself reflected in the other while simultaneously recognizing everything the 'other' is not (Magee, 2001). The self/other concept appears in the mystic traditions of Christianity, Hinduism, Buddhism, Judaism, and Islam, among others, negating the possibility of the self's existence in isolation from Divine consciousness; the self separated from the other is an illusory construct. Therefore, knowledge of the self cannot be achieved without interacting with the other, and the quality of this interaction determines the evolution of the self. Eastern and Western mystical traditions adopt an altruistic approach towards the problem of the self and the other and their relationship with the Divine. Service to others is regarded as the relationship between the self and the other, based on love as a path leading to enlightenment. In their explorations of self and other, Ibn Arabi and Rumi frequently quote sayings attributed to the Prophet Muhammad, such as,

> When one of his servants is hungry, He says to the others, «I was hungry, but you did not feed Me.» He says to another of His servants, «I was ill, but you did not visit Me.» When the servants ask Him about this, He replies, «Verily so and so was ill; if you had visited him, you would have found Me with him. So and so was hungry; if you had fed him, you would have found Me with him.» (Derin, 2009).

The concept of self in Islam is denoted by the Arabic word *Nafs*. The *nafs* can refer to lust or the soul. It represents the inner aspect of humans, capable of both good and bad. It is said that the Prophet Muhammad stated, «The real mujahid (struggler) is he who makes jihad (fight) against his *nafs* for the sake of Allah.» A verse from the Quran declares, «Indeed, the soul (nafs) is a persistent enjoiner of evil» (Yusuf: 53). However, the *nafs* is also capable of understanding the Divine (Tekke & Ismail, 2016). This positions both the self and the other within the individual. The potential for spiritual evolution and degradation is equally present in every individual. Thus, there is no true other, and the self is part of the Divine, with the attainment of this ultimate knowledge of the self dependent on how humans conduct themselves in the world. In communication between the 'one' and the 'other', the third shared space of enunciation could be seen as 'common humanitarian ground', but from the perspective of mystic conceptions of the 'one' and the 'other' this is also a space of divinity where the difference between 'the one or I' and 'the other or you' are transcended. Interestingly, the very practical CCHN Field Manual on Frontline Humanitarian Negotiation starts with a quotation from Persian Sufi mystic poet Rumi:

> Out beyond ideas of wrongdoing and rightdoing, there is a field. I'll meet you there

On a communal and social level, while many faith-based communities have perpetuated systems of stratification among tribes and inter-tribal rivalries, faiths have upheld the unconditional equality of all human beings, regardless of race, nationality, or ethnicity, through the fundamental and shared belief that the self does not exist in isolation from the other. For example, although Hindu societies are highly stratified, with a hierarchical structure based on caste and class and deeply patriarchal attitudes that objectify women in all aspects of life, Vedic teachings convey messages of equality: «Thou, O God, art woman, thou art man, thou the young man and maiden, too. Thou art the old man, tottering with his cane. It is thou alone who art born in all these infinitely diverse forms.» (Svetasvatara Upanishad 4:3). The recognition of diversity in creation originating from a single source is also evident in Islam:

> O mankind! We have created you from a male and a female and made you into nations and tribes, that you may know one another. Verily, the most honorable of you with Allah is that (believer) who has At-Taqwa (i.e., one of the Muttaqoon (pious). Verily, Allah is All-Knowing, All-Aware (Qur'an, Surah Al-Hujraat 49: 13).

This verse conveys the message that all human beings are members of one family and that differences in race, color, and tribe represent diversity, which is a source of knowledge rather than enmity. The only trait that differentiates individuals is piety. As noted earlier, piety encompasses the acknowledgment of the self as both a duty bearer and a rights holder. Unlike the Hegelian function of the mind that is ultimately directed toward knowledge of the divine through the other, the adoption of the concept of the other and othering in post-colonial discourse aims to describe a process in which the self is asserted as the superior spiritual or moral force and the other as an inferior entity lacking spirituality, justifying the disenfranchisement, subjugation, and genocide of the other. In discussing the limitations of psychological approaches to dehumanization, Livingstone Smith (2023) frames the concept of dehumanization in the terminology of essence and manifest properties. The Nazi slogan, «Not everything with a human face is human,» implied that while Jews appeared to be human, they were considered subhuman because of their subhuman essence. A 17th-century English cleric, Morgan Godwyn, reported being told that the «Negros though in their Figure they carry some resemblances of Manhood, yet are indeed no Men, and are Creatures destitute of Souls, to be ranked among Brute Beasts, and treated accordingly.» Livingstone Smith argues that individuals regarded as less human are ultimately viewed as fully human but as having failed to fully realize their human-ness. Thus, they are not 'less human' than others, but 'less than human others'. This perspective is reflected in Christian missionary efforts during colonial times to 'civilize the savage'. Leopold II was granted a colony in Africa by European leaders at the Berlin Conference in 1885, where he asserted his claim by pledging to carry out a 'humanitarian and philanthropic mission to improve the lives of Africans.' It was the belief in spiritual superiority that provided colonists with the moral justification for their rule over the colonized, as well as to perpetrate atrocities and genocide.

Through a brutal enslavement of the Congolese, Belgium collected profits from rubber plantations, ivory, and minerals. The limbs of locals were chopped off when they failed to meet production quotas. Orphaned children were kidnapped and trained to work or become soldiers. It is estimated that 10 million people died as a result of killings, famine, and disease. Eventually, when the brutalities were exposed, they were deemed too severe even by other violent European colonists, and Leopold II had to relinquish his colony.

Joseph Conrad's 1899 novella 'Heart of Darkness,' set in the colonial Belgian Congo, was famously adapted into the film Apocalypse Now, retelling the story in the context of the Vietnam War. Conrad's ivory trader Kurtz transforms into

Colonel Kurtz gone rogue, yet both reveal the fiction of 'the White Man's Burden' in civilizing the native savage. Their disillusionment is followed by shedding the facade of humanistic intentions to fully embrace the role of the superior master. Conrad's Kurtz yields more ivory than all the other Belgian stations, but his methods are 'jeopardizing' the Company because he has abandoned the effort to maintain the appearance of conducting a mission to civilize the savage, ultimately reaching the conclusion, «Exterminate all brutes.» In Conrad's book, the protagonist Marlow lies to Kurtz's 'intended' because it is crucial to safeguard the ideals she represents: «a soul as translucently pure as a cliff of crystal,» whose brow is «illuminated by the inextinguishable light of belief and love.» She still believes in the ideals that Kurtz once cherished, and Marlow chooses to keep her ignorant of Kurtz's fate, whose last words were, «The horror! The horror!» He decides to tell the girl that her name was the last word Kurtz spoke. By shielding her, Marlow also protects himself. The existence of ideals, even as a distant, illusory light, offers the only hope the narrator can cling to after returning from the 'Heart of Darkness' in the Belgian Congo.

The belief held by an individual or group that the 'essence' of their 'self' holds supremacy over that of the 'other' can lead them to dehumanize the latter, allowing them to manipulate their minds, control their behavior, and satisfy their wishes and needs. Simone de Beauvoir utilized the concept of the 'other' to explore the development of an unequal power dynamic between men and women. In this dynamic, women are regarded as the inferior 'other' while men are seen as the superior 'one'. The 2015 European Refugee Crisis resulted in the stereotyping of migrants as 'sexual offenders' and the cultures of many refugee and migrant groups as 'primitive and oppressive towards women'. These beliefs about migrants and their cultures suggest that sexual violence and the oppression of women do not exist in Western society but are instead issues brought in by the migrants. To the contrary, studies reveal that one in three women in the EU have experienced violence, and research by a German information institute has confirmed that immigration has not contributed to a rise in violent crime, either generally or specifically against women (European Union Agency for Fundamental Rights, 2024; InfoMigrants, 2025). Deeply entrenched patriarchal norms endure despite efforts to attain gender equity, and Simone de Beauvoir's The Second Sex remains largely relevant, particularly regarding sexual violence and rape culture. According to an investigation into the pervasive issue of sexual violence on college campuses in the US, convicted sex offenders did not perceive their behavior as internally motivated; rather, they attributed it to the intrinsic hostility of men, the actions of women, viewing women as sexual objects, the

uncontrollable nature of male desire, and a sense of entitlement (Siegel et al., 2023). In the dynamic between the 'One' and the 'other', women are viewed as inherently less valuable than men. Similarly, more value is assigned to certain cultures than others, reflecting the degree of perceived 'humanness' of individuals from those cultures.

Formation of Stereotypes, Prejudice, and Discrimination

The American Psychological Association defines stereotypes in the Dictionary of Psychology as:

> A set of cognitive generalizations (e.g., beliefs, expectations) about the qualities and characteristics of the members of a group or social category. Stereotypes, like schemas, simplify and expedite perceptions and judgments, but they are often exaggerated, negative rather than positive, and resistant to revision even when perceivers encounter individuals with qualities that are not congruent with the stereotype.

Stereotypes are simplified ways of thinking about the world. Simplifying thoughts by forming stereotypes is a cognitive response that is rather difficult to avoid, as it makes it 'easier' for us to deal with the world around us. Rather than being open to the possibility of 'not knowing', it is safer for us to assume that we 'do know', and the formation of stereotypes is part of a process which is partially a cognitive defence mechanism to make the world a less 'unknown' place. It is in this sense that stereotypes are schemas, defined as:

> A cognitive structure representing a person's knowledge about some entity or situation, including its qualities and the relationships between these. Schemas are usually abstractions that simplify a person's world.

Stereotypes tend to be negative rather than positive because they are linked to negative emotions such as fear, hate, and anger, and they can have different kinds of bases. For example, the notion that all French are arrogant is a stereotype. It is an example of stereotyping based on nationality. Gender, race and age, etc. are other bases for the formation of stereotypes. Negative stereotypes in the context of migration are usually associated with the image of a single uneducated, unskilled man from a poor country in the global South, determined to live in a

Western country and burdening the social welfare system, without any intention to integrate, clinging to backward social norms, posing a threat to the cultural fabric of the host environment while at the same time having criminal tendencies and/or extremist beliefs that jeopardize public safety. Stereotypes can also be positive. A positive stereotype is defined as:

> A stereotype that purports to describe the admirable, desirable, or beneficial qualities and characteristics of the members of a particular group or social category. Although stereotypes about other groups are often negative, generalizations about one's own group tend to be positive.

Positive stereotypes in the migration context can present all refugees/migrants as victims, with only one durable solution suitable for all, that of each reaching their desired destination and integrating locally. Such extreme attitudes are usually seen in popular debates on migration issues, where opposing sides discuss issues of migration and asylum through stereotypical ways of thinking, leading to deeply polarized positions. In such cases, both ways of simplified thinking are detrimental to having a fact-based and constructive social dialogue that could lead to mutually agreed-upon solutions.

Prejudice is defined in the following ways:

- A negative attitude toward another person or group formed in advance of any experience with that person or group. Prejudices include an affective component (emotions that range from mild nervousness to hatred), a cognitive component (assumptions and beliefs about groups, including stereotypes), and a behavioural component (negative behaviours, including discrimination and violence). They tend to be resistant to change because they distort the prejudiced individual's perception of information pertaining to the group. Prejudice based on racial grouping is racism; prejudice based on sex is sexism; prejudice based on chronological age is ageism; and prejudice based on disability is ableism.
- Any preconceived attitude or view, whether favourable or unfavourable.

Stereotypical beliefs formed as a result of ignorance of the other easily lead to prejudice, and these can result in discrimination.

Discrimination is defined as «Differential treatment of the members of different ethnic, religious, national, or other groups. Discrimination is usually the behavioural manifestation of prejudice and therefore involves negative, hostile, and injurious treatment of the members of rejected groups.» Discrimination can

lead to certain services and rights being denied or made harder for members of particular social groups to access. Sometimes, discriminatory attitudes are so prevalent against a group that they can lead to isolation and marginalization of the group, despite provisions of law according to which they should have equal rights. There are also cases where it is not just members of a society, but the state that becomes an actor in discrimination and violation of the rights of a group, and countries might even legislate to limit the freedoms and rights of a group, for example many countries have legislation against the rights of people with diverse SOGIESC, punishing those that openly show their different sexual orientation, etc. Discrimination against refugees/migrants in the 2015 European Refugee Crisis resulted in grave violations of human rights, jeopardizing their lives, dignity, and access to due process.

Prejudice and discrimination can lead to hate crimes and the persecution of individuals and groups. For example, stereotypes and prejudice against a particular religious minority can lead to widespread discriminatory attitudes, depriving members of the minority of equal rights to access services such as education and employment. Legislative measures by the state to restrict the rights of a religious minority will make the state a party in the persecution of individuals belonging to the minority. Persecution is defined by the International Criminal Court Statute as «the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity.»

Similar to persecution, genocide is another result of stereotyping and prejudice. If a group is dehumanized and viewed as the 'less human other', it is easy to carry out atrocities against members of the group. The United Nations Office on Genocide Prevention and the Responsibility to Protect defines genocide as:

«Genocide means any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such:
a. Killing members of the group;
b. Causing serious bodily or mental harm to members of the group;
c. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
d. Imposing measures intended to prevent births within the group;
e. Forcibly transferring children of the group to another group»

In contrast to personal and group processes of viewing the 'other', international documents such as the Universal Declaration of Human Rights (UDHR) are based on the recognition of the universally shared human condition, and thus, a shared human identity is the foundation of international humanitarian law

and justice. However, UDHR and similar core documents, such as signed and ratified conventions on the rights of children and women, are frequently neglected, not implemented, and/or violated by states with impunity, and social norms tend to dominate in reality. Rape myth acceptance reflects norms that blame the victim persist despite legislation. Conventions pertaining to the rights of people with diverse SOGIESC might be in place in a country, but in reality, social norms of exclusion and hate could be pervasive. Most states have a duty to protect the rights of religious and ethnic minorities; however, in many countries, such groups face persecution, and the state either becomes an actor in the persecution or fails to protect those persecuted. In the refugee/migrant context, while there are several conventions pertaining to the rights of undocumented or irregular refugees/migrants, receiving states tend to respect rights very selectively. Individuals, groups, and states are often not led by concepts and ideas enshrined in international human rights documents but influenced by processes of 'othering', whether in the context of social stratification based on race, class, religion, gender, or migratory status.

Historical and Modern Narratives of 'The Other'

Historically, race and religion have been the two most prominent elements in narratives of othering. Individuals belonging to a particular group define their identity through shared lineage as well as shared beliefs. Modern science does not provide a biological or genetic basis for race, however, the tandem of race and religion that produced a sense of spiritual supremacy among colonist Europeans, and led to various theories for explaining the reasons behind the superiority of European nations and the backwardness of natives, savages and heathens persists through new conceptions and narratives. With the demise of theories of racial differences based on biology and discouragement of openly racist attitudes, narratives based on differences in culture and ethnicity have become another way of 'othering'. Certain cultures are categorized as primitive and incompatible with the values of free and democratic secular Western societies. Contemporary narratives of othering also rely on racial and religious differences, but these are hidden behind the narrative of clashing social value systems, as in the case of unequal treatment of Ukrainian refugees compared to the Muslim migrants of the 2015 European Refugee Crisis (Bratt, 2022; Riedel & Rau, 2025).

    Race terminology is generally considered to have come into use during the 16th century; however, it is argued that the concept was present long before, in

15th-century Spain in the 'purity of blood' doctrine. Jews and Muslims were viewed as two major biological groups, and the term *razas* was used to label them (Mersha & Beck, 2020; Hochman, 2019). While a discussion of the history of the concept of race in Western thought is useful in understanding processes that have continuously contributed to building narratives of 'the other', it is also relevant to acknowledge that the absence of an explicit and developed doctrine of racial superiority does not result in the absence of the 'other'. The caste system in India relies on lineage and is reinforced by the association of certain professions with the castes, leaving the most menial of professions to the lowest caste, the Dalit, and assigning the noblest of professions, that of priesthood, to the highest caste of the Brahman. Intermarriage among castes still presents a social issue in India, and the Dalit remain a disenfranchised and socially excluded group. The idea that the light-skinned Brahmans are the descendants of the Aryans and the dark-skinned Dalits are from an inferior lineage is the basis of othering in the caste system. The lifestyle, values, diet, profession, and status as followers of Hinduism make each caste a culture on its own that distinguishes itself from other castes. While the Dalit might also follow Hinduism, their religious duties are inferior to those of the Brahman, and even accidental physical contact with the Dalit will pollute the purity of the Brahman, necessitating ritualistic purification. The existence of population groups with distinct identities such as tribal and indigenous peoples dates back to archaic cultures with the formation of foraging and hunter-gatherer communities, and the presence of distinct identity implies the presence of the 'other', with whom it was possible to engage in rivalry, warfare and whose men and women could be captured and enslaved. Native Americans and indigenous Australians were divided into tribes and engaged in warfare over territory, resources, women, etc. (The Oxford Companion, Drake, 2000; White & Kerkhove, 2021). Indigenous Americans enslaved one another. Slaves were taken from 'outsiders', not from within the 'kin'. Slaves were exchanged to consolidate alliances through marriage. According to tribal codes, war captives were either killed, enslaved, or adopted into families. Ritual adoption was practiced to replace warriors killed in battle, one of the forms of genocide, where the original lineage of the individuals is erased and another one is forced upon them (Lawrence, 2016). The Pashtun tribes of Afghanistan and Pakistan share a cultural code, the Pashtunwali, but conflict between tribes and within tribes due to familial ties is widespread. Lineage and bloodlines seem to take precedence over religion in the formation of narratives of the 'cultural other'. While the teachings of faith would imply that those adhering to the same religion should be able to form solely faith-based identities, the expected eradi-

cation of racial differentiation does not take place. Long before the Atlantic slave trade began, the Arabs had been trading in slaves. Arabs preferred white slaves from Eastern Europe, and the least valuable were black slaves from the south of the Sahara. It was the arrival of Islam that shifted attitudes towards Africans and blacks and checked the growth of racism among the Arabs against Africans, but discriminatory attitudes persisted despite the teachings of Islam. The Prophet Muhammad honoured Africa and the African people. The Prophet is cited as having said, «I admonish you to fear God and yield obedience to my successor, although he may be a black slave.» In his farewell sermon at the occasion of Hajj, the Prophet said, All mankind is from Adam and Eve, an Arab has no superiority over a non-Arab nor a non-Arab has any superiority over an Arab; also a White has no superiority over a Black nor a Black has any superiority over a White except by piety and good action.» Despite the teachings of faith, the Arabs did develop at least a roughly defined doctrine of race, leading to the oppression of Berbers and sub-Saharan Africans in the Maghreb and various forms of modern slavery throughout Arab countries where people from countries such as Sri Lanka, Bangladesh, India, Pakistan, and the Philippines, etc. are used for menial labor and/or sexual exploitation (Perry, 2006). The notion of bloodlines is deeply embedded in defining belonging and not belonging and is frequently expressed in sentiments such as 'being prepared to do anything to protect my family', implying that the rights of the other are not significant when it comes to the interests of the 'one'. When this reasoning is continued in its broadest possible sense it leads to preemptive wars of aggression, undertaken to 'protect' a superior 'way of life and values' from threats posed by the 'primitive' cultural other, where the cost of life of the other becomes immaterial because they are not perceived as equal human beings. When a child from a rural area in Pakistan is sold into domestic servitude in the household of a wealthy urban family, despite sharing a religious and national identity, the child does not 'belong' because of a lowly bloodline.

Ultimately, the epitome of the 'cultural other' is the slave. Slavery continues to be a global phenomenon present in all societies since antiquity. While historically, some societies have been 'slave societies', while others were 'societies with slaves', and slavery can be different in form and degree, the slave is always bereft of rights and completely marginalized in society with the owner exercising power over all aspects of their lives, taking away the agency of the enslaved (Pargas & Schiel, 2023). Serfs in feudal systems and workers in bonded labour are still born into slavery. Many victims of trafficking remain unidentified because, despite their exploitation, they need to earn a living and support their families. Social

taboos prevent trafficked women from leaving sexual exploitation because their families and communities frequently disown them. Today's slaves can also include the 'illegal migrant worker' forced to live a life without rights, constantly in hiding and under the threat of discovery, arrest, and deportation, carrying a social stigma not unlike the one that marked the historical slave, despite the fact that society benefits from their work. It could be said that the condition of being enslaved contributes as much to 'othering' as 'othering' has led to enslavement. The Hegelian Master and Slave Dialectic metaphorically sets the slave free; the Master, as the 'one', remains a prisoner of the illusion of being powerful, while the slave, or the 'other', can attain enlightenment by losing the illusion of power and gaining knowledge of the self. Interestingly, while the Arabic word *abd* is used for the slave, it is also the word used for the servant of God, signifying that a true believer submits only to the Divine and is freed from all earthly masters. In Sufism, the word slave takes on the connotation of the self seeking knowledge of the Divine. Jafar al-Khuldi, the 9th-century Sufi from Baghdad, says, «Sufism is to throw the ego (nafs) into slavery, emerge from human nature, and gaze wholly upon God.» But viewing the self as the slave of the Divine in the realm of spirituality also means that no human being can be enslaved by another human being. In the sphere of social life, one of the good deeds for which a believer in Islam will be rewarded is the freeing of slaves. There are many instructions to treat slaves (included in the general category of dependents) as equals in all matters, implying that no human can have ownership rights over another.

The subjugation of women, as less valuable and important than men, is also a form of othering that is related to sex characteristics at birth, similarly to race and lineage. Despite the emancipation of women, son preference continues to be prevalent. Women are different and 'other' cultural beings from men. Historical narratives of women's otherness are rooted in the woman being the 'temptress' or the 'seducer', as in the popular notions of the story of Adam and Eve, where Eve becomes responsible for the fall from Paradise. Present day rape myths hark back to the ancient deep-rooted belief that the woman can control the man through her sexuality. On the other hand, social narratives of the woman as the caregiver, capable of providing nurture and love, place her behind the man, supporting him from within the household, while the man goes out into the world to accomplish and achieve higher aims and goals. Furthermore, the woman is responsible for the man's honour. The most serious consequence of deviation from social norms that dictate a woman's life is dishonour to the man. In a migration context, Harmful Practices such as honour killing, settling of disputes by giving women as compensation, early/forced marriages, Female Genital Mutilation (FGM)

are generally associated with 'backward and repressive', primarily Muslim cultures, despite the fact that such practices predate Islam and were forbidden and discouraged by Islam. Furthermore, the attitudes underlying such practices are frequently the cause of crimes against women throughout the world. Women are killed by their partners or ex-partners, suffer various forms of abuse at the hands of their partners, and feel compelled to undergo dangerous surgical procedures, often resulting in disfigurement, to conform to beauty standards in order to be valued more by men. Despite professed values of equality, women continue to be considered as the inferior 'cultural other', the 'object'.

Case Study: Colonial and Contemporary Depictions in Migration

The British in India referred to the uprising of Muslim and Indian *sepoys* or soldiers against the increasing power of the British East India Company over the Mughal Court and the last Mughal Emperor, Bahadur Shah Zafar, in Delhi as the Mutiny of 1857. The designation of the term 'mutiny' reflects British supremacy as a seafaring nation in expansion. The defeat of both Muslim and Hindu rebels resulted in harsher consequences for Muslims in India compared to Hindus, despite participation from both groups. With a Muslim Emperor in Delhi, Muslims were perceived as the main force behind the uprising, and the historical rivalry between Islam and Christianity, dating back to the Crusades, contributed to this view. Consequently, the social standing of Muslims became precarious. They remained attached to an educational system focused on Arabic and Persian, viewing the English language with suspicion, and many believed that learning it along with modern sciences would contradict their faith. Adopting British attire, shaving their beards, or emulating British manners was interpreted as embracing Christianity. Lacking proficiency in English and modern sciences, Indian Muslims faced a bleak future, as opportunities for better employment were closed to them. The self-isolation of the Muslim community further contributed to their marginalization. During this period, Sir Syed Ahmad Khan, an aristocrat linked to Mughal nobility, initiated a reform movement that laid the groundwork for reshaping Islamic thought in India. The influence of a declining Mughal culture and rigid religious beliefs led many Muslims to oppose Sir Syed Ahmad Khan; however, he persisted with his mission to create modern educational institutions for both Muslims and Hindus and advocated for women's right to education. Simultaneously, he promoted a plurality of interpretations of the Quran, rejecting

the supremacy of any single commentary and affirming each individual's freedom to understand faith in the context of their own lives. Contrary to claims made by his critics, Sir Syed did not seek to make Indian Muslims more akin to the British. He expressed deep concern over the state of the colonized Muslim world and believed that by isolating themselves, Indian Muslims would ultimately seal their fate as an oppressed people. Moreover, his vision of inclusivity and tolerance was far from a submissive or passive attitude; rather, it entailed an active role for all societal members in engaging in constructive dialogue founded on mutual respect to address challenges (Rumi, 2022; McDonough, 1984). Sir Syed made significant contributions to the education and advancement of Muslims in India and sought to improve relations between Muslims and the British. Interestingly, the leader of the Pakistan Movement, Mohammad Ali Jinnah, was educated to become a barrister in London and adopted a mainly Western lifestyle, embracing traditional attire only later in life, while Gandhi consistently wore the garb of a Hindu ascetic. Despite the efforts of influential figures like Sir Syed and Jinnah's initial commitment to a united and independent India, British policy toward Indian Muslims remained hostile, contributing to tensions between Muslims and Hindus ultimately leading to the partition of the Indian subcontinent.

The paradigm of othering in the case of Europe and Islam in the migration context repeats itself today in reverse. During the expansion of European colonial power, Europeans massively migrated to the colonies while the only Asians, Africans, etc. in Europe were mostly slaves. The European colonists not only maintained their distinct identity when living in other lands, but they also took upon the mission to 'civilise the ignorant and savage native'. Increased migration to Europe from former colonies and other Asian or African countries started only after WWII, and massive increases appeared much later, for instance, the trend of increased migration to Britain truly began in the 1990s (Emmer & Lucassen, 2012). While relations between immigrants and host communities in Europe were always uneasy, present-day Muslim immigrant communities in Europe and the West face issues of Islamic racialization, particularly following the events of 9/11. At the same time, radicalization has also emerged as a highly concerning problem, with young Muslims turning to exclusionary and dogmatic interpretations of Islam. The trend of radicalization is very much related to the normalization of Islamophobia and has given impetus to extremism in Islam (Abbas, 2021; Bonino, 2012). The reversal in migration, particularly in the post 9/11 world, does not present a major departure from the historical trajectory of the 'othering' of Muslims from the Crusades to Orientalism to Neo-Orientalism and Islamophobia. Muslims are the ultimate 'other' in present day migration

context and while terms such as the 'moderate Muslim' have appeared to signify an 'acceptable level of being Muslim', the progress of Islamic thought remains stunted across the world, and has regressed in ideologies that have shaped repressive societies such as in Saudi Arabia and Afghanistan under totalitarian or authoritarian regimes.

In the context of migration, stereotypes, prejudices, and discriminatory attitudes can be held by both refugee/migrant population groups and members of the host environment against each other. However, in an unequal power relationship, the powerful side becomes the superior 'one' while the weaker side is the inferior 'other'. The English migrating to India frequently did so to acquire wealth and status offered by life in the colonies, but they were not the 'migrant workers' of today. They lived with all the rights and privileges that belonged to the 'Master', and were referred to by the local population as the 'Gora Sahib' or the 'White Master'. E.M Forster's A Passage to India captures this phenomenon in all its complexity. When the young Muslim doctor Aziz accompanies Adela, the fiancée of a British magistrate in India, to see the caves of Marabar, the girl is overcome by an 'echo' and accuses Aziz of attempting sexual assault. The accusation comes naturally to her in her muddled state of mind and is accepted as a given by her compatriots, although when she reconsiders her testimony at the trial, she admits it was not true. A Passage to India stands out for showcasing 'Orientalism' almost as a mental affliction. The question of what actually happened to Adele in the caves remains unanswered. The exotic Orient in the mind of the European was always the unknown: erotic, disturbing, threatening, and even fatal.

Migrations of Muslims to Europe and the West in general carry the characteristics of slavery, not to imply that all migrants are victims of human trafficking, although many do become victims of exploitation and/or trafficking, but to signify that migrant workers looking for better life prospects are stigmatized and dehumanized in a similar way. While the migration has reversed, the power relationship hasn't changed, and the neo-orientalism of today identifies Muslims as the other, with a faith that is inherently violent and incompatible with humanitarian values, leaving them incapable of building a modern state and a strong civil society based on the principles of democracy (Tuastad, 2003). In the new framework of secular democracy, neo-orientalism has demystified the Orientalism of the past. The other is no longer the exotic and perilous unknown, but an open threat recognized in a culture of security.

13. Reimagining Integration and Post-Migration Societies

One of the central issues during the European Refugee Crisis was the struggle over the responsibility for accommodating the increasing numbers of refugees and migrants. In the so-called transit countries, or hotspots at the EU's doorstep, such as Bosnia and Herzegovina and Serbia, which share borders with Hungary, Croatia, and Romania, the general stance was that the crises in Syria, Afghanistan, and Iraq had resulted from the wars and proxy wars waged by the NATO alliance; therefore, Western EU countries were responsible for managing the consequent influx of refugees and integrating them into their societies. Additionally, there was a widespread perception that Western EU countries were more than willing to accept well-educated and westernized segments of society (primarily from Syria, with some arguing that many of these individuals resembled Europeans due to their fair skin) who possessed qualifications and skills that would benefit receiving countries, but had closed their doors to those groups considered unfit for integration due to a lack of desirable skills and social backgrounds. Regardless of the accuracy of these perceptions, the distinction between those suitable for 'integration' and those deemed 'unable to integrate' tends to be a significant factor influencing policies regarding the reception of refugees and migrants. Additionally climate and conflict refugees globally receive distinctly different support. Due to lack of awareness on the impact of climate change, European societies tend to feel less sympathetic towards climate migrants especially when we are referring to young men. Another area that remains to be prevalent is open xenophobia. This became evident once more after the Ukrainian influx, when solidarity responses in countries like Hungary and Poland were drastically different from earlier responses to non-white and non-Christian refugees.

Based on the report published by Amnesty International in April, 2022:

> Polish border guards have systematically rounded up and violently pushed back people crossing from Belarus, sometimes threatening them with guns. The vast majority of those who have been fortunate enough to avoid being pushed back to Belarus and to apply for asylum in Poland are forced into automatic detention, without a proper assessment of their individual situation and the impact detention would have on their physical and mental health. They are often held for prolonged and indefinite periods of time in overcrowded centres that offer little privacy and only limited access to sanitary facilities, doctors, psychologists, or legal assistance.

Hungary openly took a position in favor of maintaining a homogenous white Christian society, implementing a strict policy toward receiving primarily Muslim refugees and migrants throughout the European Refugee Crisis. According to the Human Rights Watch World Report 2024, access to the asylum procedure remained virtually impossible after a new law was passed in 2020 that prevented asylum seekers from filing protection claims in Hungary. A ruling by the European Union Court of Justice in June stated that Hungary was violating EU asylum laws by forcing individuals to file protection claims in Serbia and Ukraine. In an analysis by Korkut and Fazekas (2023) regarding the continuities and changes in Hungarian migration policy, the authors note that when a new refugee crisis emerged in Europe in 2022, as a result of the Russia-Ukraine war, Hungary maintained its overall restrictive migration policies and legislation. However, a notable shift occurred from the highly securitized 'zero migration' approach taken in 2015 to a more laissez-faire attitude toward the 2022 Crisis. Hungary's southern border with Serbia continued to be secured by a 175 km-long fence, but the border with Ukraine was open to receive fleeing Ukrainians, primarily from Christian Hungarian-speaking populations. As a consequence of previous policies and the criminalization of providing assistance to refugees and migrants, the primary actors aiding Ukrainian refugees on the ground are NGOs, rather than local authorities or city councils. While there is no formalization of the NGOs' roles, there are also no barriers to their operations. One significant factor in the differing treatment is the perception that Ukrainian refugees do not threaten the homogeneity of Hungarian society. Conversely, just as the refugees and migrants in the 2015 Crisis did not intend to remain in Hungary, the majority of Ukrainian refugees view Hungary as a transit country to other destinations. Although international conventions advocate for equal access to territory and due process, aiming to preserve the dignity and lives of refugees and migrants and promoting integration policies that uphold their rights and freedoms, societies

and states react to the influx of those they perceive as 'others' based on attitudes and norms developed over long periods, rooted in a cultural past that continuously affects and interacts with current events (Carrera & Vankova, 2019).

As part of humanitarian response organizations received substantial funding to respond to the Ukrainian crisis, however funds were often earmarked for Ukrainian refugees only and the same level of assistance was not allowed to be provided to other refugees. For example while the Ukrainian refugees had access to cash assistance or mental health support, those in Polish detention facilities were not allowed access to the same services. The government claimed that migration from the Belarus border was a political matter and Russia was instrumentalizing migration. However, even those who had legally arrived in the country – including Afghani refugees - were not extended support. Small NGOs that were focused on assisting non-Ukrainians received limited funding and were excluded from formal refugee coordination mechanisms. Neither the UN nor the donor community advocated for their integration into the central coordination system thus allowing the government to further advance the anti-immigrant agenda. Refugees in the detention facilities were often denied access to formal translators, and conditions remained dire while humanitarian organizations spent substantive funds renovating centers to assist refugees fleeing Ukraine. Third party nationals fleeing Ukraine also struggled to access the same services despite often holding legal documents back in Ukraine. The stark contrast highlights the difference in treatment when it comes to refugees based on their religion and ethnicity. Many hoped that Ukrainian refugee crises that enabled Europe to adjust the legal framework would spark waves of solidarity that would extend to other refugees. Unfortunately, the opposite happened as seen in the most recent Polish elections.

It can be said that generally, the influx and increased presence of refugee and immigrant communities in any host society leads to new challenges and issues. Regardless of the specific characteristics of migration – whether the movement occurs between culturally similar regions, sometimes even without linguistic barriers, or if it happens between culturally different areas – there are always social and security consequences. For instance, the migration from Afghanistan following the outbreak of war against the Soviet Union primarily took place in Pakistan, Iran, and, to a lesser extent, India; these countries offered environments where language and cultural differences were not very pronounced. Sunni Pashtun Afghans moved to Sunni Pashtun-dominated areas on the other side of the Durand Line (an artificially imposed border by the British, disputed by Afghanistan). They found themselves among families, tribes, and communities

they were part of. However, there was still friction in the area, as it is a highly securitized and militarized zone. When Pashtuns began living in provinces of Pakistan where other ethnicities dominate, linguistic and cultural barriers, among other factors, led to social friction and violence; for example, there were widespread problems in the city of Karachi, where violence between ethnic groups has been a persistent and deadly issue (Chandran, 2024). Dari-speaking Shia Afghans, such as Tajiks and Hazaras, migrated to Iran due to shared language and faith. Although Dari is not completely identical to Farsi or Persian – the national language of Iran – it is similar enough to allow people to communicate fairly adequately. Culturally speaking, however, Persian society differs greatly from Afghan society, and the majority of Afghans have consistently faced discrimination and prejudice in Iran.

> Afghan immigrants are often subjected to cultural stereotypes that further marginalize them and limit their opportunities. Among these are the perceptions that all Afghans are Taliban, viewing Afghans as lazy and incompetent, or seeing the refugees as job stealers or criminals. The conservative newspaper *Jomhuri-e-Eslami* has warned about the immigrants' high birth rate, calling it a threat to national security (Zadeh, 2023).

The majority of Syrian refugees fled to Jordan and Lebanon, where, despite linguistic and cultural differences not being an issue (the region has a long shared history as the Levant), there is social friction and fatigue in host environments, while refugee and migrant communities live in degrading conditions, leading to secondary movements. Although a survey conducted by UNHCR in June 2023 on perceptions of refugees in Jordan showed high levels of sympathy towards them, a Human Rights Watch report on events in Jordan in 2023 noted that «most professions remained closed to non-Jordanians, and many Syrians continued to work in the informal sector without labor protections. The roughly 230,000 school-age Syrian refugees in Jordan face multiple obstacles to education, particularly acute for children ages 12 and older. Only one-quarter of secondary-school-age Syrian refugee children in Jordan were enrolled in school» Similarly, although refugees and migrants from the Maghreb and other African regions where French is spoken may feel less disadvantaged in France because they can communicate in the language despite dialect differences, France has witnessed the isolation of immigrant communities from these countries, along with several episodes of violent social unrest due to social tensions. The overall nature of challenges faced by a host environment due to the influx of refugee and

migrant communities cannot be seen as a single-faceted issue, such as incompatibility between cultures and the resulting problems; a range of social factors becomes more pressing when refugee and migrant communities arrive, and not all of them are related to linguistic and cultural barriers or intercultural conflict. Preexisting social issues become more pronounced when resources are strained by the presence of refugee and migrant communities. For instance, in Jordan, «a plethora of reports point to the Syrian refugee impact on Jordan's depleted resources, increased job competition, overburdened infrastructure, and strained social services, such as healthcare and education. Notably, the challenges highlighted by the refugees have deep roots in Jordan's social, economic, and political fabrics. Indeed, the Syrian refugee population has merely exacerbated existing endemic challenges that could foreshadow future instability.» Furthermore, political issues also arise; for example, in Jordan, the initial tendency to use Syrian refugees as scapegoats to pacify grievances among the public predating their presence, has been challenged by the mobilization of marginalized Jordanians since Syrians are heavily concentrated in Jordan's most vulnerable communities. «As public frustration grows, political conflict is increasingly framed as a struggle against disenfranchisement» (Francis, 2015). Preexisting social issues and divisions in host environments are compounded by the presence of refugee and migrant communities, even without linguistic and cultural barriers. However, when migration leads to encounters between different cultures and societies, the resulting issues become significantly more serious for overall social well-being.

While much attention is focused on security challenges, there has been very little acknowledgment of the issues faced by indigenous and established immigrant Muslim populations of Europe, and generally the greatly increased presence of third-country nationals in countries across Europe, which has been significantly amplified by the influx of refugees fleeing Ukraine. This situation presents serious social, economic, and political challenges that must be addressed with caution if positive outcomes are to be achieved. Cultural and social issues, along with the challenges of integration, are closely related to security concerns. If cultural and social challenges are not addressed, security strategies can become dysfunctional and even counterproductive, as they may become tied to political narratives of hate and division, leading to isolation and marginalization. This exacerbates prejudices among both refugee/migrant communities and members of the host society. For instance, much of the Islamic radicalization occurring in Europe stems from within immigrant communities that have resided in European countries for generations. A failure to initially understand and address the difficulties faced by both refugees/migrants and members of the host society

creates a vicious cycle of self-isolation among immigrant communities wishing to preserve their cultural identity, resulting in their marginalization due to the prejudiced attitudes reinforced by the inflexibility of these communities. It is in this atmosphere of mutual distrust and hostility that unrest flourishes. According to a study examining issues faced by second and third-generation Muslim immigrant communities in Europe, one of the primary causes of radicalization is the reaction to the suffering and humiliation experienced by people in Muslim countries due to Western strategies. This reaction often manifests as non-violent responses, such as the establishment of Qur'anic schools, increased efforts to cultivate a strong faith-based identity, and ensuring that Islamic teachings are passed down to younger generations. However, this can lead to radicalization and increased crime, damaging relationships between immigrants and the host society.

> Empirical studies suggest that it is cultural transmission rather than experiences of group discrimination that drives lower levels of trust among second-generation members of Muslim minority groups in Europe. The issue of feeling humiliated incites violence. Their actions (terror attacks) are not primarily motivated by personal experiences of discrimination or socio-economic disadvantage, but by collective events from within the Muslim Diasporas or beyond. Other factors, including Western policies towards the Muslim world, along with feelings of humiliation, contribute to the development of radicalization (Ghatas, 2023).

Efforts to address challenges and issues not grounded in a complete and accurate understanding of a particular migration issue cannot yield satisfactory results; instead, they often lead to highly undesirable and counterproductive outcomes. Migration issues cannot be understood without considering the people and cultures involved.

Integration Frameworks in Diverse and Homogeneous Societies

From a cultural perspective, Hungary's situation is not an isolated example of the determination to maintain homogeneity. For instance, Japan was known for centuries as a country almost entirely closed to outsiders. Many societies and communities maintain varying degrees of openness or closeness. While marriage in India between close relatives within a caste or gotra is not allowed (Macdonell, 1914), marriage outside a caste is generally viewed as unacceptable. Among Muslim communities in India, marriages between first cousins are com-

mon, but unions with individuals from different castes or tribes are considered undesirable. Similarly, in many societies, interfaith marriages are forbidden. Although marriages outside of a community, caste, or tribe are seen as undesirable for various reasons (including difference in lineage, financial considerations, the desire to keep wealth within the family, or social factors like the fear of giving a daughter to a family about whom very little is known), communities can also be completely closed to outsiders. For instance, among the Yezidis, a persecuted minority group in Iraq, marrying outside the community is forbidden. Cultural groups generally tend to maintain homogeneity, and various norms regarding marriages outside tribes, castes, religion, ethnicity, and race exemplify this tendency. In a broader context, when faced with a perceived or actual threat to their physical, cultural, and economic survival, groups often respond by striving for homogenous societies based on some shared identity, whether faith or ethnicity, often secured by political guarantees such as the right to adequate representation in governance, autonomy, or statehood. This process usually involves violence and/or war. While strict maintenance of homogeneity might seem to ensure the consolidation of resources, the continuation of tradition, and the preservation of cultural identity, openness to cultural interaction through trade and intermarriage is vital for human survival and evolution, both in terms of genetic diversity and the exchange of culture and knowledge. In Afghanistan, decades of war have restricted movement, leading to a rise in marriages between close relatives, as people are unable to reach other members of their tribe residing in distant areas. This has resulted in rare genetic anomalies among babies, as documented in Afghan families during the European Refugee Crisis.

On the other end of the spectrum is the formation of large 'melting pots' of ethnicities and religions, such as the once vibrant Levant region, encompassing present-day Syria, Jordan, Lebanon, Egypt, Israel, and Palestine, or the Indian subcontinent, which included present-day India, Pakistan, and Bangladesh. These regions were characterized by the free movement of people and goods, intermarriages, and cultural exchange, with distinct ethnic, social, and religious groups coexisting in harmony. Generally, regions rich in diversity tend to be idealized and prosperous because the unrestricted movement of people, goods, and capital fosters better economic conditions. However, in heterogeneous societies, the balance of values that creates harmony and peaceful coexistence is often fragile. The region commonly referred to as the Indian subcontinent, primarily consisting of present-day India, Pakistan, and Bangladesh, exemplifies enormous cultural variety and exchange, resulting in the fusion of cultural forms, from cuisine and music to new interpretations of earlier faiths. As a vast territory, it was

rarely united under the rule of a single population group, with various dynasties rising and falling due to invading conquerors or the establishment of autonomous states by different population groups. Even during the height of Mughal rule, when extensive territories were united, India had semi or fully autonomous areas. This trend continued after the British colonized the subcontinent. There were periods when Hindus, Sikhs, and Muslims coexisted peacefully, with each community practicing its faith and being tolerant of the traditions of others. While this was part of the social reality in the Indian subcontinent, ethnic and religious tensions, trade conflicts, and battles also existed. Establishing a framework of social norms and laws that could provide an acceptable basis for peaceful coexistence was a constant challenge, and not all rulers were committed to this goal. However, certain customs and laws reflect the need to respect the values of each group; for example, Muslims primarily ate goat meat instead of beef to avoid offending Hindus by butchering cows. In fact, in the subcontinent, the English word 'mutton' came to refer to goat meat rather than the original sheep meat. During British rule, the first laws were enacted against insulting another faith to ensure peace (these laws later became the basis for Pakistan's highly controversial blasphemy laws, which have led to atrocities against the Christian minority and have been used as tools for political persecution).

Centuries of coexistence throughout various phases of history have led to numerous similarities in many customs, including rituals related to weddings and births, as well as everyday life, cuisine, music, literature, and arts and crafts. There is also a common language widely understood across the subcontinent, irrespective of local languages and dialects (Hindi/Urdu; Hindi is written in Devanagari script and Urdu in Arabic script). The spoken language developed with some differences based on geographic areas throughout the vast territory of the Indian subcontinent, enabling different cultural groups to communicate with one another. Despite these commonalities, faith-based identity became a dominant factor in the partition of the subcontinent into the two states of India and Pakistan. The partition was extremely violent. In the Punjab region, which was ultimately divided between India and Pakistan, Sikhs, Muslims, and Hindus spoke the same language and had lived together in closely knit communities until they were afflicted by some of the worst communal violence during the partition. The eventual partition of India at the end of British colonial rule into two separate states – Hindu-majority India and Muslim-majority Pakistan – was due not only to political movements, which are beyond the scope of this analysis, but also to efforts by various significant population groups to secure safety from persecution and the right to live according to their faith and traditions.

Essentially, the creation of Pakistan was rooted in a shared Muslim faith identity, even though the population groups in the new state possessed distinct languages, cultures and traditions, including Punjabi, Pashtun, Sindhi, Baloch, and Bengali. Although a minority, Muslims in India once ruled vast territories during the Mughal dynasties. Throughout the British colonial period, the British harbored a strong sense of enmity toward Muslims, their historical adversaries since the time of the Crusades. After the British departure, Muslims feared persecution and disenfranchisement at the hands of the Hindu majority, which ultimately led to partition after efforts to find a governance model for a united India that would be acceptable to all sides failed. On the other hand, Hindus had experienced discrimination and grievances under Muslim rule, and a united India was a sacred concept for them; therefore, they perceived the partition as a gross injustice. The partition of India was accompanied by one of the largest migrations in the world and perhaps also one of the deadliest. Nisid Hajari, in Midnight's Furies (2016) writes,

> Gangs of killers set whole villages aflame, hacking to death men and children and the aged while carrying off young women to be raped. Some British soldiers and journalists who had witnessed the Nazi death camps claimed Partition's brutalities were worse: pregnant women had their breasts cut off and babies hacked out of their bellies; infants were found literally roasted on spits. By 1948, as the great migration drew to a close, more than fifteen million people had been uprooted, and between one and two million were dead.

The subsequent division of present-day Pakistan and Bangladesh resulted not only from political events but also from a sense of cultural disenfranchisement among the Bengali people, who faced attempts by West Pakistan to impose Urdu as an official language (Ahsan, 2024). The Bengali language and culture represent one of the richest ancient traditions in the subcontinent, epitomized and widely recognized through the works of Rabindranath Tagore and Satyajit Ray. However, the policies of West Pakistan regarded Bengalis as backward and primitive. The partition leading to the creation of Bangladesh was also marked by violence. Operation Searchlight, initiated by the West Pakistani establishment to suppress the Bengali uprising, involved a series of atrocities committed by the West Pakistani army against Bengali civilians. Although the vast majority of the Bengali population shared the Sunni Muslim faith with those in West Pakistan, the discrimination they faced was rooted in ethnic and cultural identity. This, combined with political disenfranchisement, ultimately

led to the struggle for a separate state after attempts to secure greater political autonomy failed. The bonds formed by shared faith eroded in the face of egregious human rights violations.

The region once known as the Levant united Muslim, Christian, and Jewish communities across territories from Egypt to Syria. According to Encyclopedia Britannica,

> Levant, (from the French lever, 'to rise,' as in sunrise, meaning the east), historically refers to the region along the eastern Mediterranean shores, roughly corresponding to modern-day Israel, Jordan, Lebanon, Syria, and certain adjacent areas. A similar term, *Al-Mashriq* ('Where the Sun Rises'), exists in Arabic, although this term refers to a broader geographic region.

The region was comparable to the Indian subcontinent in its rich plurality of faiths and ethnicities, with various groups coexisting in a society characterized by diversity. Like the Indian subcontinent, the Levant was shaped by conflicts and wars (most prominently the Crusades), along with trade and migration over centuries. Ultimately, following the departure of the British and French from the region, political developments led to the division of the Levant into the nation-states of Syria, Egypt, Jordan, Lebanon, Israel, and Palestine. This was accompanied by violence and warfare, resulting in the Israel-Palestine conflict that has persisted since the early half of the 20th century and continues today. Similarly, in the case of Pakistan and India, the Kashmir issue has endured since the partition of India in 1947, leading to several wars and skirmishes between India and Pakistan, along with ongoing unrest and violence in Kashmir, which remains divided between the two states.

The so-called Balkanization of former Yugoslavia can be seen similarly. Narratives of a shared identity based on political ideology broke down, ethnic and religious differences came to the forefront, and narratives of racial purity became dominant. The former Yugoslavia, despite being connected by a shared language, Serbo-Croatian, and a political ideology, became fragmented into separate states. Despite languages in most of the new states being very similar, for example in Croatia, Bosnia-Herzegovina, Serbia, and Montenegro, there was a concerted effort by each side to differentiate their languages and cultural heritage from the others. In all of these cases, original bases of unity broke down, and the former 'member of the community', 'the neighbor', the 'respected elder', became a completely different and hostile cultural 'other'.

In diverse societies, large cosmopolitan cities in countries where mechanisms for the integration of asylum-seekers and refugees are implemented effectively, the integration process can progress more smoothly than in societies striving to maintain a homogeneous population or in environments where policies are actively adopted to deter arrivals by complicating the integration process. This can include a lack of interpreting services, barriers to accessing basic rights and services, prolonged asylum processes, and insufficient free legal aid, along with the placement of asylum-seekers in remote towns and small communities, challenges in obtaining work permits, and limiting support to only recognized refugees while denying it to asylum-seekers. During the 2015 European Refugee Crisis, desired destinations fluctuated according to conditions in receiving countries. At the peak of the crisis, Germany emerged as the preferred destination for Syrians and Afghans. While the UK attracted many from Pakistan and Bangladesh, Italy provided better conditions and easier access to regularization, making it one of the top preferred destinations. Spain and Portugal gained popularity as work opportunities and access to regular status improved until more stringent policies were enacted across Europe. The integration opportunities available to migrant workers influenced which countries became more appealing for refugees and migrants, alongside factors like existing communities and the language spoken in the country. Arabs from the Maghreb preferred France despite its hostile policies because they could rely on the support of family members and community networks already established there and communicate in the language. Similarly, while the UK has a harsh migration policy, many from former British colonies continue to choose it as a destination due to the presence of family and communities already settled there and the ability to speak the language. Overall, conditions for local integration in most receiving countries depended on labor shortages and the potential benefits of a cheap and mobile irregular migrant workforce. This was akin to the favorable reception and integration conditions provided to Syrian refugees with highly sought-after profiles. Conversely, Western EU countries tend to favor utilizing a cheap, unskilled workforce from within the EU, particularly from countries like Slovenia, Romania, Bulgaria, and Poland, over non-Europeans, especially from Muslim-majority countries. These trends have created labor shortages in the Western Balkan region as workers from local non-EU states seek employment in neighboring EU countries, such as Slovenia and Croatia. This gap is addressed by offering easier access to work visas, which increases the risk of human trafficking and exploitation, while many regular migrant workers opt to continue migrating to Western EU destinations irregularly. While reception and integration conditions are influenced by the labor market,

preference is often given to workers perceived as not 'too different,' while migrants seen as socially unsuitable unskilled labor who travel irregularly in search of work are viewed as 'criminals' and potential security threats. Generally, it can be said that most receiving countries today strive to maintain their homogeneous character by upholding a standard of modern, secular, and democratic values for integration, and implement exclusion policies by defining certain groups as 'culturally too different' (for instance, single men from Algeria of Muslim faith) to 'integrate successfully,' ultimately regarding them as threats due to their race and/or religion.

Boundary-Making, Cultural Transmission, and Heritage in Migrant Integration

Achieving peaceful coexistence among diverse groups is challenging. Ultimately, the goal of cultural orientation, inclusion, and integration is to foster peaceful coexistence among population groups that are culturally different within a single society. These differences may arise from race, language, or religion. Even if just one of these factors differs, the group may be perceived as a 'cultural other' – either unwelcome due to being seen as 'unable to integrate,' 'a threat to security,' 'a danger to the local job market,' or 'a risk to the cultural values of the host society'. The processes that define the perception of in-group and out-group can shift rapidly, especially when tied to political issues. During the peak of the European Refugee Crisis, when the image of the drowned Syrian child circulated globally, published by The Guardian in 2015, it sparked a tremendous wave of empathy for refugees and migrants. Just a year later, as the narrative shifted, terms like 'population replacement' and 'secret Jihadi invasion' began to emerge. The fact that most of the refugees and migrants arriving in Europe were Muslim did not seem to affect the initial sympathetic response. However, as the narrative evolved, Muslim identity became a boundary that characterized refugees and migrants arriving in Europe through the Balkan route as the 'cultural other' unable to integrate into Western European societies. This coincided with European policies aimed at reducing irregular migration along the Balkan route, as many groups within this refugee and migrant population were not seen as suitable candidates for integration.

In a background paper for the World Development Report, it is noted that opposition to migration arises from concerns that, culturally and socially, migrants differ too greatly from host societies and will face challenges in integrat-

ing, potentially altering the demographic landscape and undermining the culture of those societies. The concept of 'cultural distance' is presented as the 'problem' of sociocultural integration and is often viewed as an objective and measurable fact. However, the notion that cultural differences are an objective reality is misleading. Such perceptions arise from «complex boundary-making processes in which certain commonalities and differences are highlighted while other similarities and differences are overlooked or denied. These intricate boundary-making processes are historically contingent, institutionally mediated, and politically constructed in ways that favor some immigrant groups while creating challenges for others.»

The concept of 'cultural distance' is portrayed as historically variable and politically constructed. Examples illustrate that various criteria can exist for perceiving an immigrant group as similar or different, and the perception of these groups can shift from culturally distant to culturally close depending on the chosen criterion and the context in which such assessments are made. For instance, in the U.S. context, White Protestants and White Catholics, once viewed as 'culturally distant,' united to combat racial desegregation in schools (Bloemard, 2023). Boundary-making processes in modern nation-states are inherently linked to political dynamics, yet the narratives through which these processes unfold activate mechanisms for in-group and out-group identification that are rooted in an ancient tribal past, where birth within the group and ethnic and racial identity form the basis for group belonging.

Definitions of Culture

Over the past few centuries, the term 'culture' has accumulated hundreds of definitions. Academics have long attempted to define and describe culture through aesthetic, anthropological, social, and psychological lenses. Matthew Arnold (1867), in his work Culture and Anarchy, describes culture as the enhancement of intellectual capabilities aimed at social improvement. Here, culture is seen as a form of moral order for organizing societies.

> There is a view in which all the love of our neighbor, the impulses toward action, help, and beneficence, the desire to eliminate human error, clarify confusion, and lessen human misery, along with the noble aspiration to leave the world better and happier than we found it – motives such as these are critically social – are considered part of the basis of culture, and the primary and foremost part.

For Arnold, achieving this ideal of culture required an objective approach, characterized by 'the sheer desire to see things as they are,' combined with 'the moral

and social passion for doing good.' Conversely, 'doing as one pleases' – the inability to transcend a limited subjective worldview (an attitude Arnold attributes to 'primitives', which is not a matter of choice but rather an incapacity) – leads to anarchy. Arnold's perspective on culture was a response to his Victorian social context, where the term 'culture' (originally associated with farming, signifying the nurturing of crops and animals) had evolved into a metaphorical expression for 'culturing the mind'. In the 18th century, this abstract term signified knowledge of fine arts and classical languages like Greek and Latin, suggesting that culture was a privilege of the elite. Arnold countered this elitist and narrow conception of culture, linking it to society as a whole and emphasizing responsibility for moral order and social welfare. Notably, Arnold's interpretation of 'primitive peoples' aligned in certain respects with Edward Tylor's views in his work Primitive Culture (Originally published 1871). Tylor provided a definition of culture from an anthropological perspective, aiming to establish a scientific framework by defining culture as: «Culture or civilization, taken in its wide ethnographic sense, is that complex whole which includes knowledge, belief, art, morals, law, custom, and any other capabilities and habits acquired by man as a member of society.»

In his definition, Tylor, unlike Arnold, broadens the scope of the term to apply to all members of a society but retains the view that 'primitives' lack the characteristics associated with 'developed cultures or civilizations'. Tylor proposed a spectrum approach, arguing that societies go through a process of moving from being primitive to becoming civilized, for which he was later criticized. During the 20th century, Franz Boas opposed this approach based on evolutionary anthropology. For the evolutionists, culture was a single and universal phenomenon, and various societies were organized ranging from 'savage to barbaric to civilized' according to their degree of cultural advancement. Boas rejected the value judgments associated with the approach taken by both Arnold and Tylor (Logan, 2012).

Anthropologists Kroeber and Kluckhohn (1952) define culture as:

Culture consists of patterns, explicit and implicit, of and for behaviour acquired and transmitted by symbols, constituting the distinctive achievements of human groups, including their embodiment in artefacts; the essential core of culture consists of traditional (i.e. historically derived and selected) ideas and especially their attached values; culture systems may, on the one hand, be considered as products of action, on the other, as conditional elements of future action.

Some of the other modern and prominent definitions of culture are:

> Culture consists of the derivatives of experience, more or less organized, learned or created by the individuals of a population, including those images or encodements and their interpretations (meanings) transmitted from past generations, from contemporaries, or formed by individuals themselves. (Schwartz, 1992).

> Culture...is the collective programming of the mind which distinguishes the members of one group or category of people from another. (Hofstede, 1991).

> ... the set of attitudes, values, beliefs, and behaviours shared by a group of people, but different for each individual, communicated from one generation to the next. (Matsumoto, 1996).

> Culture is a fuzzy set of basic assumptions and values, orientations to life, beliefs, policies, procedures and behavioural conventions that are shared by a group of people, and that influence (but do not determine) each member's behaviour and his/her interpretations of the 'meaning' of other people's behaviour. (Spencer-Oatey, 2008).

Although later researchers rejected some ideas present in the work of Matthew Arnold and Edward Tylor, these rejected elements, in their view of culture, could still be seen as relevant. Arnold implies that some individuals in a society are not cultured and need to acquire culture. Tylor does not make this distinction but suggests that the culture of primitive societies is not sufficiently advanced to reach the stage of civilization. The term 'primitive' appears in many important works written during the 18th and 19th centuries. For example, in The Golden Bough (1890), Sir James Frazer freely uses the terms 'primitives' and 'savages' for the ancient or indigenous tribes and peoples whose rituals and customs he describes. For Sir James, the term 'primitive' denotes a connection to concepts labeled as 'magic,' which have become unscientific in his era, such as the spilling of blood on a sick person to heal them. Arnold's primitives are those who 'do as they like,' or, in other words, selfishly pursue their own interests without distinguishing right from wrong, and he observes these attitudes in his own contemporary Victorian society. Tylor remained connected to the value of universal humanity, influenced by his religious Quaker upbringing, and rejected the notion of race as 'scientifically significant in the study of culture.' Arnold and Tylor both opposed 'narrow subjectivism.' While Arnold insisted that one must act upon intellectual ideas for the benefit of society as a whole to be considered cultured, Tylor viewed primitiveness as the inability to progress beyond magical thinking to rational

thought and to understand the abstract concept of «psychic unity: the belief that all humans are governed by the same mental and psychological processes.» The primitives of Arnold and Tylor differ, but the ideas of both introduce a moral dimension to culture; Arnold associates culture with morality, while Tylor equates culture with being 'civilized,' referring to a standard of 'universal humanity' or a concept of human equality.

Another aspect of culture relates to the aesthetics of life. In his work, The Unknown Craftsman: A Japanese Insight into Beauty, Japanese philosopher Soetsu Yanagi (1889-1961) presents the idea that everyday objects in households, crafted by anonymous artisans following ancient traditions, represent a standard of beauty in their simplicity and humility. At the same time, the process of creating such objects is deeply connected to social well-being. Thus, these aesthetic standards also encompass a moral principle. «Morality guaranteed the quality of the products. It imparted character to the work, ensured excellent craftsmanship, and prevented poor-quality items from being sold.» One implication of Yanagi's metaphysical yet practical approach to preserving cultural heritage amid the significant changes of the industrial revolution is the emphasis on the human element. The craftsman must uphold aesthetic standards to create a functional piece, such as pottery, made from quality materials and thoughtful design for the user. Consequently, the pottery is crafted with the potential user's well-being in mind. While technology and industrial manufacturing can contribute to the economy, the interests and well-being of the people for whom products are made must remain a priority. To Yanagi, the humble and simple objects created by anonymous craftsmen embody the Japanese ideal of beauty. This ideal of beauty does not draw distinctions between high art and folk art. Instead, it represents a practical yet sincere design solution that fulfills people's needs through superior craftsmanship harmonized with traditional knowledge. Therefore, technology should not negatively impact human well-being, and if its objective is human welfare, it will yield aesthetically valuable and functional objects that foster a positive effect on both individuals and society. Here, a standard of beauty also establishes moral standards.

Aesthetics and morality thus become essential components of culture, and for each society, they relate to the specific collective knowledge acquired by that group. This knowledge may pertain to craftsmanship, as exemplified by Yanagi's pottery; it might also connect to the intellectual pursuits described by Arnold aimed at social good. Furthermore, it could encompass the ancient wisdom passed down by shamans within various tribes or cultural groups, which holds spiritual significance or offers guidance in daily life, including knowledge vital for physical

survival, such as identifying and using plants with healing properties, among others. Many traditional lifestyles are based on unique relational patterns developed between people and their natural environment that benefit the community and help preserve the environment. These ways of life are deeply rooted in the systems of knowledge that a cultural group has collectively acquired.

One striking example of such ancient knowledge is the traditional lifestyle of the Amazigh in Morocco, as described by Indigenous World. Their customs play a crucial role in the community's physical survival as well as in the preservation of the environment and biodiversity. The Amazigh living in the Atlas Mountains have an ancient system of agricultural practices called *Agdal*, an Amazigh word that means protected. This term denotes protected areas in collective land management by the community referred to as Jmaa. Harsh environmental conditions, along with a dry climate and limited fertile soil, have prompted people to invent systems for managing forests, fruit trees, and crops, as well as regulating wood collection and harvests from walnut trees, date palms, almonds, and argan groves. The Agdal also encompasses pastoral activities such as grazing. Customary law, equally applicable to all tribe members and termed Taqbilt, regulates the sharing of harvests from a single tree. The Jmaa, the regulatory body or assembly, sets the date of harvest (even for privately owned trees) to ensure that conflicts are avoided during harvest time. Owners can access the Agdal twice a year: first to harvest the crops, and then to start the grazing period following the harvest. «Recognition of the importance of protected areas and the role of the Amazigh in their preservation by researchers, international agencies, the non-governmental sector, and national legislative institutions of Morocco has granted the 'Agdal' the status of 'community protected areas.'» Such ways of life establish customs and rules based on collective knowledge designed to ensure the group's survival is not jeopardized. They also lead to specific types of habitation, clothing, and cuisine, and they influence creative expression in music, art, and literature, thereby shaping the moral and aesthetic dimensions of a culture.

Therefore, culture can be viewed as a constantly evolving configuration of aesthetics, morality, and knowledge. The various prominent definitions of culture mentioned above, including Tylor's (excluding Arnold's idealistic vision of culture), do not evaluate what constitutes culture and what does not. They do not clarify which habits, customs, beliefs, and attitudes are negative or positive, harmful or beneficial to society as a whole or to specific individuals or groups within a society (such as women, children, the elderly, etc.), nor do they identify which rituals, rites, or customs signify ignorance and which signify knowledge. Rather, it is the overall phenomenon of culture that can encompass elements of

ignorance, primitiveness, savagery, or barbarism during certain periods. Rejecting the earlier usage of these words raises the question of how to define terms such as 'primitive,' 'barbaric,' and 'savage.'

In present times, we tend to refer to certain behaviours and practices as barbaric, savage, and primitive, for example, barbaric punishments such as crucifixion, stoning, and torture. The same terms could be applied to the repression of women, verbal, physical, and sexual abuse, discrimination, persecution, and genocide. These various forms of violence are seen as primitive and barbaric. Harmful Practices (HP) also fall in this category. It should also not be forgotten that some HP also affect boys and men, such as bachebazi, blood feud, and violent initiation rites. While HP are frequently justified by perpetrators and tolerated by society as 'part of culture', they are forms of violence that can be referred to as barbaric and primitive. HP are crimes in the countries where they are practiced and a violation of human rights according to international legal documents.

Other forms of violence and harm include child recruitment, child labor, forced labor, bonded labor, exploitation, and human trafficking (including for organs), all of which can similarly be viewed as savage and barbaric. These issues can emerge, disappear, and re-emerge at different times within the same culture or across different cultures. For instance, the barbaric punishment of crucifixion was once common in antiquity, practiced by the Assyrians and Babylonians, from where it spread to other regions. The Romans employed this method of punishment for 500 years, typically reserved for slaves, disgraced soldiers, Christians, and foreigners. It was finally abolished by Constantine I in the 4th century AD (Retief & Cilliers, 2003). While some barbaric punishments have faded away, others still persist, such as isolated incidents of stoning in certain Muslim communities, a punishment that was once common in ancient Israel (Bar 2021). Historically, torture was predominantly employed in Europe against non-citizens, slaves, foreigners, and women accused of witchcraft. It was inflicted on citizens only for serious offenses like treason. In non-European regions, torture was also typically directed at non-citizens. It was utilized by authorities in the Ottoman Empire, «despite the fact that traditional Islamic law considered confessions made under torture to be invalid.» However, after its abolition in 1851 throughout Europe and a decline during the 19th century, instances of torture increased again in the 20th century (Einolf, 2007).

According to Amnesty International,

Under international law, torture and other forms of ill-treatment are always illegal. They have been outlawed internationally for decades. To take just a couple

of examples, 172 countries have adhered to the International Covenant on Civil and Political Rights, which prohibits torture and other forms of ill-treatment, and 165 countries are parties to the UN Convention against Torture which Amnesty International campaigned hard to create.

But many states have failed to criminalize torture as a specific offence under their national laws, and governments around the world continue to defy international law by torturing people. Between January 2009 and May 2013, Amnesty International received reports of torture in 141 countries, from every region of the world.

The same applies to harmful practices. These ancient forms of violence have vanished from certain societies, while they continue to be common in others or occur in specific communities. Various forms of HP can decrease in prevalence but subsequently rise again. For instance, the rate of early marriages increased among Syrian refugee communities due to dire economic conditions, where marrying off a daughter to a wealthy husband may offer financial relief and can also be perceived as a means of protecting her from sexual violence and, thus, safeguarding family honor. Studies indicate that before the crisis in Syria, approximately 13% of Syrian girls were married at an early age. A UNFPA study conducted in 2016 in Lebanon revealed that this figure had risen to 35% among Syrian refugee girls. The estimate is likely lower than actual numbers because living conditions have been steadily declining and many marriages go unregistered due to a lack of documents (Arab & Sagbakken, 2019). The immorality of various forms of violence is assessed by referencing a standard set by universal human rights. Therefore, the moral dimension of culture introduced by Arnold and Tylor could be revisited using a contemporary approach grounded in international human rights documents. The existence of violent and harmful practices in societies, some of which are justified as part of culture, such as HP, highlights the relationship between shared human nature and culture. Universal human nature can lead to the emergence of violent practices and customs, such as revenge, domination over the vulnerable, including women and children, as well as various forms of abuse and exploitation of workers. At the same time, a sense of justice, compassion, mercy, and love also comprises human nature. Moreover, just as universal human nature can result in clashes between societies, it also enables societies and diverse cultural groups to interact and understand one another. This vital common ground of shared humanity offers the framework for defining basic human rights, and this shared moral code could be viewed as the universal culture of human beings.

Cultural Heritage and Cultural Transmission

Cultural heritage and cultural transmission are essential for a culture to survive and its traditions to persist. Culture is a dynamic process that continually evolves because it is not inherited through our genes but learned through cultural transmission. One of the key characteristics of culture is that it is learned. Culture should be differentiated from human nature on one side and from an individual's personality on the other (Spencer-Oatey, 2012). This indicates that various factors, such as political events, cultural movements, and the contributions of individual creativity, will influence culture.

In a unique example of individual creative endeavor, Amīr Khosrow (1253, Patiali, 1325, Delhi) a musician, poet, and historian, regarded as one of India's greatest Persian-language poets, incorporated colloquial dialects into Persian poetry, using the language of the 'common people' for a literary expression typically reserved for the enjoyment of the aristocracy as 'high art.' In doing so, he laid the foundation for Urdu poetry. A gifted musician, he also introduced Turkish and Persian forms into the music of North India (known as Indian Classical Music), which continues to distinguish it from South Indian music to this day.

Cultures undergo major changes due to large-scale political events. For example, after the British seized control of India following a failed war for freedom in 1857, known as the Indian Mutiny by the British, the Muslims of India found themselves in a highly undesirable position. Although Muslims and Hindus fought together in an effort to expel the British East India Company, Muslims suffered more severe consequences because, at the time of the rebellion, a Muslim ruler was on the throne in Delhi: the last Mughal Emperor Bahadar Shah Zafar. A Christian Britain perceived Muslims as their traditional enemy. As the wealth and estates of the Muslim aristocracy were confiscated, they became increasingly marginalized. For many Muslims, contact with the British – wearing their clothes, speaking their language, and sharing food with them – had become taboo. There was a popular belief that anyone who mixed with the British would instantly convert to Christianity and lose their identity as a Muslim. The refusal of Muslims to learn English and attend schools established by the British meant they were left behind as a social group, unable to find employment and keep pace with the times by learning new sciences. Muslim scholar Sir Syed Ahmad Shah played a crucial role not only in attempting reconciliation between the British and Muslims after the rebellion but also in encouraging Muslims to learn English, embrace modernity, and abandon their insistence on studying only Persian and Arabic texts.

The culture of Muslims in India underwent significant changes during British rule. It was primarily through the acquisition of the English language and the new forms of knowledge introduced by the British that Muslims improved their societal position. This inevitably led to cultural transformations, impacting clothing, cuisine, architecture, values, and attitudes. The tradition of learning Persian and Arabic completely disappeared, and even in independent Pakistan and India, learning English remains essential for accessing better employment opportunities. Culture is constantly evolving, especially with each new generation within the same society and cultural group, often referred to as a 'generation gap.' Older individuals may struggle with new inventions, innovations, and forms of creative expression, leading to conflicts between generations. This gap can even involve shifts in political ideology, resulting in a society that is incomprehensible to older generations. Hungarian author Magda Szabó's book Iza's Ballad (1963) illustrates the relationship between a mother and daughter, who are estranged not only due to personal circumstances and age but also because an entirely new way of life has emerged, replacing the old one.

Culture is a subtle and ever-evolving phenomenon. Changes often arise from a wide range of factors and are not solely due to migration and immigrant communities. In many societies, culture is perceived in a narrow way, mainly as a set of fixed social norms that individuals follow to affirm their belonging to a group and gain acceptance from others. People generally try to conform to these norms, and societies place great importance on cultural transmission, teaching future generations the customs and traditions passed down from their ancestors. Generally speaking, individuals do not typically regard culture as unique patterns of knowledge, but rather as something that aids in maintaining their distinct identity.

In this context, societies' attachment to their cultural heritage and its transmission can be understood not merely as a genuine effort to preserve valuable knowledge but as a drive to conform to collective standards and to avoid challenging social norms – sometimes at the expense of personal well-being or that of others – to maintain their distinct identity. If we consider Britain as an example, when certain groups express their concern over the 'loss of British identity and values' due to immigrant communities, this can be dismissed as racism or xenophobia, or it may be seen as an expression of fear (regardless of its realism) that their cultural heritage will be diminished. If a British person perceives their environment as becoming increasingly less 'British,' views the high birth rate among immigrant communities as a demographic threat, and feels that these communities are 'endangering British values' (as seen when some Muslim clerics

label people in their host environment as 'morally corrupt unbelievers'), this perception can lead them to feel that their cultural identity is under threat.

The common conceptualization of culture often fails to recognize that traditional knowledge tied to our understanding of the self and the world, various forms of artistic and intellectual endeavors, values, attitudes, and norms are living, dynamic, and constantly evolving phenomena. Each generation receives this heritage through cultural transmission, modifies it, and passes it down to the next generation. This notion of tradition as a living and evolving process is articulated by T.S. Eliot in his work Tradition and the Individual Talent (1919) in the context of literary tradition. To depict tradition as a relevant and vital phenomenon, he explains:

> No poet, no artist of any art, has his complete meaning alone. His significance, his appreciation, is the appreciation of his relation to the dead poets and artists. You cannot value him alone; you must set him, for contrast and comparison, among the dead. I mean this as a principle of aesthetic, not merely historical, criticism. The necessity for him to conform, for him to cohere, is not one-sided; what happens when a new work of art is created is something that occurs simultaneously with all the works of art that preceded it. The existing monuments establish an ideal order among themselves, which is modified by the introduction of the new (the truly new) work of art among them. The existing order is complete before the new work arrives; for that order to persist after the introduction of novelty, the entire existing order must be, even if only slightly, altered; thus, the relations, proportions, and values of each work of art toward the whole are readjusted; and this is the conformity between the old and the new.

Moving beyond the context of literature, Eliot's observation can be broadened to encompass other aspects related to cultural heritage and transmission. Culture, tradition, and cultural transmission are dynamic processes that each generation both preserves and modifies. While cultures continuously interact and evolve, there is often a tendency to view culture as a fixed collection of isolated ideas specific to particular societies.

These perspectives on culture are reflected in efforts to preserve endangered cultural heritage, such as that of indigenous peoples, including tribal communities in Australia, New Zealand, and North America. Many cultural groups around the world are either disappearing or in the process of vanishing, along with their members, languages, and customs. Throughout history, entire civilizations have emerged and vanished. Groups may be destroyed by persecution or

genocide, gradually diminish in size as their members abandon traditional ways of living for urban centers, or be wiped out by natural disasters.

Institutional efforts to keep disappearing cultures and traditions 'alive' are often ineffective because culture is inherently a characteristic of living societies. It is not feasible to reassemble a cultural group that has been lost or destroyed, nor is it possible to preserve a language that is scarcely spoken. For example, over 25 indigenous languages are spoken by peoples in northern Pakistan. Initiatives to preserve and promote these languages are valuable to the extent that they can introduce future generations to the cultural heritage linked to these languages. However, symbols of such cultural heritage can only be conserved in museums as artifacts, and traditional knowledge may persist among small groups or individuals who still follow ancient customs for a limited time. Lost cultural transmission cannot be revived since it requires a living society.

Eliot also notes that,

> ...if the only form of tradition, of handing down, consisted in following the ways of the immediate generation before us in a blind or timid adherence to its successes, 'tradition' should positively be discouraged.

The attachment of people to their cultural identity is, in Eliot's words, often mirrored in blind adherence to the traditions of previous generations. Cultural transmission typically consists of the insistence that future generations uphold these traditions, regardless of their relevance or their potential harmfulness or benefits. Most individuals in a society select symbols from their cultural heritage that they believe epitomize their way of life and connect them to their collective identity. Such symbols stand as sources of national pride, and their preservation seems of utmost importance. Consequently, culture can lose its intrinsic value and become 'nationalized,' confined within political identities rather than flourishing as expressions of diversity. The attachment of each cultural group to its culture is also evident in the concerns of host societies that their original cultures may vanish due to the growing presence of immigrant communities and the freedoms granted to these communities to live according to their traditions. Conversely, individuals in immigrant communities are equally invested in their cultural identity and strive to ensure the continuation of cultural transmission. These efforts intensify even further if the culture of a particular community is perceived to be under assault by members of the host society.

In such contexts, segments of host communities and immigrant groups may begin to perceive the 'other' as a threat to their cultural identity. This can lead to

hostile attitudes, with each side crafting narratives to establish the perceived inferiority or immorality of the other. For instance, some segments of the population in Britain might view Muslim immigrants as 'primitive', 'repressive and violent towards women', 'opposed to fundamental values of freedom', and 'potential terrorists,' while in turn, Muslim immigrants may regard host societies as 'atheists,' 'lacking family values,' 'devoid of spirituality,' 'unbelievers,' and 'depraved'. Despite the rejection of value judgments such as Tylor's hierarchy of cultures from savage to civilized, along with the stages in between, such notions endure. Valuing one's own cultural heritage as superior often entails devaluing the culture of the 'other'. Some cultures are perceived as primitive and worthless.

Once narratives hostile to a particular society or community emerge, many negative aspects of the cultures and customs of these groups are emphasized to suggest that the entire group is primitive, inferior, and immoral. For example, although HP have existed and still exist in various parts of the world among diverse ethnic and religious populations (usually HP precede the religions with which they become associated), popular anti-migration narratives following the European Refugee Crisis have linked many forms of HP solely to the Islamic faith. When such narratives reinforce hostility toward a specific immigrant community, little room remains to address the actual reasons for the persistence of HP, as vicious cycles of mutual hostility between an immigrant community and the host society diminish the possibility for open and effective dialogue.

Respect for diversity has become a concept of key importance in efforts toward inclusion and integration. However, one of the primary implications of respect for diversity concerning cultural differences is often not at the forefront of popular perceptions. Aside from trade, one of the main reasons culturally different groups have interacted throughout history has been the exchange of knowledge, seen as beneficial for both sides. The foundation of respect for diversity is the acknowledgment that the 'other' holds practical and vital value. Fostering such attitudes can help maintain healthy and beneficial mutual relations. Peaceful coexistence is only achievable when the 'cultural other' is not seen as a threat to be devalued and despised, but rather acknowledged as having a different system of knowledge from which we can learn. When mutual hatred rooted in security concerns and perceived threats replaces mutual understanding based on open dialogue, a tangible threat to social well-being and peace emerges, potentially undermining the social and cultural fabric of a host environment in a self-fulfilling prophecy.

Cultural Rights and Approaches to Cultural Integration

The cultural rights of refugees and migrants arise from binding international documents. On December 19, 2023, coinciding with the 75th anniversary of the Universal Declaration of Human Rights, United Nations Special Rapporteur on Cultural Rights Alexandra Xanthaki highlighted in her 2023 report on International Migrants Day,

> States must protect and promote the rights of migrants to their cultures, defined as sets of values, attitudes, perceptions, and knowledge that guide individual and collective actions in each environment. They must create and facilitate environments where migrant workers can find meaning in their actions, experiences, and lives in general, enabling them to interact with all segments of the population. Respect for cultural identities enhances the resilience of migrant workers and their families. The status of migrants in realizing their cultural rights is irrelevant. We reiterate our concern that the unjustified repression of cultural practices and the toleration of stereotypes and negative narratives about migrants and their cultures of origin in host societies can lead to discrimination, resentment, and even violence against migrant people. Limitations to cultural rights must be an exception, justified on a legitimate aim and proportionate to such aim.

The report states that the principle of substantive equality for migrants exercising their socioeconomic and cultural rights is rooted in the International Convention on the Elimination of All Forms of Racial Discrimination. According to the Convention, no distinctions should be made between citizens and non-citizens. Additional relevant provisions focus on protecting the members of national, ethnic, linguistic, and religious minorities. Recognition of a group as a minority is based on specific criteria rather than state discretion. It is also widely acknowledged that host state citizenship is not necessary for entitlement to such protection. Furthermore, the duration of a migrant's stay in the host country does not affect their eligibility for minority protection. «Just as they need not be nationals or citizens, they need not be permanent residents. Thus, migrant workers or even visitors in the state party that make up such minorities are entitled to exercise those rights without being denied.» Other documents, including the Global Compact for Safe, Orderly, and Regular Migration, reaffirm that «refugees and migrants are entitled to the same universal human rights and fundamental freedoms, which must be respected, protected, and fulfilled at all times.» The state parties also reiterate that respecting the human rights of

migrants must be effective, regardless of their migration status. They commit to «promote mutual respect for the cultures, traditions, and customs of destination communities and migrants by sharing and implementing best practices on integration policies, programs, and activities, including ways to foster acceptance of diversity and enhance social cohesion and inclusion.» The values enshrined in these documents are not the only factors influencing the mechanisms in forming social consensus on migration issues. While they may be integrated into national structures and legislation, their effectiveness relies on prevailing social norms and values. This is reminiscent of many national legislative frameworks that, theoretically, guarantee rights and assign responsibilities but often fall short in practice, whether concerning the rights of refugees/migrants, marginalized ethnic or religious minorities, or specific social groups. Social norms frequently exert a more significant influence than legislation. For instance, it is common practice in safe shelters for women survivors of domestic violence in Pakistan to prioritize reconciliation efforts between husband and wife, as this is culturally viewed as the most acceptable solution (Critelli 2012). Victim-blaming during court proceedings in cases of sexual assault is a widespread issue globally. Despite efforts to improve the situation for marginalized communities like the Roma across Europe, pervasive prejudiced attitudes often lead to discrimination. These attitudes contribute to inadequate efforts to ensure the proper implementation of legislation, impacting the judgments of various relevant institutions, such as law enforcement and the judiciary. From interpretation to execution, legislation can lose effectiveness due to deeply ingrained social norms. The reception, inclusion, and integration of specific refugee/migrant groups into society depend on social consensus, primarily shaped by dominant narratives related to political issues. Regardless of underlying political factors, public narratives almost invariably focus on 'cultural differences,' highlighting the perceived threat posed by the 'cultural other.' As observed, these narratives can shift swiftly, as seen in the initial wave of empathy in 2015 during the peak of the European Refugee Crisis, which was later replaced by hostility and fear by 2016. Looking back further, during the Yugoslav civil war, most Serbs fleeing violence and deserters from the Yugoslav army did not apply for asylum in various European countries; they entered as tourists in 1991. They «remained underground until the decision made public by most countries to 'tolerate' their presence for the time being.» The Swiss decision to repatriate 14000 Yugoslavs faced criticism from the UNHCR. In Germany, only about one percent of Yugoslav asylum seekers in 1991 were granted asylum. However, Germany opted not to repatriate Yugoslav asylum seekers and refugees who had not requested asylum and continued to provide them with financial aid

regardless of their asylum applications. Despite the political dynamics involved in the conflict, which is beyond this work's scope, public sentiment across European countries and beyond turned against Serbia, subsequently influencing the implementation of international laws and conventions regarding the rights of refugees and draft resisters. Essentially, the violation of their rights was facilitated by social consensus favoring certain population groups over others (Morokvasic, 1992).

Even further back, during the Soviet invasion of Afghanistan, the overwhelming support for Afghan freedom fighters, or the *Mujahideen*, or those who conduct *Jihad*, sharply contrasts with the present-day meaning of Jihad (an Arabic word denoting struggle of any kind, including the struggle to earn an honest living, for example), which has become synonymous with terrorism, along with the terms Jihadi or Jihadist. After the outbreak of the Russia-Ukraine conflict, the strong social consensus across Europe has led many to welcome Ukrainian refugees. Observing a notably different attitude toward Ukrainian refugees, along with superior state accommodation facilities provided to them in countries such as Serbia and Bosnia-Herzegovina, has led Afghans and Arabs to express resentment towards what they view as discrimination based on the fact that Ukrainians are 'White Christians'. This perception is supported by recent research focusing particularly on Hungary, which states that «the Ukrainian refugee crisis was accompanied by a large increase in tolerance for refugees, reversing what had previously been one of the most anti-refugee public opinion environments in Europe.» The study finds that «the key distinction between the 2015 and 2022 crises is the identity of those fleeing conflict. Whereas the refugees entering Europe from 2015 onwards were mostly non-Europeans, predominantly non-Christians, and racialized as non-white, those fleeing Ukraine were largely white Christian Europeans.» They also note important exceptions; for instance, many Black Africans fleeing Ukraine experienced systemic discrimination at the border (Pepinsky, Reiff and Szabó, 2024).

The fragility of social consensus in light of changing political configurations that ultimately influence the lives of refugees and migrants shows that cultural factors are essential for the integration of these groups. Deeply ingrained patterns of cultural identity formation tend to create an inferior view of the 'cultural other,' affecting which groups are deemed acceptable for integration and which are not.

The issue of cultural integration has garnered significant attention from researchers over the past decades, with concepts of cultural diversity and cultural identity dominating public debates in many European countries due to increasing migration flows. While there is a general consensus that integration is always a two-way process, different approaches to cultural integration theory exist, pri-

marily: assimilation, multiculturalism, and structuralism. Assimilation theory suggests that immigrant communities adapt to their new country through cultural assimilation or acculturation, a process in which these communities gradually adopt the values, attitudes, and customs of the host culture, leading to diminished differences between groups and correlating with the upward socioeconomic mobility of immigrants. Multiculturalism counters the simplistic view proposed by assimilation theory, emphasizing that refugee and immigrant communities are not passive subjects of the assimilation process. Instead, they actively shape their own cultural identities influenced by their new environment, contributing to an overall heterogeneous society. Structuralism examines the process of cultural integration through a socioeconomic lens, proposing that existing structural inequalities affect the ability of minority cultural groups to integrate.

The segmented assimilation synthesis approach seeks to provide a more comprehensive understanding of integration patterns by identifying varying paths of cultural adaptation. This theory differentiates upward mobility patterns associated with assimilation into the more powerful segments of the host society, downward mobility patterns where assimilation and integration occur within the underclass, and a middle-ground option where economic integration happens but is followed by 'lagged assimilation and/or deliberate preservation of cultural identity' (Algan et al., 2012). Richard Alba and Victor Nee revisit assimilation theory, defining it as «the decline of an ethnic distinction and its corollary cultural and social differences. By decline, they mean that a distinction attenuates in salience, that the occurrences for which it is relevant diminish in number and contract to fewer and fewer domains of social life. Individuals» ethnic origins become less and less relevant in relation to members of another ethnic group.' They see boundary change in that individuals coming from different sides of an ethno-racial boundary, one from a majority group and another from a minority group, cease to think of and treat each other based on their category memberships, but view one another as individuals. For Alba and Nee, assimilation is neither inevitable nor irreversible, as previously assumed. Furthermore, it does not entail complete obliteration of all traces of a distinct ethnic origin, although over the long term, they decline in social significance (Statham & Foner, 2024).

Klarenbeek (2021) views integration as primarily a matter of social standing and not legal or socioeconomic status and through a relational approach links the issue of integration to social inequalities. The unequal status of refugees/migrants in this understanding of integration becomes one more of the other inequalities existing in society, where some groups, regardless of whether they are migrants or not, could be seen as outsiders. She defines integration «as an end

state, which is to function as an evaluative standard for integration research: A society in which there are no social boundaries between 'legitimate members', or insiders, and 'non-legitimate members,' or outsiders.»

A critical and comprehensive analysis of various cultural integration theories is not the purpose of this work nor within its scope; however, Klarenbeek's definition of integration aligns closely with the spirit of international legal documents related to integration and cultural rights. For Klarenbeek, it is essential to have an ideal end state for integration to truly become a two-way process that does not diminish either the host society or the different cultural groups within it. In a fully integrated society, members of each group would feel stronger affiliations to their own group rather than to their fellow national citizens, yet this would not undermine their 'social standing as legitimate members of the national society.' Diversity would not be perceived as 'deviancy,' nor would it hinder the attainment of integration as an end state. Klarenbeek does not regard socioeconomic indicators as an objective measure of successful integration. Economically successful individuals can still be perceived as outsiders because it is not socioeconomic conditions, but 'foreignness' that constitutes the most significant social boundary. For Klarenbeek, even migration status, such as citizenship, is insufficient to reduce 'foreignness'. Foreignness involves not just migration status or ethnic background; it intersects with race, gender, class, and religion. While Klarenbeek observes that legal status does influence the integration process, referring to it as a means of accessing rights and responsibilities that would otherwise be unavailable, she notes that formal citizenship does not necessarily mean legitimacy or becoming an insider. «Some immigrants are therefore seen as more 'foreign', and consequently less legitimate citizens than others.» For instance, if a white British person were to become irregular in Australia due to visa expiration, they might still be viewed as more legitimate and an insider compared to a Muslim Pakistani possessing all the required documents for legal residence. She further observes that «the processes of boundary-making between legitimate and non-legitimate (potential) members do not merely begin after immigration; the ways in which border regimes select individuals for citizenship are shaped by perceptions of what constitutes a legitimate member.» This observation directly relates to the externalization of EU border security and the recurring violations of the right to access territory through collective expulsions. Therefore, Klarenbeek distinguishes the concepts of outsider and insider from objective conditions such as legal status and socioeconomic situation, connecting them to the subjective perception of foreignness. The ideal end state described by Klarenbeek, where

differences among groups do not lead to 'othering', discrimination, prejudice, and conflict, presents a model of integration that closely echoes the recommendations found in relevant binding international legal documents, which guarantee the rights of migrants whether they are documented or undocumented. It aligns with provisions requiring changes in attitudes alongside legislative frameworks aimed at eliminating all forms of discrimination. In her proposals, efforts to achieve an ideal end state represent the only genuinely two-way process of integration, where the mutual validation of each other's cultures enables different cultural groups to coexist and interact peacefully within a single society, without any one side being considered the outsider. Furthermore, Klarenbeek connects integration to the broader issue of relational inequalities in society and posits that justice is the foundation of integration. She holds an optimistic view of integration as an ideal end state, in contrast to assimilation-based approaches, which assume that a discriminatory lens is unavoidable as long as significant cultural differences exist. This is clearly not the case, as evidenced by the hospitality codes of the Silk Route and extensive areas of diversity like the Levant and the Indian subcontinent – particularly the Valley of Kashmir – that provide historical proof of peaceful coexistence. Additionally, the example of Sufi shrines in India, where all are welcomed without discrimination based on race, ethnicity, religion, or gender, remains pertinent today. The ideal of peaceful coexistence among diverse cultural groups is certainly attainable, but like all ideal states, it relies on a delicate balance. In approaches like assimilation that intertwine integration with upward mobility, measuring it by socioeconomic conditions, the ultimate goal becomes equal opportunity for improved economic status or achieving positions of power within the host society. This material goal sharply contrasts with Klarenbeek's ideal goal of a society where no one is deemed 'foreign' or an 'outsider'. Neo-assimilationist policies are condemned in the 2023 Report of the UN Special Rapporteur on cultural rights, which states, «Negative representations of migrants are the primary catalyst for current efforts to implement neo-assimilationist policies.» These policies are criticized in light of cultural racism and the «Europeanization of human rights discourse,» which positions the European 'us' as embodying noble values of human rights and gender equality, while categorizing 'the other' as having an inferior and primitive culture striving to cling to traditional practices (Xanthaki, 2023). Highlighting the undesirability of such policies, the Report references paragraph 9 of the Concluding observations on the combined twenty-second and twenty-third periodic reports of France by the Committee on the Elimination of Racial Discrimination:

> The Committee notes the State party's efforts to combat racial discrimination, including the roll-out of national plans against racism, antisemitism, and xenophobia. It is concerned by the fact that systemic racial discrimination, as well as stigmatization and the use of negative stereotypes regarding certain minorities, such as Roma, Travellers, Africans, persons of African descent, persons of Arab origin and non-citizens, remain entrenched in French society and often result in these minorities being socially excluded and having limited enjoyment of their rights, particularly their economic, social and cultural rights.

The Committee further instructs the State party to prioritize addressing the structural and systemic causes of racial discrimination in the country. This implies that neo-assimilationist policies are leading to deeper divisions and marginalization rooted in racial discrimination and cultural racism. The rise of phenomena such as Islamophobia and the continued discrimination against minority groups like the Roma highlight the disturbing reality that in many societies, assimilation is viewed as a requirement for tolerating the presence of an otherwise 'unacceptable other'. The term itself carries unfortunate associations with repression; for example, in Star Trek, the species Borg, which exists as a collective with all minds linked, conquer other forms of life and repeatedly declare, «Resistance is futile. You will be assimilated.» Forcing values and attitudes onto a person can be equated with repression. Individuals who choose a lifestyle that contrasts with the norms of their group may be regarded as 'misfits' and shunned by the community, while these 'misfits' can perceive mainstream society as an oppressive regime, in a process similar to the 'othering' of a culturally different immigrant group.

Integration is defined in the IOM International Migration Law Glossary as,

> The two-way process of mutual adaptation between migrants and the societies in which they live, whereby migrants are incorporated into the social, economic, cultural, and political life of the receiving community. It entails a set of joint responsibilities for migrants and communities, and incorporates other related notions such as social inclusion and social cohesion.

Integration is essential for immigrants to function independently and feel comfortable in their new environment, without the burden of giving up parts of themselves connected to their cultural heritage. This process requires openness to differences and a willingness to broaden one's worldview to appreciate the host society's cultural heritage. Importantly, it is crucial to understand that learning another language and embracing a foreign environment as home does not mean

losing one's first cultural identity or original home. This process should be embraced as a positive and enriching experience, rather than viewed as a threat.

Integration is also vital for host societies to function smoothly. It is important for these societies to recognize that the worst outcome of having refugees and immigrants is conflict, rather than the imagined risk of losing their culture and way of life. When cultures interact – whether through war or in peace – they inevitably influence and shape each other. Acknowledging that culture is a living and changing phenomenon, influenced not only by migration but also by factors such as new inventions, political movements, and creative and intellectual endeavors, should reassure cultural groups that change does not equate to a loss of cultural identity, the destruction of cultural heritage, or an end to cultural transmission.

Refugee and immigrant communities that become rigid and inflexible when they fear that their younger generations might drift away from their customs due to living in a different environment should also remember that imposing values on their children is not only oppressive but counterproductive. Often, similar changes are also occurring in their countries of origin, as every new generation naturally transforms the traditions it inherits.

It is crucial to remember that while integration is a two-way process, 'othering' also becomes a reciprocal process, leading to undesirable and vicious cycles of hate. Even if segments of immigrant communities and host societies are relatively well integrated, as long as narratives of hostility and hate persist from either side, the threat to social well-being remains a very real hanging sword, as evidenced by the riots that began in June 2023 in France and the attacks on hotels housing migrants in the UK in August 2024. One of the challenges of integration is the extent of freedom granted to immigrant communities to live according to their cultural values. The ban on hijabs or burka veils in many countries, including France, Austria, Italy, Germany, Belgium, Norway, Bulgaria, and even in several Muslim-majority countries such as Tunisia, Kosovo, Azerbaijan, Kazakhstan, and Kyrgyzstan (Newkey-Burden, 2024), and the existence of sharia councils (often confused with sharia courts) in the UK have sparked significant controversy (Lukacs, 2023).

Cultural rights, including social norms, traditions, and faith-based values, cannot encompass discrimination, violations of basic human rights, and the perpetuation of harmful practices. Many communities worldwide have a tradition of councils of elders that arbitrate and help resolve disputes according to the customs of their ancestors. Communities often turn to such councils instead of formal courts due to social norms or the high cost of accessing the justice system, as

exemplified by the Jirga system among the Pashtuns. Frequently, these councils, operating according to ancient customs, perpetuate discrimination and harmful practices such as blood feuds and forced marriages as compensation for murder. Faith-based communities may also have similar councils; for instance, alongside sharia councils, there are the Jewish Orthodox Beth Din and Catholic tribunals in the UK. However, if a religious council adheres to customs or interpretations of faith-based jurisprudence that result in discrimination against specific social groups, such as women and children, or individuals with diverse sexual orientations and gender identities, or perpetuate harmful practices like early or forced marriage, they cannot be permitted to operate, as this would violate binding relevant international legal documents.

It should also be noted that in many Muslim countries, including Pakistan, the introduction of sharia laws can become highly controversial due to their role in perpetuating patriarchal norms and harmful practices. The interpretation of Islamic jurisprudence can differ from country to country and has varied throughout different periods of Islamic history, much like other religious legal systems. Such nuances are often overlooked when certain issues related to cultural identity and cultural 'othering' become highly contentious, leading to a loss of perspective. For instance, many Muslim girls and women feel pressured to wear headscarves and may face violence if they refuse; conversely, many women wish to wear the hijab of their own volition and face stigma for doing so. Meanwhile, clerics express a variety of opinions on the matter, with some asserting that covering the hair was never an obligation mandated by Islam, allowing Muslim women around the world to choose how they dress (Jahangir, 2017).

Role of Cultural Mediators in Post-Migration Narratives

Integration also acts as a form of protection for refugees, migrants, and immigrant communities, with cultural mediators playing a crucial role in cultural orientation, social inclusion, and integration processes. Host societies invest significant effort in preparing immigrants for successful inclusion into their new environments. These efforts encompass educational programs before departure and after arrival, aimed at providing basic knowledge about the host environment. Activities designed for inclusion and integration ensure that immigrants can understand, learn about, and function independently within their new settings. A critical component of these programs is learning the host environment's language. However, as previously mentioned, acquiring a language in a class-

room does not equip individuals with the practical cultural knowledge necessary to develop effective communication skills for interacting successfully with members of the host culture in various daily situations. Such knowledge, skills, and attitudes develop when individuals begin to engage with local residents. Moreover, for this process to be effective, the interactions between both parties must be positive. Hostile and negative interactions prevent the exchange of knowledge that fosters mutual understanding, hindering the formation of good relationships. Cultural orientation for immigrants can be likened to cultural competence for members of the host society, emphasizing the acquisition of knowledge, attitudes, and skills to understand another culture. This can be imparted through various means, including educational programs and training sessions. Both culturally distinct sides must engage in an effort to understand one another for these initiatives to be genuinely effective. Cultural mediators, acting as bilingual and bicultural facilitators, can significantly assist in these processes. They promote positive interactions between refugees, migrants, and host society members as part of initiatives focused on cultural orientation, social inclusion, and integration. With their bilingual and bicultural identities, they offer a unique perspective that supports the delicate two-way nature of this process. Cultural mediators can also serve as role models for migrants, demonstrating various ways to belong to two different cultures without losing one's own cultural identity. The bottom-up approach to fostering better intercultural encounters on an interpersonal level is a strategy that has received limited attention, even though it is one of the most effective methods for achieving long-term social stability and cohesion. This approach addresses intercultural conflict at the most personal and, therefore, the most relevant level. The primary responsibility of a cultural mediator, as a bilingual and bicultural individual, is to facilitate communication between people from different cultural backgrounds, maintaining empathy and objectivity toward both parties, and drawing upon a shared perspective rooted in universal human experience and solidarity. This is grounded in international legal humanitarian documents establishing universal human rights irrespective of race, nationality, religion, or other discriminatory factors, such as gender and diverse SOGIESC identities, forming the foundation of refugee and migrant protection.

Establishing systems for providing cultural mediation within the context of refugee and migrant protection is essential for effectively addressing challenges that range from reception to orientation, inclusion, and integration. This does not diminish top-down initiatives aimed at enhancing mutual understanding and fostering closer ties. Having accurate information, engaging in transparent

discussions about migration-related issues, and implementing strategies developed with genuine concern for the overall well-being of refugees, migrant communities, and host environments are critical steps towards effective migration management. It is also important to recognize that different journeys lead to different integration processes. Not all migrants have access to cultural orientation programs, especially refugees and irregular migrants.

For immigrants, integration can present a variety of challenges depending on individual circumstances. Refugees, who are forced to leave their homes and countries out of fear for their lives, often undergo traumatic events either in their country of origin or during their journey, making the integration process more difficult for them. It's crucial to remember that this entire experience is forced upon them; it is not the result of a conscious choice or decision. Most people are deeply attached to their homes, families, friends, neighborhoods, and communities. These elements are vital to social and personal life. Involuntary migration or forced displacement deprives individuals of these valued relationships. Considering all these factors, refugees may face a long journey of personal recovery from the trauma that compelled them to leave their homes, adjustment to a new environment, and acceptance of the loss of their previous lives. In her book What We Owe, Swedish-Iranian author Golnaz Hashemzadeh Bonde, who fled Iran with her parents during the Iranian Islamic revolution as a young child, provides a profoundly insightful account of the ongoing struggle faced by individuals trying to cope with loss and tragedy while overcoming economic and social challenges to find their place in a new environment. The narrative is haunted by memories not just of trauma but also of an Iranian pop song's lyrics that keep appearing and disappearing, offering comfort associated with the happier memories of a home that can never be revisited. The protagonist expresses the idea that a bond with a land is formed when an ancestor is buried there, reflecting the attachment of tribes to the burial lands of their ancestors. The common assumption that refugees should immediately feel safe and grateful upon reaching a country where they can live freely – sometimes coupled with the perception that it must be a relief for them to leave behind life in a troubled country, along with the notion that voicing dissatisfaction is an act of ingratitude – is overly simplistic. It fails to acknowledge that refugees have been forced to leave behind many elements that we all hold dearly, such as family and community ties, neighborhoods, and the sights and sounds that embody our cultural attachments.

While involuntary migration against the backdrop of traumatic events like persecution, genocide, and war complicates integration into the host environment, voluntary migrants also encounter difficulties. This is especially true for

irregular economic migrants, who may have experienced trauma during their irregular journeys. The term 'economic migrant' has become derogatory, equated in anti-migration narratives with criminals who enter a country illegally to steal jobs from locals and pose a threat to host society. In reality, irregular migrant workers are a highly mobile source of cheap labor that typically benefits economies, and they are often exploited, caught in modern forms of slavery. Contrary to popular beliefs, both irregular and regular migrants do not pose a threat to local job seekers or the economy of the host society. According to the Background Paper to the World Development Report 2023 on migrants, refugees, and societies, «the consensus is that migrants tend to complement workers already in the labor market. Migrants bring innovation and dynamism to the economy, generate economic growth through their labor and consumption, and have a neutral or positive fiscal impact on many destination countries over time» (Bloemard et al., 2023). Even without delving deeply into financial and economic aspects, a migrant worker, whether regular or irregular, is a person who contributes as a resource.

One of the persistently recurring statements by irregular migrants seeking jobs to support their families back home during the European Refugee Crisis was, «Nobody leaves home unless they have to.» The majority also expressed a desire to regularize their status in a country where they wanted to work and be able to visit home. Although these migrants made a conscious choice to leave home in search of work due to high levels of unemployment and rising living costs in their respective countries, the loss of home and family ties was a common theme of discussion among them. If irregular migrants fail to regularize their status in a country, they may end up spending prolonged periods living and working irregularly, without any opportunity for inclusion or integration, leading isolated lives and constantly fearing forced removal. During the peak of the European Refugee Crisis, the first wave of migrants from Pakistan had previously lived as irregular workers in Greece, many for ten years or more. They reported increased incidents of discrimination and hate attacks from extreme right-wing organizations targeting migrants. Many hoped to reach destinations where they could finally regularize their status. These migrants also faced the worst violence as borders began to close and stringent security measures were implemented.

When economic migrants remain irregular for long periods, they become akin to stateless individuals. Despite facing stigma, they lead simple and hardworking lives. They dedicate themselves to their families at the expense of their well-being. They often accept various forms of exploitation and may not recognize when exploitation escalates to trafficking or ownership. Usually, they lack the information needed to seek help or avoid assistance for fear of being sent

back to their countries. Even without exploitation, the cost of living irregularly remains very high. Irregular migrants are deprived of many basic rights and live in isolation, labeled as criminals, often unable to share the reality of their lives with their families to avoid distressing them and to maintain some sense of dignity and self-respect. According to UN OHCHR estimates in 2014 and ILO estimates from 2015, the global population of irregular migrant workers ranged from 30 to 40 million, roughly the size of a nation.

14. Conclusion: Cultural Mediation Between Empowerment and Co-optation in Neoliberal Migration Governance

The Paradox of Cultural Mediation

Cultural mediation broadly encompasses a range of practices, including interpreting, intercultural brokering, advocacy, and conflict management, situated at the interface between migrants or refugees and host society institutions. Often emerging or expanding significantly during periods of perceived crisis, such as the European Refugee Crisis beginning in 2015, it aims to bridge linguistic and cultural divides. Initially developing from grassroots solidarity, it has evolved into a hybrid, semi-professionalized field. Its functions extend beyond simple language transfer to include facilitating access to services, clarifying cultural nuances, and mitigating power asymmetries inherent in interactions within healthcare, legal, educational, and social service systems.

Cultural mediation has emerged as a critical yet deeply complex component of contemporary migration governance. Within the current paradigm, often characterized by neoliberal rationalities, cultural mediation occupies a profoundly paradoxical position. It functions simultaneously as an essential, even life-sustaining, resource – a 'lifeline' – for marginalized migrants attempting to navigate complex and often exclusionary institutional and bureaucratic systems. Concurrently, however, it operates as a 'contested site of power' where the very structural inequalities that necessitate mediation risk being reproduced and potentially legitimized (Angelelli, 2004). It functions as a double-edged sword, providing vital support while potentially aiding the mechanisms of restrictive governance. This inherent tension places cultural mediation at the heart of critical debates

surrounding migrant support, integration, and the nature of governance itself in an era of global mobility.

The significance of this paradox is amplified when situated within the contemporary landscape of migration management, which is increasingly shaped by neoliberal principles and governance. This prevailing approach frequently reframes migration management through logics of 'efficiency' and 'cost reduction,' prioritizing market-compatible solutions and administrative streamlining, often at the expense of addressing deeper issues of structural equity. Neoliberal governance, characterized by the privatization of care functions and the strategic outsourcing of state responsibilities, including aspects of care and control (Savran, 2022), creates a specific terrain upon which cultural mediation must operate. States often delegate responsibilities to non-governmental organizations (NGOs) or international bodies, sometimes allowing them to maintain restrictive policies while outsourcing the management of their consequences (Abdelaaty, 2021). Understanding this context is crucial for interrogating how these dominant rationalities shape, constrain, and potentially co-opt mediation practices.

Therefore, this book argues that cultural mediation, as practiced within this neoliberal framework, embodies a profound dialectical tension. While practitioners undeniably mitigate immediate harms and facilitate crucial (communication) access for vulnerable individuals, the practice itself risks being co-opted by governance structures. Its deployment can simultaneously (and unintentionally) risk legitimizing systemic forms of violence and exclusionary mechanisms embedded within the broader governance structures, by making inherently asymmetrical systems appear more navigable or humane, without addressing root causes.

This book draws attention to interdisciplinary insights to explore this complex dynamic, synthesizing research informed by critical studies. Critical race theory informs our understanding of how racialized hierarchies persist within supposedly neutral systems (Kymlicka, 2013). Critical border studies provide tools to analyze how borders function not just as lines on a map but as dynamic methods for sorting and managing populations (Mezzadra & Neilson, 2013). Critiques of neoliberal multiculturalism highlight how superficial engagements with cultural diversity can mask deeper structural inequalities and divest from (substantive demands of) redistributive justice (Abarca-Brown, 2024; Kymlicka, 2013). Finally, concepts of epistemic erasure draw attention to how marginalized voices and knowledges are systematically silenced or ignored within dominant institutional frameworks (Spivak, 1988). Ethnographic insights into mediation within specific institutional settings, such as healthcare and asylum systems (Angelelli, 2004; Abdelaaty, 2021), further illuminate the practical manifestations of

this central paradox. By interrogating the interplay between the micro-practices of mediation and the macro-structures of neoliberal governance, this book aims to contribute to a more critical understanding of the role and potential of cultural mediation within contemporary migration regimes.

The following sections explore this dialectic. Section 2 details how neoliberal governance shapes the field of cultural mediation. Section 3 examines manifestations of this tension through case studies in healthcare, asylum, and other services. Section 4 delves into critical interrogations of power, knowledge, and representation within mediation. Section 5 proposes pathways towards reimagining mediation through a critical, decolonial praxis. Finally, Section 6 summarizes the argument and outlines implications for policy, practice, and future research.

Neoliberal Governance and the Shaping of Mediation

The logics and practices of neoliberal governance profoundly shape the operational context for cultural mediation within contemporary migration regimes. This paradigm typically reframes migration management primarily through the lenses of economic 'efficiency' and 'cost reduction,' prioritizing market-compatible solutions and administrative expediency often over considerations of structural equity or social justice. Within this framework, state functions related to care and social provision are frequently subjected to market discipline, leading to the privatization of services and the strategic outsourcing of responsibilities. These overarching governance logic and trends permeate the funding and structuring of services, including cultural mediation, exerting significant influence on how cultural mediation is conceptualized, deployed, and constrained, as well as how roles are defined and resources allocated.

A key manifestation of this influence is the adoption of what scholars have termed 'multicultural neoliberalism,' where cultural diversity, under this model, is superficially acknowledged or even celebrated by the state, but in ways that are often detached from substantive demands for social justice or resource redistribution (Kymlicka, 2013). Cultural differences are managed rather than engaged with in their complexity. This approach can depoliticize difference, treating cultural misunderstandings as technical problems solvable through mediation, while ignoring underlying systemic issues like racism or economic inequality. An illustrative example is Chile's Migrant Program (2013 – 2019), which promoted 'intercultural health' initiatives but ultimately reduced migrant needs primarily to issues of class-based poverty, thereby marginalizing or overlooking intersecting concerns

related to racialized and gendered oppressions (Abarca-Brown, 2024). This superficial engagement with diversity serves to manage populations without fundamentally challenging inequitable structures. It allows the state to appear responsive to diversity while maintaining governance structures that may perpetuate inequality.

Furthermore, neoliberal governance frequently employs state outsourcing or delegating responsibilities for migrant and refugee services to NGOs or international organizations like the UNHCR. States may delegate critical functions, such as refugee status determination, to international bodies like the UNHCR or rely heavily on non-governmental organizations (NGOs) to deliver services. While potentially filling service gaps and framed as efficient burden-sharing, such bureaucratic outsourcing and delegation can also function as a mechanism for states to manage migration flows and to evade direct accountability for potentially inadequate service provisions and restrictive or discriminatory policies (Abdelaaty, 2021). By tasking other bodies with managing the consequences of exclusion (e.g., refugee status determination), states can maintain control while distancing themselves from potentially unpopular or ethically questionable outcomes. Cultural mediators often work within these outsourced structures, navigating the complex terrain between state policies and migrant needs. This delegation shapes the environment where cultural mediators must operate, often employed by these intermediary organizations.

Consequently, cultural mediators frequently find themselves working within systems that demand their labor to 'manage diversity' and facilitate communication, yet simultaneously constrain their capacity to challenge the structural inequities faced by the migrants they serve. Their roles can become instrumentalized to ensure the smooth functioning of bureaucratic processes or to meet the efficiency targets prioritized by neoliberal governance. This operational reality is further compounded by the tendency toward the commodification of vulnerability and care. Within a market-driven framework, aspects of care, including communication facilitation, risk becoming commodified. Interpreting services, for instance, may be procured based on cost-effectiveness, potentially sacrificing nuance, cultural sensitivity, and the possibility for advocacy inherent in skilled mediation (Kymlicka, 2013; Baraldi, 2015). Furthermore, displacement and vulnerability can themselves become framed as a 'crisis' market, with NGOs competing for limited project-based funding, potentially incentivizing approaches that manage rather than resolve systemic issues (Ticktin, 2014; Weiss, 2013). Funding structures, often reliant on short-term, donor-driven project cycles, can transform mediation into a transactional service, contributing to the precarity of mediators themselves and potentially mirroring the very vulnerabilities they aim

to address. Mediators often operate within these constraining systems, facing precarious employment conditions tied to short-term project cycles and lacking consistent professional recognition or support. Their labor is demanded to 'manage diversity' and facilitate interactions, yet they are frequently positioned within institutional frameworks that limit their ability to advocate effectively or challenge the structural inequities they witness. Mediators thus navigate a complex terrain shaped by governance structures that prioritize fiscal prudence and managerial efficiency, often at the expense of the deeper, rights-based objectives inherent in truly equitable intercultural engagement.

Manifestations of the Dialectic: Case Studies and Practices

The healthcare setting vividly illustrates the dialectic. Ethnographic work shows medical interpreters acting as crucial, active agents who do more than translate words; they navigate power dynamics, clarify cultural understandings, and often advocate implicitly or explicitly for patients facing institutional biases (Angelelli, 2004). However, the push for efficiency often leads healthcare systems to commodify interpreting, favoring cheaper, remote options or restricting the role to a purely linguistic 'conduit' model. This overlooks the vital sociocultural advocacy and brokerage functions that skilled mediators provide (Baraldi, 2015). This reductionist view aligns with observations that mediators are often framed as 'neutral conduits,' obscuring their potential and responsibility as advocates for equitable care (Verrept, 2019). Furthermore, critiques arise regarding 'cultural competency' training, which can essentialize migrant experiences (e.g., focusing on cultural beliefs) while neglecting the need for structural interventions addressing systemic barriers like poverty and racism (Abarca-Brown, 2024).

In asylum systems, the tension is particularly stark. States often delegate key processes like Refugee Status Determination (RSD) to bodies like the UNHCR, thereby maintaining restrictive national policies while outsourcing the implementation and legitimation of exclusion (Abdelaaty, 2021). Personnel involved in these processes, who may function as de facto mediators, are tasked with applying ostensibly neutral procedures that nonetheless serve to filter and often deny protection claims, effectively legitimizing state interests. This practice exemplifies the concept of the 'border as method,' where bureaucratic procedures and delegated authority become dynamic tools for sorting populations and managing mobility according to state priorities, rather than fixed geographical lines (Mezzadra & Neilson, 2013).

Similar dynamics appear in other sectors. Studies show school interpreters, for example, sometimes subverting institutional norms to amplify the concerns of marginalized parents, demonstrating agency within constraints (Davitti, 2013). Mediators in social services perform essential bridging functions: facilitating access, clarifying procedures, and attempting to mitigate power asymmetries between clients and institutions (Allen et al., 2021). However, they remain bound by protocols and resource limitations inherent in the systems they navigate.

Across various contexts, a persistent ambiguity surrounds the cultural mediator's role. There is often confusion between the narrower function of linguistic interpreting and the broader scope of cultural mediation, which includes brokerage, advocacy, and conflict resolution. This ambiguity fuels ongoing debate and tension regarding the ethical imperatives of neutrality versus advocacy, particularly when mediators witness injustice or possess information critical to a client's well-being or safety.

Critical Interrogations: Power, Knowledge, and Representation

The framing of cultural mediation as a neutral, apolitical act of facilitation is deeply problematic within inherently asymmetrical power structures. In contexts marked by racialized hierarchies, xenophobia, and systemic discrimination, positioning the mediator as a neutral bridge can inadvertently legitimize the status quo. It risks masking the structural violence embedded within migration policies and bureaucratic procedures, making exclusionary systems appear more palatable or functional (De Genova, 2013). This 'neutrality' often serves the interests of the institution rather than ensuring genuine equity for the migrant.

Cultural mediation operates at a site where different knowledge systems and communicative practices intersect. However, dominant institutional frameworks often engage in epistemic erasure. Firstly, the lived experiences and insights of migrants themselves, as well as the nuanced observations of mediators working closely with them, are frequently marginalized or ignored in policy design and institutional learning. This reflects a broader pattern where the 'subaltern voice' struggles to be heard or is ventriloquized through institutional filters that strip it of its critical potential (Spivak, 1988). Secondly, non-Western communicative practices, cultural logics, and understandings of well-being or conflict may be dismissed or reduced to simplified 'cultural traits,' rather than being recognized as valid forms of knowledge. Mediation, in this context, can become a tool for

translating difference into institutionally manageable categories, rather than fostering genuine intercultural understanding or challenging epistemic hierarchies.

Cultural mediators navigate complex power dynamics daily. They inhabit a liminal space, often possessing significant linguistic and cultural capital that makes their labor indispensable to both migrants and institutions. However, this position also carries the risk of co-optation, where their skills are utilized to ensure the smooth functioning of potentially oppressive systems. While mediators may engage in 'imperceptible politics' or 'everyday resistance' – subtly challenging norms, advocating within constraints, or strategically shaping communication (Papadopoulos et al., 2008) – their agency remains constrained by institutional logics and power structures. They exist in a tension between being essential allies and potentially complicit actors in the very systems they aim to help migrants navigate.

While calls for professionalization aim to improve standards, recognition, and working conditions for mediators, this discourse is not without its critiques, particularly within a neoliberal context. Uncritically pursuing professionalization risks further embedding mediation within the existing structures that commodify vulnerability and prioritize technical standards over addressing root causes of inequality (Ticktin, 2014). A focus solely on technical skills and codes of conduct may obscure the need for mediators (and the systems they work within) to develop structural competency and engage with the political dimensions of their work

Reimagining Cultural Mediation: Towards a Critical, Decolonial Praxis

Moving beyond the paradox requires a fundamental paradigm shift. Functionalist approaches that view mediation primarily as a technical fix for communication problems must give way to perspectives that recognize mediation as an inherently political practice operating within fields of power. This involves acknowledging the structural forces shaping encounters and the potential for mediation to either challenge or reinforce existing inequities.

A critical approach demands a shift from a primary focus on 'cultural competency' or sensitivity towards developing 'structural competency' (Abarca-Brown, 2024). This means equipping mediators (and the professionals they work with) to recognize and respond to the ways that social, economic, and political structures (including racism, poverty, migration status, and gender inequality) shape health, well-being, and access to rights, rather than attributing disparities solely to cultural difference.

Reimagining mediation requires centering the voices and knowledges of migrants and refugees themselves. This involves developing participatory models where migrant communities are involved in the design, implementation, and evaluation of mediation services, moving beyond tokenistic consultation. Examples like grassroots interpreter collectives demonstrate the potential for community-led initiatives (Angelelli, 2024). It also necessitates valuing 'situated knowledges' – the insights derived from lived experience – and challenging the dominance of institutional expertise.

The simplistic binary between neutrality and advocacy fails to capture the ethical complexities faced by mediators in unjust systems. A critical ethics of mediation would acknowledge the 'borderland consciousness' – the ability to navigate multiple, often conflicting, worlds – that many mediators possess. It requires moving beyond procedural rules to grapple with the ethics of complicity and resistance when faced with systemic violence or discrimination. This involves developing context-specific ethical frameworks that acknowledge power imbalances and support mediators in making principled decisions.

Finally, a transformative vision entails moving beyond conventional humanitarian or charity models, which can be easily co-opted by neoliberal logic. It calls for embracing principles of radical solidarity, forging alliances between mediators, migrant-led movements, and other social justice actors (Bernal, 2007). In this vision, mediation is reconceptualized not just as a service, but as a potential site of insurgent knowledge production and collective action aimed at challenging exclusionary structures.

Conclusions: From Pacifier to Lever of Change?

The analysis in this book underscores the increasingly vital role of cultural mediation in addressing the complexities of communication and interaction inherent in contemporary migration flows. Cultural mediators emerge not merely as translators, but as crucial 'third parties' navigating the intricate spaces between migrant individuals or communities and the institutions of the host society, such as healthcare, education, and legal systems. Their function extends beyond linguistic interpretation to encompass bridging cultural divides, facilitating mutual understanding, providing information, and sometimes engaging in advocacy. This multifaceted role requires a sophisticated set of competencies, including high-level proficiency in relevant languages, deep intercultural knowledge of

both origin and host contexts, familiarity with institutional procedures, strong ethical grounding, empathy, and neutrality.

Given the increased politicization of migration with budget cuts and shifting messaging around humanitarian aid, roles such as Cultural Mediators despite its criticality are underfunded. Ensuring advocacy around its centrality is essential for long term social cohesion. It is also important to ensure that cultural mediation long term is integrated into services provided by the governments.

The findings consistently highlight that effective cultural mediation can significantly enhance migrants' access to essential services, improve the quality of those interactions, and contribute positively to integration processes. By mitigating misunderstandings rooted in linguistic or cultural differences, mediators can foster trust and collaboration, leading to better outcomes in various sectors, as illustrated in practical examples and case studies. This positions cultural mediation as a key practical tool within broader migration and integration frameworks, potentially empowering migrants and facilitating smoother adaptation.

Despite its recognized importance, the practice of cultural mediation faces significant challenges. These include persistent ambiguity surrounding the mediator's exact role and boundaries, a lack of consistent professional recognition and standardized training pathways, often precarious employment conditions, and considerable emotional and ethical burdens placed upon practitioners. Mediators frequently navigate complex ethical dilemmas, balancing confidentiality with mandatory reporting or managing conflicts of interest, often without adequate supervision or support systems, leading to risks of burnout. Furthermore, the effectiveness of mediation can be hampered by institutional constraints, inadequate funding, or policies that fail to fully support or integrate mediation services meaningfully.

The development and implementation of cultural mediation are intertwined with evolving theories of migration, integration, and intercultural relations. It reflects a move towards recognizing the complexities of intercultural communication and the need for structured support mechanisms within diverse societies. However, there remains a critical need for robust policies that institutionalize cultural mediation, ensuring quality through professional standards, adequate resources, and clear operational guidelines. Such institutionalization is crucial not only for the sustainability of mediation services and the well-being of mediators but also for ensuring that mediation genuinely contributes to equity, social cohesion, and effective diversity management rather than inadvertently reinforcing power imbalances or becoming merely a superficial institutional response. Addressing this paradox requires concerted action. While systemic integration

through professionalization is necessary for quality and recognition, it must be approached with critical awareness, ensuring curricula incorporate critical perspectives on power, race, and structural violence alongside technical skills. Robust, context-aware ethical frameworks that acknowledge power dynamics and move beyond the neutrality/advocacy impasse are essential. Policy advocacy must focus on shifting state responsibility back from outsourced entities, demanding accountability for rights-based communication and equitable service provision. Furthermore, sustainable, non-project-based funding models are crucial to stabilize the field and resist the commodification of care.

Further research is needed to deepen understanding and inform practice. Future research should continue to explore the long-term impacts of mediation, compare the efficacy of different models across diverse contexts, and investigate how mediation practices can be optimally integrated within broader social and institutional structures to support migrant integration and well-being. Participatory research methodologies that center migrant voices and co-produce knowledge are vital. Political economy analyses can further illuminate how funding structures and state policies shape mediation practices. Investigations into mediation within South-South migration corridors are needed to challenge Eurocentric biases. Finally, intersectional analyses exploring how race, gender, class, legal status, and other factors shape mediation encounters are crucial.

Ultimately, the goal should be to reclaim cultural mediation as a site of critical praxis and resistance. Moving beyond a functionalist role, mediation, informed by decolonial thought and grounded in radical solidarity, holds the potential to become a lever for change. By amplifying marginalized voices, challenging epistemic injustice, and forging alliances for systemic transformation, it can contribute to disrupting, rather than subtly sustaining, the 'border-industrial complex' and advancing a vision of truly rights-based migration governance.

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Saman Ali Vještica co-founded the Crisis Response and Policy Center and has worked extensively as a cultural mediator with UNHCR, UNICEF, and IOM. Her academic background is in literature and psychology.

Dorian Jano is a postdoctoral research fellow with the SOLROUTES project at the University of Genoa. His work bridges Political Science and Southeast European Studies, building on research experience across leading international institutions.

Nana Kharbedia is a humanitarian practitioner specializing in protection work across crises in Africa, Asia, and Europe. She brings deep field experience to some of the world's most challenging contexts.

This book delves into the crucial role of cultural mediation in protecting refugees and migrants. By examining intercultural communication, ethics, and advocacy within complex migration contexts, the work explores power dynamics and practical challenges in these environments. Cultural mediators serve as bridges between refugees and host communities, fostering mutual understanding and support. Through detailed case studies, the book illustrates effective practices and common ethical dilemmas in emergency, healthcare, and advocacy settings. Designed for both practitioners and scholars, this work offers a harmonized and actionable framework for integrating cultural mediation into migration studies.

«Cultural mediation is a way of humanising and respecting refugees and migrants as equals, and it's an approach that's critical to enable their meaningful participation in decision-making about their lives and futures.» Marie Sophie Pettersson

«By weaving together theory, history, and practice, the authors explore the often-overlooked role of cultural mediators in bridging communication gaps, navigating ethical dilemmas, and supporting vulnerable populations.» Daniel Coyle

«For those of us who have seen how easily burnout can erode protection work, this book is a reminder: resilience is not about being unbreakable, it is about finding ways to bend and bounce back-together.» Irene Coello

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