Re-shaping discourses on migration and gender-based violence through language mediation: a feminist critical discourse analysis of legal language in the Italian context

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Abstract

This study explores the complex intersections between language mediation, migration and gender-based violence (GBV) in the context of Italian migration policy. Using Feminist Critical Discourse Analysis (FCDA) as a methodological approach (Lazar, 2005) and interviews with professional language mediators, it aims to fill the gap on how language choices in migration policies shape and constrain migrant women's experiences, often reinforcing gendered and racialised stereotypes. The research focuses on two key areas: (1) the influence of institutional discourses on the accessibility of support services for survivors of GBV (Filmer, 2019) and (2) the role of language mediators as cultural brokers who challenge dominant in-service provisions and institutional biases (Baker, 2006). By identifying narratives that impede access to critical services and perpetuate systemic marginalisation, the study calls for, among other things, the development of targeted policies and gender-sensitive and trauma-informed training programmes. Finally, the study recommends the establishment of multilingual listening in intake processes.

Keywords: FCDA, migration, language mediation, gender-based violence, Italian laws.

Introduction

Migration policy, both at the European and national level, is characterised by the constant renegotiation of borders, access criteria and control mechanisms. This legal instability, often concealed behind shifting political agendas, reproduces established logics of exclusion and containment. The analysis of migration phenomena therefore requires a critical perspective that questions the supposed (dis)continuity of governance instruments and recognises the expression of a structural strategy in the fragmentation of the measures taken (Facincani, 2024). In this context, normative language — a discursive space that actively contributes to maintaining systemic inequalities — requires further critical examination. A paradigmatic example of this need, particularly in the Italian context analysed here, is provided by migration and asylum laws, which not only describe mobility phenomena but actively construct and regulate them through normative categories that profoundly shape the subjectivities of migrants[1]. As Sorgoni (2024) notes, contemporary migration and asylum systems have naturalised rigid distinctions between economic migrants and political refugees. Migrants are generally portrayed as voluntarily mobile individuals seeking economic betterment, while asylum seekers are depicted as victims fleeing persecution based on their ethnicity, religion, nationality, membership of a particular social group or political opinion, as internationally formulated in the 1951 Geneva Convention and its 1967 Protocol. However, these categories are anything but clear-cut. Overlapping causes, including economic deprivation, political oppression, gender-based violence and environmental displacement, often characterise migration routes. As access to economic migration routes from the Global South has become increasingly restricted, asylum has gradually become the primary — and often the only — available legal route for entry and residence. Consequently, access to protection now depends heavily on the ability to tell a credible story of persecution. This turns the asylum process into a performative act of truth-telling (Cutolo, 2019), where recognition as a refugee depends on how convincingly one can tell their story. As a result, lived experiences are systematically flattened, and those that do not fit into the predefined framework are rendered invisible.

Within this enforced precarity, structural and symbolic forms of violence are (re)produced that disproportionately affect already marginalised subjectivities. As Lazar (2005: 3) reminds us, gender is an "omni-relevant category in most social practices" – a constitutive force that reveals how power is constructed, exercised and reproduced. In contexts of structural power, such as migration, gender relations function as a biopolitical dispositif that regulates, disciplines and

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[1] Unless otherwise stated, the term "migrant" refers to individuals whose mobility paths overlap with several legal and social categories. As Sorgoni (2014) notes, it does not denote a fixed identity, but a discursively constructed position characterised by overlapping mechanisms of control, vulnerability and resistance.

hierarchises bodies through the intersecting logics of heteropatriarchy, racial capitalism and coloniality (Butler, 2004). Consequently, gender-based violence (GBV), as an expression and a mechanism of this system of domination, permeates all stages of the migration journey — from countries of origin to transit zones to destination countries — and manifests itself both interpersonal and institutional forms. GBV must therefore be understood as a form of "social arrangements that systematically disadvantage certain groups and make this disadvantage appear natural or inevitable" (Vorobej, 2008: 92). In normative language, this form of domination materialises through what Krook (2022) defines as semiotic violence — the symbolic silencing, dehumanisation and depoliticisation of survivors'[2] experiences through laws and political discourses. In countries such as Italy, the reception system, asylum regulations, and protection mechanisms often reproduce essentialising and stereotyping logics that fail to capture the complexity of the phenomena. A particularly illustrative example is the case of so-called "victims of trafficking". Although they are formally entitled to social protection under Article 18 of Italian Legislative Decree 286/1998, their recognition often depends on whether they conform to pre-established, depoliticised notions of victimhood and vulnerability. However, this legal category is often rigidly applied without taking into account the frequent overlaps between legal statuses and the multiple forms of violence experienced by migrant women[3]. A woman can be both an asylum seeker and a victim of trafficking. However, due to the long identification periods, they are often placed in the asylum system, which delays their access to the special protection measures to which they are entitled.

In the absence of a situated, intersectional approach, legal, material and symbolic precarity (Bourdieu, 1991) converge into a systematic denial of rights and access to protection. But what discursive spaces remain open for listening, understanding and claiming rights in the face of normative systems and institutional practices that generate exclusion and silence? It is precisely in this in-between space that language mediation intersects. Acting from the margins, mediation — in the etymological sense of "to carry over", "to lead beyond" — is understood here as a discursive, social and institutional practice that can challenge dominant linguistic regimes.

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[2] The use of the term survivor instead of victim is intentional and reflects a political and discursive choice. Although we acknowledge the open debate about the adoption of the terms victim/survivor, which will be discussed later, the adoption of the term survivor is intended to challenge the cultural and institutional structures that perpetuate shame, guilt and silence, while favouring paths of self-determination and identity reconstruction (Filmer 2019).

[3] In this article, the term "woman" refers to subjectivities that identify (or are institutionally identified) as women. By adopting Bottici's (2022) framework of a trans-individual ontology and extending the term 'woman' to "womanhood", this study uses the term in a way that goes beyond heteronormative frameworks and encompasses the full spectrum of women's identities.

Gender, violence and the role of legal language

Language is one of the most powerful instruments for defining and organising social roles. Its power lies not only in its formal structure, but in its ability to act: to name people, events and situations in a continuous process of marginalisation and attribution. Generally speaking, legal language plays a central role as an instrument of the state. Rather than merely describing reality, law constructs it through a "grammar of authority" (Vespaziani, 2015) that transforms facts into evidence and individuals into categories. This is done through procedural narratives in the name of "truth production" that often suppress alternative forms of knowledge, silence subaltern subjectivities, and enforce common pragmatic considerations and sociolinguistic expectations. In this framework, normative language does not simply reflect what is (facts), but regulates what ought to be, through what Silk (2017) calls "deontic modals", such as must or may, which encode implicit normative obligations. These obligations are contextually anchored but rarely questioned, resulting in moral assumptions being reified as legal truths.

From this perspective, borders are not only physical barriers, but also discursive boundaries — lines of demarcation that determine who is allowed to belong and who remains excluded. It is therefore not surprising that the language used in migration and asylum policy not only describes reality but actively contributes to creating it: it constructs migration as a plight and migrants as bodies to be managed, contained or expelled, in a process that simultaneously results in material exclusion and symbolic stigmatisation (Freedman et al., 2022). Particularly, the specific linguistic decisions of migration and asylum policy, which are anything but neutral, make it clear that they are based on a Western-white, colonial, and patriarchal perspective (Magaraggia & Cherubini, 2013), which not only disregards their specific needs but also exacerbates systemic violence, reinforces existing power imbalances, and deepens marginalisation. This representation exemplifies Louis Althusser's (1971) concept of ideology by interpellation – individuals are positioned as subjects, or objects in this case, through the cultural representations that appeal to them. Clearly, the problem is particularly acute for survivors of gender-based violence (GBV) at the intersection of gender, ethnicity and immigration status (Crenshaw, 2013), as the confluence of misogyny, xenophobia and racism results in unique forms of violence that are rarely considered in public policy. As the STEP–Stereotype and Prejudice project[4] has shown, legal discourse continues to reproduce distorted representations of survivors of violence, reinforcing cultural frameworks that legitimise the devaluation of their experiences and undermine legal action, all within a strictly binary framework. As a result, there is often a continuum of violence that

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[4] Further on this topic, Saccà, F. (2021). Cultura, stereotipi e comportamento sociale, in Stereotipo e pregiudizio. La rappresentazione giuridica e mediatica della violenza di genere, (a cura di) F. Saccà, FrancoAngeli, Milano 2021, pp. 17-22.

resonates in inadequate provision of shelter and necessary services which can be criticised not merely as a logistical problem. It can be seen as a kind of institutional neglect, similar to what Canning (2019) calls "degradation by design", which maintains precarity through "ways of distributing vulnerability, differential forms of allocation that make some populations more subject to arbitrary violence than others" (Butler, 2004) and sustains the interplay of privilege between different populations.

Language is thus a site of struggle where the meaning of violence is negotiated, for it is the "textual representation of gender-specific social practices" (Lazar, 2005:10). An apt example is the use of the category of the victim. As clinical and legal experiences in supporting survivors of torture show, categorisation as a victim is necessary — on the one hand, it enables the usual burden of proof to be overcome and the invisible damage of systemic violence to be acknowledged. On the other hand, this categorisation carries the risk of forcing the experiences of migrant women into a narrative of passivity that reinforces patriarchal norms that portray the female subject as helpless and subordinate. As Federici (2024) notes, the use of this term — if not used consciously — can perpetuate sexist stereotypes and create a secondary victimisation that delegitimises survivors and reflects a broader semantic investment that privileges men as universal subjects and relegates women to a secondary, derivative role. Such linguistic marginalisation reflects how state institutions construct an exclusionary notion of community in which women's voices are either erased or represented as marginalised. Such erasure has real political consequences as it reflects wider politics and tends to emphasise the 'otherness' of migrants (Grove & Zwi, 2006). The problem is therefore not in the terms chosen per se, but in the way they are embedded in institutional narratives that can either restrict or expand the possibilities of self-determination. Taking a critical stance towards language is not just an academic exercise, but a political necessity. It means recognising words as instruments of power (Holmes, 2005): reconceptualising the way we name the world therefore means opening up spaces of resistance and transformation, emphasising subjective experience as a form of knowledge and political action, since language itself is "a site from which we see the world and in which we trace the boundaries of our thinking and feeling" (Ferreira & Godinho, 1998:83).

Language Mediation as a Discursive Practice

Based on the critique of legal language as a discursive regime that constructs and regulates subjectivities, language is thus considered to be performative by nature (Butler, 2021): it does not simply describe realities but actively constitutes them. In particular, the normative language

examined here delimits the subjectivity of migrants and reinforces marginalisation, while obscuring the political nature of linguistic exclusion. For as Derrida (2000) reminds us, hospitality is always conditional and is framed by norms that regulate inclusion and exclusion. Within this regime of conditional hospitality, migrants are exposed to what Samata (2019) defines as "linguistic precarity": a structural condition in which people are subject to mistrust, delegitimisation and social exclusion due to their perceived linguistic "inadequacy". As a result, the voices of migrants are often rendered unintelligible, not because of a lack of language skills per se, but because of their precarious positioning within symbolic and institutional hierarchies.

Faced with the systemic production of linguistic precarity, language mediation emerges as a relevant practice, not as a neutral technical activity, but as a deeply situated, relational, and political practice (Luatti, 2011). Precisely because legal language tends to codify and fix meaning, language mediators operate in a space in which they must navigate between reproducing institutional expectations and resisting those expectations. This double positioning makes mediation a "liminal practice" in which the act of translation is also an act of re-signification — disrupting the "grammar of authority" that governs legal interaction and opening up space for alternative narrative forms. In this sense, mediation is not only a response to linguistic precariousness, but also a means of destabilising it from within. It operates at the intersection of different bodies, languages, and worlds, creating a space of "negotiation, resistance, activism and hospitality on the shores of the Mediterranean" (Taronna, 2016:159). Far from merely facilitating communication, mediation participates in meaning-making: it can dislocate experience and create arcs toward new sites of intelligibility. Indeed, mediation unfolds within what Bhabha (2012) terms the "third space"—a liminal, hybrid site where fixed identities are destabilized, and alternative discursive possibilities emerge.

However, there is a risk of being absorbed by the standardising logic of bureaucratic procedures, as "power structures tend to reproduce themselves in even the most ordinary linguistic mechanisms, limiting the possibility of complex subjective narratives". As Taronna (2016) has shown, in asylum procedures involving cases of GBV, mediation is often about adapting experiences to the credibility requirements of the institutions. In these processes, there is a risk that important fragments of lived experience are silenced or distorted, especially when the pressure for efficiency limits the time and modalities of listening and maintains a systemic discursive order that favours simplification over the recognition of plurality. In this framework, language mediation takes on a profoundly political significance: acting with and through language means opening spaces for critical recognition, in which linguistic barriers are not simply obstacles to be overcome, but places of resistance and the construction of counter-narratives. This also includes recognising vulnerability not as a deficit, but as a site of political agency (Butler, 2012), where new forms of subjectivity and solidarity can emerge through shared practices.

Methodology

Drawing on a theoretical framework that understands normative language as a performative and regulative force that shapes the subjectivity of migrants, this study applies Feminist Critical Discourse Analysis (FCDA) as an analytical lens to examine how language contributes to the reproduction or transformation of gendered and racialised power structures. FCDA emerges at the intersection of developments in Critical Discourse Analysis (CDA) and feminist theories. It shares CDA's commitment to uncovering the discursive construction of power relations but is explicitly focused on feminist political projects of social transformation (Lazar, 2005). Normative language is thus investigated not simply as a reflection of social realities, but as a social practice that actively constructs and deconstructs roles, subjectivities and relations of dominance and resistance. This approach is also particularly well suited for analysing language mediation as a discursive and performative practice situated in asymmetrical power relations in which mediators navigate, reproduce or subvert normative language regimes, as it is inherently critical and politically engaged, aiming not only to describe but also to question and change the structures of oppression embedded in language.

   Accordingly, through the lens of FCDA, the study analyses a selected corpus of asylum and immigration laws (L 286/1998, L 189/2002, DL 251/2007, DL 25/2008, DL 24/2014, DL 212/2015, DL 142/2015, DL 13/2017, DL 20/2023). This timeframe, spanning from 1998 to 2023, focuses on those texts that have had the greatest impact on migration and asylum policies, tracing the evolution of Italian migration policies. The legal texts were analysed by close reading, paying attention to their discursive construction — including the use of deontic modal verbs (e.g. must, may), passive constructions, binary categorisations (e.g. male/female, victim male/female, victim/perpetrator) and depersonalising language — to assess: (1) the effectiveness of these policies in addressing the specific needs of migrant survivors of gender-based violence (GBV), and (2) the explicit recognition of language mediation as a critical element within the system. To investigate the role of language mediation, six Italian professional language mediators[5] with a migrant background and extensive experience in cases of gender-based violence (GBV) were interviewed using a narrative approach. This method allowed for a nuanced examination of their experiences in discursively resisting exclusive narratives, promoting inclusive practices, and providing insights into the barriers migrants face due to institutional approaches. The choice of a

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[5] This article presents preliminary results of an ongoing PhD project. The collection of empirical data and the fieldwork are constantly being updated. The interviews, conducted in person or online, follow a semi-structured guide that explores professional background, understanding of roles, ethical challenges, institutional dynamics and transformative practises. The transcripts are analysed thematically through iterative coding to identify key themes and narrative patterns. Reflexivity is ensured through a continuous dialogue between empirical data and theoretical frameworks.

narrative methodology reflects the feminist commitment to centering lived experiences as epistemic resources (Lazar, 2007). The interviews were transcribed and thematically analysed to identify key themes relating to power dynamics, language barriers and mediators' roles. The overall analysis was conducted in three steps: (i) a close reading of the legal texts to identify embedded power relations, ideological structures, and the (de)construction of gender following Lazar's (2005) framework; (ii) the interpretation of these elements in their socio-political context; and (iii) the assessment of the impact of these findings on the lived experiences of migrant survivors of GBV.

Italian Migration Law through a FCDA

Conditional protection

Analysing the legal texts clearly shows how first migration policy and then asylum policy frame protection as a conditional right with a series of sometimes difficult substantive criteria. The state overtly expresses its authority delate by using explicit conditional formulations, such as "must demonstrate the condition of real danger", which emphasises the imperative statement "must", reinforced by evaluative adjectives (real, concrete, serious). Conditionality forces migrants to "earn" their protection by aligning their actions with the goals of the state while imposing a high burden of proof on those seeking protection.

> *EXCERPT 1*
> *Context: Testo Unico sull'Immigrazione (Law 286/1998), Article 18, which sets out the conditions for obtaining a residence permit for social protection.*
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> *"If situations of violence or serious exploitation against a foreigner are detected and there are concrete threats to his safety [...], the Questore, also on the proposal of the Public Prosecutor's Office or with a favourable opinion from the same authority, shall issue a special residence permit to enable the foreigner to escape from violence[6]."*

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[6] Original Italian text: Siano accertate situazioni di violenza o di grave sfruttamento nei confronti di uno straniero ed emergano concreti pericoli per la sua incolumità [...] il questore, anche su proposta del Procuratore della Repubblica, o con il parere favorevole della stessa autorità, rilascia uno speciale permesso di soggiorno per consentire allo straniero di sottrarsi alla violenza.

EXCERPT 2

Context: Anti-Trafficking Directive (Legislative Decree 24/2014), Art. 1, Art. 6, on preventing and combating trafficking in human beings and protecting its victims.

"In applying the provisions of this Decree-Law, the specific situation of vulnerable persons shall be taken into account [...] based on an individual assessment of the victim [...] The victim must prove that he or she has not received compensation from the offender despite having exhausted the civil action and enforcement procedures[7]".

The discursive power of such modalities, such as "must prove", ensures that the legal system reproduces social hierarchies by anchoring them in its syntax. Yet, these linguistic choices are particularly detrimental to migrants who fear retaliation or harbour a deep mistrust of law enforcement due to previous negative experiences. Indeed, research shows that many survivors of human trafficking or abuse are reluctant to approach the authorities because "judicial decisions implicitly entrench a hierarchy of victimhood" and favour victims who appear "innocent, stable and predictable" (Habba, 2023:18), thereby excluding those whose narratives are fragmented, delayed or marked by trauma. This dynamic is well-supported by the 2023 case reported by FeministWatch[8] (Volta, 2024), in which a woman who had reported multiple episodes of violence by her partner was deemed "not credible" because she had not expressed sufficient fear and maintained occasional contact with the perpetrator. Despite medical evidence proving the harm, the judgement focused on inconsistencies in her emotional account. As in asylum proceedings, the recognition of violence is not made dependent on the harm suffered, but on how convincingly it is articulated in institutionally legible terms. The testimonies collected confirm the marginalising effect of this system, where women remain in a "border space" (Picione, 2018) of legal and social inclusion and exclusion that maintains a permanent governance structure. The interviewees report women who have survived trafficking or abuse and, despite severe violence, have no access to the available measures because it is difficult to prove their experiences. A Latin American mediator comments:

A major difficulty is that they are required to describe their experiences of violence in such a way that they appear credible to the system, as if their pain had to follow

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[7] Original Italian text: Nell'attuazione delle disposizioni del presente decreto legislativo, si tiene conto, sulla base di una valutazione individuale della vittima [...] della specifica situazione delle persone in vulnerabilità [...] La vittima deve dimostrare di non avere ricevuto ristoro dall'autore del reato, nonostante abbia esperito l'azione civile e le procedure esecutive.

[8] To see more, https://feministwatch-roma3.it/2024/10/09/miti-dello-stupro-e-ingiustizie-ermeneutiche-nellassunzione-della-prova-dibattimentale/.

a precise script [...] They have to provide concrete evidence of intimate and devastating experiences, and we as mediators have to help them piece these fragments together, knowing that every word will be scrutinised with suspicion, as if they were exaggerating or lying [...] Sometimes, it is not successful.

Indeed, the legal instrument creates an asymmetrical power relationship between the state, an implicitly male, protecting and evaluating actor, and the migrant subject, an implicitly feminised and imploring beneficiary, whereby the state is "the main organiser of gender power" (Delehanty, 2009: 530). The role of the state or other institutional actors in the determination process is further blurred through the use of passive constructions (e.g. "is determined"; "is presumed") and top-down assertion of authority ("to establish"). While these constructions are indeed common in the drafting of laws, their use becomes particularly problematic in the current context. Here, normative language standardises bureaucratic procedures but actively creates regimes of recognition and exclusion. It reflects deeper discursive mechanisms that, as Butler (2021) argues, contribute to the social construction of structural precarity, disproportionately withholding protection from certain groups and enforcing "one's understanding of what has been agreed or decided" (Holmes, 2005:32). However, this assertion of control is fraught with contradictions: how can the state detect violence when the mechanisms of institutional judgement often render it invisible? Gender-based violence, not only in the context of migration, is unrecognised or overlooked due to cultural, linguistic and systemic barriers (Walby et al., 2017), making the state's claim to scrutiny problematic.

EXCERPT 3

Context: Legislative Decree 142/2015, art. 17, on the Implementation of Directive 2013/33/EU laying down standards for the reception of applicants for international protection and Directive 2013/32/EU on common procedures for granting and withdrawing international protection status.

"Persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, victims of female genital mutilation [...] who are considered to be in need of protection[9]."

In this sense, legal language functions as a biopolitical dispositive (Butler, 2004): it disciplines survivor narratives, controls the thresholds of credibility and selectively grants precarious forms of inclusion. This ambiguous and fragmented status not only reinforces the vulnerability of

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[9] Original Italian text: Persone per le quali è accertato che hanno subito torture, stupri o altre forme gravi di violenza psicologica, fisica o sessuale, vittime di mutilazioni genitali [...] la cui condizione di vulnerabilità è desunta.

survivors but also consolidates state power by controlling mobility and recognition without assuming the full responsibility that genuine protection would entail.

Victimhood

Drawing on the previous discussion on conditionality, the selection of people deemed worthy of protection is often based on humanitarian profiling, which requires migrants to fit predefined figures: the perfect victim (docile, traumatised, silent) or the politically active refugee (Ticktin, 2019). Although situated in different legal contexts, many of these norms share a common linguistic architecture, ranging from explicit directives to subtle forms of victim-blaming, ultimately reinforcing power asymmetries and marginalising the agency of survivors. Forms such as "in need of" or "bearer of special needs" as well as "victims of" use connotative, positional and relational adjectives (Nuyts, 1993) that emphasise a narrative of dependency. Although the law 142/2015 [EXCERPT 5] explicitly refers to gender-based violence based on gender identity and/or sexual orientation, the use of the adjective "carrier" creates an image of these people as passive bearers of a concept (e.g. vulnerability), effectively erasing their capacity for self-determination. Although these terms are ostensibly descriptive or protective, they convey a subtle but powerful narrative of passivity.

EXCERPT 4

Context: Legislative Decree 251/2007, art. 19, transposition of Directive 2004/83/EC on minimum standards for the qualification and status of third-country nationals or stateless persons as refugees or a person who otherwise is in need of protection, as well as minimum standards for the content of the protection granted.

To categorise third-country nationals or stateless persons as refugees or as persons who otherwise need international protection [...] The specific situation of vulnerable [...] victims of trafficking in human beings [...] who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence shall be taken into account in the context of an individual assessment[10].

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[10] Original Italian text: Sull'attribuzione, a cittadini di Paesi terzi o apolidi, della qualifica di rifugiato o di persona altrimenti bisognosa di protezione internazionale [...] Si tiene conto, sulla base di una valutazione individuale, della specifica situazione delle persone vulnerabili [...] le vittime di tratta [...] le persone che hanno subito torture, stupri o altre forme gravi di violenza psicologica, fisica o sessuale.

EXCERPT 5

Context: Law Decree 142/2015, art. 17, Implementation of Directive 2013/33/EU laying down standards for the reception of applicants for international protection and Directive 2013/32/EU on common procedures for granting and withdrawing international protection status.

The reception measures provided for in this Decree shall take into account the specific situation of vulnerable [...] women, in particular, pregnant [...] victims of trafficking in human beings, persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence or violence related to sexual orientation or gender identity, victims of genital mutilation [...] vulnerable person bearer of special needs[11].

In feminist scholarship, the category of victim has long been problematised, particularly in the context of GBV, as it tends to obscure agency and reinforce paternalistic representations of women as passive, helpless subjects. While the legal system necessarily uses the term victim to refer to the subject against whom an offence has been committed, as previously discussed, its uncritical use contributes to a "rescue politics" (Abu-Lughod, 2002): a paternalistic, civilising discourse exercised through semiotic choices. As one mediator reports,

I had, let's say, to "convince" the committee that what they called "inconsistency" was painful. If a person says something today and contradicts tomorrow, it may be because she is traumatised, not because she is lying. It may not be in the transcripts, but I know it. I can feel it. And I have to let them feel it too.

In this framework, as highlighted by the VULNER Project[12], vulnerability is not recognised as a condition structurally caused by systemic violence but is instead naturalised as an inherent feature of otherness — fixed, ontological and depoliticised. Such discursive framing not only obscures institutional responsibility for the reproduction of violence but also reinforces the symbolic and material boundaries between those who are recognised as full members of the political community and those who are classified as others who need to be saved (Sugamele, 2019).

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[11] Original Italian text: Le misure di accoglienza previste dal presente decreto tengono conto della specifica situazione delle persone vulnerabili, quali […] le donne, con priorita' per quelle in stato di gravidanza […] le vittime della tratta di esseri umani, le persone per le quali è stato accertato che hanno subito torture, stupri o altre forme gravi di violenza psicologica, fisica o sessuale o legata all'orientamento sessuale o all'identità di genere, le vittime di mutilazioni genitali […] persone vulnerabili portatrici di esigenze particolari.

[12] Further on the topic, https://www.vulner.eu/130437/final-research-report.

Furthermore, generally speaking, because Italian regulations have been quick to ignore [gendered] linguistic concerns, they often use masculine, generic formulations - such as "[he] foreigner" and "[he] migrant" - that obscure the demands and vulnerabilities of gendered individuals and rely on exclusionary ideological frameworks that promote normative subjects who are often cisgender, male, and heterosexual (Kearns & Berg, 2002). This linguistic practice points to a deeper structural bias rather than a simple oversight, as it ignores the complexity of identities that emerge through intersecting axes of ethnicity, class, gender and sexuality. Outside of the pre-fixed categories, there is a risk of invisibilisation. This dynamic is not just theoretical: testimonies from language mediators confirm how institutional scripts of victimhood shape access to protection,

> *Migrant women are often not seen for what they are, but for what they lack. Their stories are not really heard; only indicators of their vulnerability are sought in order to fit them into predefined models [...] If no one held the space for them, their words would be lost. No one would really understand where this woman is coming from, what she has experienced and why she can't express it in three minutes.*

The transformative potential of mediation opens up in the "third space" (Bhabha, 2012): it is not about choosing between the terms themselves, such as the labels victim-survivor, but about critically questioning the systems of power that determine which voices are made audible and which are made invisible.

"Other" as a Threat

In recent years, the securitization of borders in Europe has led migrants, primarily males, especially those who are racialised as Black or Arab, to be increasingly portrayed as a threat to European security as well as a threat to the safety of European women. This narrative, rooted in colonial ideas, constructs non-European men as culturally backwards and incapable of respecting women, legitimising both punitive measures and a civilising mission disguised as protection (Bilgic, 2018). As Farris (2017) argues, such representations form the basis of what the author defines "femonationalism": the instrumental use of feminist values to justify exclusionary, nationalist agendas. Within this framework, the figure of the vulnerable woman and the dangerous man are co-constituted, not only silencing the diversity of migrants' experiences but also reproducing gendered and racist hierarchies. For that, Western powers need to "lay down rules". This depiction of male migrants as a threat to native women who must be "expelled" and "removed" has long been part of the discourse of nativist and populist groups in Europe.

EXCERPT 6

Context: Law Decree 13/2017, Disposizioni urgenti per l'accelerazione dei procedimenti in materia di protezione internazionale, nonché per il contrasto dell'immigrazione illegale.

"Rules should be laid down for the foreigner [...] to facilitate and expedite the administrative and judicial procedures in this matter and the implementation of expulsion and deportation[13]".

EXCERPT 7

Context: Law 113/2018, art. 1, Urgent Provisions on International Protection and Immigration and Public Security.

"Considering the need and urgency to adopt provisions on the withdrawal of international protection status following a finding of the commission of serious criminal offences and provisions to prevent instrumental recourse to the application for international protection [...] to strengthen measures to safeguard public security, with particular regard to the threat of terrorism [...], unless there are reasons to believe that the foreigner constitutes a threat to public policy and State security [...].[14]"

EXCERPT 8

Context: Legislative Decree 20/2023, art. 5, Urgent Provisions on the Legal Entry of Foreign Workers and the Prevention and Combating of Irregular Immigration.

"Restriction or revocation of reception conditions [...] application for international protection lodged directly at the border or in transit zones [...] Provisions on the validation of measures of direct accompaniment at the border and detention[15]"

However, when it comes to migrant women, these cultural forms of abuse are deeply embedded in the Italian public and political discourse. These laws (2017, 2018, 2023) provide for

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[13] Original Italian text: Per lo straniero si intende [...] dettare norme dirette ad agevolare ed accelerare i procedimenti amministrativi e giurisdizionali in materia e l'esecuzione dei provvedimenti di espulsione e allontanamento.

[14] Original Italian text: Ritenuta la necessità e urgenza di adottare norme in materia di revoca dello status di protezione internazionale in conseguenza dell'accertamento della commissione di gravi reati e di norme idonee a scongiurare il ricorso strumentale alla domanda di protezione internazionale [...] per rafforzare i dispositivi a garanzia della sicurezza pubblica, con particolare riferimento alla minaccia del terrorismo [...] salvo che ricorrano motivi per ritenere che lo straniero risulti pericoloso per l'ordine pubblico e la sicurezza dello Stato.

[15] Original Italian text: Riduzione o revoca delle condizioni di accoglienza [...] domanda di protezione internazionale presentata direttamente alla frontiera o nelle zone di transito [...] Disposizioni in materia di convalida dei provvedimenti di accompagnamento immediato alla frontiera e di trattenimento.

strict deadlines ("reduction", "revocation") and expedited procedures ("border application", "immediate expulsion") that reflect a discourse of urgency and efficiency, disregarding the complex realities of asylum seekers, including those fleeing GBV, in the name of a possible "dangerous foreigner". The state's desire for control overrides the need for careful, individual judgment and ultimately undermines the potential for real protection. This punitive narrative increases the risk of re-traumatising survivors if it is not even mentioned and shows how legal discourse can contribute to secondary victimisation (Federici, 2024). The mediators' statements show how this logic penetrates everyday encounters, reinforces cultural misunderstandings and fragments the possibilities of mutual recognition.

> *When you encounter a different culture that brings with it a different model, without adequate preparation you run the risk of jumping without really understanding. It is a transition, both individually and socially [...] Then the survivors make leaps, they have experiences of emancipation, but they are not accompanied by a consciousness or a group that helps them to recognise themselves.*

The reflection shows that the lack of spaces for critical cultural negotiation (Zannoni, 2020) favours the reactivation of stereotypical ideas that see the other migrant as incomprehensible, threatening or incapable of self-determination. The insight emphasises that security policies not only regulate borders but also shape the dynamics of relationships within society and produce everyday forms of violence.

The right to "speak"

The following section addresses the political construction of migrants as a threat, and turns to one of the most neglected rights in the asylum procedure: the "right to speak", understood as the fundamental right to express oneself in one's mother tongue or through culturally appropriate forms of communication (Wang & Dovchin, 2023). While it has long been proven that the lack of language understanding in institutional contexts prolongs and multiplies violence (Menjívar et al., 2019), relatively little attention has been paid to interpreting, generally including mediation - for asylum seekers and refugees. Generally speaking, laws state that language support "shall be given" in an "adequate" manner, excluding the acting subject and obscures the responsibility for ensuring effective communication while reinforcing a normative power structure (Sorgoni, 2024). However, the wording "is deemed" assumes an institutional authority in determining linguistic accessibility and places individuals' agency in the background. This harbours the danger of creating barriers for people whose linguistic needs do not match the institutional assumptions.

EXCERPT 9

Context: Legislative Decree 251/2007, art. 21, transposition of Directive 2004/83/EC on minimum standards for the qualification and status of third-country nationals or stateless persons as refugees or a person who otherwise needs protection, as well as minimum standards for the content of the protection granted.

"Together with the decision to grant international protection, the foreigner concerned shall be given a brochure containing information on the rights and obligations associated with the recognised protection status and written in a language that [he] is deemed to understand or, in any case, in English, French, Spanish or Arabic"[16].

EXCERPT 10

Context: DL 24/2014, art. 7, Implementation of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims,

"The authorities responsible for the protection of and assistance to victims of trafficking in human beings and the authorities responsible for asylum shall establish measures to coordinate the institutional activities of their respective competencies, including, where appropriate, determining referral mechanisms between the two protection systems [...] the [he] foreigner shall receive adequate information in a language he understands"[17].

However, "adequate" in this case is vague and contextually inadequate when it comes to the complex needs of trafficking survivors, while reducing the quality and depth of information required for informed decision-making. This first interaction — what the survivor tells the service and what the service reports back — plays a crucial role in deciding, for example, whether to apply for and grant a protection order for the victim (Bilgic, 2018). It is here that mediation can be understood, paraphrasing Samata (2019), as a discursive counter-space: a place where vulnerable subjectivities not only find a voice but are made intelligible in the eyes of a system often deaf to the plurality of migrant experiences. As a mediator raccounts,

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[16] Original Italian text: Unitamente alla decisione che riconosce la protezione internazionale è consegnato allo straniero interessato un opuscolo contenente informazioni sui diritti e gli obblighi connessi allo status di protezione riconosciuto, redatto in una lingua che si presume a lui comprensibile o comunque in lingua inglese, francese, spagnola o araba.

[17] Original Italian text: Le Amministrazioni che si occupano di tutela e assistenza delle vittime di tratta e quelle che hanno competenza in materia di asilo individuano misure di coordinamento tra le attività istituzionali di rispettiva competenza, anche al fine di determinare meccanismi di rinvio, qualora necessari, tra i due sistemi di tutela […] allo straniero sono fornite adeguate informazioni, in una lingua a lui comprensibile.

Mediation changes the way we speak. And when language changes, reality changes too. Words carry weight, and we are there to weigh every word well [...].

Yet, the lack of specificity in relation to language mediation leaves a critical gap in the provision of trauma-informed support. When the law refers to interpreters or language mediators, the provision of terms is contingent on feasibility, such as "if this is not possible", "if necessary", which could exclude applicants when institutional restrictions override individual needs and position mediators as tools for procedural facilitation rather than autonomous professionals capable of providing appropriate, sensitive translation.

EXCERPT 11

Context: Legislative Decree 25/2008, art. 10, Directive 2005/85/EC on minimum standards on procedures in Member States for granting and withdrawing refugee status.

"At all stages of the procedure relating to the submission and examination of the application, the applicant shall, if necessary, be guaranteed the assistance of an interpreter in [his] language or in another language that he or she understands"[18].

EXCERPT 13

Context: Legislative Decree 142/2015, Art. 8, on the Implementation of Directive 2013/33/EU laying down standards for the reception of applicants for international protection and Directive 2013/32/EU on common procedures for granting and withdrawing international protection status.

"As part of the reception measures provided for in this Decree, the information, translation and interpretation services necessary to enable asylum seekers and persons in need of protection to have access to information and procedures relating to the protection system shall be guaranteed"[19].

These laws emphasise the need to ensure the accessibility of information by presenting language mediation as an essential right for applicants. Terms such as "mandatory assistance"

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[18] Original Italian text: Tutte le comunicazioni concernenti il procedimento per il riconoscimento della protezione internazionale sono rese al richiedente nella prima lingua da lui indicata, o, se ciò non è possibile, in lingua inglese, francese, spagnola o araba, secondo la preferenza indicata dall'interessato. In tutte le fasi del procedimento connesse alla presentazione ed all'esame della domanda, al richiedente è garantita, se necessario, l'assistenza di un interprete della sua lingua o di altra lingua a lui comprensibile.

[19] Original Italian text: Nell'ambito delle misure di accoglienza previste dal presente decreto, sono garantiti i servizi di informazione, traduzione e interpretariato necessari per assicurare ai richiedenti asilo e alle persone vulnerabili la possibilità di accedere alle informazioni e alle procedure relative al sistema di protezione.

and "necessary assistance" emphasise the state's legal obligation to protect asylum seekers and position language mediators as crucial actors in upholding rights. The semantic focus on "ensuring access" signals an institutional responsibility. Nevertheless, the language remains procedural, with little acknowledgement of the relational dynamic between mediators and potential survivors - which is never explicitly articulated.

EXCERPT 14

Context: Legislative Decree 20/2023, art. 5bis, art. 6ter, on Urgent Provisions on the Legal Entry of Foreign Workers and the Prevention and Combating of Irregular Immigration.

"Measures for the technical and logistical improvement of the initial reception system [...] In these centres [...] health care and linguistic-cultural mediation [...] with amendments to the rules on reception procedures [...] the words: 'health care, social and psychological support, linguistic-cultural mediation, management of Italian language courses and legal and territorial orientation services' are replaced by the following: 'health care, social support and linguistic-cultural mediation'"[20].

Clearly, the focus has shifted significantly in recent times. While language mediation is listed as part of the logistical framework, substituting terms in the Law narrows the scope of services and explicitly excludes psychological support and legal advice. This narrowing of the scope suggests less importance is placed on supporting asylum seekers, suggesting a utilitarian rather than a rights-centred approach. Language mediators are still provided for, but in a more technocratic framework. Instead, following Taronna (2016), mediation is a community-based act of resistance where the voice of the "other" is no longer filtered solely through institutional expectations, but is recognised as a site of knowledge, dignity and political subjectivity. As one testimony confirms, mediation acts as

the bridge [...] if we want to achieve accessibility. Without this bridge, there is no access to basic services, because a person is only truly recognised as a rights holder when they have the means to meet their basic needs, starting with the ability to express themselves [...] Migrants remain invisible until someone also translates their world.

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[20] Original Italian text: Misure per il potenziamento tecnico-logistico del sistema di prima accoglienza [...] In tali strutture sono assicurate [...] l'assistenza sanitaria e la mediazione linguistico-culturale [...] con modifiche alla disciplina sulle modalità di accoglienza [...] le parole: «l'assistenza sanitaria, l'assistenza sociale e psicologica, la mediazione linguistico-culturale, la somministrazione di corsi di lingua italiana e i servizi di orientamento legale e al territorio» sono sostituite dalle seguenti: «l'assistenza sanitaria, l'assistenza sociale e la mediazione linguistico-culturale.

For this reason, mediation should not be reduced to a "translation service", but should be reclaimed as a relational and critical negotiation practise in which the right to speak is a prerequisite for access to all other rights (Zannoni, 2020). Without the ability to tell one's story intelligibly and legitimately, there is no protection, no care and no integration. Taken together, these testimonies show that the formal "right to speak" codified in legal texts is wholly inadequate unless it is underpinned by practises of radical hospitality, critical listening and political inclusion. Otherwise, there is a danger that survivors' speech will be captured in predetermined bureaucratic forms and neutralised by institutional logics that privilege procedural regularity over relational and epistemic justice.

Discussion

The Feminist Critical Discourse Analysis (FCDA) of Italian migration laws in conjunction with the findings of the language mediators reveals systemic problems embedded in the legal framework. While these laws outwardly address issues of protection, they often neglect the gendered realities faced by migrant survivors. The critical analysis reveals a complex interplay of language, power and politics in the context of Italian migration law. The fact that the legal framework relies on conditioned language, gendered policies and security-oriented measures reflects an institutional prioritisation of control over care that ultimately fails to ensure the protection of the most vulnerable. In contrast, the practice of language mediation offers a counter-narrative as it embodies the principles of inclusivity, resistance, and empowerment. To address the systemic problems identified, this discussion section aims to deepen these considerations by placing the identified issues in a broader socio-political and global context while offering a vision for transformative change.

Barriers to accessing services

According to the UNHCR (2024), it is estimated that one in five women forced to flee worldwide is a victim of sexual violence, and most women and girls arriving in Italy by sea have had similar experiences. However, in dealing with these two crises, Italy tends to semi-normalise the relationship between GBV and migration due to the chronic lack of language support, improvisation in overcoming language barriers and the generally poor quality of support services provided (Amnesty International, 2007). Furthermore, the inclusion of specific political concerns in the appointment of government members and political coalitions describes the

institutionalisation of this connection through a discursive construction of national identity (Wodak, 2015) that frames migration and asylum-seeking through a lens of state control and security based on exclusionary practises and the othering of migrants. In the present, the specific dimensions of violence and its nuanced, intersectional necessities remain largely unconsidered. By framing, according to a binary framework, women as inherently vulnerable and men as potential threats to their safety and as sexual aggressors, these policies do not take into account the structural and systemic factors that perpetuate violence and offer no meaningful solutions. Furthermore, the analysis shows a significant gap between the legal framework and the actual support provided. While existing laws contain provisions to protect vulnerable groups, they often lack gender-specific mechanisms that address the particular needs of migrant women. This discrepancy between policy intentions and lived experiences highlights how institutional language can unintentionally marginalise vulnerable populations and create tangible barriers to accessing essential services.

As demonstrated, access to language rights is not just a technical issue, but a matter of epistemic and legal justice. Without the ability to tell one's own story in an understandable and legitimised way, there is a danger that all other rights will become inaccessible. For this reason, people who are unable to communicate in Italian must be assisted from the outset by professional and specialised language mediators who can truthfully and accurately convey everything that needs to be expressed by all parties involved in the interaction Given that a survivor's first statement often influences the outcome of the legal defence, this early mediation is not optional — it is fundamental. It is therefore important to enshrine this requirement in legal texts and to establish multilingual and culturally competent counselling services in public institutions.

Need for Gender-Sensitive Approaches

With the help of Feminist Critical Discourse Analysis (FCDA), it becomes clear that the legal and political frameworks are often gender-blind (Kofman, 2019), power-centred and do not take into account the particular challenges faced by survivors who are merely seen as victims of a process. In contrast, the narratives of language mediators illustrate how the representation of violence in asylum cases profoundly influences decision-making. Legal and procedural frameworks can inadvertently perpetuate re-victimisation and traumatisation and expose the systemic neglect of gender-specific risks. There is an urgent need for gender-sensitive reforms that prioritise transcultural competence, trauma-informed care and the recognition of gender as a critical category in policy development. Italian migration laws often take a gendered stance, obscuring the particular vulnerability of the non-dominant gender. This approach treats gender as irrelevant in the assessment of protection needs and ignores the reality of marginalised groups. Legal

reforms should explicitly mandate gender-sensitive services, regulated in dialogue with asylum and migration laws, and ensure that survivors have access to appropriate care, including trauma-informed interview processes and women-led care teams supported by culturally and linguistically competent professionals.

Recommendations for Policy Revision

The FCDA points to several areas where institutional texts can be improved, such as the frequent use of the passive voice when talking about migrants, which reinforces a sense of powerlessness. A shift to an active voice that emphasises agency may help to change these narratives and improve service provision. Examining narratives shows how survivor-centred and community-driven policies can positively influence outcomes. As mentioned earlier, policies should prioritise inclusion by providing culturally and linguistically appropriate services at every stage of reception and protection, rather than selectively. Formalising language mediation through a national protocol can improve structural access to communication rights. Subsequently, they should be integrated into public institutions such as prefectures, hospitals and reception centres through fixed contracts to facilitate contact and communication between newly arrived migrants, the socio-cultural environment and the services they need such as healthcare, social services, employment and education. The adoption of cross-border standards and the involvement of mediators in policy co-creation processes — as advocated in the VULNER project (2023) — could enable a more coherent and humane protection system across Europe.

To be effective, however, the institutional culture at the grassroots level — including practices, physical spaces and relational dynamics — must be transformed to promote safety, trust, choice, co-operation and self-determination. In a broader European context, models such as the Greek METAdrasi network or the Belgian Red Cross interpreter protocols[21] offer useful insights for creating national frameworks for mediation that are trauma-informed, survivor-led and institutionally embedded. As Harris and Fallot (2001) argue, trauma-informed systems are those that integrate an understanding of trauma and its impact into every aspect of service delivery, moving from a mindset of "What's wrong with you?" to "What happened to you?". Policies should therefore also introduce trauma-informed and culturally sensitive procedures, supported by regular training of staff in the field to improve their ability to respond to different needs. To improve coordination between authorities, digital platforms should facilitate the efficient exchange of information between organisations involved in the process.

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[21] Further on the topic, https://metadrasi.org/en/metadrasi/; ew.icrc.org/articles/belgian-red-cross-french-speaking-community-implementation-additional-protocols-belgium.

Finally, robust monitoring and evaluation systems should measure policy effectiveness through indicators such as the number of survivors accessing language services and the success rate of asylum claims for GBV survivors. Without such changes, even well-intentioned interventions run the risk of re-traumatising or reinforcing institutional neglect.

Conclusion

This study reveals a significant gap between the political intentions and practical outcomes and uncovers deep-seated structural and discursive problems that urgently need to be reformed. The prevailing focus on state control, efficiency and security — often presented as neutral — perpetuates patriarchal biases, reinforces systemic inequalities and undermines the agency of migrant women. Legal reforms must eliminate these biases by recognising the autonomy of migrant women as agents with specific needs, rather than passive recipients of assistance. The legal framework must recognise the complex, intersecting barriers faced by migrant women, including gender, ethnicity, socio-economic status and legal restrictions. Effective collaboration between language mediators, service providers and policy makers is critical to fostering an environment that empowers survivors of GBV and supports their integration while preserving their dignity and autonomy. Incidentally, although this study goes beyond a control-centred framework, it has its limitations. The reliance on a qualitative analysis and a small sample of language mediators may limit the generalisability of the findings. Furthermore, the focus on gender-based violence does not capture the full range of experiences of different migrant groups, and the exclusive focus on the Italian context may limit the transferability of the findings to other countries. Finally, the application of Feminist Critical Discourse Analysis (FCDA), while effective in uncovering hidden ideologies, may lead to analytical biases related to its theoretical framework. Recognising these limits opens the door for future research. Comparative and cross-national studies could shed light on how different institutional contexts influence vulnerability and protection. Further work should combine narrative methods with quantitative data to more robustly assess findings and support evidence-based reforms. Finally, developing cross-border frameworks for language mediation — particularly in humanitarian and asylum contexts — could provide fertile ground for innovation where inclusion, equity and care become the guiding principles of policy rather than an afterthought.

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