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Translation justice in crises: when lack of access to translation implies human rights violations

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Abstract: In this article, I address the question of how lack of access to translation in crisis settings can imply violations of human rights. I examine key international human rights instruments, including declarations, covenants, academic literature, and legal cases, to understand how the lack of access or poor access to translation threatens human rights, by confronting the challenge of interpretation and implementation of international instruments in emblematic legal cases. In crisis situations ranging from climate change to armed conflicts and public health crises, effective translation should not be seen as a mere procedural measure but as a crucial means of protecting human rights. These rights include access to information, equality, healthcare, and education, the right to a fair trial, and, crucially, the right to life. The analysis indicates the importance of translation justice, emphasizing the need for adequate translation in crisis management to effectively protect human rights, calling for clearer legislative and policy approaches. It challenges us to break free from the confines of traditional rhetoric and embark on a journey of bold innovation in integrating translation into human rights frameworks and practices, with new paradigms of collaboration and inclusivity that challenge existing norms, disrupt entrenched power dynamics, and amplify marginalized voices.

Keywords: crisis translation; human rights; linguistic justice; translation policy

1 Introduction

This article, framed as a concept contribution, positions translation justice as a linguistically grounded condition for the realization of human rights by questioning how insufficient or inadequate access to translation during crises can imply violations of human rights under major international human rights instruments. It is based on the revision of the existing literature on this intersection and the analysis of key international human rights instruments, including declarations, covenants, and international legal cases. The article focuses on situations of crises, highlighting the critical role of translation justice in protecting human rights during such times.

On account of this research question, translation justice, a term that has guided scholarship in translation studies since Meylaerts (2011), is employed here to assert that access to translation is essential for the protection and fulfilment of human rights.¹ When individuals or groups cannot understand or be understood, they are effectively silenced, their experiences marginalized, and their rights violated (Ang and Vázquez 2024; Angermeyer 2022; Footitt et al. 2020). This issue is critical in crisis situations, where clear communication can even directly affect the right to life (Federici 2022; O'Brien and Cadwell 2022), a prerequisite to all other human rights. A crisis, in this context, is defined as an event or series of events that poses a critical threat to the health, safety,

¹ Although Meylaerts (2011) uses the term “translational justice”, “translation justice” is used here for clarity, as it more precisely refers to justice related to translation as a process and practice.

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security, or well-being of a large population across a broad area, where the scale of the affected population is a significant element (United Nations [UN] 2015).

Linguistic justice can be approached in various ways. Linking it solely to language policy and rights may be insufficient to address translation within international human rights, requiring attention to translation-specific human rights frameworks (Meylaerts 2011; see also Mowbray 2022). So far, national and cross-border efforts on translation policy have been ad hoc, disjointed, reactive, and lacking in clear guidelines and coordination between sectors (Blackledge 2005). Legislative efforts have focused on the right to a fair trial (Orlando 2016), while other rights, such as access to health, have received comparatively less attention, despite translation studies (e.g., Piller et al. 2020) increasingly emphasizing the need to address translation in the realization of a broader range of human and linguistic rights.

There are various human rights that are potentially violated by the lack of access to translation, extending from the most fundamental one, the right to life, to all the other rights that make life worth living (for the right to life, health, and information, see Bouyzourn et al. 2023; Piller et al. 2020; for the right to education, see Watkins et al. 2012; and for non-discrimination, see Angermeyer 2022). Also relevant are less mentioned human rights such as the right to participate in cultural or scientific life (UN 1948, art. 27), as well as all civil and political rights established by the International Covenant on Civil and Political Rights (UN 1966b) intrinsically associated with language.

The three most significant international human rights instruments – the Universal Declaration of Human Rights (UDHR; UN 1948), the International Covenant on Economic, Social and Cultural Rights (UN 1966b), and the International Covenant on Civil and Political Rights (UN 1966a) – comprise the International Bill of Rights, affirming that everyone is entitled to rights and freedoms without discrimination. Lack of access to translation presents significant obstacles to the enjoyment of many of these rights, particularly affecting forcibly displaced persons, refugees, migrants, and speakers of minoritized languages during crises (Mowbray 2022). In this context, the concept of translation justice extends beyond the mere provision of translation services (Meylaerts 2011). It especially encompasses the idea of structured and collaborative international instruments, as well as coordinated policy planning and implementation at the national level (see Mowbray 2022).

2 Conceptual framework: translation justice as an essential chapter of linguistic justice

Human rights, as enshrined in foundational documents and especially in the UDHR (UN 1948), are considered birth rights, or fundamental entitlements inherent to every person (UDHR, art. 2). They encompass a broad spectrum, including the right to life, liberty, and security of a person (art. 3); the right to freedom of expression (art. 19), opinion (art. 19), and religion (art. 18); the right to education (art. 26), health (art. 25), and social security (art. 22); and the right “to participate in the cultural life of the community, *to enjoy the arts and to share in scientific advancement and its benefits*” (art. 27; my emphasis), among other rights. These rights, although universal, are often experienced differently depending on various factors, with language being a particularly significant one.

Language, if not a human right in itself (for the disputed character of language as a human rights, see Arzoz 2007), serves as the foundation upon which all human rights are constructed, transposed into national legal systems, interpreted, and, especially, exercised (De Varennes 1996). However, language, as “the principal link between individuals and community life” (De Varennes 1996: 1), can make these rights become inaccessible, effectively rendering their universality and equality meaningless (Monzó-Nebot and Mellinger 2022: 28).

Given this fundamental role of language, the complex association between translation and human rights should not be overlooked and deserves new light. Human rights are closely tied to social justice (see Farrell 2025), and this is the point where translation justice, as a crucial chapter of linguistic justice, is important for examining the relationship between language and human rights. Under the broader umbrella of linguistic justice, translation justice specifically examines how translation, as a specialized activity, impacts rights (Meylaerts 2011). It encompasses the specialized needs and the key roles of translation policies and practices (Meylaerts 2011:

744–745). These needs include international guidelines, training to prevent human rights violations, and national policies that recognize translation as essential for achieving dignity (Kymlicka 1996: 107–131).

Meanwhile, national and international translation regimes remain entrenched in the ideological and politicized frameworks established in the late eighteenth century, when the concept of participatory citizenship was intimately linked to the promotion of a “strong” national language, often at the expense of linguistic minorities, who faced exclusion and violence (see examples in Meylaerts 2011: 746–748). This legacy has led to a persistent neglect or even egregious manipulation of translation policies, resulting in a predominant focus on integration through (often violently enforced) national or colonial language acquisition, a perspective that perpetuates violations of rights and injustice (Dupuis 2019; Gramling 2009). This perspective has conventionalized cruel and exclusionary translation regimes (Angermeyer 2022), intensified in recent times by the rising number of people experiencing forced displacement.

To advance translation justice, effective and independent translation policies are needed – policies that set clear objectives, enforce quality standards, ensure accountability, and promote international collaboration (O’Brien and Cadwell 2022). Rather than being subsumed under broader language treaties, they should stand alone and explicitly recognize translation’s essential role in realizing human rights (Meylaerts 2009, 2011). Such frameworks reflect a sociological view of language as central to democratic participation, especially in the face of technological change and growing threats to human rights (Dupuis 2019; Tasa-Fuster 2024).

A necessary review of translation regimes should be based on human rights and requires a thorough reassessment of the ideological standards upon which these regimes were established (Meylaerts 2011). Furthermore, the understanding of translation as a dynamic and complex process, encompassing various phenomena (Pöchhacker 2024), must be integrated as a central pathway to access these rights. Other significant issues exist. One, highlighted by Arzoz (2007), is the contentious nature of language rights and the varied solutions, approaches, and regulatory models at national levels. This complexity makes it challenging to recognize language or translation rights as human rights directly (Arzoz 2007), a discussion that still warrants much more academic attention. Instead, translation rights can be discussed as instrumental for invoking and achieving human rights (see Mowbray 2022). Undoubtedly, this recognition requires more rigorous interdisciplinary approaches and advanced knowledge in both human rights law and translation studies and, most of all, a change in discourse and paradigms.

A human rights approach to language and translation rights poses challenges and offers solutions and should emphasize the need to clarify the nature and status of these rights and regimes at international, regional, and national levels. A clearer understanding of translation rights as a specific area is necessary. However, this approach does not imply that language or translation rights should be defined as human rights, which is inaccurate and can distort the relationship between law and policy. Human rights ideally limit state actions, while language rights are generally handled through the political process (Arzoz 2007). In this context, translation rights are not human rights, but they are an important means of accessing human rights, requiring clearer, more updated, and realistic policies that reflect this understanding.

3 A human rights perspective to translation

Existing studies indicate that translation policies and practices are associated with a range of human rights (see Angermeyer 2022; Bouyzourn et al. 2023; Piller et al. 2020; Watkins et al. 2012). Although human rights are not explicitly referenced as such or analysed under an interdisciplinary approach that incorporates international law on the subject, they clearly associate translation policy with basic rights, such as health, education, participation in science and technology, information, and non-discrimination (e.g., Angermeyer 2022). Studies that focus on access to health services or safety in situations of crises and disaster (e.g., Federici 2022; O’Brien et al. 2018; Piller et al. 2020), indirectly approach the right to life and various other human rights, such as the security of person, the

right to information, and the right to the environment.² Additionally, Mowbray (2022) provides a significant analysis linking international legal provisions to the rights of linguistic minorities in specific contexts under the idea of linguistic justice.

It is also clear that policies vary from jurisdiction to jurisdiction (O'Brien and Cadwell 2022), with indication that many states still do not have minimum standards to guarantee translation protocols in health services or situations of disaster or extreme vulnerability (Declercq and Kerremans 2023). While some studies highlight the undeniable merits and vital roles of voluntary or community translation (e.g., Taibi 2017; Todorova 2024), others address the risks of non-professional translation practices (e.g., Tesseur 2022), particularly when they are used as substitutes for structured policies. In addition, it is urgent that discussions, including scientific ones, stop masking the reality of neglect and the essential need for robust translation policies to effectively manage human rights risks.

This disparity in policy attention is particularly concerning given the scale of the problem. The global number of forcibly displaced people – both within and across borders – has nearly doubled in the last decade due to factors such as persecution, conflict, violence, and human rights violations. In 2014, there were 59.5 million displaced persons (UNHCR 2015), but by the end of 2023, this figure had surged to 117.3 million (UNHCR 2024), the highest on record. This marks an 8 percent increase from 2022 and continues a 12-year trend of annual growth (UNHCR 2024). Children made up approximately 40 percent of the displaced population in 2023. Additionally, the number of refugees in 2023 was three times higher than a decade earlier, with 3.6 million new asylum applications – a 33 percent increase from 2022 (MDP 2024). Displacement, driven by such conditions, is widely recognized as a defining feature and consequence of protracted crises.

4 Case illustrations of serious violations long ignored

Human rights violations linked to inadequate access to translation extend beyond the connection between the right to a fair trial and the provision of quality interpreting and translation services. Lack of access to translation can increase the likelihood of situations such as human trafficking and modern slavery (see Mayordomo 2024), perpetuate the vulnerability of individuals subjected to these conditions (Ang and Vázquez 2024), affect decisions in court cases involving the provision of vital medication to patients or the return of abducted children (e.g., *Neulinger and Shuruk v. Switzerland* 2010), play a role in prosecutorial misconduct and suppression of evidence in criminal justice (e.g., *Carrillo v. Superior Court* 2006), and cause health situations with severe life risks (Federici 2022). This is a daily reality in institutions dealing with forcibly displaced persons, asylum seekers, and other linguistically vulnerable minorities.

Human rights violations arising from inadequate access to translation have been documented in international legal cases that illustrate the issue. *Kamasinski v. Austria* (1989) is a landmark case that brings into focus the crucial role of translation in safeguarding the right to a fair trial. This case involved an American citizen who alleged insufficient translation during legal proceedings in various stages of his prosecution in Austria. Some sections of the case are worth quoting:

The applicant was interrogated by police officers on 15 October, 6 November and 16 December 1980. During the questioning on 15 October interpretation was provided by a prisoner who, however, had only a limited knowledge of English. (*Kamasinski v. Austria* 1989, para. 11)

On at least two occasions the applicant refused to sign the record on the ground that it was written in a language he could not understand. (*Kamasinski v. Austria* 1989, para. 12)

The applicant wrote to the court on 31 October 1980 complaining that the lawyer did not speak English sufficiently well, and the lawyer asked to be relieved of his duties as counsel for the same reason. (*Kamasinski v. Austria* 1989, para. 13)

² The United Nations General Assembly recently declared the right to a clean, healthy, and sustainable environment as a human right (UN 2022).

The alleged offences consisted essentially of failure to pay certain bills, notably rent and telephone invoices. A registered interpreter was present, but the extent to which the indictment was interpreted is in dispute between the parties. (*Kamasinski v. Austria* 1989, para. 15)

The European Court of Human Rights determined that the failure in providing adequate translation violated the right to a fair trial under the European Convention on Human Rights, particularly Article 6 (para. 74). The court emphasized that defendants who do not understand the language of the court must be provided with translation of essential documents and interpretation throughout the proceedings to enable their effective participation (*Kamasinski v. Austria* 1989). However, the court clarified that not every detail needs to be translated, concluding that paragraph 3 (e) (art. 6-3-e) does not “go so far as to require a written translation of all items of written evidence or official documents in the procedure” and “the interpretation assistance provided should be such as to enable the defendant to have knowledge of the case against him and to defend himself, notably by being able to put before the court his version of the events” (*Kamasinski v. Austria* 1989).

Moreover, the case demonstrates how regional and international courts often fall short in addressing language-based discrimination, as they lack the mandate or mechanisms to evaluate the effectiveness of national interpreting and translation systems in practice (Fingas 2019). The complexity of ensuring quality translation from pre-trial to trial stages highlights that the right to a fair trial extends beyond procedural guarantees, requiring access to adequate translation as a fundamental and substantive measure. The case indicates the significance of translation in legal contexts and the need for states to take appropriate measures to ensure that persons who do not speak the dominant language can effectively participate in legal proceedings. Additionally, it exposes the vulnerability of current legal systems in addressing language-based discrimination. Despite more than three decades of globalization leading to more frequent cases involving migrants and displaced persons, the implementation of legislation and policy surrounding access to translation and translation justice has not kept pace with these changes, continuing to exhibit the same limitations.

Directive 2010/64/EU establishes rules regarding the right to interpretation and translation in criminal proceedings and the execution of European arrest warrants. Although it represents the EU framework most tightly aligned with interpretation and translation, its implementation presents grey areas regarding the scope and exceptions related to the right to written translation of essential documents, as well as the quality of translations and interpretations under Recital 32. Research indicates that, in most European countries, very few documents have been systematically translated in writing at the request and expense of the authorities for defendants in criminal proceedings. Translation efforts are often minimal, perceived as costly, time-consuming, and unnecessary (Fingas 2019). Furthermore, there are unaddressed issues surrounding the right to translation and translation justice, deeply rooted in ideological perspectives that shape attitudes towards language access in the legal system (Monzó-Nebot and Wallace 2024).

In many legal systems, this implicit belief reaches absurd levels, where resistance to the right to translation is not merely an issue of practicality or cost, but rather a deep-seated reluctance to disrupt the status quo. There are clear examples of this, with a history of marginalization and exclusion through linguistic violence especially in colonized countries (Massini-Cagliari 2004). For instance, in Brazil, the only provision related to the right of translation in criminal proceedings is the limited statement in Article 193 of the Criminal Procedure Code (Brasil 1941), which requires that “when the defendant does not speak the national language, the interrogation shall be conducted through an interpreter” (my translation). In many former colonies, legal systems and translation regimes were established using the colonizers’ language, often neglecting local speakers of other languages (Whitt 2009). To date, these regimes have not undergone substantial examination or evaluation.

The Inter-American Court of Human Rights addressed translation issues in the emblematic case of the *Sawhoyamixa Indigenous Community v. Paraguay* (2006), linking the right to land with the right to life, cultural heritage, and language. The court recognized that the displaced Indigenous community lacked a culturally and linguistically appropriate school, leading to discrimination against their children at the local Paraguayan school, which taught only Guaraní and Spanish (para. 229). This contributed to the loss of their native language and hindered the preservation of their customs, further exacerbated by limited access to essential natural resources (para. 248). The court also highlighted the growing recognition of Indigenous peoples’ *jus standi* before

Table 1: Illustrative cases.

	<i>Kamasinski v Austria</i> (European Court of Human Rights 1989)	<i>Sawhoyamaya Indigenous Community v Paraguay</i> (Inter-American Court of Human Rights 2006; Monitoring Order 2008)
Rights	European Convention on Human Rights, Article 6(1) and 6(3)(e) (fair trial; interpretation/translation)	Life, property, cultural identity, and language; judicial protection
Language issue	Inadequate interpretation during police questioning; limited translation of essential documents; counsel lacked sufficient English	Absence of culturally and linguistically appropriate services and dissemination; need to communicate judgments in accessible languages
Holding	Violation of Article 6. States must provide interpretation and translation of essential materials sufficient for the defendant's effective participation; not every document requires verbatim translation	Ordered measures including accessible education and dissemination (with translation/broadcast as needed)
Implication	The case evidences the need to quality assurance for “essential documents” and “effectiveness” standards across the criminal process	Translation duties extend beyond courtrooms and criminal processes to administration, education, and public communication; failure entrenches structural discrimination

international human rights bodies (para. 58), which also impacts the resolution of linguistic barriers and the right to translation. In the Order of Monitoring Compliance (*Sawhoyamaya Indigenous Community v. Paraguay* 2008), the court noted an agreement to broadcast parts of the judgment on the radio and required a translation of the broadcast transcript if it was in a language other than Spanish and ensured that all relevant parties could access the judgment in a language they could understand (para. 48).

Another important conclusion from *Sawhoyamaya Indigenous Community v. Paraguay* (2008) is that the intersection of translation justice with fundamental rights extends beyond cultural and linguistic preservation and touches on other essential human rights, such as the right to a clean and healthy environment, recently recognized as a human right by UN Resolution 76/300 in association with the right to land, territories and resources (UN 2007, art. 26). Table 1 illustrates that inadequate access to translation and interpretation undermines the effective protection of human rights, both within criminal proceedings and in broader contexts, highlighting the need for quality assurance and culturally appropriate language services.

Strong connections also exist between translation and the right to the environment as a human right, as, for example, access to climate change information – or the lack thereof – directly impacts speakers of non-majority languages, who are often key stakeholders in addressing climate change. Multilingual needs can create barriers to accessing critical environmental information, particularly in contexts of displacement. The difficulty in translating complex concepts like ‘climate’, which may not have direct equivalents in many Indigenous or minoritized languages, highlights the challenge of making such knowledge accessible (Rudiak-Gould 2012).

In general, the lack of attention to translation justice implies that language often serves as a gatekeeper of power, rooted in histories of linguistic violence and discrimination (Equal Rights Trust and OHCHR 2022; Meylaerts 2011). This reluctance reflects a broader unwillingness to address the inequalities embedded in these structures. Translation justice, therefore, is not just about providing translations or interpreters when needed; it is about recognizing the right to translation as fundamental to the very essence of justice. Without acknowledging this right, legal systems continue to perpetuate exclusion and inequality.

5 Policy/practice implications for crisis governance

The analysis has shown that there are substantial indications of human rights violations due to lack of access to quality translation. In light of this, the prevailing argument that managing linguistic diversity is too challenging for states should not serve as an excuse for severe violations of human rights. Rather than attempting to create

universal rules under the umbrella of linguistic rights, a more realistic and practical approach is to view access to translation as a key mechanism for safeguarding human rights and preventing their violation.

International guidelines must acknowledge the significant differences in local realities, particularly in the size and diversity of minoritized languages, as well as the new dynamic flows of people in connection with current crises, including environmental ones. An old colonialist mentality of “letting languages die” or viewing linguistic minorities as a threat to the state continues to impede meaningful change in translation policies. The concern may stem less from translation costs than from a systemic failure to ensure basic rights and protections for linguistic minorities.

Cost-related difficulties and resource management challenges cannot be used to justify the lack of minimal international standards, which should at least offer guidelines to prevent jurisdictions from neglecting proper translation legislation beyond the provision of an interpreter for fair trials. Translation issues are far more complex and affect many other fundamental rights.

6 Limitations and research agenda

While the global landscape has evolved, the debate around translation has not. Progress therefore requires highly specialized interdisciplinary studies, which aim to expand the field of translation justice and to deepen understanding of the intersections between translation and human rights, including phenomena such as the consequences of lack of access to translation for rights such as the right to health and the right to safety. Looking at specific examples from jurisdictions is relevant. A broader international debate is essential to establish minimum international standards that can mitigate marginalization and exclusion of linguistically vulnerable persons and groups. Cross-border efforts are ad hoc, disjointed, reactive, and lacking coordination between governments, scientific studies, and directly involved sectors. There is substantial evidence of human rights violations due to lack of access to translation.

This article is deliberately narrow in scope. It reviews selected universal, regional, and European Union instruments and a small set of illustrative cases and does not aim at comprehensive coverage. It also excludes the African human rights system (African Charter, Commission, and Court), which limits regional generalisability. Additionally, engagement with language technologies (e.g., machine translation) and with misinformation/disinformation in crisis settings is limited; no technical evaluation or empirical testing is undertaken. Future work should address these gaps.

7 Conclusions

Human rights and the rule of law cannot be the cost of inadequate translation services, especially in our current global scenario. Ultimately, lacking or poor translation in a high-risk scenario where linguistic minorities do not understand the language puts their safety at significant risk and exacerbates inequality and injustice. This applies to the right to a fair trial, asylum processes, access to justice, status regularization, or situations involving serious health or freedom violations. The consequence of inadequate translation cannot be the erosion of the rule of law in a world where persons are simply excluded, and solutions remain unheard.

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