

# Protocol for Assistance to Migrant Women

Starting from a gender perspective  
and applying an intersectional analysis



**SOEMPRE**

Science Integrity Empowerment Mobility Renewable Educational Projects

MAKING LATIN WOMEN VISIBLE



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Informative Magazine of the International  
Non-profit Association SIEMPRE: *Science Integrity  
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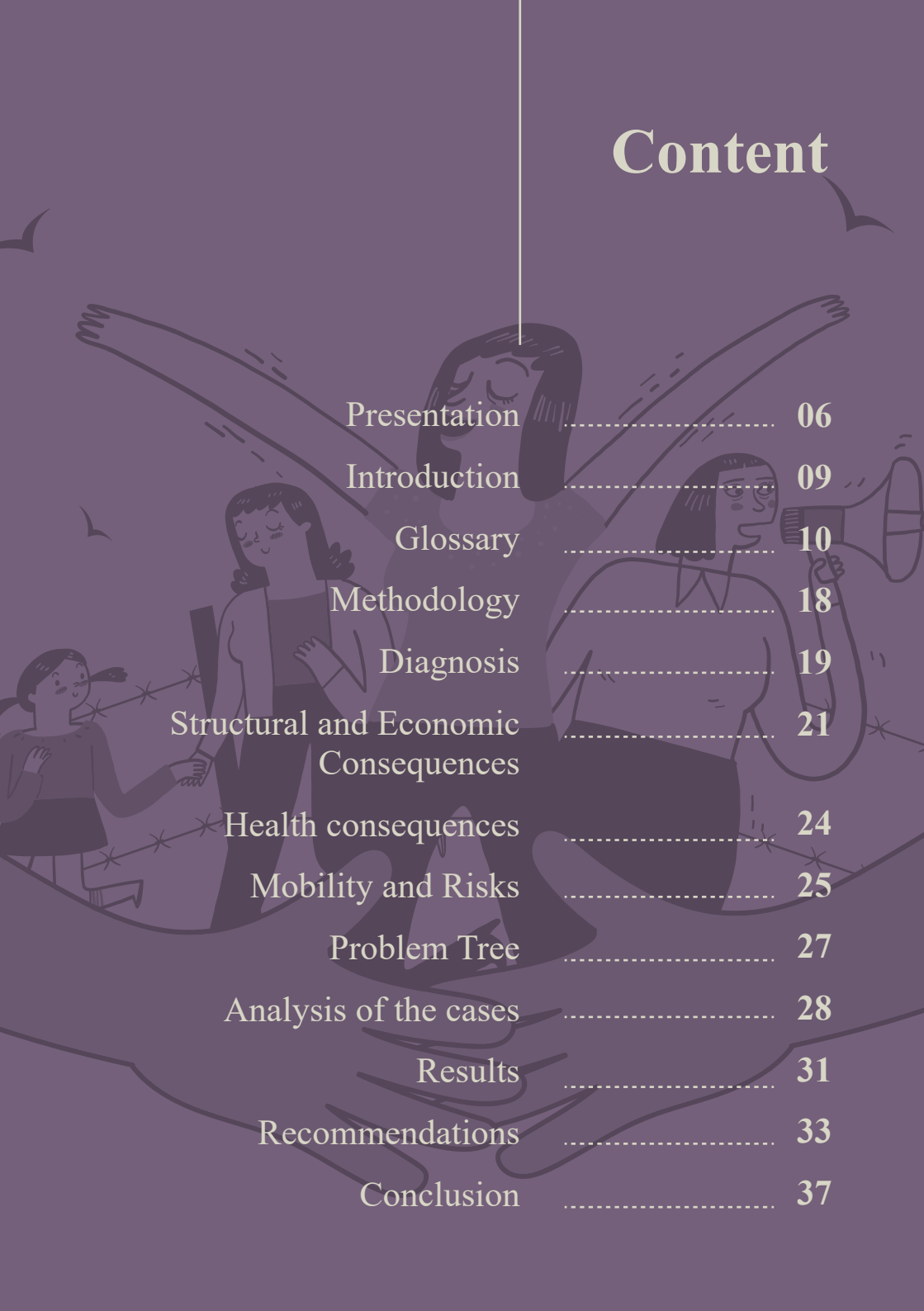
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# Presentation

## Danielle Fernandes

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***"I am not free while  
any woman is unfree."***

(Lorde, 1981)

Audre Lorde's call to liberate women from oppressive racial and sexist systems remains relevant to this day. To dismantle these systems, it is important to understand their constraints and gaps, particularly in relation to achieving justice for marginalised populations. In this pursuit, S<sup>+</sup>EMP<sup>+</sup>RE undertakes to document the experiences of migrant women facing gender-based violence (GBV) through their report "Protocol for Assistance to Migrant Women". Extending beyond academic exploration, this report represents S<sup>+</sup>EMP<sup>+</sup>RE unwavering commitment to meet the needs of migrant women.

The authors of this report remained cognizant that migrant women are bound by various aspects of their identity, be it their migration status, gender, or, for some, their identity as women of colour. These intricate identities, intertwined with factors such as class, education, and sexuality, create a complex web of vulnerabilities that shape their experiences of violence. In recognition of this complexity, the authors of this report reject the essentialist notion of viewing women as a homogenous group with a shared experience, and instead acknowledge the intricate and diverse interplay of power dynamics that shape their lives.

Such an intersectional approach was originally coined by Kimberly Crenshaw (1989), who described it as *“a lens through which you can see where power comes and collides, where it interlocks and intersects”*<sup>1</sup>. By adopting this lens, the authors seek to highlight that gender inequalities, intersecting with other hierarchies of power, privilege, and vulnerability, are embedded in the organisation and structure of societal institutions as well as in social norms and interpersonal relations. These multi-layered dynamics of power and vulnerability are particularly relevant in relation to experiences of GBV. GBV, defined by the UNHCR (2021) as physical, sexual, psychological and economic violence directed against a person because of their sex, gender, sexual orientation or gender identity, is inherently and deeply related to

power inequalities<sup>2</sup>. Global scholarship has long recognised unequal power relationships due to oppressive social and gender norms as a root cause of GBV and a key factor influencing GBV programming<sup>3</sup>.

There is a complex, intersectional and multi-level causality between GBV and migration, which is oft neglected in migration studies. Migration literature predominantly focusses on GBV as a cause of displacement or on specific forms of violence, such as domestic violence and female genital mutilation (FGM) among migrant populations.<sup>4</sup> Such a myopic view risks overlooking the different forms of violence encountered at various points in the migration journey, as well as the structural and systemic inequalities which underlie these experiences.

This report attempts a comprehensive perspective to report the lived experiences and challenges with GBV across the migration trajectory. GBV, in the form of harmful cultural practices and assault in conflict zones, can act as triggers for women to flee persecution and claim asylum elsewhere.<sup>5</sup> Equally well documented are experiences of violence during perilous journeys to destination countries.<sup>6,7</sup> However, women also experience GBV even after reaching apparent safety.<sup>8</sup> Despite the formal integration of gender considerations into migration laws, such as the EU Asylum Directives,<sup>9</sup> migrant women encounter

persistent barriers to claiming support and refuge with experiences of GBV often deemed not 'political' enough to warrant protection.<sup>10</sup> In cases of economic migration, where residence status is dependent on an employer or a partner, immigrant women may be placed in situations of higher vulnerability with limited protections.<sup>11</sup>

This report represents S&EMPRE commitment to unshackle and empower migrant women who have been marginalized, oppressed, and weighed down by the burdens of social stigma and structural barriers. This work is a collective endeavour in demonstrating the gendered aspects of violence in the context of migration, unearthing the silenced stories of migrant women, and advocating for intersectional change. Readers are invited to explore the pages that follow, bearing in mind the voices that have been unheard for too long and join us in working towards a future where no woman remains unfree.

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## Introduction

The “Protocol for Assistance to Migrant Women” has been elaborated by the NGO SIEMPRE, to provide support and assistance to all migrant women who find themselves living with violence. This document strives to raise awareness and prevent all forms of gender-based violence, amplifying the voices and experiences of migrant women. We apply an intersectional lens to our analysis, to illustrate the full complexity of the migrant lived experience, which are visible by the structural, economic and health ramifications and further injustice and lack of fulfilment of rights.

Aimed at all migrant women, regardless of their legal status or social situation, this protocol can act as a guide for women in vulnerable situations and for the workers who assist this community. Working in silos with social and community workers, this document aims to assist with the recognition of violence and supporting survivors to access assistance, providing the necessary information and explaining the legal and social resources available.

This protocol addresses the complex issue of institutional violence and offers recommendations for the adoption of policies to empower migrant women to prevent gender-based violence. Using data collected from surveys and interviews, this protocol maps the problem and illustrates the multiple perceptions of violence from the point of view of migrant women. Using the voices of migrant women as a starting point, this document describes how to recognise the signs which may indicate the presence of violence. Then, highlights the “gaps” in the systems which make it difficult or sometimes impossible for migrant women or a woman in an irregular migration situation to ask for help and report violence to the police. With this, we offer a new perspective and recommendations for a complex, crucial and under-discussed area.

# Glossary

➤ **Migration.** *The movement of people outside their place of residence, may be across borders or within the same country.*

➤ **Transmigration.** *A process of continuous migration that transcends the borders of nation-states, and whose complex socio-economic relationships challenge traditional conceptions of territory, belonging and citizens.*

➤ **Migrant.** *Although there is no legally agreed definition, the United Nations defines a migrant as "someone who has resided in a foreign country for more than one year regardless of the causes of his or her transfer, voluntary or involuntary, or the means used legal or others" (United Nations Department of Economic and Social Affairs). This is a generic term which may not be defined in international law, as any person who moves outside his or her place of habitual residence, either within a country or across an international border, temporarily or permanently, for various reasons. This term encompasses a series of well-defined legal*

*categories of people, such as migrant workers; people whose form of transfer is legally defined or trafficked migrants; whose transfer is forced, as well as people whose status or means of transfer are not expressly defined in international law, such as international students.<sup>1</sup>*

➤ **Regular migration.** *Movement of people that occurs per the laws of the country of origin, transit, and destination.<sup>2</sup>*

➤ **Irregular migration.** *Movement of people that occurs outside the laws, regulations or international agreements governing entry to or exit from the country of origin, transit or destination.<sup>3</sup>*

➤ **Transmigrant.** *People whose daily lives depend on multiple and constant interconnections across international borders. Their various identities are configured in relation to more than one state and they construct their daily reality between multiple states, through technology, media and communications.<sup>4</sup>*

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<sup>1</sup> International organization for migration. <sup>2</sup> International organization for migration. <sup>3</sup> International organization for migration. <sup>4</sup> Basch, L., Glick Schiller, N. and Blanc C.S., (1994) *Nations Unbound: Transnational Projects Postcolonial Predicaments, and Deterritorialized Nation-states*. [S.I.]: Gordon and Breach, 1994.

- **Stateless.** *Person not considered a national by any State, per its legislation.*<sup>5</sup>
- **Undocumented, irregular.** *Refers to migrants without a valid residence permit. In line with PICUM (\*), the use of these terms is advocated as opposed to the use of the word “illegal”, a word that is interpreted as defamation to devalue, dehumanise and discriminate.*
- **Refugee.** *Is someone who “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of [their] nationality and is unable or, owing to such fear, is unwilling to avail [themselves] of the protection of that country; or who, not having a nationality and being outside the country of [their] former habitual residence, is unable or, owing to such fear, is unwilling to return to it”.*<sup>6</sup>
- **Asylum seeker.** *A person seeking international protection. In states with individualised procedures, an asylum seeker is a person whose application has not yet been the subject of a final decision by the state where it was submitted. Not all asylum seekers are recognised as refugees, but all refugees in these countries are initially asylum seekers.*<sup>7</sup>
- **Migrants in vulnerable situations.** *Migrants who cannot effectively enjoy their human rights, who are at greater risk of violations and abuses, and therefore, have the right to demand greater protection from duty bearers.*<sup>8</sup>
- **Unaccompanied minors.** *Minors who are separated from both parents and other relatives and are not in the care of an adult who, by law or custom, has that responsibility.*<sup>9</sup>
- **International Protection.** *A process that offers a means of admission into a country on a temporary or permanent basis to people or groups of people who require protection. International protection is typically an expedited process for persons in need of security, including, but not limited to, refugees, persons with pressing protection needs, vulnerable*

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<sup>5</sup> United Nations Convention relating to the Status of Stateless Persons \*The Platform for International Cooperation on Undocumented Migrants. <sup>6</sup> Geneva Convention Relating to the Status of Refugees of 1951. <sup>7</sup> Office of the United Nations High Commissioner for Refugees (UNHCR), *Glossary of Terms of Reference* 2006. <sup>8</sup> *Principles and practical guidance on the protection of the human rights of migrants in vulnerable situations (Report of the United Nations High Commissioner United Nations for Human Rights to the Human Rights Council)*. <sup>9</sup> Article 1 of the Convention on the Rights of the Child.

migrants, extended family members or people who need medical assistance and care. International protection is an accelerated process that can be applied to a specific population when it is in a situation of extreme insecurity or vulnerability and has pressing protection needs. At the time of admission, beneficiaries are usually granted a specific legal status, temporary in nature; In addition, it is periodically evaluated whether the person concerned still needs protection.<sup>10</sup>

➤ **Displacement.** Movement of people who have been forced or obliged to escape or flee from their home or place of habitual residence, in particular as a result of the effects of armed conflict, situations of generalised violence, violations of human rights or of natural or human-caused disasters, or to avoid such effects.<sup>11</sup>

➤ **Non-refoulement (principle of).** Principle that entails the obligation for States not to extradite, deport, expel or return a person to a country where their life or freedom would be threatened, or when there are serious reasons to believe that said person would be at risk of being subjected to acts

of torture or other cruel, inhuman and degrading treatment or punishment; of being subjected to forced disappearance, or suffering other irreparable harm.<sup>12</sup>

➤ **Freedom of movement (right to).** Within the framework of international human rights, the three basic elements that comprise this human right are: the right to move freely and choose residence in the territory of a State; the right to leave any country; and the right to return to one's own country.<sup>13</sup> In the context of free movement agreements, freedom of movement is understood as the right to enter and reside in another state that has agreed to this framework.

➤ **Family reunification (right to).** Right of foreigners to enter and reside in a country in which their family members legally reside or of which they have nationality, to preserve family unity.<sup>14</sup>

➤ **Permission.** In the context of migration, a document (such as a residence or work permit or authorisation), generally issued by a government authority, which attests that the person concerned is authorised to reside or carry out a remunerated activity in a specific place.<sup>15</sup>

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<sup>10</sup> International organization for migration. <sup>11</sup> United Nations Commission on Human Rights, Guiding Principles on Internal Displacement. <sup>12</sup> Geneva Convention Relating to the Status of Refugees of 1951. <sup>13</sup> Universal Declaration of Human Rights 1948. <sup>14</sup> Council of the European Union, Directive 2003/86/EC on the Right to Family Reunification. <sup>15</sup> International organization for migration.



- **Human trafficking.** *Capture, transport, transfer, harbouring or reception of people, resorting to the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or a situation of vulnerability or granting or receipt of payments or benefits to obtain the consent of a person who has authority over another, for the purposes of exploitation. Such exploitation includes, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices analogous to slavery, servitude or the removal of organs.*<sup>16</sup>
- **Integration.** *Bidirectional process of mutual adaptation between migrants and the host society by which migrants are incorporated into the social, economic, cultural and political life of the receiving community. This entails a series of joint responsibilities for migrants and communities and includes other related notions such as inclusion and social cohesion.*<sup>17</sup>
- **Acculturation.** *A series of changes in cultural customs (ideas, words, values, norms, behaviours, institutions) resulting from direct and continuous contact between groups of different cultures, especially through migratory movements or economic exchanges.*
- **Shelters.** *It is the term used to encompass the breadth of services that women's shelters, shelters, shelters, and anti-violence centres provide in various cultural contexts.*<sup>18</sup>
- **Naturalisation.** *Any form of acquisition, after birth, of a nationality that was not previously possessed and that requires the presentation of an application by the interested person or his legal representative, as well as an act of granting nationality by a public authority.*<sup>19</sup>
- **Remittances (migrants).** *Private monetary transfers that migrants make, either individually or collectively from one country to another.*<sup>20</sup>
- **Xenophobia.** *Although there is no internationally accepted definition of "xenophobia", it can be defined as the set of attitudes, prejudices and behaviours that entail the rejection, exclusion and, often, the denigration of people*

<sup>16</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

<sup>17</sup> Office of the United Nations High Commissioner for Refugees [UNHCR], Glossary of Terms of Reference 2006. <sup>18</sup> Global Network of Women's Shelter. <sup>19</sup> European Union Democracy Observatory on Citizenship, The EUDO Glossary on Citizenship and Nationality 2015. <sup>20</sup> International organization for migration

for being perceived as foreign or alien to the community, society or national identity.<sup>21</sup>

- **Regulatory framework.** A regulatory framework is a set of laws, rules, decrees, regulations, etc., of a mandatory or indicative nature that govern a country, state or institution.
- **Superdiversity.** Not only are there differences between people from the receiving country and citizens of other nationalities, since there are also differences between all immigrants in terms of their multiple origins, their socio-economic differences, different languages, etc.
- **Gender.** Gender is not used to name exclusively women or exclusively men, but rather the relationship between them. It refers to the social attributes and opportunities associated with being a man and a woman and the relationships between women and men and girls and boys, as well as the relationships between women and men. These attributes, opportunities and relationships are socially constructed and learned through socialisation processes. They are

context/time-specific and modifiable. Gender determines what is expected, allowed and valued in a woman or a man in a given context. In most societies there are differences and inequalities between women and men in terms of assigned responsibilities, activities carried out, access and control of resources, as well as decision-making opportunities. Gender is part of the broader sociocultural context. Other important criteria for sociocultural analysis are class, race, poverty level, ethnic group, and age.<sup>22</sup>

- **Gender equality.** It refers to the equality of rights, responsibilities and opportunities of women and men and girls and boys. Equality does not mean that women and men will be equal, but rather that the rights, responsibilities and opportunities of women and men will not depend on whether they are born male or female. Gender equality implies that the interests, needs and priorities of both women and men are taken into consideration, recognizing the diversity of different groups of women and men. Gender equality is not a women's problem but must concern and fully engage men and women. Equality

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<sup>21</sup> Declaration on Racism, Discrimination, Xenophobia and Related Intolerance against Migrants and Trafficked Persons. <sup>22</sup>United Nation Entity for Gender Equality and the Empowerment of Women.

between women and men is considered both a human rights issue and a precondition and indicator of people-centred sustainable development.<sup>23</sup>

- **Consent.** *It is the act of giving permission or accepting something, having had the opportunity to reflect on whether you want it or not.<sup>24</sup> In the context of power relations, and specifically sexual-affective relationships and acts, consent refers to the ability to specifically communicate agreeing to participate in something or not, whether it is a sexual act, a form of sexual-affective relationship, etc. Consent allows for maintaining the balance of power between people, seeks to avoid abuse in any form, and is part of equity in decision-making. Consent can exist only if the person in question is fully capable of making objective decisions for themselves. A person who, for example, has consumed narcotics, who is being manipulated or forced, or who is a minor, cannot give consent.*
- **Identity.** *Identity encompasses the memories, experiences, relationships, and values that create one's sense of self. This*

*amalgamation creates a constant sense of who one is over time, even as new facets develop and incorporate one's identity. Intersectional identity theory asserts that people are often disadvantaged or privileged by multiple intersecting factors: their race, age, class, gender identity, sexual orientation, religion, and other identity markers.<sup>25</sup>*

- **Patriarchy/Patriarchal.** *Patriarchy is a social-political system that insists that men are inherently dominant, superior to everything and everyone considered weak, especially women, and endowed with the right to dominate and rule over the weak and to maintain that dominance. through various forms of psychological terrorism. and violence.<sup>26</sup>*
- **Unpaid care work.** *Unpaid care work refers to housework, caring for children and the elderly, and the mental burden of managing a family.<sup>27</sup> All of these are essential tasks for daily life and for the reproduction of the socio-economic systems in which we live since care work generates and maintains the life and well-being of individuals who belong to the paid workforce. Historically,*

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<sup>23</sup> United Nation Entity for Gender Equality and the Empowerment of Women. <sup>24</sup> Croucher, L.2015 Consent Can Be Withdrawn at Any Time and 10 Other Things You Need to Know About Consent. <sup>25</sup>Kort, J. Understanding Intersectional Identities. 2019. <sup>26</sup>Hooks, B. Understanding Patriarchy, p.1.2004. <sup>27</sup> Cain Miller C. Unpaid work may impact women's mental health more than men's. 2022.

unpaid care work has fallen and continues to fall disproportionately on women, due to rigid patriarchal structures that determine what belonging to each gender entails. Aided by hegemonic narratives such as the myth of romantic love, the disproportionate division of unpaid work is justified and economic, political, ideological, etc. inequality is maintained. towards women. Starting from the intersectional approach, this structural imbalance has very diverse and complex implications since inequality ramifies at each identity intersection.

- **Gender-based violence (GBV).** Violence directed against a person, based on their gender or sex. It includes acts that inflict physical, sexual or psychological harm or suffering, threats of such acts, coercion and other deprivations of liberty, both in the public and private spheres. Although anyone can be a victim of gender-based violence, this type of violence disproportionately affects women, girls and the lesbian, gay, bisexual, transgender and intersex (LGBTI+) population.
- **Violence against women.** It is a violation of human rights and a form of discrimination against

women. It encompasses all acts of gender-based violence, whether suffering or damage of a physical, sexual, psychological, or economic nature, threats and deprivation of liberty.

- **Domestic violence.** Physical, psychological, or sexual aggression committed by the husband or partner, grandparents, parents, children, siblings, civil relatives or other family members. It also includes guardians or those in charge of custody. It affects all families without distinction of race, age, education or socioeconomic conditions.
- **Women.** A woman is understood to be all people who identify with the female gender, regardless of their age or sex. For this reason, trans women, and girls under 18 years of age are included in this concept.
- **Continuum of violence as a condition of life for women.** The concept of the continuum of violence was originally coined by Liz Kelly in 1988,<sup>28</sup> which means the circularity of different violence; refers to violence that occurs throughout life and is perpetrated by different actors; and consequences at a psychological and economic-labour level, reproduce

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<sup>28</sup> Kelly, Liz. (1988). *Surviving Sexual Violence*. Minnesota: University of Minnesota Press.

*a continuum that prevents them from easily breaking this circularity of violence.*

➤ UN Women distinguishes six types of violence against women.<sup>29</sup>

➤ **(i) Physical violence.** *Causing or attempting to cause harm to a partner by hitting, kicking, burning, grabbing, pinching, pushing, slapping, pulling their hair, biting, denying them medical care or forcing them to use alcohol or drugs, as well as using any other type of physical force against her. This may include property damage.*

➤ **(ii) Sexual violence.** *It involves forcing a partner to engage in a sexual act without their consent.*

➤ **(iii) Economic violence.** *It is the act of achieving or attempting to achieve financial dependence on another person, maintaining complete control over their financial resources, preventing them from accessing them and prohibiting them from working or attending school.*

➤ **(iv) Emotional violence.** *Diminishing a person's self-esteem through constant criticism, undervaluing their abilities, insulting them, or subjecting*

*them to other types of verbal abuse; in damaging a couple's relationship with their daughters or sons; or not allowing the couple to see their family or friends.*

➤ **(V) Psychological violence.** *Causing fear through intimidation; threatening to cause physical harm to a person, their partner or their children, or to destroy their pets and property; in subjecting a person to psychological abuse or forcing them to isolate themselves from their friends, family, school or work.*

➤ **(vi) Institutional violence.** *Are the acts or omissions of public servants of any order of government that discriminate or have the purpose of delaying, hindering or preventing the enjoyment of their human rights as well as their access to public policies aimed at preventing, address, investigate, punish and eradicate different types of violence.<sup>30</sup>*

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<sup>29</sup> UN Women, 2021. <sup>30</sup> Galtung, J (1969). "Violence, Peace, and Peace Research". *Journal of Peace Research*. 6 (3): 167–191.

## Methodology



The problem tree has been developed with the information collected from in-depth interviews and testimonial accounts carried out in 2019 by the **S**EMPRE team. These interviews express the situation of extreme violence and vulnerability as the norm for migrant women who reside in Europe.

The data collected in 2021 originated from surveys with 16 Latin American women who currently reside in a country other than their country of origin, their countries of residence are EU Member States, Canada and the

United States of America. All people interviewed self-identify as women, and migrants, while identifying as mothers, professionals, employees and/or students, all of which contribute to their experiences of one or more types of violence.

The combination of qualitative and quantitative data offers an extensive analysis of the violence experienced by many migrant women and begins to offer a detailed picture of the extreme vulnerability faced by millions<sup>31</sup> of women worldwide.

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<sup>31</sup> UN Women, [www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures](https://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures).

## Diagnosis

The relationship between migration and gender-based violence cannot be ignored. Violence towards migrant women has the potential to affect almost half (135 million or 48.1 per cent)<sup>32</sup> of the world's migrant population. The extreme vulnerability of migrant women and the experience of gender-based violence should not be omitted from any discourse or political agenda.

An intersectional approach allows the double discrimination of migrant women to be highlighted. This position of heightened vulnerability, as victims of two oppressive systems often produce a total or partial inaccessibility to citizenship rights. A survey conducted by the EU, states that one in three women has experienced violence,<sup>33</sup> within migrant communities, this figure is dramatically increased. In a study conducted with women arriving via the Mediterranean route from Northern Africa to Italy, it was estimated that 90 per cent of the women and girls had been victims of sexual violence on their journeys.<sup>34</sup> Migrant women are less likely to report cases of gender-based violence out of fear of losing their job, partner or residency status.<sup>35</sup>

Gender-based violence is part of the structural system which renders men and women unequal. Gender-based violence can be considered the main



<sup>32</sup> *Integration of Migrant Women, 2022, European Migration Network.* <sup>33</sup> *Violence against Women in the EU, State of play, 2022, EPR, European Parliamentary Research Service.* <sup>34</sup> *Women's Refugee Commission. 2019. "More Than One Million Pains": Sexual Violence Against Men and Boys on the Central Mediterranean Route to Italy. March.* <sup>35</sup> *Robillard, C., McLaughlin, J., Cole, D.C., Vasilevska, B. and Gendron, R. 2018. "Caught in the Same Webs"—Service Providers' Insights on Gender-Based and Structural Violence Among Female Temporary Foreign Workers in Canada." *Journal of International Migration and Integration.* 19(3): 583-606.*

instrument of the perpetuation of the system of patriarchy<sup>36</sup>, when committed in partner or domestic contexts. This produces conditions that are difficult to remedy, and the consequences are not only for the victims but also for the family, children and wider society. We believe that addressing the problem of gender-based violence and finding practical solutions to improve the standard and quality of life for migrant women in Europe is a priority, and should be considered as such by the international community.

In general, European society omits and ignores the perception of violence towards migrant women<sup>37</sup>, which contributes to the construction of stereotypes that further feed prejudice and discrimination. We illustrate the main consequences of gender-based violence for migrant women and how they contribute to creating cycles of violence and oppression that must be eradicated.



<sup>36</sup> McKee, Jesse R. "Patriarchal Ideology and Violence Against Women: A Theoretical Contribution Using Longitudinal, Individual- Level Analyses" (2014). Doctor of Philosophy (PhD), dissertation, Sociology/Criminal Justice, Old Dominion University. <sup>37</sup> Freedman, J. and Bahija, J. (2008), Violence against Migrant and Refugee Women in the Euromed Region: Case Studies: France, Italy, Egypt & Morocco: Euro-Mediterranean Human Rights Network (EMHRN).



## Structural and Economic Consequences



“Care work”, or unpaid work of caring for the home and children, the elderly and the disabled, has been considered by society as a “duty” for women. Federici<sup>38</sup> argued that the structure of capitalism has rendered domestic work invisible, by excluding it from the sphere of labour contracts, and through the processes of naturalisation and romanticisation, in which women are expected to ‘enjoy’ this labour. EU member states such as Finland or Sweden which support a social democratic welfare system, encourage a more equitable distribution of care work between gender roles.<sup>39</sup> However, statistics show that in most European countries, and even more so in continental and southern Europe, women spend disproportionately more time on unpaid care work than men. The unequal distribution of unpaid care work between women and men represents a violation of women’s rights<sup>40</sup> and limits their economic independence and profes-

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<sup>38</sup> Federici, S. (1975). *Wages against housework*. London: *Power of Women Collective*. <sup>39</sup> Gornick, J. & Meyers, M. (2006). *Welfare Regimes in Relation to Paid Work and Care: A View from the United States on Social Protection in the European Countries*. *Revue française des affaires sociales*. <sup>40</sup> UN, 2013 ‘<https://www.ohchr.org/en/press-releases/2013/10/unpaid-care-work-blocks-womens-rights-if-not-shared-men-and-states-un-expert>’.

sional development. The gender gap in unpaid care work can be seen as a structural response to the lack of alternatives to integrate and involve all members of society, families, or couples as responsible for the maintenance of the home. The distribution of tasks, jobs, domestic commitments, care, and health should no longer be considered the responsibility of women, as it benefits all. Establishing an equal share of the domestic tasks which are considered 'women's work', would allow migrant women better access to the labour market, professional jobs and educational opportunities.

Many European countries have withdrawn state-provided care, as part of a global tendency to transition from state to private family care.<sup>41</sup> A global response to this has been seen by the intensification of the role of migrant women in the care sector. This has created a transnational division of labour between middle-class women and migrant working-class women. This structure provides Global North countries with abundant cheap female labour, allowing states to lack the responsibility of integrating the migrant population into host societies as citizens with rights and entitlements.<sup>42</sup>

Millions of female graduates arrive in Europe every year and, despite having the same academic and professional qualifications as European women,<sup>43</sup> they do not have access to the same job opportunities due to the problems in recognising and homogenising previous qualifications. In a situation of economic hardship, care work becomes one of the few limited career opportunities, and its lack of recognition, pay and status, results in migrant women remaining in this field of employment, without a viable way out.

In addition, many women who migrate to Europe arrive with their children or other relatives.<sup>44</sup> This creates a situation of dependency for many women, who have to work double as to support their relatives and send remittances to their country of origin. In cases where women make the migratory journey alone, once they arrive in Europe it is not uncommon for women to apply for Family Reunification, in this case, the responsibility for the elderly and children falls exclusively on them, with the difference that the social security incentives granted to women with European citizenship are not always granted to migrant women.<sup>45</sup> Therefore, migrant women are

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<sup>41</sup> Misra, J. Woodring, J., & Merz, S., (2006) *The Globalization of Carework: Immigration, Economic Restructuring, and the World-System*, *Globalization* 3(3): 317-332. <sup>42</sup> Parreñas, R., (2001). *Servants of Globalization: Women, Migration, and Domestic Work*. Stanford, CA: Stanford University Press.

<sup>43</sup> *Migrant women and the EU Labour market, Overcoming double discrimination*, EU Parl. <sup>44</sup> 'The Economic and Social aspects of migration' Conference jointly organised by the European Commission and the OECD. <sup>45</sup> Hirose, K., Nikac, M. and Tamagno, E. (2011) *Social Security for migrant workers: A rights-based approach*. Budapest: ILO.



responsible for the work of caring for their families and rely on care and domestic work for their remuneration. Universal public policies exclude migrant women, which contributes to the status quo in Europe and leads to inadequate social protection and inclusion.

Gender-based violence produces additional and more serious ramifications in the lives of migrant women. Many of the subjects of this analysis arrived in Europe as economic migrants or through family reunification. When a migrant woman depends economically, or even legally, on her partner, the experiences of physical, psychological or economic violence can be more serious. In these situations, for woman facing partner abuse, leaving their abusive partner can mean losing their residence permit or losing the resources necessary to survive.<sup>46</sup> The situation is more difficult if there are children, due to the fear of losing custody. In the absence of policies in this regard, many migrant women have few alternatives and are often forced to live in a continuum of violence.

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<sup>46</sup> *Assessment of the implementation in Belgium of article 59 of the Istanbul Convention, CAW Brussel, 'CAW Brussel'.*

## Health consequences

The consequences of gender-based violence impact health, both physical and psychological. The significant impact of gender-based violence can be seen as a continuum of the deterioration of mental and physical health, to the possibility of death.<sup>47</sup>

### Consequences of gender-based violence are:

- 01 Serious injuries.
- 02 Homicide.
- 03 Injuries during pregnancy.
- 04 Unwanted pregnancies.
- 05 Vulnerability to diseases.
- 05 Sexual and reproductive problems such as sexually transmitted infections and other chronic diseases; sexual dysfunctions; forced or unwanted pregnancies and unsafe abortions; *risks to maternal health and foetal health.*



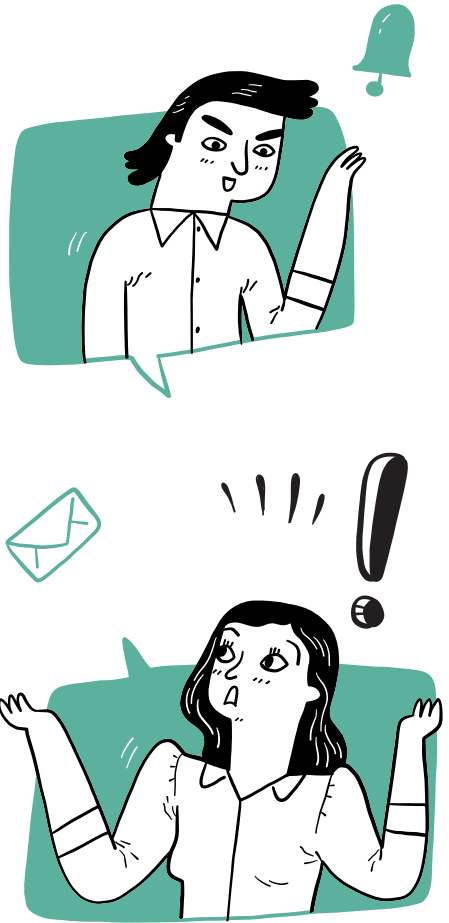
### Some psychological consequences are:

- 01 Substance abuse.
- 02 Poor social functioning skills, social isolation and marginalization.
- 03 Low self-esteem.
- 04 Fear, stress, anxiety and psychological shock.
- 05 Isolation.
- 06 Sleep disorders.
- 07 Eating Disorders.
- 08 Loss of workdays, low productivity and low income.
- 09 Reduction or total loss of educational, employment, social or political participation opportunities.

<sup>47</sup> Concept <https://concepto.de/violencia/>.

## Mobility and Risks

Mobility and transmigration create new dependencies, in addition to the economic and structural ones mentioned. The first significant obstacle for a migrant woman is the language. A lack of prior knowledge of the local language means having difficulties in accessing numerous services. This is amplified in cases of domestic violence. Often, women who go to the police to report that they are victims of violence are not believed<sup>48</sup> or, if they are believed, they do not receive adequate protection and are forced to return to their abusive partner and suffer additional consequences. When the situation of violence becomes so serious that a migrant woman decides to go to the police, despite her economic or legal dependence on her partner, not knowing the language to be able to speak with the police becomes an obstacle.<sup>49</sup> Not knowing how to express oneself correctly in the language of the country of residence means not being able to efficiently communicate the seriousness of the situation, the need for help, and being able to demand protection from the authorities. Added to this, is that due to stereotypes that portray migrant women and especially migrant women from



<sup>48</sup> Murphy-Oikonen J, McQueen K, Miller A, Chambers L, Hiebert A. (2022), *Unfounded Sexual Assault: Women's Experiences of Not Being Believed by the Police*. *J Interpers Violence*. <sup>49</sup> Listen to us! Communication barriers: how statutory bodies are failing black, minoritised, migrant, deaf and disabled women and girls' victims/survivors of Violence Against Women and Girls.

Latin America as "silly" or "exaggerated" and "dramatic",<sup>50</sup> the risk of being discriminated against by the authorities is very high. Therefore, if the possibility of being believed and helped is already low for a woman who knows the language, for a migrant woman it is reduced exponentially. Many women find it very difficult to access the relevant information, let alone confront an often humiliating and vulnerable experience of reporting their violence to the police.

The consequence of the language barrier means it is difficult to access justice. A migrant woman who does not have the tools to describe or demonstrate that she lives in a situation of gender-based violence becomes the subject of institutional violence since her situation is not recognised and her reality is not given credibility. A state which lacks the vision, foresight and services to assist violence and ignores the reality of thousands of women is guilty and complicit to a system that allows it to happen. A duty to the population of democratic states, such as those of the European Union, should be informing, educating and preventing, so ensure violence does not occur.



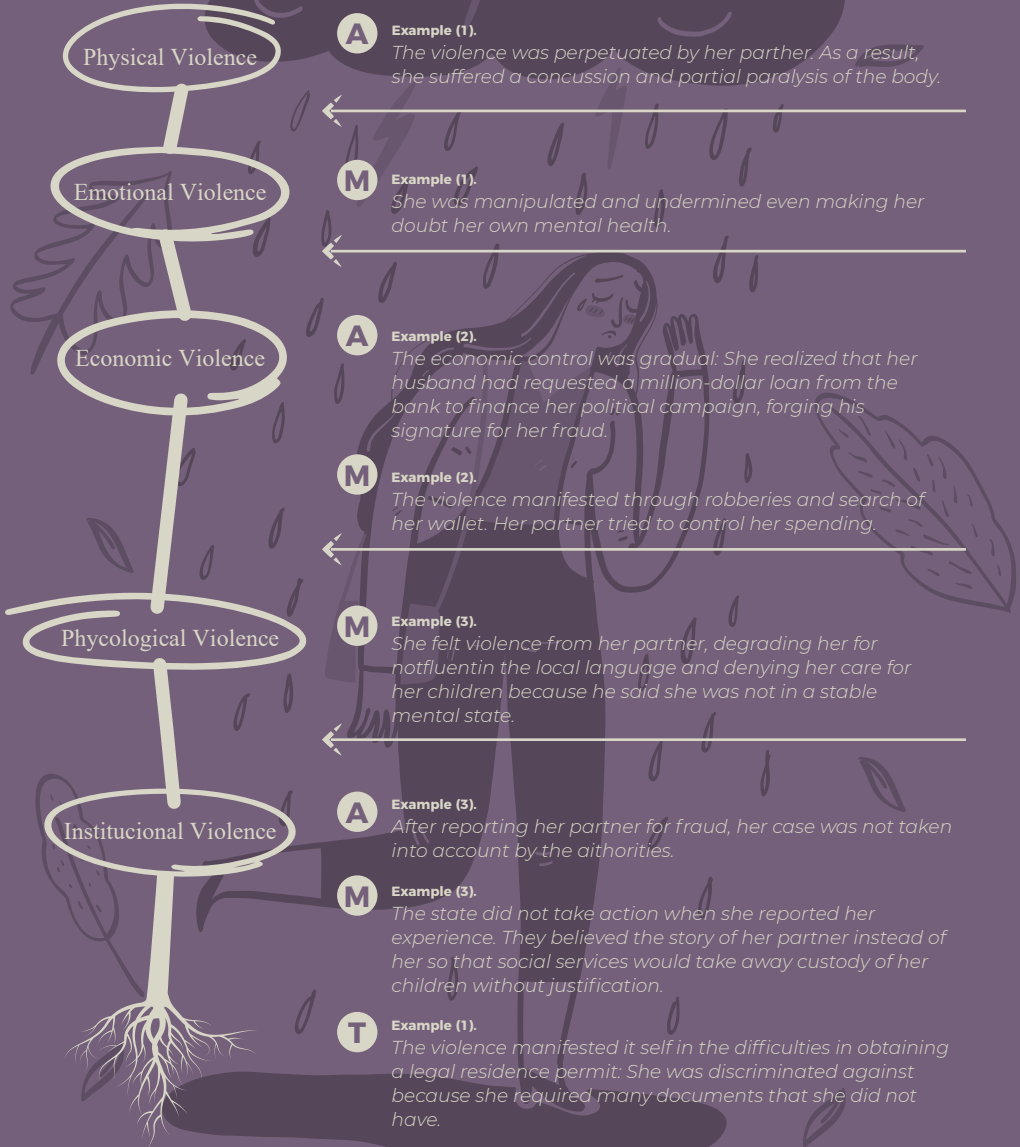
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<sup>50</sup> *How rich ...!': sexualization and exotification of migrant women and their experiences and perceptions in the urban center of Santiago.*

# Problem Tree

## Types of Violence

## Violence in common in the cases of A mand T



\*Table (1)

## Analysis of the cases



The cases of **A**, **M** and **T** described in *Table 1* depict the different forms of violence which migrant women face as part of their migration experience. These cases have been selected because they are emblematic, and representative of a wide variety of violence perpetrated in different arenas of social life, through their partner, society and bureaucracy.

**M** suffered economic violence as theft of money by her partner, repeated checks of her wallet, and her partner's refusal to pay family and household expenses. Psychological violence was manifested through M's vilification at her children's daycare centre by her partner, who claimed she hit the children and caused them emotional instability. This changed the relationship she had with the day-care staff (which was also her workplace), further isolating her both from her workplace and her children's childcare. She also suffered degradation and disapproval by her partner for not speaking the local language and received multiple comments questioning her decision to have a large family. Finally, she states that she felt so manipulated that she was emotionally unstable, in a way that would justify the intervention of social services.



In contrast, **A** gradually suffered economic violence, she took care of the household, the caring and the cleaning which resulted in a triple workday. She was excluded from the economic and legal decisions that concerned her relationship, justified to her by her lack of knowledge of the local language. The highest point of the economic violence was when her partner requested a high loan from the bank, which he received by forging A's signature. The psychological violence manifested through manipulation and emotional abuse by her partner, which made her doubt the state of her own mental health.

Physical violence was the escalation of psychological violence for **A**. She was insulted, shouted at and humiliated, on one occasion the violence escalated to such a point that her partner threw her against a kitchen cabinet. This resulted in a concussion and partial paralysis of her body.

When **A** reported her husband to the police for abuse, there was no response from the Belgian State. This explains why violence in this form continued to go unpunished. Her gender, which is seen in combination with other factors which identify her such as race, class, and her migrant status, puts her in a compromised position. This combination of aspects of her identity can be analysed through an intersectional lens stops her access to justice. Institutional violence exercised by the bureaucracy of Global North countries towards people from countries such as Latin America with less geopolitical power.<sup>51</sup> In the case of A, her husband, who is a native of Belgium, has not faced legal charges for his actions. This illuminates the levels of complexity and discrimination which migrants face, by the state questioning the validity of their testimony, giving preference and credibility to people from Belgium, who can speak the language and know the system.

In M's case, institutional violence was also an important factor in the case, after the humiliation she faced in her place of work, Social Services intervened and removed her five children without giving her the opportunity for a fair trial. She went to court, however was not believed and her husband's was taken as true. This supports the research which states public servants have gender and race bias and give preference to local men, over migrant women.<sup>52</sup>

In the cases of A and M, economic and psychological violence preceded physical violence. Physical violence was gradual in the case of M, and in A it was later accompanied by institutional violence. In M's case, the physical violence was not explicit, however, her children were removed by Social Services in what she considered an unjust manner which was a cause of institutional violence. The system that exists for Belgium citizens and migrant women is not the same. As our analysis demonstrates, migrant women are not treated equally in their country of residence. They are stigmatised at all levels of the state system, resulting in their frustration, and lack of status when dealing with any state institutions. In the cases analysed, the women have become accustomed to enduring the abuse of their partners, the neglect of Social Services and the disappointment of the state, the situation often renders them disillusioned and unable or able to look for an alternative.

Violence against women is visible in many ways, through racism, problems integrating into the appropriate labour market or the proven fact that their testimonies of violence are often not considered at face value. The problem tree shows that the centre of the injustices suffered by migrant women, regardless of their place of destination in Europe, arises when confronting the institutions, the law and public opinion, which often leaves them at the margins of society, without help or resources.

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**51** Flávio Eiró, Gabriela Lotta, *On the Frontline of Global Inequalities: A Decolonial Approach to the Study of Street-Level Bureaucracies*, *Journal of Public Administration Research and Theory*, Volume 34, Issue 1, January 2024, Pages 67–79. **52** Magni G, Ponce de Leon Z. *Women Want an Answer! Field Experiments on Elected Officials and Gender Bias*. *Journal of Experimental Political Science*. 2021;8(3):273-284.

## Results

SEMPRE has carried out surveys with migrant women to better understand how gender-based is experienced, and what can be done so migrant women are less vulnerable.

Most of the women in our sample migrated for economic reasons, for studies or for family reunification. **35% have European Union citizenship, while almost 30% have a residence permit from family reunification and 21% have a residence permit from work. 70% of them are married.**

In their country of origin,

**70%**

suffered some type of violence, in which

**20%**

of the cases, it was carried out by their partner.



In the other **20%** of the cases, it was carried out by another family member or friend. In **25%** of the cases, the violence was carried out by a government or educational authority, and in the other **25%** by strangers. Only **20%** of the women were able to make a legal report, while the others explained the reasons for failing to make a report were fear, indifference from the authorities, shame, lack of accessibility or distrust of the authorities.

In the country of residence,

the percentages are even higher.

**85%**

of women suffered some type of violence, with the addition of cases of racism in public spaces.

In **45%**

of the cases, the violence was carried out by their husband or partner.

Additionally, only less than **25%** of the women were able to make a legal report. Among the reasons given for not reporting, the most common were fear, lack of knowledge of how to report, and lack of legal protection designated to protect women. The women who did report violence received help from police, anti-violence centres, hospital emergency departments and shelters for people who are victims of violence.

The most worrying fact is that only **30%** of women received help. The majority of those who managed to report the violence were given information but this did not result in further investigation. To the question, “Where would you go to report a case if you were a victim of domestic violence?” The most popular responses were: shelters and organisations for people who are victims of violence, anti-violence centres, and friends.



A large part of the women who responded to our survey migrated with children. **57%** confirmed that their children also suffered domestic violence and only half were able to report this. Almost all of them asked for help from health emergencies and in **100%** of the cases they managed to receive help.

One of the most disturbing results of the survey was that **90%** of the women answered positively to the question: “Do you think you have ever suffered racism or discrimination?” and “Do you think racism, classism and xenophobia are also a problem in your country of residence?” **60%** of the respondents believe that being a migrant woman makes it more difficult to report domestic violence. The motivations for not reporting violence were a lack of family support and fear of being alone in a foreign country. Other reasons were not knowing the language, lack of information, or the ability to ask for help. A significant reason was the fear of the authorities, and police, and fear of removal of their country of residence, as their residency was dependent on their abuser’s citizenship.

## Recommendations

After analysing the results from the survey and definitions of the types of violence, the normalisation of violence are presented in the context and reality of the sample cases. A lack of evidence and data, as seen in cases of economic, and psychological violence, systematic violence and institutional violence become part of daily life for many people. This continuum of violence exists, and can create a norm in which abuses, such as harassment, incest, forced sterilisation, genital mutilation, human trafficking, and the most serious form of violence, female homicide can occur.

It is necessary to mention that although we refer to 'women' as having the female gender, within an intersectional perspective it is important to understand the diversities that exist within this category. The experiences of transsexual women, and transsexual women migrants who suffer forced labour of prostitution are less visible, and there is a limited understanding of the violence they suffer.<sup>53</sup>

Violence became more evident during the COVID-19 pandemic, as victims of gender-based violence had no respite outside the home. This

created more violence, and any services that cater for these populations were closed. Reflecting on the responses from the migrant women who participated in this survey and formed the basis of the case study analysis, S♀EMPRE represents their voices when we call for these recommendations. The first set of recommendations is aimed at prevention, while the second group is to facilitate access to justice from the first signs of violence and the third is a guidance of how to apply the gender perspective to all areas of work.



<sup>53</sup> Perez-Brumer, A., Salazar, X., Nunez-Curto, A. et al. *Intersectional stigma and the arc of intranational migration: experiences of transgender adolescents and women who migrate within Peru.* *BMC Public Health* 23, 1202 (2023).

## Prevention:

- › Adoption of welfare policies with the equitable distribution of care work between men and women with dependants.
- › Facilitating access to the labour market for migrant women for economic and linguistic empowerment.
- › Access to information on how to report violence, where to seek help in an emergency and have this information available in multiple languages.
- › Develop informative workshops with migrant women on the support available to them during episodes of violence.
- › Collaboration with the embassies to protect women from their countries to help and provide information if they have experienced violence.
- › Monitoring and follow-up with women's shelters, and front-line personnel who care for survivors of violence.
- › Seek free consultation services in different languages and work with legal teams to evaluate the neutrality of the legal system.
- › Recognise and support other organisations that work from an intersectional perspective.



## Recommendations to facilitate access to justice:

- ▶ Gender-informed training for frontline personnel caring for migrant women, for example, in police stations.
- ▶ Recognition of support organisations who can support migrant women during the meetings with legal specialists.
- ▶ Deconstruct the stereotypes that portray migrant women: submissive, a figure of care and invisible by their status as a migrant.
- ▶ Have public policies to care for migrant women without prejudices based on gender, ethnicity, or socioeconomic situation.
- ▶ Ban Parental Alienation Syndrome and value the voice of children in cases where violence is carried out at home and by family members.
- ▶ Recognise femicide as part of a continuum of violence.
- ▶ Recognise that gender-based power imbalances exist and that these affect migrant women in their relationships with police, lawyers, judges, and magistrates.
- ▶ The guardianship of children must be attended to by specialists in a formal manner, prioritising the voice of the child.
- ▶ Carry out analysis of the sentences and cases which involve migrant women, to have statistics on the impact of the legal system on migrant women. The number of cases, the impact of the sentences, the access to justice, the resolution of the cases, and the impact of the resolution from a social and legal perspective.
- ▶ Start from an equality perspective to be able to offer justice and jurisdiction to start repairing people's lives.



## How to apply the gender perspective in cases of migrant women

01

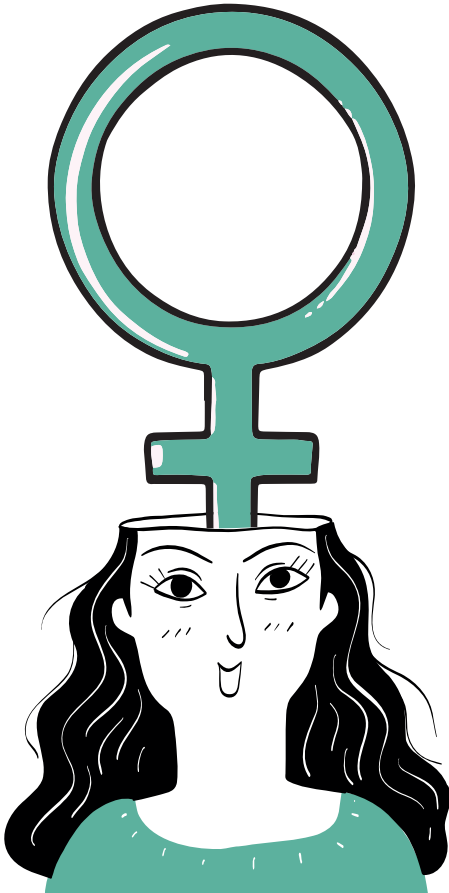
Consider all situations with sensitivity and understanding of the context.

02

Determine the facts and interpret the evidence based on a real understanding of the context.

03

Before acting, consider the full impact of the situation:



- *Are the people involved vulnerable or discriminated against?*
- *Is there an unequal balance of power between the people involved?*
- *Are the people exposed to multiple discrimination (intersectionality perspective)?*
- *Does the person understand what is going on and is able to express themselves?*
- *Is there sufficient language ability to make their claim?*
- *Were the claims made immediately?*
- *Are international agreements being respected?*
- *What are the tools which best guarantee the rights of the adult and child?*



## Conclusion

The data and analysis which has been presented in this document, demonstrate the unequal, unjust and often complicated reality which migrant women face. Their rights are not protected, their violence not believed and they do not always have access to justice. Although it is important to recognise that there are many tools which are available to counteract the violence experienced by migrant women, the ability to access information is only available to those familiar with the topic. However, what is missing, and what many women suffer, is the lack of recognition and visibility, a significant factor in their migration experience.



The legal system in Belgium operates without a gender perspective, and the absence of an intersectional analysis results in cases in which victims do not have information in their language, or knowledge of the local laws and are in a powerless situation. There is no law in Belgium against gender-based violence that points out the different risks that compromise the well-being of women and their families. Many of the legal cases are unequal, and privilege tends to prevail for the male titular figure, who is given preference and is often protected by the state, compared to the situation of a migrant woman.

We have shown that more needs to be done, in all areas to correct this imbalance. This is not just a migrant issue but a women's issue of gravity which is under-recognised, invisible and in many cases extremely damaging. Following the recommendations, developing a real gender and intersectional understanding of the problems many migrant women face, is a step in the right direction. However, without a total revision of the legal system, and power attributed to those who work in it and the imbalance associated with the male and female testimonies, our efforts remain insignificant. We have shed light to a problem known by few and experienced by many, although our work focuses on women from Latin America, similar cases are present in all migrant communities, and for all women, every day. Echoing the voice of Audre Lorde:



***"I am not free while  
any woman is unfree."***

*“We give our recognition and sincere words of thanks to the women survivors of violence who share their stories with us. Without them this work would not be possible, we will not stop until justice is fulfilled...”*





## Protocol for Assistance to Migrant Women

Starting from a gender perspective  
and applying an intersectional analysis