

Violence Against Refugee and Migrant Women. The Repruduction of Gender Discrimination and Inequality

by Lia Lombardi



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The article discusses the issue of violence against women by analysing the forms of domination and subjugation that reproduce the violent dynamics of men against women. We will try to discuss some issues that several theories interpret as humus in which violence against women is produced and reproduced. This means highlighting gender inequality and the socialization process, which in turn builds gender identity and reproduces inequality and discrimination.

Specifically, the article focuses on the complexity of violence against women in the context of migration and forced migration. It highlights the risks, the difficulty to manage the several and different forms of violence and provides an overview of the European and Italian situation.

(Key words: violence, women, GBV, change, inequality).

Preface. Definition and Dimension of Violence against Women

Violence against women (also called “gender violence”¹) in its various forms has consequences and high costs in terms of the victims’ physical and mental health. It severely affects both the management of daily life and the relationships; besides, welfare costs and public health are not so negligible, as several European sources show (EIGE, 2014²).

Thus, what do violence against women and/or gender-based violence mean? According to the 3rd article of the Council of Europe Convention on Preventing and Combating violence against women and domestic violence (12/04/2011), also known as the Istanbul Convention³, «[G]ender-based violence against women” shall mean violence that is directed against a woman because she is a woman or that affects women disproportionately[...]».

The same Convention states that violence against women should be understood as a violation of human rights and a form of discrimination to the detriment of women. This includes all actions resulting in physical, sexual, psychological, and economic harms, or suffering caused to women, including the threat itself of those actions, coercion or arbitrary deprivation of liberty, both in public and in private contexts (art. 3a, Council of Europe Convention on preventing and combating violence against women and domestic violence, 12/04/2011).

Violence against women encompasses crimes that disproportionately impact on women, such as sexual assault, rape and ‘domestic violence’. It is a violation of women’s fundamental rights with

¹ “Gender violence and violence against women” are terms often used interchangeably because most of the gender-based violence is exercised by men against women and girls. However, it is important to keep the concept of “gender-based violence” as this highlights the fact that violence against women is an expression of power inequalities that persist between men and women (EIGE website, <http://eige.europa.eu/gender-based-violence/what-is-gender-based-violence>).

² According to the European Institute for Gender Equality report, the gender-based violence costs the EU about 258 billion Euros per year while the actions to prevent it takes only 1% of that figure (EIGE, 2014).

³ The Italian government issues Decree-Law 93 of 2013 directed to implement the Istanbul Convention, which became Law 15 October 2013, n. 119.

respect to dignity and equality. The impact of violence against women stretches beyond those women who are themselves victims, since it affects families, friends and society as a whole. It calls for a critical look at how society and the state respond to this abuse. Measures to fight and prevent violence against women are therefore required at both European Union (EU) and national levels.

We can distinguish between direct and indirect forms of gender-based violence: direct violence against women includes physical (including violence in close relationships), sexual (including rape, sexual assault and harassment in all the public and private spheres of life), psychological (including threats, humiliation, mocking and controlling behaviours), and economic violence, which means preventing the victim from accessing their financial resources, property, healthcare, education, or the labour market, and denying them the participation in the economic decision-making (EU Council Conclusions of 5 and 6 June 2014).

Trafficking in human beings, slavery, sexual exploitation; harmful practices such as child and forced marriages, female genital mutilation; emerging forms of violations, such as online harassment, stalking and bullying are also considered forms of direct gender-based violence (EU Council Conclusions of 5 and 6 June 2014).

Intimate partner violence (IPV) is one of the most widespread forms of direct violence against women, and includes a range of sexual, psychological and physical coercive acts used against adult and adolescent women by a current or former intimate partner. According to the EU-wide Survey on Violence against Women conducted by the EU Agency for Fundamental Rights, 22% of women have experienced some form of physical and/or sexual violence by a current or previous partner (EU Agency for Fundamental Rights, EU-wide Survey on Violence against Women 2014).

According to the UN Special Rapporteur on violence against women, institutional or structural violence is 'any form of structural inequality or institutional discrimination that maintains a woman in a subordinate position, whether physical or ideological, to other people within her family, household or community' (Report of the Special Rapporteur on violence against women 2011).

We can understand indirect violence as a type of structural violence, characterised by norms, attitudes and stereotypes around gender in general and violence against women in particular. Indirect violence operates within a larger societal context; institutions, and the individuals within and outside these institutions, are all engaged in the production and reproduction of attitudes that normalise violence against women (United Nations 1992)

Inequalities - and the forms of violence connected to them - are intersectional. They are the result of an interplay between multiple power structures that produce and reproduce hierarchical distinctions, for example regarding race, (dis)abilities, age, social classes, and gender. This means that while all women face discrimination based on gender, some women experience multiple forms of discrimination, of which gender is only one component (Zanfrini 2005, 2016; Lombardi 2005, 2016abc).

1. The dimensions of violence against women

The dimensions of violence in the world are considerable: it is estimated that 35 per cent of women worldwide have experienced either physical and/or sexual intimate partner violence or sexual violence by a non-partner at some point in their lives. However, some national studies show that up to 70 per cent of women have experienced physical and/or sexual violence from an intimate partner in their lifetime.

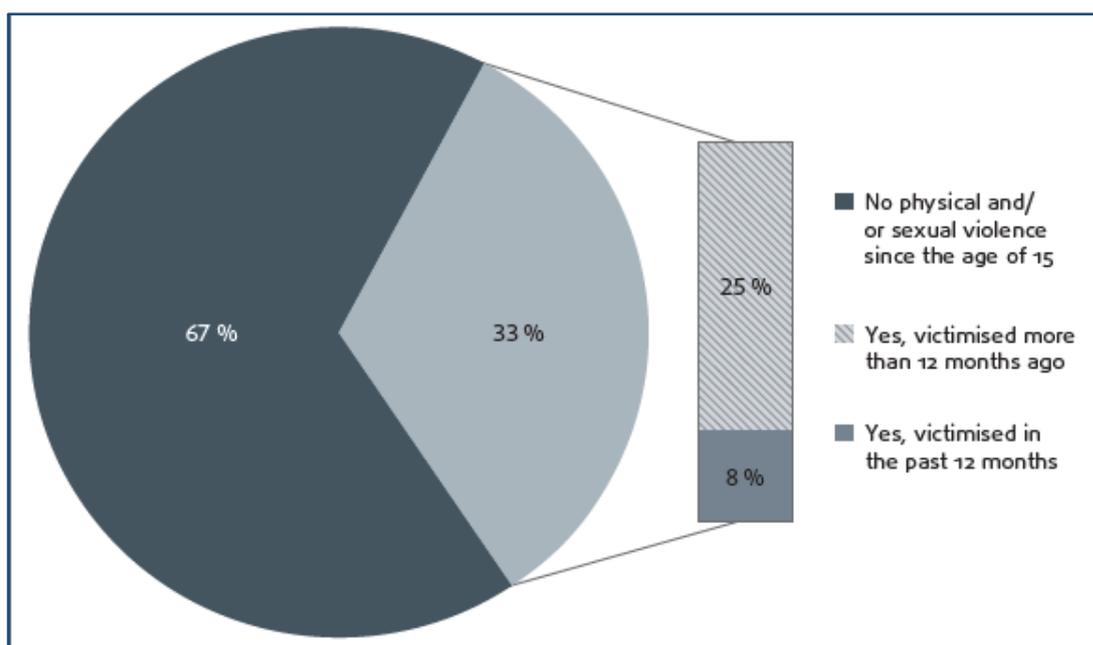
According to UNWomen Report, Women who have been physically or sexually abused by their partners are more than twice as likely to have an abortion, almost twice as likely to experience depression, and in some regions, 1.5 times more likely to acquire HIV, as compared to women who have not experienced partner abuse. 43% of women in the 28

European Union Member States have experienced some form of psychological violence by an intimate partner in their lifetime.

It is estimated that of all the women who were murdered worldwide in 2012, almost half were killed by intimate partners or family members, compared to less than six per cent of men killed in the same year. Psychological violence is even more difficult to estimate: in EU member countries, about 43% of women have suffered some form of psychological violence by their intimate partner. There is also some concern regarding sexual cyber-bullying: 10% of women (aged 15 years) are the victims and the risk is especially high for the age group 18-29 years (UN Women, 2015).

According to the survey of the European Union Agency for Fundamental Rights (FRA, 2012), based on 42,000 interviews carried out in 28 EU countries, 7% of women aged 18-74 (13 million) suffered physical violence in the twelve months before the interview; 2% were victims of sexual violence (3,7 million); 5% were victims of a rape since the age of 15. 18 % of women in 28 EU countries have experienced stalking since the age of 15, and 5 % of women have experienced stalking in the twelve months preceding the survey, this means about 9 million women.

Figure 1: Women experiencing physical and/or sexual violence since the age of 15 and in the 12 months before the interview, EU-28 (%)



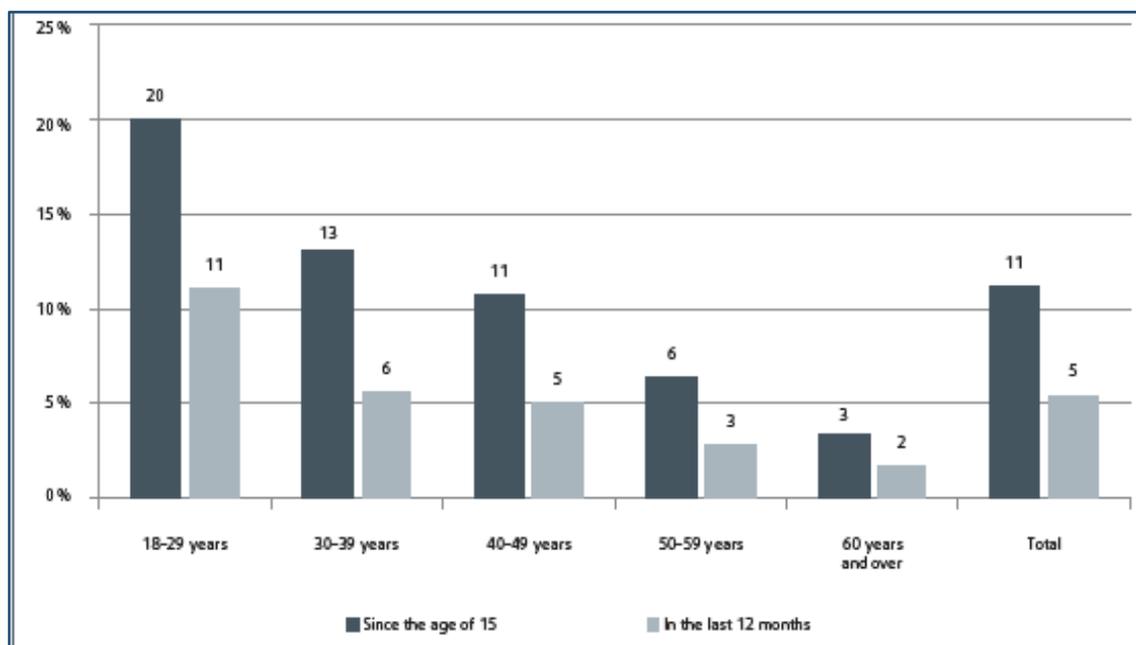
Note: Based on all respondents (N = 42,002).

Source: FRA gender-based violence against women survey data set, 2012

Some 12% of women indicate that they have experienced some form of sexual abuse or incident by an adult before the age of 15 (about 21 million women). The results show that 30% of women who have experienced sexual victimisation by a former or current partner also experienced sexual violence in childhood (FRA, 2014). Moreover, half of all women in the EU (53%) avoid certain situations or places, at least sometimes, for fear of being

physically or sexually assaulted. In comparison, existing surveys on crime victimisation and fear of crime show that far fewer men restrict their movement.

Figure 2: Forms of sexual cyber-harassment since the age of 15 and in the 12 months before the survey, including unwanted sexually explicit emails or SMS messages that were offensive, by age group, EU-28 (%)



Notes: Out of all women excluding cases where the answer to the questions on cyber-harassment was not applicable (n = 35,820). 6,084 respondents answered 'not applicable' on both items; information on age was missing in 98 cases.

Source: FRA gender-based violence against women survey data set, 2012

1.1 The Italian context

With regard to the national context, in 2015, ISTAT (the national institute of statistics) published the second report on "Women's Safety" in Italy: it highlights that 6,788,000 women (31.5%, aged 16-70 years) have suffered some form of physical or sexual violence in their lives: 20.2% were victims of physical violence, 21% were victims of sexual violence, 5.4% suffered severe forms of sexual violence (rape and attempted rape). The numbers related to stalking, too, are very important: 3,466,000 women have been victims in their lifetime (16.1%), 44% of them have suffered violence by former partners and 56% by others.

The most serious acts of violence are committed by partners or former-partners (62.7% of the rapes) while the perpetrators of sexual harassment are mostly unknown (76.8%). Violence against minors is also high and requires a lot of attention and surveillance: 10.6% suffer sexual abuse before the age of 16. The so-called "witnessing violence" is connected to the previous data, and there is an increase of 5% of children who are witness to the violence committed against their mothers (65.2% in 2014).

Separated or divorced women are more at risk of physical or sexual violence than other women (51.4% vs. 31.5%). The situation of women with health problems or disabilities is

equally critical: they are twice at risk of being subjected to rapes or attempted rapes compared to other women (10% versus 4.7%) (ISTAT, 2015).

2. The roots of violence against women

This paragraph is dedicated to a reflection on some key elements of the socio-cultural construction of violence against women. In this available space, we will try to discuss some issues that different theories interpret as the soil in which violence against women is produced and reproduced. We are going to talk about gender inequality and the socialisation process, which in turn build and reproduce inequalities and discrimination (Lombardi, 2016c). It is interesting to start quoting the preamble of the aforementioned Istanbul Convention, which recognizes gender inequality and its structural connotation:

Condemning all forms of violence against women and domestic violence;
Recognising that the realisation of *de jure* and *de facto* equality between women and men is a key element in the prevention of violence against women;
Recognising that violence against women is a manifestation of historically unequal power relations between women and men, which have led to domination over, and discrimination against, women by men and to the prevention of the full advancement of women;
Recognising the structural nature of violence against women as gender-based violence, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men.

This statement may suggest an institutionalization of the recognition of gender inequality and therefore the legitimacy to combat it, thus becoming a key factor for the elimination of violence against women. Several studies show the continuity between domination and exploitation and violent actions against women (Romito 2000, 2005; Reale 2000; Filosofo 2000; Gillioz et. Al 2000). "The expectations society and partners have of women and their complete availability (material, sexual and emotional) are the conditions in which mistreatments appear as they are: the means for maintaining supremacy" (2000 Romito, 12).

Rape, in particular, is clearly linked to the relationship that identifies masculinity with power, domination and rudeness as Giddens writes, "mostly it is not the result of uncontrollable sexual desire, but the result of the link between sexuality and the sense of power and superiority". In fact, the author still informs, "the sexual act itself is less important than the degradation imposed on women" (Giddens 2000, 182).

According to many authors, gender violence is an issue that historically concerns the social construction of identities and gender relationships, and is rooted in patriarchal social relationships based on a system of male dominance and female subordination (Eisenstein 1979; Romito 2000; Giddens 2000; Ruspini, 2003; Andersen, Taylor 2004, 2013 and many others). This means that we can speak of sexism, that is, the set of the institutionalised practices and beliefs through which women are socially controlled, on the basis of the meaning given to the differences between genders (Andersen, Taylor, 2013). The concept of patriarchy is linked to the concept of sexism. The patriarchal system is spread all over the world and, in those kinds of societies, husbands have authority over wives in the private sphere,

but the public and the institutional spheres too (Romito, 2000) are not free from this disparity, because the decision-making positions and power are held by men⁴. In short, "gender stratification is an institutional system based on specific belief systems that enshrine the superiority of men over women" (Andersen, Taylor, 2004, 236; (Lombardi, 2016c). The concept of gendered institution can be observed in the fact that every institutional environment is structured by gender: for example, children and young people learn about gender roles at school, which is a gender-oriented institution itself, as it is based on specific models of distinction, both institutional and individual. Gender is a part of the company's structure, as are race and social classes, and as such it is a privilege that builds an inequality system in which women are always disadvantaged. Actually, we are talking about stratification, which is the hierarchical distribution of resources by gender: gender stratification affects all societies, albeit in different forms and to different extents (Chafetz 1984; (Lombardi, 2016c).

3. Violence against migrant and refugee women

Violence against women is one of the most pervasive global and systemic forms of human rights violations that exist today. Even though many migrant women do not encounter violence and benefit from migration, for some of the 105 million international migrant women worldwide (UN DESA, 2009), violence and discrimination can appear at the very start of the migration process.

On arrival in the country of destination, violence and discrimination continue to be part of the lives of many migrant women as they experience dual vulnerability to violence. This is primarily due to their status as women, reflecting gender inequalities existing in both origin and destination societies, as well as their status as foreigners. Often, these two main causes of vulnerability intersect with additional risk factors (IOM, 2016, Fact-sheet).

The risk of facing violence is increased by – but not limited to – factors such as legal status, age, class, culture, ethnicity, religion, sexual orientation, gender identity or disability. In addition, the lack of local language skills, inadequate access to appropriate jobs, limited knowledge of their rights and, in certain cases, earlier experiences of violence in their home communities all combine to reduce migrant women's capacity to protect themselves against abusive situations (Steibelt/IOM, 2009).

Migration can create situations where harmful practices associated with the social norms of a particular group are imported into the host society. Harmful practices include, *inter alia*, dowry-related violence, female infanticide, female genital mutilation/cutting, early and forced marriage as well as the so-called "honour" crimes. In situations where integration is difficult, such harmful practices can also be used as a way of consolidating traditional gender roles and controlling women's behaviour and sexuality (UN Special Rapporteur, 2007).

Violence and discrimination in the public sphere are acts of physical, sexual and psychological violence occurring within the receiving society. Migrant women are at risk from physical violence by state actors, such as police officers, customs officers or workers in detention centres, throughout the migration cycle. Acts of violence may also be committed by

⁴ About feminist and gender reflection in Italy, please see Lombardi, 2005.

employers or by members of the general population. When travelling, women may be compelled or forced to exchange sex for transportation, food or accommodation, which puts them at increased risk of violence (IOM, Infosheet, 2013). The end result is usually the systematic disempowerment of migrant women, which further increases their vulnerability to various forms of discrimination and violence.

Migrant women workers are therefore exposed to violence in unconventional forms, including exploitative working conditions such as long working hours, non-payment of wages, forced confinement, starvation, beatings, rape, or sexual abuse and exploitation. Unskilled and/or irregular workers, particularly domestic workers, are generally more vulnerable to violence, as they are often dependent on a single employer and may face deportation if they attempt to leave. In 2011, the International Labour Organization adopted the Convention concerning Decent Work for Domestic Workers, requiring States to take specific protective measures for these workers; however, as of March 2012, only four member States have ratified the Convention (IOM, Infosheet, 2013).

Numbers of migrant women and girls fall prey to traffickers who exploit them. In transit or at their destination, trafficked victims are exposed to severe forms of exploitation, including forced labour, sexual exploitation, begging, forced marriage and other practices similar to slavery. IOM has been working to counter the phenomenon of trafficking in persons since 1994 and has implemented roughly 800 projects in over 100 countries and provided assistance to approximately 30,000 trafficked persons, two-thirds of them women and girls.

Violence against migrant women has severe consequences and costs in terms of health, well-being and inclusion in the arrival society. The health-associated consequences of violence against migrant women include physical symptoms and injuries, mental health trauma, and transmission of HIV and other sexually transmitted infections. Threats of violence and actual or perceived danger of sexual assault by strangers may limit the freedom of movement of migrant women and can generate self-imposed restrictions, resulting in a possible withdrawal from the host community (Steibelt/IOM, 2009; 2013).

The following table shows the prevalence of violence among women with migrant background, living in EU. In the following, the survey respondents are examined in four categories: 1. citizens of the country of residence, and who have lived in the country all their lives; 2. citizens of the country of residence, and who have lived in the country for 30 years or more (but not all their lives); 3. citizens of the country of residence, having lived in the country for less than 30 years; 4. non-citizens of the country of residence.

The results indicate that women who are not citizens of their current country of residence have somewhat higher rates of physical and/or sexual violence since the age of 15 by partners and non-partners, but there are no notable differences with regard to other forms of violence examined (stalking and sexual harassment since the age of 15; and physical, sexual or psychological violence before the age of 15). See Table 1.

Table 1 - Prevalence of various forms of violence by women's assessment of their migrant background (%)

| | Citizen, never lived outside the country of residence | Citizen, lived in the country of residence 30 years or longer | Citizen, lived in the country of residence less than 30 years | Non-citizen of the country of residence |
|---|---|---|---|---|
| Any physical or sexual violence by any partner (current or previous) since the age of 15a | 22 | 20 | 21 | 27 |
| Psychological violence by any partner (current or previous) since the age of 15a | 43 | 41 | 47 | 54 |
| Any physical or sexual violence by non-partner since the age of 15b | 21 | 22 | 25 | 27 |
| Any sexual harassment since the age of 15 b | 54 | 58 | 59 | 56 |
| Any stalking since the age of 15 b | 18 | 18 | 19 | 16 |
| Any physical, sexual or psychological violence before the age of 15 b | 34 | 39 | 34 | 37 |

Notes: a Women who have a current or previous partner and who are (1) citizens, never having lived outside the country of residence n = 25,785; (2) citizens, having lived in the country of residence 30 years or longer n = 9,326; (3) citizens, having lived in the country of residence less than 30 years n = 2,932; (4) non-citizens of the country of residence n = 1,665.

b Women who are (1) citizens, never having lived outside the country of residence n = 27,045; (2) citizens, having lived in the country of residence 30 years or longer n = 9,573; (3) citizens, having lived in the country of residence less than 30 years n = 3,234; (4) non-citizens of the country of residence n = 1,744.

Source: FRA gender-based violence against women survey dataset, 2012

3.1 Violence against migrant women in Italy

According to the ISTAT report (2015), foreign women living in Italy run the same risk of being subjected to physical or sexual violence as Italian women (31.3% vs. 31.5%). However, physical violence is more frequent among immigrant women (25.7% compared to 19.6% of Italian women), while sexual violence is more frequent among Italian women than female immigrants (21.5% versus 16.2 %) (Table 2). The most severe forms, such as rapes and attempted rapes, are prevalent among immigrants (7.7% against 5.1%). This

means that Italian women are more affected by the forms of less serious sexual violence, such as harassment, especially by strangers. Foreign women are more likely to suffer violence (physical or sexual) inflicted by partners or former partners (20.4% vs 12.9% of Italian women) than by unknown men (18.2% vs. 25.3% of Italian women). Foreign women who suffered violence by a former partner are 27.9%, but for 46.6% of them the relationship had been broken off before arriving in Italy.

Table 2 – Women aged 16-70 who suffered physical or sexual violence by men along their life. Distributed by authors, form of violence, nationality. Out of 100 women, 2014

| Forms of violence | Current Partner (a) | | Former partner (b) | | Current Partner or Former partner (c) | | Non-partner (d) | | Total (d) | |
|-----------------------------|---------------------|------------|--------------------|------------|---------------------------------------|------------|-----------------|------------|-----------|------------|
| | Italians | Foreigners | Italians | Foreigners | Italians | Foreigners | Italians | Foreigners | Italians | Foreigners |
| Physical or sexual violence | 4.9 | 7.8 | 17.9 | 27.9 | 12.9 | 20.4 | 25.3 | 18.2 | 31.5 | 31.3 |
| Physical violence | 3.9 | 6.4 | 15.4 | 25.8 | 11 | 18.2 | 12.3 | 12.6 | 19.6 | 25.7 |
| Sexual violence (e) | 1.8 | 3.6 | 7.8 | 12.2 | 5.5 | 9.1 | 18.3 | 9.7 | 21.5 | 16.2 |
| Rape or attempted rape | 0.4 | 1.1 | 3.6 | 6.4 | 2.2 | 4.2 | 3.3 | 4.6 | 5.1 | 7.7 |
| Rape | 0.3 | 0.9 | 2.9 | 6 | 1.8 | 3.8 | 1.1 | 2 | 0.09 | 5.3 |
| Attempted rape | 0.2 | 0.5 | 1.5 | 3.2 | 1 | 2.1 | 2.5 | 2.9 | 0.13 | 4.6 |

f) out of 100 women with a current partner, g) out of 100 women with a former partner, h) out of 100 women with a current or former partner, i) out of 100 women aged 16-70 years, j) included rape and attempted rape

Source: ISTAT, La violenza contro le donne. Dentro e fuori la famiglia, 2015

3.2 Migrants, refugees and asylum seekers in Europe. Violence against women and proximity gender-based violence

As we saw in the previous paragraphs, studies in Europe have shown that migrant women make up a significant percentage of women who report intimate partner violence (PACE, 2009). Nonetheless, the situation of violence that affect refugees and asylum seeker women is more complex and difficult to face.

Occurrence of gender-based violence

Gender-based violence can occur in the context of conflict, during the migration journey, and in host EU Member States (for example, in reception and/or detention facilities). In the current report, gender-based violence – focusing on women and girls' experiences of violence – is understood as encompassing physical, sexual and psychological violence, including threats of such acts, coercion or arbitrary deprivation of liberty. The violence relates to incidents that occur in either public or private places. It can therefore encompass violence by family members (intimate partner violence and domestic violence by different family members), and forms of sexual harassment, too, alongside other forms of sexual violence, by different perpetrators.

According to IOM report (Ventevogel et. al., 2015), an unprecedented number of individuals and families, including an increasing number of children, from the Middle East, Africa and

Central Asia, have crossed the Mediterranean and Aegean seas in an attempt to reach safety and security in Europe.

In 2015, more than 3,500 people drowned or went missing in the process. Among the many problems and needs that these people bring with them, the mental and psychological health and psychiatric problems are among the most important and they need more attention and proper care and treatment.

As we already know, “refugees and migrants who come to Europe have often faced war, persecution and extreme hardships in their countries of origin. Many experienced displacement and hardship in transit countries and embarked on dangerous travels. Lack of information, uncertainty about the immigration status, potential hostilities, changing policies, undignified and protracted detention all add additional stress. Forced migration erodes pre-migration protective supports – like those provided by extended family - and may challenge cultural, religious and gender identities” (Ventevogel et. al., 2015, p. 3). Qualification Directive 2011/95/ EU8 clarifies that gender-based persecution and persecution by non-state actors are valid grounds for refugee status and that gender, including gender identity and sexual orientation, should be considered when defining a particular social group (recital 30).

Children, youngsters and women are more vulnerable and at risk of violence, abuse, exploitation, intimidation, retaliation and related consequences in terms of physical and mental health. Therefore, they need special protection measures and the way people are received and how protection and assistance is provided become very important.

Forced migration requires multiple adaptations in short period of time. People – especially, but not only, women and girls – become more vulnerable to abuse and neglect. The UN Refugee Agency (UNHCR), the UN Population Fund (UNFPA) and the Commission for Refugee Women (WRC) express strong concern about the serious risks faced by refugee women and migrants in transit in Europe.

As of January 15, 2016, just over 55% of those arriving are women and children, compared to 27% in June 2015. Reception and transit facilities are overcrowded because of the restrictions placed by governments and, for this reason, have become dangerous for women and girls.

In November 2015, UNHCR, UNFPA and WRC have jointly conducted a field assessment regarding possible risks faced by refugee and/or migrant women and girls traveling to and arriving in Europe. According to the report, “women traveling alone or with children, pregnant women, nursing mothers, teenage girls, unaccompanied girls, girls victims of early marriages, people with disabilities and the elderly, are among the people most at risk and require a coordinated response and adequate protection”.

Men and women are exposed to different types of risk and vulnerability during the different stages of migration. Due to their status in society and their gender, women and girls are particularly subject to discrimination and sexual and gender-based violence and have specific protection risks and needs that may be overlooked in reception procedures. In addition, failure to take due account of gender issues in asylum systems and integration measures may lead to discriminatory outcomes. Other factors, including age and sexual orientation, also affect vulnerability and needs.

Many women and young girls, but also children and men belonging to national, ethnic or religious minorities or sexual minorities (LGBT) – all migrants, refugees and asylum seekers – have already been exposed to various forms of sexual violence and to a more general proximity gender-based violence (Bartholini, 2013) in their countries of origin, in countries of first asylum or during the journey to Europe or in Europe itself. Furthermore, some of the women interviewed said they had been forced into prostitution to “pay” for the travel documents or the journey itself. Some women and girls, in order not to have to postpone their journey and that of their families, refuse to denounce the violence suffered or to seek medical help. Moreover, an increasing number of men and minors show signs of violence on arrival at hotspots. Some of them have subsequently reported being abused prior to travel, by other men, with the promise to arrive safe and sound in Europe.

The European humanitarian policy has set as a priority to introduce activities of sexual and gender violence prevention in humanitarian policies. The ability to prevent, identify and respond appropriately, depends, however, mainly on the will and capacity of individual Member States and European Union agencies, which have to assume this responsibility and take the necessary measures (Source: *INITIAL ASSESSMENT REPORT: Protection Risks for Women and Girls in the European Refugee and Migrant Crisis*, UNHCR-UNFPA-WRC, 2015 and *Report warns refugee women on the move in Europe are at risk of sexual and gender-based violence*, UNHCR-UNFPA-WRC, 2016)

A recent field assessment of risks for refugee and migrant women and girls has identified instances of sexual and gender-based violence, including early and forced marriage, transnational sex, domestic violence, rape, sexual harassment and physical assault in the country of origin and during the journey to Europe. It is also necessary to stress that an increasing number of men and minors shows signs of sexual violence on their arrival at hotspots of Sicily.

Sexual and proximity gender-based violence⁵ is identified as both a reason why refugees and migrants are leaving their countries of origin and seek first asylum, and a reality for women and girls along the refugee and migration route. The report concludes that the response to the European refugee and migrant crisis is currently not able to prevent or respond to survivors of sexual and gender-based violence in any meaningful way’.

The European Women’s Lobby (EWL) also published a report indicating that ‘women and girls fleeing conflicts and travelling to or settling in Europe are at higher risk of suffering male violence’. The report (<http://www.womenlobby.org/Time-for-EU-action-to-implement-gender-sensitive-humanitarian-response-say?lang=en>) calls for gender-sensitive asylum policies and procedures to help women and girls to escape or denounce male violence and have access to their full human rights.

Despite this evidence, there is an alarming lack of data at the national level on the extent of violence against migrants, refugees and asylum seekers who are newly arrived or are in need of international protection. This lack of data may fuel the perception that violence against women is not a major feature of this crisis. In addition, as the UNHCR, UNFPA and WRC report underlines, women and girls are also vulnerable to gender-based violence at reception centers and other facilities once they arrive in the EU. The capacity to prevent,

⁵ Violence suffered by persons known to the victim, not necessarily related by family ties.

identify and respond adequately depends largely on individual states and European Union agencies assuming responsibility and taking appropriate actions.

Article 18(4) of the Reception Directive obliges Member States to take measures for the prevention of assault and gender-based violence at reception and accommodation centers.

In some Member States, migrant victims of gender-based violence may have difficulty accessing women's shelters due to legal and administrative barriers: e.g. in Sweden, some women's shelters only accept victims referred by the social services. However, adult asylum applicants who are victims of gender-based violence are assisted by the Swedish Migration Agency, not by the social services. There is no standardized procedure in place for the authorities to follow in cases involving violence. The competent authorities are not set up to respond to the need to provide protection for women at short notice in such cases.

In Italy, preventive measures are often not in place. As for hotspots, the number of people reaching the Italian coasts on a daily basis is so high (and constantly on the rise) that it is very difficult to sort them into women (and children) and men, and to guarantee suitable means of transport to transfer them from hotspots to reception centers; the practicalities of doing this with respect to families (containing both men and women) should also be noted.

3.3 Migrants, refugees and asylum seekers: Italy, France, Spain, Belgium

According to data of the Italian Ministry of Internal Affairs, between 2015 and 2016, 154,719 migrants disembarked in Italy, of which 82,136 were asylum seekers. From January to March 2016, 9,307 migrants disembarked in Italy. Currently, migrants are mostly coming from Gambia, Senegal, Mali, Guinea, Ivory Coast, Morocco, Somalia, Sudan and Cameroon (Source: ANSA).

In January 2016, asylum seekers were 7,505, mostly from Pakistan (1,510), Nigeria (1,306), Afghanistan (665) and Gambia (625). Among these, 6,739 were men, 766 women, 292 unaccompanied minors and 199 minors. 6,507 requests were reviewed so far with the following outcomes: 190 people (3%) were granted the refugee status, 698 (11%) obtained a subsidiary permit, 1,352 (21%) were granted humanitarian protection and 4,266 (66%) were denied (source: Italian Ministry of Internal Affairs).

Only in the last 12 months, from the Hotspot Trapani-Milo, managed by "Badia Grande NGO", one of partners of the project "Provide" have transited 21,478 refugees / asylum seekers (Source - Ministry of Interior), with 21 different nationalities. These include 16,010 men, 3,177 women, 2,291 children divided in 1,787 males and 504 females.

In Milan, around 100,000 refugees have transited during the last three years. Currently, there are about 130 reception centers (2 HUB included) in Milan and in the hinterland municipalities where about 5,000 refugees and asylum seekers are accommodated. 20% of them are women and children. Unaccompanied minors are 4% but the number is constantly increasing. 8 of the above-mentioned centers are managed by the Milan Municipality in collaboration with private associations: in these centers, about 700 refugees and asylum seekers are accommodated.

Legal References

For the elaboration of this paper, we make specific reference to Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012, in particular artt. 3 (Right to understand and to be understood), 4 (Right to receive information from the first contact with a competent authority), 8 (Right to access victim support services) and 9 (Support from victim support services).

International legal references

- Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), 1979;
- Declaration on the Elimination of Violence Against Women adopted by the United Nations General Assembly in its resolution 48/104 of 20 December 1993
- Council of Europe Convention on Action against Trafficking in Human Beings, 2005
- Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) 2011, Chapter VII, artt. 59, 60,61;
- Guidelines on Child Asylum Claims (2009)
- Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012, establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.
- Guidelines on Claims to Refugee Status based on Sexual Orientation and/or Gender Identity (2012)

Recent laws at the national level

- **ITALY**; Legge n.38/2009 “Conversione in legge, con modificazioni, del decreto-legge 23 febbraio 2009, n. 11, recante misure urgenti in materia di sicurezza pubblica e di contrasto alla violenza sessuale, nonché in tema di atti persecutori”; Conversione in legge del decreto-legge 14 agosto 2013, n. 93, recante disposizioni urgenti in materia di sicurezza e per il contrasto della violenza di genere.
- **SPAIN**: La Constitución Española: artículos 1.1, 9.2, 10, 13.1, 14.; El Código Penal (Ley Orgánica 10/1995, de 23 de noviembre): artículos 22.4, 173.1, 314, 510, 511, 512,515, etc.;; La Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social; La Ley 62/2003, de 30 de diciembre, de medidas fiscales, administrativas y del orden social (capítulo III, Título II), que traspone la Directiva 2000/43/CE al ordenamiento jurídico español.
- **FRANCE**: Loi du 7 mars 2016 :protection des personnes étrangères victimes de violences; Loi du 17 août 2015: protection des victimes de violences au cours de la procédure pénale; Loi du 29 juillet 2015 :protection des femmes demandeuses d’asile victimes de violences; Loi du 6 août 2012: prévenir le harcèlement sexuel, encourager les victimes à dénoncer les faits et sanctionner le délit plus lourdement;
- **BELGIUM**: Loi du 4 juillet 1989 condamnant le viol entre époux; Loi du 24 novembre 1997 visant à combattre la violence au sein du couple; Loi du 28 janvier 2003 visant à l’attribution du logement familial au conjoint ou au cohabitant légal, victime de violence de son partenaire; Loi du 15 mai 2012 prévoit un éloignement du domicile familial pour prévenir les actes de violence.

At the end of 2016, there were 209 refugee resettlements in Andalusia (instead of the 2,000 the Autonomous Government compromised to host). In 2015, the deputy of the national Government in Jaén admitted that Jaén could be able to welcome around 100 refugee people. The local government started to organize it with the collaboration of NGOs. Besides, the local political party *Podemos*, in 2015, made an official request to the Local Government to attend to refugee people urgently.

At the moment, the NGO “AEIS” (Asociación por el Empleo y la Integración Social) in Jaén, as well as the Hospital “Alto Guadalquivir” in Andújar, Jaén, are attending to the immigrant population with their different programmes.

Each year, France issues a first residence permit of at least one year to some 200,000 nationals of a “third party to the European Economic Area” country. This figure includes some 60,000 third-country students who have come to France for a period of at least one year. The number of protection status decisions (refugee and subsidiary protection) taken by OFPRA (French Office for Protection of Refugees and Stateless Persons) and the CNDA (National Court for Asylum) reached 26,351 in 2016, up 35.1% from the total 2015 positive decisions. The five first countries of origin of asylum seekers were Sudan (5,091), Syria (3,405) Kosovo (3,139), Bangladesh (3,071) and Haiti (3,043). 42% were women, 58% were men.

“France terre d’asile” - a French solidarity association whose main objective is to support asylum seekers and defend the right of asylum in France – currently manages 37 CADAs in 10 regions. In total, the system has 4,522 places. The center of Transit de “France Terre d’Asile”, located in Créteil welcomes refugees who need to be evacuated from their country of origin as soon as possible. Their stay in the Transit system is generally short, their orientation pending towards a CADA. It also organizes the reception of unaccompanied foreign minors. In 2015, 2,105 young people were sheltered in schools, 355 young people were temporarily housed.

Conclusion and needs assessments

“Because the reception facilities in Europe were not set up to prevent or respond to SGBV, women and girls are not getting the protection they need and deserve from this humanitarian response, “said Sarah Costa, Executive Director of the Women’s Refugee Commission. “We should commit to the interventions that we know will help”.

To face the above-mentioned vulnerabilities, it is necessary to train all professionals who come into personal contact with the victims: they need to receive appropriate initial and ongoing training for being able to identify the victims and their needs in order to deal with them in a respectful, sensitive, professional and non-discriminatory manner. Such training should be gender-sensitive and should focus on victims with specific psychological needs.

It is also important to work closely with civil society organisations, including recognised and active non-governmental organisations working with women victims of violence, especially in policy-making initiatives, information and awareness-raising campaigns, research and education programmes, and training, as well as in monitoring and evaluating the impact of measures to support and protect the victims of crime. For victims of crime to receive the proper degree of assistance, support and protection, public services should work in a

coordinated manner and should be involved at all the administrative levels, European, national, regional and local (UNHCR-UNFPA-WRC, 2015).

In many cases, reception facilities in Europe are not equipped to prevent and respond to gender violence or proximity gender-based violence and the humanitarian response has not been able to offer neither women and girls, nor men and children, the protection and care they need. Therefore, it is necessary that reception and transit facilities should be equipped to the prevention of violence against women and girls and to the reception of the victims.

The same report denounces in fact that, despite the efforts of UNHCR and its partners to provide reception facilities with well-lit accommodations divided by gender, many still do not guarantee water services, private sanitary facilities and safe dormitories for women and children, constantly exposing them to the risk of violence, abuse, blackmail and revenge.

The joint assessment has shown a need for civil society and humanitarian partners to integrate prevention and response to the proximity gender-based violence in all sectors, from water and sanitation services to services relating to health and living conditions, as well as the need to provide legal and psychological support to victims. However, in order to achieve all this, the first step is to train the professionals working in these facilities how to recognize the victims of violence.

The report also highlights some key recommendations for governments and EU agencies:

- Establish a coordinated response system within and across borders that protects women, girls, children and vulnerable migrants;
- Acknowledge the protection risks and put personnel and procedures in place specifically to prevent, identify, and respond to the different forms of proximity gender-based violence;
- Ensure response to gender-based violence that recognizes women's willingness not stop reporting sexual and gender-based violence or access services;
- Provide legal pathways to protection, especially for women, children and sexual and gender-based violence survivors, including effective family reunification and prioritization of these refugees with specific needs in relocation and resettlement opportunities.

The current system of reception of asylum seekers is characterized by a high heterogeneity and mutability. National and international reports reveal substantial inefficiency, including:

- Numerical shortage of operators;
- Operators who are not competent or properly trained to provide and support neither refugees and asylum seekers nor women victims of violence;
- Inadequate legal assistance;
- Lack of information on the social, psychological and healthcare rights of asylum seekers;
- Scarcity of structures used for personal hygiene and sometimes even food shortages;
- Limited living spaces and promiscuity.
- Finally, none of the considered structures presents a specific service for women victims of violence and abuse.

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