



EURO-MEDITERRANEAN HUMAN RIGHTS NETWORK

RÉSEAU EURO-MÉDITERRANÉEN DES DROITS DE L'HOMME

الشبكة الأوروبية - المتوسطية لحقوق الإنسان

VIOLENCE AGAINST MIGRANT AND REFUGEE WOMEN

IN THE EUROMED REGION



CASE STUDIES: FRANCE, ITALY, EGYPT & MOROCCO

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Copenhagen - December 2008

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I. INTRODUCTION



A feminisation of migration means that, according to most statistics, women now make up around one half of the migrants worldwide. A UNFPA report on women and migration shows that there are 94.5 million women migrants, and that women make up 49.6 per cent of international migrants worldwide.¹ In some cases, particular migratory flows are almost entirely female (e.g. figures for Italy show that migrant populations from the Philippines and Somalia are largely composed of women,² whilst in France the majority of migrants from South East Asia are women).³ A recent report claimed that women now make up 54 per cent of migrants to the enlarged European Union.⁴ Women, like men, migrate for a variety of different reasons and follow a wide range of migratory trajectories. However, the obstacles and dangers to migration may be different for women, with additional sources of insecurities related to gendered inequalities in their economic, social and political situation.⁵

Gender-related persecutions and violence may be the cause of women's decision to migrate, but gender-related violence may not be recognised as a basis for protection in the country to which they migrate.⁶ Women may also be vulnerable to violence during their journey to the Euromed region. This vulnerability may be increased by existing and developing policy frameworks and legislation on migration both at supra-national (EU) and national levels. Recent research has demonstrated, for example, the extent of violence against women asylum seekers as they attempt to reach one of the member states of the EU,⁷ or the growing problem of violence against sub-Saharan African women in Morocco by security guards and fellow migrants.⁸ These problems are exacerbated by the fact that women often travel with young children. As one report shows, anecdotal evidence suggests that as many as 50 per cent of female migrants making the trip from West Africa to Europe via Morocco are either pregnant or are traveling with small children.⁹ Violence may also be exercised as a means of forcing women to migrate, as in the case of trafficking of women for the purposes of sexual or domestic

exploitation. The fight against trafficking has been underlined as one of the EU's priorities, but large gaps in protection for women victims of trafficking remain.¹⁰

On arrival in one of the countries of the Euromed region, migrant and refugee women are also vulnerable to various types of violence. This violence may occur within their families or communities; in their workplaces; or within larger social structures. Perpetrators of violence may include close relations, employers or in other cases individuals who are previously unknown to these women. Women's vulnerability to violence may be aggravated by institutional and administrative structures. In some cases, for example, accommodation provided for asylum seekers or refugees may not be sufficiently secure and may expose women to risks of sexual assault or violence. Migrant and refugee women are also faced with economic insecurities which may result in violence against them. The types of jobs into which they are recruited are often largely unskilled, low-paid and insecure in terms of having little social or legal protection. The fact that many of these women are working irregularly because they do not have the requisite work permits makes their conditions of work even more insecure and exposes them to the risk of violence from employers.¹¹

For migrant and refugee women who are victims of violence, insecurity may be reinforced by a lack of protection afforded by the relevant national authorities. This lack of protection may be aggravated by the woman's legal status (for example, women who do not have legal residence status may be reluctant to contact the relevant police or judicial authorities) and by the interaction of gendered and racial discriminations which mean that violence against them is not recognised or not taken seriously. In the case of conjugal violence, a woman may be reluctant to denounce her violent partner in cases where she is dependent on him for her legal residence status. In other cases, conjugal violence may not be treated seriously by national authorities, and may be attributed to "cultural" differences. Institutional and structural racism may also prevent police and judicial authorities from recognising or taking seriously forms of racist and sexist violence which occur against migrant and refugee women in their societies.

All of these elements mean that migrant and refugee women may be vulnerable to varied forms of violence and that the means of protection open to them may be limited. This study documents and analyses both forms of violence against migrant and refugee women in the Euromed region, and the impacts of policies and programmes in place to combat this violence, in particular policies that form part of the Barcelona programme. In doing so, the

- 1 UNFPA (2006), *State of World population 2006. A Passage to Hope: Women and International Migration*, New York: UNFPA.
- 2 Andall, J. (2000), "Organizing Domestic Workers in Italy: The Challenge of Gender, Class and Ethnicity", in F. Anthias and G. Lazaridis (eds), *Gender and Migration in Southern Europe*. Oxford: Berg. Scrinzi, F. (2003), "The Globalisation of Domestic Work: Women Migrants and Neo-Domesticity", in J. Freedman (ed), *Gender and Insecurity: Migrant Women in Europe*, Aldershot: Ashgate.
- 3 Algava, E. and Bègue, M. (2008), "Nouveaux détenteurs et détentrices d'un titre de séjour: des trajectoires familiales et professionnelles contrastées", in INSEE, *Femmes et Hommes: Regards sur la parité*, Paris: INSEE.
- 4 European Parliament (2006), *Report on Women's Immigration: The Role and Place of Immigrant Women in the European Union, 2006/2010(INI)*.
- 5 Freedman, J. (2003), *Gender and Insecurity: Migrant Women in Europe*, Aldershot: Ashgate.
- 6 Freedman, J. and Valluy, J. (2007), *Persécutions des femmes: savoirs, mobilisations et protections*, Paris: Editions du Croquant.
- 7 Freedman, J. (2007), *Gendering the International Asylum and Refugee Debate*, Basingstoke: Palgrave Macmillan.
- 8 Médecins sans Frontières (2005), *Violence et immigration: Rapport sur l'immigration d'origine subsaharienne en situation irrégulière au Maroc*, Geneva: MSF.
- 9 Eyewitness: Migrants Suffer in Morocco. 14 October 2005. BBC News. Web site: news.bbc.co.uk/2/hi/africa/4342594.stm.

10 Lazaridis, G. (2001), "Trafficking and Prostitution: The Growing Exploitation of Migrant Women in Greece", *European Journal of Women's Studies*, 8, 1: pp. 67-102; Pearson, E. (2002), *Human Traffic, Human Rights: Redefining Victim Protection*. London: Anti-Slavery International.

11 Anderson, B. (2000), *Doing the Dirty Work? The Global Politics of Domestic Labour*. London: Zed Books.

study has enabled the identification of gaps in the protection of migrant and refugee women in the Euromed region and has thus formulated recommendations both for national political authorities and for NGOs and other civil society groups to take specific measures to tackle these forms of violence and to provide a more secure environment for migrant and refugee women. The study has built on previous work undertaken by the Euro-Mediterranean Human Rights Network (EMHRN) to prioritise women's rights in the region.

The study focuses on four case study countries; two – France and Italy – within the European Union, and two – Egypt and Morocco – which are Euro-Mediterranean partner states. It was conducted through both desk research and field work. To that purpose, in addition to analysing existing reports and statistics, the researchers interviewed representatives of civil society organisations, as well as officials (EU, UN, IOM and national authorities when possible) in each of the four countries. Field visits were conducted in Cairo, Casablanca, Oujda, Rabat, Brussels, Paris and Rome.

While parallels may be traced between the types of violence experienced by migrant and refugee women in all of these states, there is clearly a difference of scale and degree between the violence faced by these women within the European Union and the violence they face in some other countries in the global South. Moreover, while we will argue that the EU member states do not always offer adequate protection or redress to migrant and refugee women victims of violence, there are possibilities for legal protection in these states which do not exist in some of the other countries of the Euro-Mediterranean Region. Thus, although we utilise the same typology of violence to examine each of the case study countries, this should not lead to the conclusion that we consider the violence experienced by migrant and refugee women in these case study countries to be at the same level.

DEFINITIONS OF VIOLENCE AGAINST WOMEN OR GENDER-BASED VIOLENCE

Violence against women takes multiple forms, and occurs in a wide variety of different contexts: including within the family, in the workplace, in state institutions. Similarly, there are a wide variety of agents of violence, including both persons related to or known to a woman and strangers. Violence can include physical assault, rape or sexual violence, harassment, emotional and psychological violence. These differing forms of violence are gendered in that they are the products of structural inequalities between men and women, inequalities which are socially produced and which are not fixed, but change over time and space. As the Beijing Platform for Action states: "Violence against women is a manifestation of the historically unequal power relations between men and women which have led to domination over and discrimination against women by men and to the prevention of women's full advancement."¹²

UN Definition of "Violence against Women" (Articles 1 and 2)

The term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life. Accordingly, violence against women encompasses but is not limited to the following: a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation; b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution; c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs; d) Acts of violence against women also include forced sterilization and forced abortion, coercive/forced use of contraceptives, female infanticide and prenatal sex selection.

BOX 1.1 UNITED NATIONS DEFINITION OF VIOLENCE AGAINST WOMEN

United Nations General Assembly. Declaration on the Elimination of Violence against Women, 85th Plenary Meeting, 20th December 1993, Geneva. (Resolution 48/104)

VIOLENCE AGAINST MIGRANT AND REFUGEE WOMEN

For the purposes of this research, the definition of violence against women produced by the UN General Assembly in the Declaration on the Elimination of Violence against Women, 1993 (see box below), has been adopted as a suitably comprehensive definition of all of the various forms of violence which women may face.

For the purposes of this study the definition of refugees is that provided in the 1951 Convention Relating to the Status of Refugees (Geneva Convention). Migrant women are defined as those who have crossed an international border and are living in a country outside of that of their country of origin.¹³ Women may migrate for a variety of reasons and thus different categories of migrant women are considered, including migrant workers, students, women migrating in the context of family reunification, undocumented migrants, and women victims of trafficking. The boundaries between these categories are obviously fluid and women may be classed in more than one category or move from one to another in the course of a migratory process. However, this categorisation is adopted for the purposes of the study, and may be useful in highlighting the multiplicity of situations in which migrant women find themselves. The policies and legislation relating to each of these categories will also have important impacts on the positions of women, and will increase or decrease their vulnerability to violence and their insecurities.

Migrant and refugee women are subject to the same types of violence as non-migrant women (as outlined above). However, the specificity of their positions as migrants and refugees may in some cases increase their vulnerability to certain forms of violence, and may limit the forms

¹² The United Nations Fourth World Conference on Women, Beijing, Platform for Action (1995), paragraph 118.

¹³ Although there are also problems of violence relating to women undertaking internal migrations within their own country, and to women of immigrant origin ("second" or "third generation" immigrants), these issues are outside the scope of the current report.

of protection and redress to which they have access. Moreover, migrant and refugee women may be more vulnerable than migrant and refugee men to violence because of gendered inequalities within the migratory process and in both their countries of origin and new host countries. Migrant and refugee women may thus be seen to be in a situation where they are “doubly” vulnerable to violence – as migrants/refugees and as women.

One of the difficulties in assessing this type of violence and in measuring the vulnerability of migrant and refugee women is a lack of knowledge and data on the subject. Traditionally migrants have been represented as male workers, and women have only been considered as migrants in the context of family reunification. This bias in research and policy on migration has continued to influence contemporary policies despite a feminisation of migratory flows. The “invisibilisation” of women migrants means that many of the rights abuses and violence to which they are subject are under-reported or ignored. Further, the fact that many types of gender-based violence take place within the “private” sphere of the family or home means that this type of violence may remain unseen or un-investigated. Greater efforts are thus required to assess the true extent of violence against migrant women.

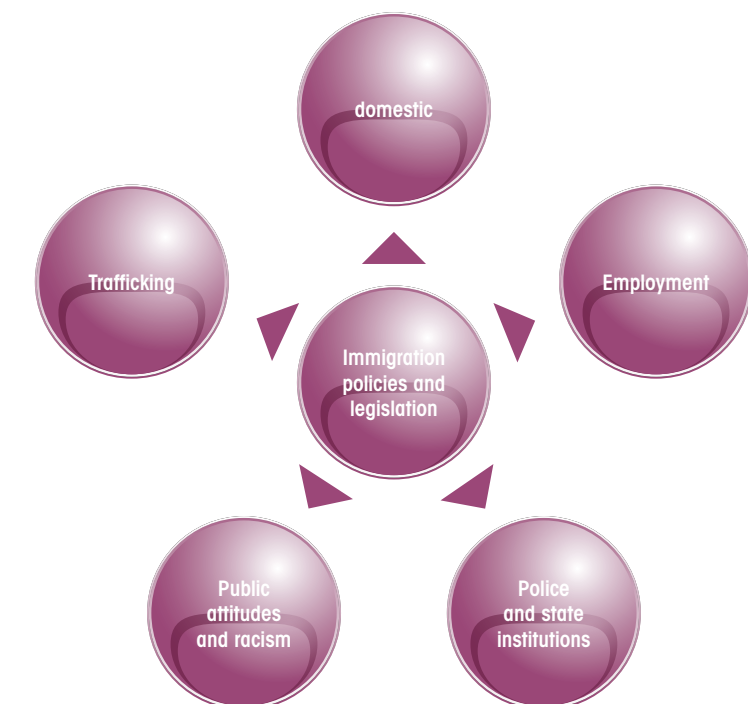
This report will argue that a key element in analysing all types of violence against migrants and refugee women is the role of immigration and asylum policies, both at national and supra-national (EU or Euromed) level. These policies may directly create the conditions within which violence occurs (for example, policies on detention of migrants which may lead to police and institutional violence against women), or may more indirectly contribute to a set of conditions within which women become more vulnerable to domestic violence, violence in the workplace, racist and xenophobic violence, and at the same time less able to report this violence to the relevant authorities and less likely to receive protection or redress. Policies on family reunification, for example, which reinforce women’s dependence on a male partner, may make them less able to escape domestic violence. The restrictive immigration policies put in place by European countries (and the restrictive policies which are now beginning to be implemented in some other countries in the Euromed region) mean that migrants and refugees face greater and greater dangers in trying to reach Europe. These dangers can be particularly severe for migrant and refugee women who are often subject to gender-based violence, including rape and sexual harassment. A UNFPA report argues that “undocumented female migrants confront huge risks while attempting to reach their destination. This includes sexual harassment and violence by border guards or fellow migrants; being coerced to provide sexual favours in exchange for safe passage for themselves or fellow migrants; or engaging in sex for survival or protection from violence when they are stranded in transit and without livelihood alternatives.”¹⁴

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¹⁴ UNFPA (2006), op.cit.

This pivotal relationship of immigration and asylum policies in modulating violence against migrant and refugee women in all spheres is shown in diagram 1 below.

Diagram 1 – Spheres of violence against migrant women



All of these issues mean that migrant and refugee women are particularly vulnerable to violence. As a report for the UN Division for the Advancement of Women (DAW) concludes: “Some migrant women are especially vulnerable to deprivation, hardship, discrimination and abuse. They face discrimination both due to their status as migrants and due to their status as women. They have limited access to employment and generally earn less than men and native-born women. Legally, many migrant women are vulnerable if their residence is dependent upon a relationship with a citizen or “primary migrant”. Migrant women, and particularly forced migrants, face real risks of physical and sexual abuse during travel and in the country of destination. In short, the rights of migrant women are violated frequently, drastically, and all too often with impunity.”¹⁵

Factors which may increase the vulnerability of migrant and refugee women to violence include:

1. Legal status. Legal status is a problem for many migrant women, who may find themselves either with no legal status as undocumented migrants, or else dependent on a husband,

¹⁵ United Nations Division for the Advancement of Women (DAW) (2003), Report of a Consultative Meeting on Migration and Mobility and how this movement affects Women, Malmö, Sweden, 2-4 December 2003, p.26.

partner or employer for their legal status. Many migrant women still arrive in a new country as a result of a process of family reunification. This is particularly relevant in this study in relation to women arriving in European Union Member States where family reunification is one of the only remaining means of regular migration. This process often leads to them being dependent on the husband or male relative who brought them into the country for their legal status. They may thus be less able or willing to leave violent relationships, or to seek help from the relevant authorities in the host country. Male partners may use the threat of removing their female partner's right to remain in the country as a tactic to prevent the woman from leaving an abusive relationship. As the European Women's Lobby argues: "Women who migrate as dependents of their husbands under family reunification are particularly vulnerable to physical and psychological violence and are often dissuaded from making formal complaints because of linguistic barriers, family pressure, isolation, cultural traditions or discrimination practiced by police officers in charge."¹⁶ A particular problem relating to legal status has been noted with respect to the way in which some European countries have entered into bilateral agreements to recognise the family codes of migrants' countries of origin, thus possibly subjecting women to discriminatory family laws and removing some of the possibilities of legal protection in the case of family-related violence.¹⁷

A different set of issues relating to legal status concerns women who arrive as undocumented migrants within one of the countries of the Euromed region. The very nature of undocumented migration means that it is impossible to give an accurate figure for the number of women concerned, but it is clear that the number of undocumented migrants within EU Member States and Euromed Partner countries is high, and that many of these are women. Women who arrive as undocumented migrants have little recourse to legal protection in the face of violence or abuse. They may, for example, find it very difficult indeed to seek help in the case of domestic violence, particularly as they are commonly very reluctant to approach police or other authorities. Undocumented migrant women have very limited access to women's shelters or other types of provisions to protect women from violence. A report by PICUM cites research from Spain showing that: "According to the Catalan Data Institute (Institut Català de les Dones), one third of women subject to gender violence in Catalonia are immigrants. The Catalan Association of Separated and Divorced Women affirmed that only women with legal residence permits denounce aggressions, and that 'there is a rather big group of undocumented women living in hell who do not report aggressions to the police'."¹⁸

2. Changing gender roles and relationships. The process of migration may lead to important changes in gender roles and relationships. This can be a source of empowerment for some women who might acquire new freedoms, but in some cases the difficulties and

frustrations of migration, or the reluctance of men to accept that their wife/partner may have a different role or mode of behaviour in the new host society, may mean that they resort to violence against their partner. The UNFPA reports that: "The strains of moving to a new environment, unemployment, inadequate wages and racism can lead to frustration that finds its outlet in the abuse of female partners."¹⁹ For those fleeing violence or trauma in their country of origin, this may have a severe impact on their interpersonal relations, and may lead to gender-based violence both before and after arrival in the destination country.²⁰ Indicative figures from some European states (where such figures are available) seem to suggest that migrant and refugee women represent a high proportion of those women who are victims of domestic violence. Austrian intervention centres which help victims of domestic violence, for example, report that migrant and refugee women make up about 30 per cent of the victims of domestic violence helped by the centres.²¹

3. Economic dependency. Linked to migrant women's legal dependency on male partners is the problem of economic dependency. This may result from a legal status which makes it irregular for women to work, or from familial and community pressures which do not permit women's employment. Women who join their husbands through family reunification programmes may not have the right to work, or may have restricted rights to work. Similarly, asylum seekers may be denied work permits in some states. Economic dependency makes it more difficult for women to leave abusive relationships.
4. Sectorised labour market. Migrant and refugee women have a particular form of insertion into the labour market which is conditioned by racial and gendered forms of discrimination in employment. Thus they are strongly concentrated in certain sectors of the labour market, such as domestic work and services to the person, as well as in "sweatshop" type production and in intensive agriculture. Figures for Spain, for example, show that 70 per cent of working migrant women arrive to fill domestic and care-giving positions.²² These types of employment offer unstable working conditions, with little access to any information networks or support. Migrant women employed in domestic services are often isolated and have no one to support them in cases of violence or abuse by their employers. The ILO believes that migrant domestic workers experience a degree of vulnerability that is unparalleled among other workers.²³ Because they are often employed within private homes, violence and abuse may remain invisible, and thus a common phenomenon may remain neglected. Unifem thus reports that: "In a study over half of foreign domestic women workers interviewed reported that they were victims of verbal or physical abuse."²⁴ Government responses to violence and abuse against migrant domestic workers have been piecemeal and limited, and often undermined

¹⁶ European Women's Lobby (2007), *Equal Rights, Equal Voices: Migrant Women in the European Union*, Brussels: European Women's Lobby, p.24.

¹⁷ For example, under the terms of the Convention of 10 August 1981 between France and Morocco, judgements rendered in Morocco relating to civil status can be published or transferred into the French civil register with no further judgement in France. For more information see DIEM (2008), *Statut(s) juridique(s) des femmes issues de l'immigration maghrébine*, Paris: DIEM.

¹⁸ *El Periódico de Catalunya*, 23 January 2006, Cited in the PICUM newsletter, February 2006.

¹⁹ UNFPA (2006), *op.cit.*, p.39.

²⁰ *Integration of the Human Rights of Women and the Gender Perspective: Violence Against Women*, Report of the special rapporteur on Violence Against Women, its Causes and Consequences, ECOSOC, December 2003.

²¹ Figure cited in *Fempower*, Magazine published by the European Info Centre Against Violence, no. 4, 2002.

²² UNFPA (2006), *op.cit.*

²³ ILO (2003), *An Information Guide: Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers*, Geneva: ILO, p. 30.

²⁴ UNIFEM (2003), *Human Rights Protections Applicable to Women Migrant Workers*, New York: UNIFEM.

by a refusal to treat these workers under general employment laws.²⁵ Police and judicial authorities are also reluctant to intervene, as Human Rights Watch reports: “In Morocco, activists told us that police only investigate complaints of severe abuse, and then are more likely to believe employers than domestic workers, as are judges in the few cases that reach the courts.”²⁶

5. Non-recognition of gender-related persecution. For women fleeing from gender-related forms of persecution a major problem is the failure of receiving countries to recognise these forms of persecution as grounds for offering protection and refugee status to them. Gender is not included in the grounds for granting refugee status under the 1951 Refugee Convention, and despite the fact that UNHCR has issued specific guidelines relating to gender-based asylum claims, women may still find that their claims based on gender-related persecution are refused by national authorities. This poses severe problems for these women, who will thus become “failed” asylum seekers, will lose many of their social and welfare rights, and will be subject to measures such as detention and eventually deportation. All of these measures will obviously increase women’s insecurity and vulnerability.
6. Reluctance of state institutions to intervene in the “private” sphere. One of the major problems in recognising violence against women is that it often takes place in the private sphere of the family or community, and this also means that police and state authorities may be more reluctant to intervene to stop this violence or to protect women. In the case of migrant and refugee women, the problem can be exacerbated by a culturalist perception of immigrant communities which attributes violent or abusive practices to “other” cultures and thus makes authorities even less willing to intervene to protect women. As Kofman et al. remark: “The case of domestic violence exemplifies the tolerance of practices in the private sphere on grounds of non-intervention in the customs of others.”²⁷
7. Growth in trafficking. Although it is impossible to provide accurate figures on the extent of trafficking in persons to the Euromed region because of the illicit nature of trafficking, most experts agree that there has been a huge increase in the incidences of trafficking in the region. Trafficking may involve severe forms of violence against victims, and the majority of these victims are women and girls. The EU has made the fight against trafficking one of its priorities and a Council Directive of 2004²⁸ offers the possibility of obtaining residence permits to women who help police and judicial authorities to prosecute traffickers. However, this level of protection is not sufficient – there are still serious problems in identifying the victims of trafficking, and there are a variety of reasons which make it

difficult for women to testify against their traffickers, including fear of reprisals against them or against their families in their country of origin. The Council of Europe’s Parliamentary Assembly report on violence against women in Europe argues that trafficking is one of the major sources of violence, and concludes that it is very difficult for trafficked women to report what has happened to them because “they are irregular immigrants without the relevant papers, and are afraid of the police. Some often have false passports from countries that are at war, since the majority of Western European states do not deport nationals of such countries. Further, the young women do not report what is going on because they are afraid of reprisals against themselves and their families. The violence inflicted on these women as a means of exerting pressure is particularly deplorable since, as well as the sexual violence imposed on them, some are beaten, tortured or even killed if they do not bring back their earnings and reimburse their debt. Some women have even been sent to ‘training camps’ in Italy, where they must accept 50-60 clients per day. Finally, pressure may also be exerted with regard to the young woman’s family.”²⁹

A major barrier to meeting the protection needs of trafficked women is a failure to identify these women as victims. Recommendations from the EU justice and home affairs directorate’s expert group on trafficking argue that: “Early identification requires training on a regular basis of all actors likely to come into contact with trafficked persons, especially the front-line police and other relevant officials such as immigration officials, health care officials or labour inspectors. A multi-agency approach to identification and referral also requires a confidence-building process involving all the above mentioned actors, trade unions, NGOs or other specialised service providers, including through joint meetings and joint training sessions.”³⁰ Despite this recommendation and the work of the expert group, few countries have taken adequate steps towards putting into place such a multi-agency approach.

8. Racism and xenophobia. Migrant and refugee women can also be vulnerable to racist and xenophobic forms of violence and attacks. This type of violence is of course also experienced by male migrants and refugees, but in some cases the form of the violence may be gendered, using for example sexual harassment or sexual insults. Racist attacks may be by individuals or by state authorities or institutions, for example, within reception centres for asylum seekers or within detention centres for irregular migrants. Several reports by NGOs have highlighted the gender-based violence which can occur within these institutional settings, including sexual harassment and rape.

²⁵ Human Rights Watch (2006), *Swept Under the Rug: Abuses Against Domestic Workers Around the World*. New York: Human Rights Watch.

²⁶ Ibid.

²⁷ Kofman, E. et al. (2000), *Gender and International Migration in Europe: Employment, Welfare and Politics*, London: Routledge, p.101.

²⁸ Council Directive 2004/81/CE, 29th April 2004, on the residence permit issues to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate irregular immigration, who cooperate with the competent authorities.

²⁹ Council of Europe Parliamentary Assembly (2000), *Violence against women in Europe*, report by the Committee on Equal Opportunities for Women and Men, doc. 8667, p.12.

³⁰ Draft report on Recommendations on National Mechanisms for Victim’s Identification and Assistance, European Commission DG Justice and Home Affairs, October 2007.

II. MIGRANT WOMEN WITHIN THE EUROPEAN UNION

CASE STUDIES ON FRANCE AND ITALY



A report by the European Women's Lobby in 2007 described the "invisibility" of migrant women within the European Union, arguing that "despite their contribution to the economic and social development in EU member states they experience high levels of poverty, social exclusion and violence and still tend to be invisible in the European debate in the field of integration/immigration."³¹ While immigration policy has been high on the political agenda of all EU Member States, there is still a lack of gender mainstreaming with regard to immigration policies and legislation. Although European institutions (and particularly the European Parliament) have produced reports and recommendations on the protection of female migrants, they appear to be a group which is still largely ignored both within immigration policies, and within policies on gender equality and the fight against gender-based violence. As a report for the European Parliament states, "Most Member States do not seem to have taken systematic account of gender issues in relation to immigration, either at the level of policy or data collection, as appears from the evaluation of the national integration policies (reports of the national integration contact points, national action plans for employment, national action plans for social integration)."³² The report highlights migrant women's vulnerability to discrimination and violence and calls on Member States to:

- To take effective action to combat all forms of violence against women immigrants by providing adequate medical, legal and social support to the victims of violence, implementing social rehabilitation programmes for them, offering victims of the sex trade access to refuges, taking due account of their needs for safety and protection, and by providing preventive information to women immigrants concerning their rights in the host country.
- When considering applications for autonomous legal status, to take due account of the circumstances of women immigrants who are victims of violence, in particular victims of physical and psychological violence including the continuing practice of forced or arranged marriage and to ensure that all administrative measures are taken to protect such women.
- To simplify the procedures for granting a residence permit to victims of the sex trade and to adopt measures to approve special residence permits in exceptional circumstances in order to enable foreign victims without legal status to escape from violence.

Unfortunately it seems that these recommendations have not been taken into account by many member states, where there is still little recognition for the needs of migrant women who are victims of violence. Further, policies which aim to control "illegal" immigration may have the effect of increasing the vulnerability of some categories of migrants, such as women, to

³¹ European Women's Lobby (2007), op.cit., p.4.

³² European Parliament (2006), Report on Women's Immigration: The Role and Place of Immigrant Women in the European Union, 2006/2010(INI), p.15.

violence, as will be discussed in the case studies below.

A previous report and resolution by the European Parliament on the regulation of domestic work in the EU³³ also dealt with the problems of violence against migrant women and includes the following recommendation:

- Recommends that specialised reception centres be set up for female migrant workers to provide the psychological and psychiatric help required by migrant women who have suffered mental or physical or sexual abuse and any assistance needed to draw up applications to regularise their situation if they have temporary residence permits, as well as help with legal action against persons who have exposed such women to sexual and psychological oppression
- Also calls for such reception centres to distribute information leaflets to provide them with all the information and addresses they require in relation to their residence in the Member State
- Considers that, in the context of recognising domestic work as an occupation, female migrant workers should be eligible for regular work permits.

Again, it can be noted that these recommendations have not generally been followed. The population of female migrant domestic workers within Europe is still growing numerically, and few governments have introduced any workable measures to protect these women from exploitation and violence.

The Council of Europe³⁴ has also produced recommendations on the situation of immigrant women in Europe, recommending that member states should:

- Ensure equality of treatment for immigrant women and men without distinction
- Recognise the right to family union for immigrant women and men without distinction
- Adopt legislation giving immigrant women an independent and autonomous right of residence (not tied to the residence status of their husband)
- Grant immigrant women the right to a work permit independently of their family situation
- Give particular attention to the prevention and repression of violent or degrading customs inflicted on immigrant women or affecting their physical integrity.

There are thus a series of recommendations and reports which could be used by policy-makers and legislators to try and protect migrant women and reduce their vulnerability and insecurity.

³³ European Parliament (2002), Report on regulating domestic help in the informal sector, 2000/2021(INI).

³⁴ Council of Europe (1995), Immigrant Women and Integration, Strasbourg: Council of Europe.

ASYLUM SEEKERS AND REFUGEES

Within the European Union, a particular rise in the proportion of female asylum seekers and refugees can be noted. As outlined in the introduction to this report, EU member states have still proved reluctant in many cases to take into account UNHCR guidelines regarding the introduction of gender-sensitive approaches to the reception of asylum seekers and to refugee status determination.³⁵ There is not sufficient space within this report to consider the full range of jurisprudence in Europe concerning the protection of women victims of gender-related persecutions. Suffice it to say that despite some advances, notably in the protection of women who seek protection because of a fear of female genital mutilation (FGM), there are still gaps in the protection afforded to women who seek asylum on the basis of gender-related violence.

In addition, the current reception conditions for asylum seekers may in some cases leave women vulnerable to additional violence once they reach a European state. In some EU countries, there is not sufficient space in dedicated accommodation centres or hostels for all asylum seekers, and so some or many are left to fend for themselves and may end up sleeping rough or in insecure accommodation. For women this may be a source of insecurity and vulnerability – several of the women interviewed for this research had suffered violence while they were living in the street or lodging in sub-standard accommodation. Even for those who do get a place in official accommodation there may be problems relating to the standards of this accommodation. In its position paper on asylum-seeking and refugee women, the ECRE (European Council on Refugees and Exiles) highlights the specific needs of women in accommodation centres, and lays out recommendations for providing safe and private accommodation for these women:

“Collective accommodation may create conditions that are particularly lacking in safety and privacy for women. ECRE emphasises that where collective accommodation is used to receive asylum seekers, it should have the following characteristics:

- Proportional participation of women in whatever systems of consultation with residents may be used in the management of the centre;
- Personnel trained to be sensitive to the needs of refugee women and familiar with gender issues that may arise;
- Mechanisms to facilitate the reporting of physical and sexual violence, appropriate support and means of redress in such cases;
- Availability, upon request, of separate living quarters for women;
- Availability, upon request, of general and legal counselling services for women in conditions of privacy;
- Private toilets and bathing facilities that are not too distant from living quarters;

³⁵ For a summary of the adoption of gender guidelines within different European states see, for example, Crawley, H. and Lester, T. (2004), *Comparative analysis of gender-related persecution in national asylum legislation and practice in Europe*, Geneva: UNHCR. See also Freedman, J. (2007), *Gendering the International Asylum and Refugee Debate*, Basingstoke: Palgrave Macmillan.

- Non-discriminatory systems for the distribution of assistance and information (ie – not solely via male heads of families).³⁶

However, research for this report found many instances where accommodation provided for asylum seekers did not adhere to these standards, again leaving women vulnerable and insecure. The creation of large “camps” to house asylum seekers arriving en masse in European states (such as Italy) has created conditions within which violence against women is almost impossible to monitor or control, while in more established reception and accommodation centres there is often a lack of attention to the safety of women, particularly those who arrive alone.³⁷

ACTIONS TO COMBAT GENDER VIOLENCE – THE DAPHNE PROGRAMME

Actions to combat violence against women within the EU have been funded by the European Commission through the Daphne Programme. The Daphne initiative was launched by the Commission in 1997 at the instigation of the European Parliament³⁸ to finance measures to combat violence against children, young people and women. In 2000, this initiative became the Daphne Programme, which is currently in its third phase. The Daphne Programme contains measures aimed at preventing violence against women, young people and children, including:

- The establishment of networks at European level and the promotion of cooperation between NGOs and competent authorities
- Actions intended to protect the groups at risk and prevent violence against them
- Studies and research into the causes of violence and means of combating it
- Exchange of information and good practice
- Dissemination of information in the field
- The organisation of public information campaigns and campaigns to create awareness on the part of victims, potential victims and all those working with them

This programme, which is administered by the DG Justice, Liberty, Security, has financed several programmes which focus specifically on violence against migrant women.³⁹ The Daphne Programme applies only to projects run by NGOs, associations or local authorities within the EU Member States and candidate countries, but the model it provides might prove useful to adapt to future projects on violence against women within the Euromed region. Examples of projects funded under the Daphne programme which have successfully targeted violence against migrant women include the RESPECT European Network of Migrant Workers⁴⁰ and also the WAVE network. The WAVE network has set up a European Information Centre Against Violence and publishes a regular newsletter, *Fempower*, several issues of which have been devoted to the

³⁶ ECRE Position on asylum seeking and refugee women, December 1997.

³⁷ See, for example, Freedman, J. (2007), *Gendering the International Asylum and Refugee Debate*, Basingstoke: Palgrave Macmillan.

³⁸ European Parliament resolution, 16 September 1997, on the need for a zero tolerance campaign against violence against women, A4-0250/1997.

³⁹ For a list of projects financed by Daphne and focused on violence against migrant women see Annex 3.

⁴⁰ For a discussion of the operation of this network, see Schwenken, H. (2005), “The Challenges of Framing Women Migrants’ Rights in the European Union”, *Revue européenne des migrations internationales*, 21, 1.

question of violence against migrant women.⁴¹ As the case study on Italy shows, the Daphne Programme has also funded initiatives which have had important benefits for migrant women at a national level, such as the Malika Project organised by the Italian Refugee Council (CIR), which has aimed to create new support systems for women asylum seekers and refugees who have been victims of gender-related violence (see below for more details).

Migrant and refugee women face several barriers to any type of organisation or mobilisation against the forms of violence they face. For undocumented migrant women these barriers are even greater. They face the barrier of “illegality”, which means that they can be afraid to make themselves visible in the public space. In addition, the type of work in which migrant and refugee women are involved may mean that they remain isolated and cannot access any support either from other migrant and refugee women or help from trade unions, for example. Schwenken⁴² describes the experiences of the RESPECT network, a network of migrant domestic workers within the European Union. This network, founded in 1998, brings together self-organised migrant domestic workers’ organisations, support organisations and trade union organisations from different EU countries to fight against exploitation, violence and sexual harassment of domestic workers. This network experienced some difficulties in organising and in making their case at the European level. A positive result was achieved in the case of Britain, however, where strong support of a trade union (the Transport and General Workers Union) led to a regularisation procedure for abused migrant domestic workers.⁴³ As with other forms of regularisation campaigns, however, the criteria for undocumented women working in precarious jobs were difficult to meet, and as Anderson points out, the number of abuses did not seem to decline following the policy changes.⁴⁴ This example points to the complicated nature of organising to protect migrant women, and the challenges involved in accomplishing policy changes that will have a real impact in lessening violence against migrant women.

⁴¹ Available on the website of the WAVE network, <http://www.wave-network.org>.

⁴² Schwenken, H. (2005), “The Challenges of Framing Women Migrants’ Rights in the European Union”, *Revue européenne des migrations internationales*, 21, 1, pp. 177-194.

⁴³ Ariyadasa, K. (1998), *Kalaayan! Justice for Overseas Domestic Workers*, London: Kalaayan.

⁴⁴ Anderson, B. (2004), “The Devil is in the Detail: Lessons to be drawn from the UK’s recent exercise in regularising undocumented workers”, in M. Levoy, N. Verbruggen and J. Wets (eds), *Undocumented Migrant Workers in Europe*, Brussels: Katholieke Universiteit Leuven.

A. CASE STUDY: FRANCE

Women make up an important part of the migrant population within France. Although France, like other countries, was relatively late in providing gender-disaggregated statistics concerning immigration, the statistics that have been produced do show that the proportion of women migrants has increased in recent years.⁴⁵ Statistics show that women made up 52.3 per cent of entries recorded by the IOM in 2004⁴⁶ and 54 per cent of those gaining a residence card in 2006.^{47 48}

The level of “feminisation” of migratory flows into France is variable depending on the country or region of origin of migrants. For some regions of origin, such as South East Asia, women make up around two thirds of the total migrants. Women also outnumber men in the total number of migrants arriving from Eastern Europe and from Central Africa. From other countries, including the countries of the Maghreb and Turkey, women make up about half of the total number of migrants. The exception is migration from Tunisia, which is more exclusively masculine,⁴⁹ with men making up 63 per cent of migrants from that country. Women arriving from the Maghreb and Turkey are also more likely to be coming to France to join husbands or partners than women from other regions of origin.⁵⁰

⁴⁵ Algava, E. and Bègue, M. (2008), “Nouveaux détenteurs et détentrices d’un titre de séjour: des trajectoires familiales et professionnelles contrastées”, in Insee, Femmes et Hommes : Regards sur la parité, Paris: Insee.

⁴⁶ Agence Nationale d’Accueil des Etrangers et des Migrations (2005), Les flux d’entrées contrôlées par l’OMI en 2004, Paris: ANAEM.

⁴⁷ Algava and Bègue, op.cit.

⁴⁸ The study on which these figures are based was carried out amongst migrants who received a residence permit in 2006. The study includes migrants who have come through family reunification, those who have gained a temporary or long-term work permit, refugees, students and seasonal workers. For obvious reasons, the figures do not include irregular/undocumented migrants, nor do they include asylum seekers (as the latter have not yet been granted a residence permit), or migrants from within the EU (who do not require such a permit).

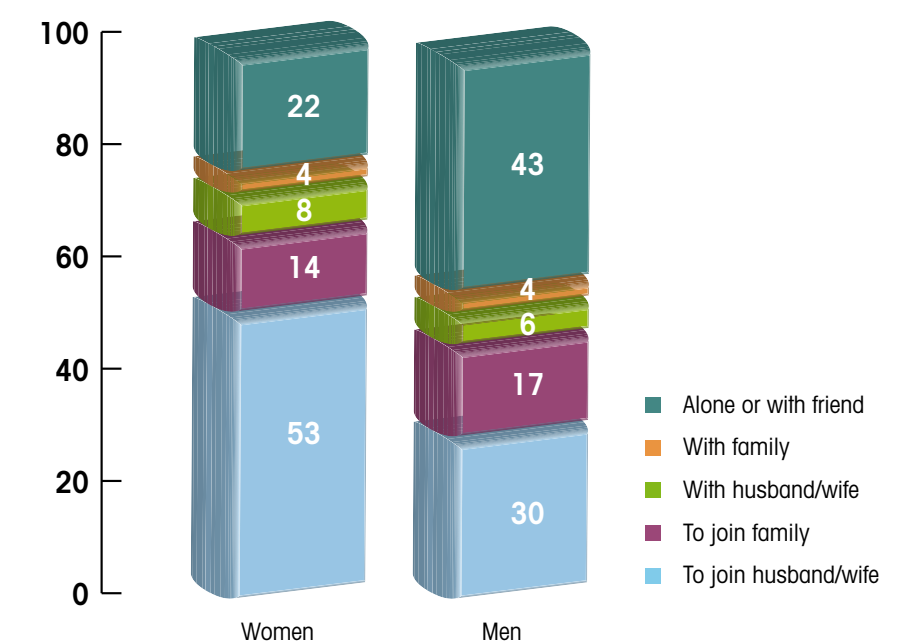
⁴⁹ Algava and Bègue, op.cit.

⁵⁰ Algava and Bègue, op.cit.

Restrictive legislation on migration means that “family migration” is by far the principal means of regular migration into France, with around 70 per cent of regular entries being for reasons of marriage or family reunification.⁵¹ In 2006, 53 per cent of women receiving a residence permit in France had arrived to join a husband – either a husband with French nationality or a husband with foreign nationality but regular residence status in France. Another 14 per cent of the women granted residence permits had arrived in France to join other members of their family. Women make up around 55 per cent of those granted a residence permit through marriage to a French citizen, and over 80 per cent of migrants who are granted a residence permit through the process of family reunification.⁵²

The figure below shows the different conditions of arrival in France for male and female migrants, and demonstrates the variations in these conditions of arrival depending on the sex of the migrant, with women being far more likely than men to arrive to join a husband or partner already in France, and less likely to arrive alone. These variations are clearly determined by gendered inequalities both in the countries of origin of migrants and by the legal system governing migration into France. Within the countries of origin, women are less likely to be employed and to have the financial resources necessary for migration. In addition, gendered discriminations in relation to women’s access to public space and travel may mean that they find it more difficult to migrate independently. Further, the legal framework of migration into France means that family-based migration is in many cases the only way to undertake a regular migration.

CONDITIONS OF ARRIVAL OF MIGRANTS IN FRANCE,
ACCORDING TO SEX, IN PER CENT, 2006



Source: Algava and Bègue, 2008.

⁵¹ Agence Nationale d’Accueil des Migrations (2007), Rapport d’activité 2005-2006, Paris: ANAEM.

⁵² Ibid.

The importance of this “family migration” should not, however, lead to an overshadowing of other forms of female migration. Women do migrate alone for work, and also form a significant proportion of asylum migration. In fact, the proportion of women asylum seekers has increased consistently since 2001⁵³ despite a fall in the overall number of asylum claims received in France, as shown in the table below.

Table 2: Proportion of Men and Women amongst Asylum Claimants in France

Year	Total Number of Asylum Claimants	Number of Men	Number of Women	% M	% W
2001	47,291	33,274	14,017	70.4	29.6
2002	51,087	35,412	15,675	69.3	30.7
2003	52,204	36,128	16,076	69.2	30.8
2004	50,547	33,935	16,612	67.1	32.9
2005	42,578	27,837	14,741	65.4	34.6
2006	26,269	16,862	9,407	64.2	35.8
2007	23,804	15,122	8,682	63.5	36.5

Source: Ofpra, rapports d’activité

There are also many women undocumented migrants, although there are no reliable statistics available on this population for obvious reasons. It is reasonable to assume, despite this lack of statistics, that women make up about half of the population of undocumented migrants. Women have been visible in the various mobilisations of “sans-papiers” in France,⁵⁴ and it is clear that there are many undocumented women employed in domestic service and hotel sectors within France.

Research carried out for this report highlighted in particular the issues of domestic and conjugal violence against migrant and refugee women in France, and pointed to lacunae in support for women victims of such violence. Also picked up were issues relating to women asylum seekers and refugees for whom there was a lack of recognition of gender-related persecutions and a lack of adequate support.

MIGRANT AND REFUGEE WOMEN AND DOMESTIC VIOLENCE

Research for this report found that one of the major issues facing migrant and refugee women in France is that of domestic violence. Domestic violence against migrant and refugee women emanates from the same fundamental causes as all domestic violence, i.e. unequal gender relations within societies which structure the relationships between individual men and women. However, these problems are aggravated in the case of migration because of the political and legal context within which migrant women live. As has been argued in the introduction to the report, the conditions of migration can place a particular strain on relationships, which may lead to violence. In particular, respondents highlighted problems linked to housing conditions for migrants and to immigration policies which place migrant women in a position of irregularity or dependence. In addition, several respondents pointed to the increasing trend in men bringing women to France through internet sites and other forms of “arranged” marriages which result in violence against the wife.

The Commissioner for Human Rights of the Council of Europe mentions the problem of domestic violence against migrant women specifically in his report on France, noting that:

“I would like to highlight the specific difficulties faced by migrant women with violent husbands. Some of them who arrive in France under family reunification arrangements, as refugees or as asylum seekers, find themselves very isolated, speak little or no French and are totally dependent on their husbands. They can be given a residence permit, provided they can prove that they have made an official complaint and provide the appropriate documentation. The language barrier, poor knowledge of French legislation (despite the new provisions applying to new arrivals) and the strong grip exerted by husbands make it impossible for most of them to do this. In addition I was told that the length of the procedure severely hampers implementation of this possibility and that there is a shortage of places in emergency accommodation facilities.”⁵⁵ The conclusions of this report include a specific recommendation to the French authorities to pay particular attention to migrant women who are victims of domestic violence.

As this remark by the Commissioner for Human Rights demonstrates, although France has recently enacted legislation on domestic violence and set up a network of centres to help women victims of violence, there are still problems for migrant women in accessing support and protection. In fact, migrant women are often not considered in policies and legislation on domestic violence. This is partly because of the importance of universalism in France, which means that the authorities are reluctant to produce any statistics or surveys concerning the ethnic origin of the population. A major survey commissioned to evaluate the extent of domestic violence in France (ENVEFF), for example, did not contain any references to victims’ nationality or ethnic group.

⁵³ The first year that gender-disaggregated statistics were made available by the Office français des réfugiés et apatrides (Ofpra).

⁵⁴ See for example, Freedman, J. (2001), “The sans-papiers: an interview with Madjiguène Cissé” in J. Freedman and C. Tarr (eds), *Women, Immigration and Identities in France*, Oxford: Berg.

⁵⁵ Council of Europe (2006), Report of M. Alvaro Gil-Robles, Commissioner for Human Rights on the Effective Respect of Human Rights in France, Strasbourg: Council of Europe, Comm DH(2006)2, p. 98.

Further, it may be argued that immigration laws and private international law (the recognition of discriminatory family codes from some countries of origin) promote dependency of migrant women and uphold unequal gender relations which increase women's vulnerability to violence.⁵⁶ According to the Hague Convention of 17 March 1978, which has been applicable in France since 1 September 1992, partners are legally entitled to choose before their marriage the national law applicable to their marriage contract (either the law of the country of nationality of one of the spouses or the law of the country of residence of one of the spouses). Further, in cases of divorce or rupture, women should be able to appeal to the national law which is most favourable to them in terms of gender equality, i.e. they should be able to appeal to French family law even in the case where France has signed a bilateral convention to recognise the family law of their country of origin where the marriage took place. However, few women who experience domestic violence and who wish to separate from their partners will be aware of this provision, and, in addition, it has been noted that some judges are reluctant to apply French law "above" the family code of a country of origin because of a desire to respect other cultures or identities.⁵⁷

The telephone helpline set up for victims of domestic violence, Violence Conjugales Femmes Info Service, receives around 20-30 per cent of its calls from women of non-EU nationalities⁵⁸ which is clearly a much larger proportion than that of migrant and refugee women in the population as a whole. The director of the Fédération Nationale Solidarité Femmes (FNSF), which is responsible for running this telephone service, as well as a national network of reception centres for victims of domestic violence, explained that all their activities in this area received a disproportionately large number of non-European women. She argued that despite recent changes in the law (see below), migrant women who are victims of violence still have difficulty in obtaining residence papers in their own right and thus remain dependent on their violent partners, or else risk arrest and deportation. French immigration laws demand that migrant women prove "communauté de vie" (i.e. that they are living with their partner) in order to obtain residence papers. For women who are claiming their own papers after leaving a violent partner, police prefectures may demand excessive levels of proof, including proof that the woman has formally brought charges against her partner (which few women victims of domestic violence actually do) or that the partner has actually been convicted by a court (which is even more rare in domestic violence cases).

For women who do not have any legal residence status to begin with, there is in addition the worry that they may be arrested if they go to make a complaint about their partner's violent behaviour. FNSF reports cases where a woman going to a police station to make a complaint about violence has been arrested because of lack of legal residence status.⁵⁹ In some cases, a woman attempting to make a complaint about domestic violence has been told to "go home and we'll pretend we haven't seen you" by the police, who warned her that if she persisted

in trying to make a complaint she would be arrested because of her lack of legal residence papers. This primacy of administrative law over the basic human right to protection against violence is clearly a violation of women's rights, but it is now so common that many migrant women are scared to go and talk to the police or any other administrative authorities about the violence which they experience. In addition, there have been cases where a violent husband has himself denounced his wife to the police prefecture, warning them that the woman in question does not have residence papers or denouncing a "false marriage" in order to obtain papers. This can be used as a form of blackmail to ensure that a woman is too scared to go to the police to make a complaint about violence.

FNSF also reports a growing phenomenon⁶⁰ of young women who are "bought" from abroad, and when they arrive in France are sequestered and subjected to various forms of violence. Often these women have their passports and other legal papers confiscated by their "husbands", so that they have no way of escape.⁶¹ The annual report of the FNSF reports growing numbers of women victims of violence who have no access to any legal residence status or any help in obtaining such: "Women married in their country of origin and who several months after their arrival in France are victims of violence from their husband who refuses to undertake the necessary procedures to get them legal residence papers; women married in their country of origin who are sequestered when they arrive in France; fraudulent promises of marriage through internet adverts which in fact hide projects for human exploitation."⁶² This phenomenon of women "bought" from abroad for marriage is closely linked to the increase of trafficking in women for exploitation both in prostitution and domestic slavery, which will be discussed further below.

S'S EXPERIENCE: CHANGING GENDER RELATIONS AND DOMESTIC VIOLENCE IN MIGRATION

S is an Algerian woman who has been living in France since 2003 with her husband. She now has a two-year old child. Both S and her husband are undocumented migrants; they have tried unsuccessfully to regularise their situation. The couple lives in a small residential hotel room with their child, they have limited cooking facilities, and share bathroom and toilet facilities with other residents. S felt depressed at being shut in this small and dirty accommodation all day and so sought out a local association to try and meet other women in a similar situation. However her husband does not like her leaving home alone and taking initiatives for herself.

"He started to become really angry whenever he knew that I had been out to the association and to meet the other women. He told me my place was to stay at home and cook meals for him. We are both depressed about our situation here in France, but we cannot go back to Algeria. And for my husband, the fact that I go out to the association or to meet other women is bad. He thinks I am being immoral and he accuses me of meeting up with other men. He has started to shout at me and hit me – now even when our baby is awake. I don't know what to do. I can't tell the police because I am so scared of them, I have no papers. Now I don't go out anymore, I am too scared. I am even too scared to go to meetings with the association; I have no one to talk to."

⁵⁶ Mihalich, L. (2001), No Exit: the plight of battered Maghrebi immigrant women in France, Senior thesis presented to the Woodrow Wilson School of Public and International Affairs; Lesselier, C. (2006), "Violences conjugales: témoignages et expériences associatives", Hommes et Migrations, No 1262, pp. 58-69.

⁵⁷ Minces, J. (2004), "Les trois formes de discriminations subies par les femmes de l'immigration", Hommes et Migrations, No. 1248, pp. 14-22.

⁵⁸ Fondation Nationale Solidarité Femmes (2007), Des femmes issues de l'immigration. Bilan 2006, Paris: FNSF.

⁵⁹ Interview with Anne Nguyen-Dao, director of FNSF, Paris.

⁶⁰ This phenomenon has been noted as a growing problem, but no actual statistics exist due to the hidden nature of this type of phenomenon and the obstacles women face in actually contacting an association or authority to make a complaint.

⁶¹ Interview with Anne Nguyen-Dao, as above. This problem was also cited in interviews with several other NGOs and associations in Paris which deal with the problems of migrant women.

⁶² Fondation Nationale Solidarité Femmes (2007), Des femmes issues de l'immigration. Bilan 2006, Paris: FNSF, p.15.

FORCED MARRIAGE

Linked to the questions of domestic violence outlined above is the issue of forced marriage which has been one of the questions highlighted by the French government in its programme on migrant women (see below). Article 23, paragraph 2 of the International Covenant on Civil and Political Rights provides that no marriage shall be entered into without the free and full consent of the intending spouses.⁶³ When there is not such free and full consent it can be assumed that the marriage is “forced” and is thus an infringement on the human rights of one or both of the spouses. It is more frequently women who are “forced” into a marriage, and this may involve violence on the part of the woman’s husband or other family members. Figures on the number of women who are victims of forced marriage each year are difficult to estimate, as the phenomenon is still one which is relatively under-reported. However, various associations working to combat forced marriages have reported an increase in the number of cases which they deal with each year.⁶⁴

The law on the prevention and repression of violence within the couple, passed in April 2006, increased the legal age of marriage for young women to 18, bringing it in line with the legal age of marriage for men.⁶⁵ This disposition aimed at fighting the practice of forced marriage and of protecting young women has been approved by associations working with migrant women. However they also highlight the fact that it is still difficult for women to access help and support in the face of forced marriages. As with other cases of domestic violence, these women may have an unsure legal status which is not a good basis for making a complaint to the police or relevant social services. In addition, they are often unaware of the existence of any support services. Gaye Petek of the association Elele which helps Turkish women living in France highlights again the problem of bringing “proof” of forced marriage: “Many women are sequestered and incapable of making a complaint or of seeing a doctor to get a medical certificate. Further, we frequently see cases where husbands beat their wives without leaving any marks, or else use verbal and psychological forms of violence. Other women live in a situation of modern slavery practiced by their in-laws or their husband. These women need to be able to warn the authorities of what is happening and to bring proof, but they speak little or no French, and there are often no witnesses to what is happening because these types of violence take place in private.”⁶⁶

⁶³ See www.unhcr.ch/tbs/doc.nsf/CCPR.

⁶⁴ Ministère du travail, des relations sociales, de la famille et de la solidarité, 2007, *Lutte contre les violences: les mariages forcés*.

⁶⁵ Loi relative à la prévention et la répression des violences au sein du couple ou commises contre les mineurs, 4 April 2006.

⁶⁶ Petek, G. (2004), “Mariages forcés: de la réglementation à la réalité”, *Hommes et Migrations*, No 1248, p. 35.

WOMEN ASYLUM SEEKERS AND REFUGEES

As noted above, France has seen a regular increase in the proportion of women entering the country to seek asylum. At the same time, the French refugee status determination authorities (the Ofpra and the Cour Nationale du Droit d’Asile⁶⁷) are rejecting a growing proportion of asylum claims, meaning that it is more and more difficult for these women to get refugee status within France. While there have been some advances in jurisprudence, particularly in the recognition of refugee status to women trying to protect their daughters from FGM,⁶⁸ it is still difficult for women fleeing gender-based violence to receive protection in many cases. The problems encountered by such women are highlighted by the work of the Groupe Asile Femmes (GRAF), an interassociative network which campaigns for the rights of women seeking asylum within France.⁶⁹ They point to the way in which women victims of gender-based violence often fail to receive adequate support or help in preparing their cases, and the ways in which refugee status decision making authorities are still in some cases reluctant to recognise the legitimacy of gender-related persecution as the basis for granting asylum.

Further, the reception conditions for asylum seekers in France lead some women into situations of extreme vulnerability to new violence. Many of the women interviewed for this research who had made asylum claims in France had also experienced incidences of violence since they had arrived on French territory. This violence was often due to the conditions of their accommodation and their lack of material support which pushed them into dangerous situations.

Official accommodation for asylum seekers in France is provided through the Centre d’Accueil des Demandeurs d’Asile (CADA). Several respondents working within CADA pointed to the frequency of incidences of conjugal violence amongst families housed there. As one CADA director explained, the pressures of living for a long time in relatively restricted accommodation, combined with the pressures of making an asylum claim, can push some couples into situations of conflict. Although these incidences of domestic violence are not unexpected findings, an important point revealed by the research was the relative inability of those working within CADA to deal effectively with such situations. Some of the social workers interviewed within CADA explained that they found these situations of domestic violence difficult because they felt that they had a responsibility to both of the partners, and that they believed the men involved had a right to spend time with their wives. This type of reaction may mean that there is a delay in expelling the violent partner from the CADA.⁷⁰

⁶⁷ Formerly the Commission de recours des réfugiés.

⁶⁸ See Freedman, J. (2008), *Women Seeking Asylum: The Politics of Gender in the Asylum Determination Process in France*, *International Feminist Journal of Politics*, 10, 2.

⁶⁹ GRAF (2007), *Droit d’asile et femmes: Guide pratique*, Paris: GRAF.

⁷⁰ Interviews with social workers and managers in several CADA in Ile-de-France and Lyon, plus responses to questionnaires sent out to managers of CADA in France.

The situation is even worse for women who do not receive accommodation within CADA. This is the case for many single women without children who are not priorities on the waiting list for places in CADA. Single asylum seekers, and those who are treated under priority procedures, who do not get a place in a CADA, often have to rely on emergency accommodation, using the 115 service to find a place for the night. Women's experience of the 115 service was often very negative. Emergency accommodation may pose specific problems for women who are vulnerable to violence and sexual assault. Several respondents talked about the difficulties of women forced to seek emergency accommodation, and the non-suitability of such accommodation which mixes different categories of homeless people. Several women recounted their fear of others staying in the emergency hostels who were "mad" or "violent" and threatened and verbally abused them. Thus one woman described having to share a room with a drug-addict and alcoholic who shouted at her and threatened her. When she asked the manager of the hostel to move her to another room, she was told that there was no other space for her, and that she should just put up with these conditions. She ended up sitting up all night in the reception of the hostel rather than return to her bedroom.⁷¹ For some of the women interviewed there had not even been access to emergency accommodation for some or all of the time during which their asylum claims were treated, and they had ended up sleeping rough in the street or in stations or metros. An African woman had spent several nights sleeping in the Gare du Nord, even while she was pregnant at the time.⁷² Cases such as these also highlight a lack of coordination between medical and social services. A member of the FASTI's women's commission highlighted a similar case where a Rwandan woman who had suffered severe sexual assault and had been operated on by a gynaecologist in France in order to try and repair the damage she had suffered, was discharged from hospital only to find that there was no accommodation available for her, and so ended up sleeping in the streets in Nantes.⁷³ These women who end up sleeping rough are often victims of violence or sexual assault, or may become prey to prostitution networks. One Nigerian woman interviewed explained that, as she had been sleeping on the street, she was approached by a Nigerian man who seemed sympathetic and who offered her accommodation in his apartment. She ended up being sequestered, raped and beaten and forced into prostitution, and only managed to escape when her captors attempted to send her to the Netherlands and she was able to approach a policeman at the station.⁷⁴

71 Interview with Ukrainian asylum seeker, Paris. The names of women migrants, asylum seekers and refugees interviewed for this research have been removed for reasons of anonymity and confidentiality.

72 Interview with Nigerian asylum seeker, Paris.

73 Interview with members of the women's commission of the FASTI (Fédération des Associations de Soutien aux Travailleurs Immigrés), Paris.

74 Interview with Nigerian asylum seeker, Paris.

VIOLENCE AGAINST WOMEN IN DETENTION CENTRES

Strict immigration policies and legislation mean that more and more migrants and asylum seekers are being detained in France, both within the "Zones d'Attente" set up at borders (the primary Zone d'Attente is at Roissy airport), and within "Centres de rétention administrative" (administrative retention centres for immigrants). Reports by NGOs have pointed to the increasing number of women (and women with young children) among the detainees. The percentage of women in administrative detention doubled from 5.8 per cent in 2002 to 10.6 per cent in 2005, and is still increasing.⁷⁵ The increasing "feminisation" of detention was also confirmed by respondents working for the Cimade, which is the sole NGO authorised to work in retention centres.⁷⁶

Conditions within detention centres are often not suitable for women. Cimade reports increasing problems due to the lack of separate facilities within such centres for women who are detained, which can lead to vulnerability to violence both from policemen/guards and from other detainees. Particular forms of violence encountered include sexual harassment and sexual assault, and women who are pressured or constrained into prostitution. Cimade states that: "The phenomenon of prostitution was noted within certain centres, particularly where there was no effective separation between the detention areas for women and for men. Some women complained of sexual harassment, and even of death threats from certain men."⁷⁷ This phenomenon of forced prostitution in detention centres was confirmed in interviews with representatives of the Cimade, and seems to pose a serious problem to the security of women within these centres.⁷⁸

A Ghanaian woman interviewed explained the incidences of verbal violence that she had experienced within a detention centre: "The policemen insulted me and called me horrible things – they said that a black woman like me shouldn't be in France. They came into my room when I was dressing. When they decided to release me, they pushed me out of the door and shouted at me."⁷⁹

There have also been widespread reports of violence against detainees in the Zone d'Attente, particularly during attempted deportations of these detainees. This violence is targeted at both men and women, but may take particular gendered forms, including sexual harassment of detained women. In its observation report on the Zone d'Attente at Roissy, the Anafé (Association nationale d'assistance aux frontières pour les étrangers) notes the use of undue force against a woman and her young children who were being transported to the airport.⁸⁰ They also relate the evidence of a woman from Cameroon who spent several long periods being held in the

75 Cimade (2006), Centres et locaux de rétention administrative, rapport 2005. Paris: Cimade.

76 Interviews with two members of the Cimade working in detention centres in Mesnil-Amelot.

77 Cimade (2006), op.cit., p.8.

78 Interviews with members of the Cimade, as above.

79 Interview with Ghanaian asylum seeker, Paris.

80 Anafé (2007), Bilan 2006: Observation associative dans la zone d'attente de Roissy, Paris: Anafé.

airport in a room with no food or water and no access to toilets. The policemen threatened her repeatedly in order to force her to take the aeroplane without making any fuss.⁸¹

VICTIMS OF TRAFFICKING

France, like other European countries, is a destination country for trafficking of women for the purposes of both sexual exploitation and domestic slavery. As with other forms of “clandestine” migration, the phenomenon of trafficking is notoriously hard to measure, and there are no reliable figures on the number of women who are trafficked into France. The OCRETH (Office central pour la répression de la traite des êtres humains), the police body responsible for dealing with trafficking, estimates that 60 per cent of those women who are working as prostitutes in public spaces are migrants, and that 80 per cent of these women are working for an organised prostitution network. It is impossible, however, to say how many of these women are victims of trafficking, and how many have engaged in prostitution “willingly” since arriving in France.

NGOs working with prostitutes are those who seem to have the most information about the scale of trafficking for the purposes of forced prostitution and about the types of exploitation encountered and the ways in which women are constrained to work and to repay debts. These NGOs recount that they meet a large number of women who have arrived in France through trafficking networks, and who are still under the control of their traffickers, to whom they owe large “debts”. The traffickers control the women through threats both against them and against their families in their country of origin, which means that these women are terrified of breaking the “contract” and of telling anyone about their exploitation, or revealing the identity of their trafficker.

The Amicale du Nid, in Toulouse, is an association working with prostitutes which encounters a large number of women from Nigeria and Ghana who have arrived in France through trafficking networks. Social workers at the association recount that many of the women trafficked in this way have been victims of violence and persecution in their country of origin.⁸² They may have been victims of forced marriage or threatened with FGM, for example, and thus been forced to flee. Other women who are later trafficked may have been persecuted on account of their ethnic or religious identity and have suffered violence which has forced them to move to another part of the country, where they are then prey to traffickers. These women may therefore have good grounds for claiming asylum, but, as they are still under the control of the trafficker, if they do make an asylum claim then this will be written for them by the trafficker and will not contain their real story. Traffickers encourage women to make asylum claims as this is a way of keeping them in France “legally”, but all aspects of this claim are tightly controlled. Women who are victims of trafficking can also have access to a residence permit if they are willing to cooperate with the police and help to prosecute their traffickers. However, NGOs report that it is still difficult for women to gain a residence permit even if they agree to cooperate with the police. The decision on whether or not to grant the residence permit is taken at the discretion of the local

81 Anafé (2007), “Récit et chronologie des événements dont a été victime et témoin Mme N.O., de nationalité camerounaise, entre les 12 et 19 juillet 2006”, Bilan 2006: Observation associative dans la zone d’attente de Roissy, Paris: Anafé.

82 Interview with researcher.

police prefect, and may depend on the “quality” of the evidence provided by the victim. In one case reported in Toulouse, for example, a woman who gave evidence against her trafficker was refused a residence permit on the grounds that other women had already testified against this particular trafficker and thus her evidence added nothing new to the enquiry.⁸³ This type of response clearly fails to take account of the need for protection of the victim.

France had begun to take action on trafficking, which was criminalised under the 2004 Loi sur la sécurité intérieure. Since the adoption of this law only one trafficking case has been prosecuted, however, and this was that of a Romanian couple who attempted to traffic babies for adoption in France. In terms of providing support and assistance to the victims of trafficking, there is still a lack of knowledge about identification and support of such victims. A new initiative is being put into place by the government to tackle this issue, but the results of this initiative are still limited due to its recent inception. The AcSé initiative is a national service to provide secure shelters and protection for victims of trafficking. The initiative is based on a national network of associations specialised in the support of persons involved in prostitution, and has a number of devoted places in reception centres and shelters which can be used to house and protect victims of trafficking. The initiative also organises information programmes and courses destined for the various actors involved in identifying and supporting victims of trafficking. It is to be hoped that this initiative will in the long term help to provide more protection to women who are victims of trafficking in France, but this is also conditional on a more open attitude from police prefects regarding the granting of residence permits to these women.

FRENCH GOVERNMENT RESPONSES TO VIOLENCE AGAINST MIGRANT AND REFUGEE WOMEN

France’s sixth periodic report to the CEDAW Committee⁸⁴ highlighted the efforts that the French government was making to ensure the human rights of immigrant women in France. The report points to government actions concerning immigrant women in four main areas: access to rights; efforts to combat the various manifestations of violence; education and employment; and appreciation of the role and place of immigrant women and women born of immigration in French society.

However, an alternative CEDAW report prepared by the French Coordination for the European Women’s Lobby⁸⁵ points to a series of areas in which discrimination still exists, and in which the French government could do more to help protect the rights of migrant women. In particular in relation to violence against migrant women, the report calls for:

- Automatic renewal of residence permits of women victims of domestic violence without the need to take into account the outcome of any judicial procedures
- The delivery of a first residence permit to women victims of domestic violence when this violence occurs following their arrival in France

83 Interview with researcher.

84 France, Sixth periodic report on implementation of the Convention on the Elimination of All Forms of Discrimination against Women, CEDAW/C/FRA6.

85 Coordination Française pour le Lobby Européen des Femmes (2007), CEDAW: Rapport alternatif 2007 sur la France, Paris: CLEF.

- The denunciation of any bilateral conventions which do not recognise the principle of equality between men and women
- Criminalisation of any constraint leading to a forced marriage, including in cases where a woman normally residing in France is married abroad, and the provision of more places in shelters for young women threatened with forced marriage
- Reminder to health professionals to signal any threat of FGM of which they are aware

Government efforts to tackle violence against migrant and refugee women in France have been put in place through the Service des Droits des Femmes et de l'Égalité (SDFE), a service which is currently located within the Ministry of Labour. The SDFE has elaborated action plans concerning the fight against violence against women, and concerning migrant women. There may be some concerns, however, that there is relatively little "overlap" between these two areas of action. In the case of the plan to combat violence against women, migrant women are mentioned but these mentions are relatively brief. In the summary of objectives of the action plan on violence against women for 2008-2010,⁸⁶ the only specific mention of migrant women is under objective number 4, which is to increase general social knowledge about violence against women in order to better prevent and combat the phenomenon. Under this objective the plan provides a recommendation to increase the use of adult mediators to prevent sexist violence within immigrant families in the suburbs where these families are concentrated. There is also a second recommendation to produce visual materials designed to be diffused through pharmacies, hospitals and clinics to instruct women on themes of domestic violence, female genital mutilation and forced marriage.

Thus although there has been some progress in integrating the two themes of violence against women and of migrant and refugee women, the focus is still on "culturally specific" practices of FGM and forced marriage, rather than on a more general appreciation of the increased vulnerability of migrant and refugee women to all types of violence.

These themes of FGM and forced marriage are also highlighted in the action plans on immigrant women developed by the SDFE. A first framework agreement on immigrant women and women of immigrant origin in France was signed in 2003, and a second framework agreement in 2007. This new agreement signed by the SDFE, with other ministries and government agencies involved in the reception and integration of migrants into French society,⁸⁷ includes an article (article 5) concerned with promoting the access of migrant women to personal and social rights. Within this article there is a clause on combating violence against migrant women as follows: "the principal of dignity of the person, which includes notably physical integrity, constrains us to fight against all forms of violence without exclusion, notably violence within the couple, the practice of forced marriage and female genital mutilation, situations of polygamy, the trafficking of women

for the purposes of sexual exploitation or domestic slavery, sexist attitudes and behaviour."⁸⁸

The implementation of this agreement will largely take place through initiatives with partner associations and is thus in part dependent on the activities of these associations. There is so far no official report on the progress of implementation activities.

The French government has thus responded to the question of violence against migrant and refugee women, but in a somewhat limited fashion. Actions have concentrated principally on "culturally specific" forms of violence such as forced marriage and FGM. Less attention has been paid to addressing the root causes of violence against migrant women, such as their precarious legal status or dependence on husbands/partners. In this respect, one potentially very important set of measures, taken by the French government to help to protect migrant women who are victims of violence, are the recent dispositions relative to the residence status of women who leave a violent husband or partner. Provisions in the new Code de l'entrée et du séjour des étrangers et du droit d'asile (CESEDA) of 2003 specifically state that, in the case when a couple separates due to domestic violence, the residence status of the partners should not be withdrawn and may be renewed.⁸⁹ A modification to the CESEDA introduced by a more recent law of November 2007⁹⁰ provides the possibility for migrant women and asylum seekers who are victims of violence to access a residence permit in their own right if they leave their violent husband, even in the case where this violence occurs before the initial granting of a residence permit to the couple. These legislative dispositions are clearly potentially very beneficial to migrant women who suffer from domestic violence and who are worried about leaving their violent partner for fear of losing their legal residence status. However, reservations regarding the effectiveness of the legislation have been expressed by some women's associations who point to the fact that decisions relating to the granting or withdrawal of a residence permit are still taken at the discretion of the police prefecture, and may thus be subject to local variations depending on the opinions of the prefect. Further, they point to the fact that the proof of violence which may be demanded to support a woman's claim could be hard to provide, particularly in the case of psychological forms of violence.⁹¹ Moreover, it seems from the experiences of associations supporting women victims of violence that some police prefectures demand proof that the violent partner has been convicted by a court before providing a residence permit to the woman victim of violence. As very few cases of domestic violence result in convictions, this level of proof is clearly unavailable to most women.

86 Ministère du travail, des relations sociales, de la famille et de la solidarité (2008), Douze objectifs pour combattre les violences faites aux femmes, Deuxième plan global triennal (2008-2010): Sommaire des 12 objectifs, available at <http://www.travail.gouv.fr>.

87 The signatories to this framework agreement are the Service des droits des femmes et de l'égalité (SDFE), the Département des populations et des migrations (DPM), the Délégation générale à l'emploi et à la formation professionnelle (DGEFP), the délégation interministérielle à la ville (DIV), the Agence nationale pour la cohésion sociale et l'égalité des chances (ACSE), the agence nationale de l'accueil des étrangers et des migrations (ANAEM).

88 Accord-cadre relatif aux femmes immigrées et issues de l'immigration pour favoriser les parcours d'intégration et lutter contre les discriminations. Text available from the website of the Ministère du travail, des relations sociales, de la famille et de la solidarité, <http://www.travail-solidarite.gouv.fr>.

89 Loi CESEDA, 2003, article 313-12 and 431-2.

90 Loi no. 2007-1631 relative à la maîtrise de l'immigration, à l'intégration et à l'asile.

91 Lesselier, C. (2008), "Politiques d'immigration en France: appréhender la dimension genre", in J. Falquet, A. Rabaud, J. Freedman and F. Scrinzi (eds), Femmes, genre, migrations et mondialisation: un état des problématiques, Paris: CEDREF.

It is too soon to really measure the extent of the impacts of these legislative changes on migrant women victims of violence, but future research could investigate the ways in which the possibility of gaining independent legal status has helped to protect migrant women in France. Recommendations could be made to the French government to ensure that all police prefectures apply the new laws uniformly, and to set the level of proof of violence required at a reasonable level so that it would not debar women from accessing their rights.

NGO AND ASSOCIATIVE STRUCTURES FOR WOMEN VICTIMS OF VIOLENCE

One of the problems noted with respect to NGO support for migrant women victims of violence in France was a lack of coordination between associations supporting migrants and refugees on one hand, and associations supporting women victims of violence on the other.⁹² While associations and NGOs supporting migrants do not tend to have specific policies or projects on gender, women's associations which act to prevent violence against women do not often take the specificities of the situation of migrant and refugee women into account. The inter-associative committee which was formed to campaign on the issue of "double violence" against migrant women succeeded in bringing some attention to this problem. However, some of the members of this committee have argued that it has not led to any real actions to support migrant women victims of violence on the part of other associations.⁹³ This committee has recently merged with the GRAF (Groupe Asile Femmes) which has been campaigning on behalf of women asylum seekers and refugees. The associations which are members of these two groups are those which are largely responsible for providing the specific support which does exist for migrant and refugee women victims of violence. These are in general smaller and more specific associations. An important step forward for the protection of migrant and refugee women victims of violence in France could thus be made if more of the larger NGOs and associations dealing with migrant and refugees' rights were to introduce gender specific actions. Support for migrant and refugee women also comes from associations formed by migrant and refugee women themselves. These types of associations have the benefit of being very specialised and having an excellent knowledge of the problems encountered by women who they support. Again, however, they tend to remain smaller associations as they are largely community based and thus cannot have the political influence of some of the larger NGOs involved in migration issues.

⁹² This became clear through interviews with different NGOs and associations.

⁹³ Interviews with members of the Comité contre la double violence and the GRAF, Paris.



B. CASE STUDY: ITALY

Women's migration to Italy began later historically than women's migration to France, but women now make up around half of the total migrants in Italy. As with France, the statistics that exist relate primarily to regular migrants, and so there is still some doubt as to the total number of women migrants. It seems, however, that women constitute a large proportion of some migrant populations, and are particularly highly represented amongst migrant domestic workers. Caritas' annual report on immigration for 2007 reports that women now make up 49.9 per cent of all regular migrants in Italy, showing a "constant progression in the feminisation of migration".⁹⁴

As in France, there are significant differences between the proportions of women in migrant populations from varying countries of origin. Women are heavily represented in migratory flows from Cap-Verde, the Dominican Republic, Eritrea, Nigeria, Peru and the Philippines, while they make up about half of the migrants from Argentina and China. Migratory flows from Albania, Morocco, Senegal or Tunisia are far less feminised.⁹⁵ There are also important variations in the employment strategies of migrant workers. While women migrants are over-represented in the domestic service sectors and in care-giving jobs, they make up only about 3 per cent of migrant agricultural workers.⁹⁶

DOMESTIC WORKERS

Migrant women are heavily represented in the domestic service sector in Italy. Official statistics suggest that there are around seven hundred thousand migrant domestic workers in Italy, although there are many more working unofficially.⁹⁷ ISTAT, the Italian statistical institute, indicates that 63 per cent of temporary workers in Italy are women.⁹⁸ A study by Caritas in 2001 showed that migrant women constituted 70.5 per cent of all domestic workers in Rome and 72.7 per cent in Milan.⁹⁹ These figures are almost certainly an under-estimation of the proportion of migrants among domestic workers, as many are "illegal" migrants and are not declared by their employers. A new category of migrant domestic workers was institutionalised by the Bossi-Fini law of 2002. These "badanti" are migrant workers employed to care for old people whose families do not have time to look after them. Several studies have pointed to the types of abuse which take place against domestic workers and "badanti" who have little protection from the law against abuses by their employers due to their isolation and dependence. An ILO report for example concludes that: "Aware that, in case of conflict with the family-employer they would lose salary, shelter and all they have in Italy, they are unable to react against breaches of their rights and severe abuses, such as sexual harassment. So, if civil and workers rights' violations are common and well-known, attempted rapes, aggressions and other ill-treatment are more common than believed. Some dramatic experiences have been reported, especially by Filipino women on this issue."¹⁰⁰

An interview with a lawyer working in an immigration centre confirmed this view of "badanti" who are vulnerable to violence because of their complete dependence on an employer: "They live in and for the family. They sleep with the person they are looking after. It becomes a symbiotic relationship. They have no support and no means of exit. It is a situation of complete dependency, not only economic but a dependency for everything."¹⁰¹

The Mediterranean Institute of Gender Studies has led a research project on the integration of female migrant domestic workers within the European Union (INTI), of which one of the case study countries was Italy. The study visit to Italy found that policy-makers' attention is often focused more on the needs of the families who employ migrant domestic workers than on the rights of the workers themselves. For example, there are training courses which are provided for migrant domestic workers, but these focus on improving their care skills, rather than on informing them about their rights or about what measures to take in case of violence or abuse by employers. The report concludes that: "In particular, during the study visit it was made clear to the team that care workers in Italy are officially invisible to the Italian State, their working conditions

⁹⁴ Caritas/Migrantes (2007), *Immigrazione, Dossier Statistico 2007, XVII Rapporto sull'immigrazione*, Rome: Caritas.

⁹⁵ Caritas/Migrantes (2007), *op.cit.*, and Miranda, A. (2003), "Confrontation entre femmes étrangères et femmes autochtones", in M. Hersent and C. Zaidman (eds), *Genre, travail et migrations en Europe*, Paris: CEDREF.

⁹⁶ Medici Senza Frontiere (2007), *Una stagione all'inferno: Rapporto sulle condizioni degli immigrati impiegati in agricoltura nelle regioni del Sud Italia*, Rome: MSF.

⁹⁷ Caritas/Migrantes (2007), *op.cit.*

⁹⁸ Statistics cited in Instraw (2008), "Filipino Migration to Italy", available at http://www.un-instraw.org/index.php?option=com_content&id=339&lang=en&task=view&Itemid=449.

⁹⁹ Caritas di Roma (2001), *Immigrazione: dossier statistico 2001*, Rome: Caritas.

¹⁰⁰ ILO, Gender Promotion Programme (2000), *Italy: Good practices to prevent women migrant workers from going into exploitative forms of labour*, Geneva: International Labour Office, p.12.

¹⁰¹ Interview with lawyer at anti-violence centre.

are often precarious and their demand due to the inadequate welfare system and the rising aging population is soaring along with their exploitation.”¹⁰²

DOMESTIC VIOLENCE

As with the French case above, there appears to be a high level of domestic violence against migrant and refugee women in Italy, and this is a type of violence which is often under-reported, especially when the victims have a precarious legal status. As one Moroccan woman interviewed explained: “It is really not easy to be a foreign woman here. Not at all easy. I know about lots of other foreign women who suffer violence in their homes, from their husbands. And there is nothing they can do about it. They can’t denounce them to the police.”¹⁰³ Employees in women’s associations and shelters report an increase in the cases of domestic violence against migrant women that they see. In particular, they report cases of migrant women who marry Italian men in order to try and gain economic and legal security and are instead subject to both physical and psychological violence. It is hard for the women to escape from these situations because of their lack of residence permits in Italy.¹⁰⁴ In some cases the social workers working in these shelters seem to interpret the violence against migrant women as a result of cultural differences. As one interviewee explained, Italian men do not understand the “strong personalities” of migrant women.¹⁰⁵ These types of explanation for domestic violence against migrant women act to take the focus away from more structural gender inequalities and from explanations which link migrant women’s vulnerability to government immigration policies. In fact there seems to be almost no recognition of the role of immigration policies and legislation in increasing migrant women’s vulnerability to domestic violence. Although the Italian government has put into place several projects to tackle domestic and gender-based violence (see below), these projects do not focus specifically on the particular needs of migrant women, and so these women may find that they lack adequate protection.

ASYLUM SEEKERS AND REFUGEES

The Italian refugee status determination authorities do not provide gender-disaggregated statistics on the number of asylum seekers and refugees arriving in the country,¹⁰⁶ but estimates by the CIR (Consiglio Italiano per i Rifugiati – member of the EMHRN), based on the asylum seekers they receive in their offices, suggest that only about 20 per cent of all asylum seekers are women.¹⁰⁷ The CIR suggests that it is difficult to explain this low percentage of asylum claims by women given the “feminisation” of asylum flows elsewhere in the EU.¹⁰⁸

¹⁰² Mediterranean Institute of Gender Studies (2007), Study Visit in Italy November 2007, Report prepared by the INTI Team, available online at www.medinstgenderstudies.org/wp/p=17.

¹⁰³ Interview with Moroccan woman, an “irregular” migrant in Italy.

¹⁰⁴ Interviews with employees at anti-violence centres.

¹⁰⁵ Interview with social worker, anti-violence centre.

¹⁰⁶ The provision of gender-disaggregated statistics has been called for by UNHCR and is one of the points on which the CIR is campaigning.

¹⁰⁷ Interview with Ms Daniela di Rado, CIR, Rome.

¹⁰⁸ Interview with Daniela di Rado, as above.

One of the difficulties in describing violence against women asylum seekers and refugees is thus a lack of information and knowledge about this population. The Malika Project, coordinated by the CIR and financed by the European Commission’s Daphne Programme, aimed to provide more information about “refugee or asylum seeking women who have suffered violence, persecution or severe discrimination related to their gender.”¹⁰⁹ The Project involved the establishment of four “service points” in Puglia, Lombardia, Calabria and Sicilia, areas where the arrival of “boat people” is most frequent, in order to develop a more sensitive approach to traumatised women and to sensitise officials and public opinion to the problems of gender-related violence and persecution. The report on this project describes the “emergency” situation that arises when large numbers of asylum seekers arrive by boat, with the result that there is little space or time within the camps where they are held to listen to individual stories or to treat traumatised victims of violence. An interview with the CIR confirmed this issue of the poor reception conditions for asylum seekers which does not allow women victims of violence to receive necessary help and may make them vulnerable to further violence. Many asylum seekers spend a long time in closed camps before moving to reception centres. These camps are overcrowded and do not always provide separate facilities for men and women. The Crotone camp, for example, has only one CIR representative for over one thousand asylum seekers, and it is thus difficult for the CIR to spot violence and abuse within the camp and to help victims.¹¹⁰

One of the benefits of the Malika project was to find out about the needs of women victims of violence and to set up relationships of trust with the help of female interpreters. As the report states: “We believe that this support is essential to make the women understand the importance of applying for asylum individually.”¹¹¹ After an initial approach to women within the camps it was also possible in some cases to arrange for specific follow-up support from doctors and psychologists once the women had been transferred to reception centres. All of the four regional Malika project offices noted the bad conditions for women in transit and reception centres, often with no specially reserved areas for women, which meant that women could be vulnerable to violence and sexual harassment within the centres. A good practice guide produced by the Malika Project suggests that it would be a good idea to involve women’s Anti-Violence Centres much more in the housing and support of women asylum seekers, as these centres have staff who are trained in recognising and dealing with symptoms of trauma, and in helping victims of gender-related violence.¹¹²

¹⁰⁹ CIR (2001), Progetto Malika, Programma Daphne 2000-2003, Rapporto 2001, Rome: CIR.

¹¹⁰ Interview with Daniela di Rado, as above.

¹¹¹ CIR (2001), op.cit., p.23.

¹¹² CIR (2002), Good practice guide: Gender-related violence on refugee women, Rome: CIR (Malika Project).

A major problem for women asylum seekers thus is the lack of dedicated services adapted to deal with victims of gender-related violence and the absence of suitable accommodation which can leave women vulnerable to further sexual violence. The UN Commission on Human Rights report on Italy highlights the terrible living conditions of some asylum seekers in Rome who are living in abandoned buildings in Rome's Tiburtina Station (commonly known as the "African Hotel"). The special rapporteur met one young woman who was living in a room with twenty other people, and pointed out that women and teenage girls living in these circumstances ran a high risk of sexual abuse.¹¹³

An advance has been made as far as the eligibility commissions for refugee status determination are concerned. Following the CIR's intervention through the Malika Project and its attempts to sensitise officials concerning gendered violence, one of members of the eligibility commission has drafted unofficial guidelines concerning cases involving gender-related persecution. These guidelines, which were adopted in 2005, have had an impact in making it easier for some women to have their claims based on gender-related persecution recognised by the eligibility commissions, although the CIR reports that important regional differences still remain.¹¹⁴

WOMEN IN DETENTION CAMPS/CENTRES

Several critical reports have been published by NGOs pointing to the substandard conditions for migrants in some detention camps in Italy.¹¹⁵ One of the problems in the "closed" camps, as highlighted above, is a lack of any intervention or control by NGOs, which means that violent incidents within the camps are hard to detect. Conditions are also often overcrowded and unhygienic with inadequate separation between the rooms and facilities for men and women, which can leave women vulnerable to violence. In their report, MSF point to the fact that guards and police enter detainees' rooms without knocking or asking, which is very intrusive for female detainees. They also highlight cases of sexual violence against women within these centres, cases which have been denied by the Italian authorities running the camps.¹¹⁶

LE TRAFIC DES ÊTRES HUMAINS

Italy is one of the premier destinations for trafficked women within the EU, and has been a destination for trafficking for a long time. It is thus a country which has also developed more extensive policies to deal with the victims of trafficking than many other EU member states. Italian law is advanced in the protection that it offers to trafficked women in that it allows those who have been trafficked into Italy and whose life would be in danger if they returned to their country of origin, to gain a residence permit and a work permit if they agree to leave prostitution and to participate in a social protection programme.¹¹⁷ An application for a residence permit

¹¹³ UN Economic and Social Council, Commission on Human Rights (2005), Specific Groups and Individuals: Migrant Workers: Visit to Italy, E/CN.4/2005/85/Add.3.

¹¹⁴ Interview with Daniela di Rado, as above.

¹¹⁵ See, for example, Medici Senza Frontiere (2005), Centri di Permanenza Temporanea e Assistenza. Anatomia di un fallimento, Rome: MSF.

¹¹⁶ MSF (2005), op.cit.

¹¹⁷ Article 18 of the law no. 40/1998, cited by Andrisajevic, R. (2005), "La traite des femmes de l'Europe de l'Est en Italie", Revue européenne des migrations internationales, 21, 1, p. 168.

for a victim of trafficking may be made by the prosecutor in cases where legal action is being taken, but also by the social services or other bodies responsible for the social integration programmes for victims. During the period 2000-2003, 5,388 women victims of trafficking took part in social protection programmes, and of these 2,857 obtained a residence permit.¹¹⁸ In policy terms, Italy is thus more advanced than some other EU states in the protection of victims of trafficking. However, in interviews some respondents argued that, despite this potentially favourable framework, there were still many women who were not offered protection because of failures in identification of victims and also because, in a climate which is generally hostile to migration, women are still sometimes refused a residence permit.¹¹⁹

ITALIAN GOVERNMENT RESPONSES

In 2007, the Italian government introduced a new law no. 2169 concerning gender-based violence which concerns awareness and prevention of violence within the family and repression of crimes based on gender discrimination. The bill proposes three levels of integrated actions: Measures to increase awareness and to introduce better prevention against family violence, and against gender discrimination; Measures to improve the recognition of rights for victims of violence; and measures to extend criminal protection of victims of violence and prosecution of perpetrators. The Ministry of Equal Opportunities has also proposed and implemented two important programmes aimed at combating gender-based violence: Urban and Arianna.

The Urban project, coordinated by the Department for Equal Opportunities and the Presidency of the Council of Ministers, was launched after the Prodi – Finocchiaro Directive of 1997. It was the first government programme which made combating violence against women a priority. The project supported the creation of a network between several pilot cities. The objectives of these networks were to increase awareness of gender-based violence among various social services and police forces and to improve gender training so as to allow for the identification of cases of gender-based violence and put in place successful support programmes for victims.

The Arianna project is a follow-up to the Urban project. This project has extended the pilot projects and networks already in place and has established a national telephone helpline for victims of domestic violence. As with the previous Urban project, the Arianna project does not include any specific actions aimed at migrant women. As has been noted previously with regard to social workers employed in shelters for women victims of violence, there seems to be a prevailing view which attributes domestic violence against migrant women to questions of cultural difference, thus neglecting structural factors of gendered inequalities and of racist and anti-immigrant forms of discrimination. An official at the Ministry for Equal Opportunities thus explained that: "Very often women come from countries where the culture of inequality is more evident and rooted."¹²⁰ This shifting of the cause of violence on to the "culture" of origin of migrants can be seen as an abdication of responsibility by Italian authorities. The interviewee added that: "It is right that foreigners who decide to live here must adapt their behaviour to

¹¹⁸ UN Economic and Social Council, Commission on Human Rights (2005), Specific Groups and Individuals: Migrant Workers: Visit to Italy, E/CN.4/2005/85/Add.3.

¹¹⁹ Interviews with various respondents in anti-violence centres and women's associations.

¹²⁰ Interview with Ministry for Equal Opportunities, Rome.

the principles that govern civil coexistence in Italy.”¹²¹ Again, this response clearly ignores racism, anti-immigrant discrimination and gender inequalities which are present in Italian society.

The result of this failure to adequately address issues of violence against migrant women is that women who are victims of violence have nowhere to turn to for help or support, as is shown by the experience of L., recounted below.

L'S EXPERIENCE: NO ESCAPE FROM DOMESTIC VIOLENCE

I arrived in Italy in March last year. I have been here one year. I came with my uncle. It is a very bad story and very difficult to tell, I find it hard to talk about this. My uncle was a very bad man, very evil. I wanted to escape from him, but there was no one to help me. I was locked up by my uncle. I escaped with my son who is three months old. I was just in the street crying, but no one would help me. I was out in the street with my baby and crying and asking people for help, but no one would help me. I was just in my dress and shoes with nothing else, and I couldn't find anyone to help. I asked everyone in the street. I was in the street in Rome crying and begging for help, but there was no one.

ASSOCIATIONS AND CENTRES

Although there is a network of associations and centres working to protect victims of gender violence in Italy, as has already been highlighted, these associations may ignore the particular problems of migrant and refugee women. Thus the major form of support for migrant and refugee women comes from associations formed by migrant and refugee women themselves. As in the French case, these associations can offer extensive community-based support to women as they have an excellent knowledge of the particular problems of these women. However, as is true with the French case, they remain smaller associations and do not have the political influence or impact of larger NGOs. In particular it is noted that these community-based associations are not adequately integrated into the existing anti-violence networks. Thus one recommendation for improving the functioning of anti-violence networks and for better understanding the particular problems of migrant and refugee women and offering them relevant support would be to push for more integration of migrant and refugee associations into these networks.

¹²¹ Interview with Ministry for Equal Opportunities, as above.

III. PROTECTING MIGRANT AND REFUGEE WOMEN'S RIGHTS WITHIN THE EUROMED POLITICAL PROCESS

CASE STUDIES ON EGYPT AND MOROCCO



Both ministerial conclusions and funding instruments exist within the Euromed political process and could be utilised to protect the rights of migrant women and to strengthen the efforts to curb violence against them. In addition, gender mainstreaming is part of the European strategy to realise equality between women and men. The European Commission has stated that gender mainstreaming involves “mobilising all general policies and measures specifically for the purpose of achieving equality by actively and openly taking into account at the planning stage their possible effects on the respective situation of men and women (gender perspective). This means systematically examining measures and policies and taking into account such possible effects when defining and implementing them.”¹²² This commitment to mainstreaming gender applies also to the external relations of the European Union and thus to policies and activities implemented within the framework of the Euromed process. However, the results of this research seem to indicate that the issues of violence against migrant women and of protecting migrant women’s rights seem to “drop off” the political agenda, both in terms of migration and gender equality policies. The research suggests that gender mainstreaming has not been achieved within the Euromed political process, and that the European Commission might need to make greater efforts to mainstream gender in its policies and programmes in this area.

MINISTERIAL CONCLUSIONS ON STRENGTHENING THE ROLE OF WOMEN IN SOCIETY (ISTANBUL, 2006)

These conclusions contain several specific references to migrant women, and to protecting the rights of migrant women within the Euromed region. The following conclusions are particularly relevant:

- 10(c) Combat all forms of violence against women, guarantee women protection and redress in case of violation of their rights; protect the fundamental rights of women victims of all forms of violence, especially domestic violence, trafficking in human beings, harmful traditional practices and violence against migrant women.
- 11(k) Develop a better knowledge and increase research of women in migration (causes, processes, enjoyment of their full human rights and impact on women in countries of origin and in the host countries) and mainstream a gender approach in studies and statistics related to migration. Increase protection and integration of migrant women and ensure the effective enjoyment of their human rights.
- 11(l) Raise awareness of migrant women on their rights and duties in the host country and improve their role as actors of development in the host country and the country of origin.

In addition, conclusion 12(d) contains a commitment to combat gender-based violence and provides a list of tools which should be used to do so. These tools to combat gender-based violence should be equally relevant to violence against migrant women.

¹²² European Commission (1996), Incorporating Equal Opportunities for Women and Men into All Community Policies and Activities, COM(96)67 final.

- 12(d) Combat gender-based violence in all its manifestations, including through research, awareness raising campaigns involving men and boys, education, media campaigns, toll free and emergency numbers, institutional networks, exchange of experiences, views and good practices in the Euro-Mediterranean region.

The implementation of the Istanbul ministerial conclusions has been monitored so far through a questionnaire sent out by the Commission to all participants. The final report on this questionnaire has not as yet been published, but the draft report indicates that migration was a topic that received substantial attention from the questionnaire respondents, with a wide variety of actions targeted at migrant women because of their “doubly” disadvantaged position in society. However, most of the positive responses concerning actions for migrant women came from the EU member states rather than the Euromed partner countries. The draft report thus contains specific responses on migrant women from Cyprus, Germany, Portugal, Finland, Slovakia, Austria and Spain.

Further follow-up was provided through the two meetings held in 2008. The first of these meetings, held in June 2008, focused on women’s political participation, and so the question of migrant women was not on the agenda. The second meeting in October 2008 was a more general follow-up meeting to monitor the implementation of the Istanbul conclusions and to prepare for the next ministerial conference in 2009. Respondents within the Commission had indicated during interviews in April 2008 that the question of migrant women may be on the agenda of this second meeting in October, depending on what issues were raised by partner countries. However, when the meeting took place, the question of migrant and refugee women was absent from the agenda.

In terms of the funding programmes which will form part of the follow-up to the Istanbul conclusions, one of the priorities will be on projects related to violence against women. The issue of migrant women was not raised by respondents as one which they saw as a priority in this area, but they agreed that the question of migrant women could come within this priority.

A major issue identified by respondents relating to the Istanbul conclusions and their follow-up, was a real lack of data in many countries. This lack of data might be seen to be extremely severe relating to questions of migrant women. The lack of reliable data on populations of migrant women is clearly a barrier to the formulation of further policies and actions to protect these women’s rights.

The conclusions themselves do not contain any specific references to migrant women. However,

MINISTERIAL CONCLUSIONS ON MIGRATION (ALGARVE, 2007)

in the introductory remarks there are references to:

- The need to “respect and protect” the rights of migrants and human rights “in particular those of female migrants and children”
- A commitment to combat “discrimination, racism and xenophobia against migrants and their families”

The main follow-up to these conclusions will be through the Euromed Migration II Project, which will run from 2008-2011. The first phase of this project will involve four high-level working groups which are convened to discuss specific issues relating to migration and to make concrete policy recommendations. These four working groups will focus on:

1. Legislative convergence concerning immigration
2. Migration and the labour market
3. Institutional responses and national strategies concerning irregular migration
4. Migrant remittances

None of these working groups will have a gendered element, but a separate study will be convened to consider migrant women within the Euromed region. This study is likely to focus on issues of migrant women in the labour market and on remittances. The fact that migrant women will be considered in a separate study and not in any of the four main working groups indicates that gender is not really being mainstreamed in this programme, but that women migrants are still considered as an “extra” issue. Moreover, the fact that refugee women (as all matters related to refugees in general) are excluded from the scope of the EC study as well as of the four working groups’ agendas is problematic.

ACTIONS FOR MIGRANT AND REFUGEE WOMEN WITHIN EU EUROMED FUNDING INSTRUMENTS

From the data gathered in interviews with European Commission officials it seemed that, in general, within the funding instruments relevant to the Euromed region, migrant and refugee women are not a priority (although protecting the victims of trafficking was cited as a priority under the EIDHR funding programme). Within migration-related funding instruments, it seems to be assumed that migrant women will be included within programmes which aim to protect migrants’ rights in general, and there is thus no specific focus on women’s rights, although gender is one of the cross-cutting issues which should be addressed in funding proposals. While the more general human rights instruments focus on violence against women in the form of trafficking, FGM or domestic violence, they do not target migrant and refugee women in general as particularly vulnerable. It seems to be assumed that, as there are specific funding programmes relating to migration, migrant and refugee women’s rights should be addressed under these programmes as well as under the more general human rights programmes. In

addition, there seem to be some questions related to the lack of projects concerning migrant and refugee women which are proposed by NGOs for funding by the Commission. As the content of the projects financed under these funding instruments depends on the nature of the projects proposed by NGOs, the lack of focus on migrant and refugee women can also be seen partly as a result of the fact that NGOs have been slow to take up this question.

AENEAS (NOW THEMATIC PROGRAMME ON MIGRATION AND ASYLUM)

No projects specifically targeting migrant and refugee women were funded in the Euromed region through the AENEAS Programme, although Commission representatives argue that there were general projects to promote migrant and refugees’ rights which would benefit migrant and refugee women.¹²³ The responses to the call for proposals for the first round of funding in the new “Thematic Programme for cooperation with third countries on Migration and Asylum” were being assessed while this research project was carried out. Respondents in the Commission highlighted the fact that 20 per cent of the funding for this programme should be devoted to projects which aim to protect migrants’ rights, but they could not provide any information about whether any projects specifically targeting women would be funded, although gender is a cross-cutting issue which should be considered by all proposals submitted in order to receive the highest mark in the assessment process.

IEDDH

The European Instrument for Democracy and Human Rights (EIDHR) is traditionally not used to finance migration-related projects as these are seen to fall under the scope of the Migration and Asylum funding instrument. However, it does not exclude the funding of projects related to the protection of migrants and refugees. Priorities which fall within the scope of the funding for this instrument, and which could concern migrant and refugee women, can relate to issues such as trafficking, FGM and domestic violence. Projects on non-discrimination can also be financed under the EIDHR. Projects relating to migrants and refugees in conflict zones may also be supported. Funding from the European Commission mainly depends on the quality of applications submitted by civil society organisations. It was stressed in an interview with Commission officials that gender was indeed a priority issue for this funding instrument, but that migrant and refugee women were not in general a targeted category. However, in case a project targeting this category of persons was submitted, interviewed officials did not exclude the possibility of it being allocated funds under EIDHR, with the condition that it meets the requirements of the Instrument.

¹²³ For a list of AENEAS programmes financed in the region, see Annex 2.

RECOMMENDATION ON WOMEN AND IMMIGRATION BY THE EUROMED PARLIAMENTARY ASSEMBLY

In 2008, the Euro-Mediterranean Parliamentary Assembly produced a recommendation on women and immigration concerning the role and place of immigrant women in the framework of the Euro-Mediterranean Partnership. Although this recommendation does not have any binding legal impact, it contains several points of guidance relevant to the protection of migrant women, calling on both member states of the EU and countries of origin to provide more information to women migrants in order to make sure that they are better prepared to avoid the negative impacts of migration. The recommendation also calls on the EU to make provision for the funding of programmes specifically for women migrants to help to provide information and support. Article 18 of the resolution urges Member States and partner countries which have not already done so to “ensure that effective and deterrent penalties apply under their criminal codes to all forms of violence against women and children, particularly forced marriage, polygamy, sexual harassment, marital and domestic violence, crimes of honour and female genital mutilation in countries which practise or practised extreme violations of human rights, and to increase the awareness of police and judicial authorities concerning those issues.”¹²⁴

¹²⁴ Euro-Mediterranean Parliamentary Assembly, Recommendation on women and immigration: the role and place of immigrant women in the framework of the Euro-Mediterranean Partnership, Athens, 27 March 2008.



A. CASE STUDY: EGYPT

Egypt is a country with significant numbers of migrants and refugees, as it is a country of origin, transit and destination for migrant workers.¹²⁵ Currently, refugees and asylum seekers, regular and irregular, documented and undocumented migrants are living in Egypt. There is, however, a lack of precise statistics on migration flows,¹²⁶ which makes it difficult to carry out any accurate statistical analysis.¹²⁷ The IOM estimated in its 2005 annual report that there were about 14 million international migrants, mostly labourers, and six million refugees in the Arab Middle East. Egypt hosted three million migrants; this comparatively high number was essentially due to the presence of a large Sudanese community that began to arrive during the 1970s.¹²⁸ Other reports give larger numbers, however, and estimate that the Sudanese community alone consists of up to 5 million persons. The available official quantitative data concerning migrants in Egypt are those that relate to foreigners and refugees. According to the 1996 Egyptian Census, the number of foreigners living in Egypt was 116,000 or 0.2% of the total population, of which about 94,000 lived in urban areas and 22,000 in rural areas.¹²⁹

¹²⁵ Initial report of Egypt, Committee on the protection of the rights of all migrant workers and members of their families, 21 August 2006, paragraph 196.

¹²⁶ Ibid, paragraph D 16.

¹²⁷ Roman, Howaida (2006), "Transit Migration in Egypt", in Cooperation Project on the Social Integration of Immigrants, Migration, and the Movements of Persons, Research Report, Florence: European University Institute, RSCAS, p.5.

¹²⁸ International Organisation for Migration (2005), "Regional overview, Selected Geographic Regions: Africa and the Middle East", in World Migration Report 2005, Geneva: International Organization for Migration, Section 1, p.49.

¹²⁹ "Currently, there are several thousand Americans, Europeans, and other non-Arabs in Egypt working on projects sponsored by foreign governments, international agencies, and private charitable groups. The USA, for example, has over 2,000 diplomatic personnel in the country," Library of Congress, 2003.

Egypt hosts one of the five largest urban refugee populations in the world, the vast majority of whom are Sudanese, followed by Somalis, then Ethiopians, Eritreans and refugees from Africa's Great Lakes region. This assessment is based on the numbers of asylum seekers received by UNHCR-Cairo.¹³⁰ In 2006, the profile of the population gradually started to change, with a decrease in the proportion of Sudanese from the South and an increase in arrivals from Iraq and Somalia.¹³¹ According to the 2005 UNHCR Statistical Yearbook for Egypt, 100,047 people were refugees, asylum-seekers and others of concern to UNHCR and 37% of them were women and girls.¹³² The UNCHR is the only organisation which provides gender-disaggregated statistics on refugees in Egypt. Nevertheless, UNHCR, like other institutions dealing with refugees in Egypt, fails to provide statistics on key problems linked to the livelihood of refugee women, such as violence.¹³³

Data on violence against women in Egypt is generally scarce.¹³⁴ Most researchers agree that, even when the data is available, rates of sexual abuse and domestic violence are significantly underestimated because women are afraid to speak out about the violence they have suffered and thus many incidents go unreported.¹³⁵ The official statistics that are collected by organisations such as the Statistical Commission and Economic Commission for Europe and the UN Interregional Crime and Justice Research Institute (UNICRI) are believed to be under-reported, but still paint a frightening picture of the magnitude of the problem.¹³⁶ We can deduce from this lack of data on violence against women, and from the lack of gendered data on migration, that there is no real data on violence against migrant and refugee women in Egypt. Although there has been an increase in academic research on violence against women,¹³⁷ this research, like policy, ignores migrant and refugee women and focuses on Egyptian citizens. The following report is thus based largely on original research carried out in Egypt.

¹³⁰ Zohry, Ayman and Harrell-Bond, Barbara (2003), "Contemporary Egyptian Migration: An Overview of Voluntary and Forced Migration", Brighton, UK: Development Research Centre on Migration, Globalization and Poverty, University of Sussex, p.49.

¹³¹ UNHCR (2008), Country Operations Plan 2008, Egypt, p.3.

¹³² <http://www.unhcr.org/country/egy.html>

¹³³ There are some interesting studies on the livelihoods of Sudanese, Somalis and Palestinians living in Cairo which highlight the problems encountered by all refugees in Egypt, including women. See Al-Sharmani, Mulki (2003), "Livelihood and Identity Constructions of Somali Refugees in Cairo"; El abed, Ouroub (2003), "Palestinian Livelihood in Egypt"; Grabska, Katarzyna (2005), "Living on the Margins: The Analysis of the Livelihood Strategies of Sudanese Refugees with Closed Files in Egypt", available online at http://www.aucegypt.edu/ResearchatAUC/rc/fmr/reports/Documents/Living_on_Margins_Final_July_2005_000.pdf; Azzam, Fateh (2006), "A Tragedy of Failures and False Expectations: Report on the Events Surrounding the Three-month Sit-in and Forced Removal of Sudanese Refugees in Cairo", available online at http://www.aucegypt.edu/ResearchatAUC/rc/cmrs/reports/Documents/Report_Edited_v.pdf.

¹³⁴ El Deeb, Bothaina (2003), "Social Statistics in Egypt", Expert Group Meeting on Setting the Scope of Social Statistics, United Nations Statistics Division, in collaboration with the Siena Group on Social Statistics, New York, 6-9 May 2003, p.32.

¹³⁵ A 2004 report prepared at an expert group meeting organised by the National Council for Women, available online at <http://www.un.org/womenwatch/daw/Review/responses/EGYPT-English.pdf>.

¹³⁶ "The Abuse of Women – a Worldwide Issue – Abuse in Other Cultures", available online at <http://www.libraryindex.com/pages/2032/Abuse-Women-Worldwide-Issue-ABUSE-IN-OTHER-CULTURES.html>.

¹³⁷ Abdelhadi, Amal (2003), "Engendering Violence Against Women in Egypt, The Egyptian Case 1993-2003", Regional Consultative Meeting on Violence Against Women, Cairo, 12-13 May 2003, p.6.

VIOLENCE AGAINST WOMEN

The Egyptian Government's report to the CEDAW Commission points to "remarkable improvements in the empowerment of women in all areas of development."¹³⁸ However, other observers have highlighted the fact that gender-based discrimination and violence are still widespread. An Amnesty International report from 2008 states that violence against women claimed 247 lives in the first half of the year, and quotes an Egyptian NGO, the Egyptian Centre for Women's Rights, which argues that sexual harassment is on the rise, with 2,500 cases reported to ECWR, and that two women are raped every hour in Egypt.¹³⁹ The research carried out for this report indicates that migrant and refugee women may be even more vulnerable to violence than their Egyptian counterparts, and that they suffer violence in their country of origin, on their journey through Egypt, and while residing in Egypt. The women interviewed for this research and respondents working for NGOs reported widespread violence at all stages of migration, perpetrated by family and community members, strangers or state agents.

DOMESTIC VIOLENCE

One of the major problems facing migrant and refugee women in Egypt is that of domestic violence. Practitioners who work with refugee women victims of domestic violence in Egypt expressed the view that the migration experience contributes to abuse in the home.¹⁴⁰ However, some women in the interview sample who had migrated with their partner mentioned that the onset of abuse had preceded migration. Domestic violence in these cases was not just a consequence of the move to Egypt, but took place in the homeland, and continued during migration.

Migration can contribute to domestic violence, particularly because of changes in gender roles in the host country. Dr Nahla Ibrahim, a psychologist interested in the psychological health of refugees and migrants in Cairo, stated that she was "receiving cases of migrant women victims of domestic violence ... (and) witnessing cases of women victims of sexual slavery, wives and daughters forced to do domestic work, to go for prostitution. There are some husbands affected by alcohol, they are regularly beating their wives and children. There are also cases of honour killing. I can say that, based on cases I am receiving, domestic violence among the Sudanese community in Cairo is significant."¹⁴¹ Interviews with refugee women in Cairo seemed to confirm the patterns of domestic violence mentioned above, and this was further corroborated by the testimonies reproduced in this report.

Tomador is a Sudanese refugee. She is 45 years old and married with five children. In Sudan, she completed her first year at the psychosocial department at Khartoum University. The family fled Sudan because her husband was a politician and he was arrested and tortured. She was also arrested and held at a police station for seven days, where she was raped by three to four persons. After her husband's release, they decided to flee and bought visas to enter Egypt in 2004. Like many refugees in Cairo, Tomador and her family face many social and economic problems. But she argues that the daily difficulties with her husband continue to be the main problem. Tomador said: "When we were in Khartoum, my husband was very nice, we were very happy. But once we came to Cairo he totally changed. He became a drunk man. He forces me to work as a maid in houses, he is at home all the time. He takes my money and buys new clothes and drink with it, he does not even leave money to buy food for our five children or to pay the rent, which is much too expensive (around EGP450). Last year my twelve-year-old son was raped by a young Egyptian man, who is the son of the owner of the house where we live. My husband beats me all the time. He says that I am responsible for what happened to our son. He repeats every day that I am a prostitute, because if I were a good woman, I should have fought against the policemen in Khartoum and not allowed them to rape me. Recently, my daughter told me that her father tried to rape her when I was out. Because of this, I escaped from him and I left home. I am currently living with a Sudanese lady one hour away from Cairo, but life is very hard and expensive. I am not working at the moment; I am just making 'hena' for Egyptian ladies and selling bread. The lady wants me to give her some money to pay the rent but I cannot, so she has threatened to throw me out into the street. Really I don't know what will happen to me and my kids in this country."

Many migrant and refugee women in Egypt suffer domestic violence and hesitate to make a complaint to the police, from whom they expect little support. According to Dr Ibrahim, women feel ashamed to make a complaint, as the image of a male in Arab society should be respected, whatever the circumstances. The man is considered the head of the house and everything he does should be respected. Any violence must thus be kept a secret, particularly from other members of the community in the host countries. These stereotypical gender roles remain rooted in men and women's minds even in situations of crisis, such as in the context of migration and asylum. Thus, many migrant and refugee women do not make a complaint in order not to be stigmatised in the eyes of their communities. In Egypt, Sudanese and Somali women usually refuse to make a complaint to the police. If some of them are persuaded to make such a complaint, they will later return to the police station and withdraw it, saying that they have forgiven their husband. Dr Ibrahim said that husbands were arrested after complaints only in a few cases, that they were not detained very long, and that the threat of arrest did not seem to deter further violence.¹⁴² Tomador, for example, says that she cannot even think of making a complaint to the police against the father of her five children, because he remains her protector in Egypt, and because if she did so, she would be shamed in the eyes of the Sudanese community.

¹³⁸ CEDAW (2000), Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Combined fourth and fifth periodic reports of States parties: Egypt, Committee on the Elimination of Discrimination Against Women (CEDAW), 30 March 2000.

¹³⁹ <http://thereport.amnesty.org/eng/regions/middle-east-and-north-africa/egypt>

¹⁴⁰ Interview with Dr Magda Adli, psychologist at El Nadim Center for the Management and Rehabilitation of Victims of Violence.

¹⁴¹ Interview with Nahla Ibrahim, psychologist.

¹⁴² A point highlighted also by Abdel Alkarim Ali Mohamed, Chairman of the Somali Association for Refugees, during the researchers' interview with him.

PHYSICAL AND SEXUAL VIOLENCE

Most of the migrant and refugee women interviewed for the purpose of this study had been victims of rape or sexual abuse. Many of the migrant and refugee women in Egypt have been raped in their countries of origin, especially if they come from conflict zones.¹⁴³ Rape can also occur during flight and even in the place of refuge. According to some refugees, “every Sudanese woman has witnessed rape or sexual ill-treatment.”¹⁴⁴ Reports exist, for example, of a Sudanese woman who was raped 18 times during her journey to Egypt.¹⁴⁵ Women of all ages are vulnerable to rape, and an Eritrean woman who has been living in Cairo for five years reported that she had witnessed the rape of girls who were as young as five years old when the group she was travelling with was attacked by gangs between the Eritrean and Sudanese borders.¹⁴⁶

Sexual abuse and violence also take place within the host country. Some of the interviewees reported the formation of a Sudanese gang that has been active in Cairo since 2005. According to Mrs Boyenio, a south Sudanese woman from the Union of Sudanese Women in Cairo (a non-registered community-based organisation), a gang of about 200 young men are committing acts of violence against their community. They particularly target young Sudanese girls, and many Sudanese families are now afraid to send their daughters to school. One interviewee informed the researchers that she was scared that her daughters might be attacked by these gangs.¹⁴⁷

VIOLENCE BY STATE AGENTS

Violence against migrant and refugee women is also perpetrated by state agents. According to OMCT, sexual abuse against women is common: “women are also targeted by the State in their private roles as mothers, sisters, wives, partners and daughters of activists. They are the victims of a policy known as ‘hostage-taking’. In these circumstances, women are particularly vulnerable to rape, the threat of rape and other sexual mistreatment.”¹⁴⁸

Migrant and refugee workers in Egypt are equally preyed on by the police. Many women domestic workers from Sudan, Ethiopia, Eritrea, Nigeria and the Philippines regularly or irregularly reside and work in Cairo. These women, who are often deprived of their rights as citizens and fear deportation to their countries (in particular the Southern Sudanese), are often more vulnerable to violence.¹⁴⁹ Between 1996 and 1997, there were several government round-ups, house arrests

and mass arrests of women who reported having been beaten and sexually assaulted by the police; one woman jumped from her flat and broke her leg trying to escape the police.¹⁵⁰

In 2007, there were many incidents of sexual abuse in police stations and prisons. Many migrant and refugee women have experienced sexual harassment and rape by police or army officers. One Eritrean migrant was interviewed by telephone from her prison cell. She stated that she had been arrested because she was an undocumented migrant and that she and other migrant women had been victims of sexual harassment at the police station. Rebecca alleged that she had also been a victim of sexual harassment during her four-day detention after UNHCR filed a complaint of disturbance against her. Another migrant woman, Niammat, claims that she was a victim of repeated rape and ill-treatment when she was detained for 14 days at Alarich prison after being arrested at the Israeli border. She had been trying to flee to Israel with her family and other migrants. Another reported incident occurred in January 2007, when a police officer kidnapped a Sudanese refugee woman from the street while on duty and raped her. The police officer was sentenced to 25 years in prison by the Cairo Criminal Court.¹⁵¹

In August 2008, Amnesty International published a report which described state violence against refugees and asylum seekers who are killed, imprisoned and forcibly returned to countries where they are at risk of serious human rights violations.¹⁵² The report states that, “Under increasing pressure from Israel to staunch the flow of people crossing irregularly, the Egyptian authorities have intensified border controls. Since 2007, more than 1300 civilians are reported to have been tried and convicted on this charge by an Egyptian military court in contravention of international standards of fair trial. Until recently, men were sentenced to one-year prison terms and a fine of 2000 Egyptian pounds (US\$376). Now, however, the court tends to impose suspended sentences on both women and men, following which deportation procedures are immediately begun to return those sentenced to their countries of origin. To date, none of those tried have been allowed access to UNHCR representatives in Egypt although many may be refugees or asylum-seekers in need of international protection.”¹⁵³ It continued by stating that “Up to 1200 Eritrean nationals were subject to collective expulsion from Egypt to Eritrea between 12 and 19 June 2008. Subsequently, according to reports reaching Amnesty International from Eritrea, since their forcible return most men and several women have been detained in military training camps at Wia. Pregnant women and those with children are believed to have been released after several weeks in detention.”¹⁵⁴

150 Ibid.

151 Interview with Ashraf Milad, a lawyer specialising in refugee matters in Egypt.

152 “Since mid-2007, hundreds of refugees, asylum-seekers and migrants from countries in sub-Saharan Africa – men, women and children – have risked their lives trying to cross the Egyptian border into Israel. Aided by local smugglers, they arrive at night and are dropped in small groups near the 250km-long border fence between Egypt and Israel. They then run towards the barbed wire fence which marks the border and struggle to go over it or cut through it as quickly as they can. The Egyptian border guards usually fire warning shots into the air and order them to stop. Those who do not comply often end up paying with their lives. In 2007, six people were killed by the Egyptian border authorities. Seventeen more people were shot dead between January and July 2008 in 14 separate incidents in which tens of others were injured. Many of the wounded arrive at hospital with serious bullet injuries to the chest, back, thighs or legs”. From: Amnesty International (2008), Egypt: Deadly Journeys Through The Desert, p.1. Available online at <http://www.amnesty.org/en/library/info/MDE12/015/2008/en>.

153 Ibid, pp. 2-3.

154 Ibid, p.3. See also: Human Rights Watch (2008), “Egypt: Investigate Forcible Return of Refugees to Sudan: Deported Men and Boys May Face Persecution in Sudan”, available online at <http://hrw.org/english/docs/2008/05/30/egypt18977.htm> (last retrieved on 20 August 2008).

143 Interview with Dr Nahla Tobia, Head of the Caritas SGBV Team.

144 Interview with Mrs Boyenio, Acting Member of The Sudanese Women Union in Cairo.

145 El Nadim Centre for the Rehabilitation of Victims of Torture (2008), “Torture in Sudan: Facts and Testimonies”, 30 January 2008, p.100.

146 Interview via mobile phone with an Eritrean woman imprisoned in Cairo. She has been detained because she is an irregular migrant and she is waiting to be expelled from Egypt.

147 “Youth Violence among Southern Sudanese in Cairo: Synthesis of research findings”, Research project which is examining the characteristics and significance of southern Sudanese refugee gang formations in Cairo, supported by Forced Migration and Refugee Studies (FMRS) at the American University in Cairo, May-July 2006.

148 Benninger-Budel, Carin (2001), “Violence against Women in Egypt”, Report prepared for the United Nations Committee on the Elimination of Discrimination against Women, 24th session, 15 January-2 February 2001, p.29.

149 Ibid, p.27.

DOMESTIC WORK

Sudanese refugee women, and particularly young girls, have reported being shouted at by their Egyptian employers, insulted and called lazy, threatened with being fired, and having their salaries withheld for several months at a time or being paid less than their agreed wages. Many are forbidden from using bathroom facilities in their employers' homes or from drinking water from cups. Others have been accused of theft and fired without being given their final payment.¹⁵⁵

Najat, a refugee from Sudan, alleges that she was forcibly retained at her job by her employer: "I remember when I started my first job in Cairo. I was taking care of an old lady, whose children left her alone and came from time to time to visit her. I worked 12 hours per day. One day, when I was preparing to leave, her daughter asked me to spend the night with her mother because the other nurse was unable to come. I refused because I too have three daughters and I cannot be away from them for the entire day. But the lady obliged me to spend all night with her mother. She locked the door of the flat and she ordered the security guard to make sure that I did not get out. In the morning, the daughter came back and I was able to leave. I didn't even take my low salary. Believe me, it's a kind of slavery what I experienced that night."

Migrant and refugee women may be victims of violence and discrimination from their employers. However, migrant and refugee women, particularly those without legal status, are afraid to report abuses to police and thus have no recourse to justice. Lack of legal status also means that these women are afraid to travel in search of work, sometimes even short distances. Poor working conditions, low salaries and abuse by employers lead Sudanese refugee women and men to change their work quite often, increasing the financial and emotional instability they already face as a result of conflict, displacement and the various obstacles they face in Egyptian society.¹⁵⁶ A small number of Sudanese women have died in their employers' homes under unclear circumstances. This increases feelings of insecurity among other female domestic workers.¹⁵⁷

¹⁵⁵ Grabska, Katarzyna (2005), "Living on the Margins: The Analysis of the Livelihood Strategies of Sudanese Refugees with Closed Files in Egypt", FMRS Working Paper No. 6, June 2005, Cairo: The American University in Cairo, p.67.

¹⁵⁶ Ibid.

¹⁵⁷ Dingemans, Esther (February 2002), "Education Needs and Priorities for South Sudanese Refugees in Cairo", Field Report, p.16.

Sexual harassment is not only linked to domestic work, however, but is also an issue that affects migrant and refugee women working in other fields. Haifaa, a refugee woman from Iraq, provides an example:

Haifaa is 35 years old. She fled Iraq with her sisters and brothers and came to Egypt via Jordan and Syria. Once she arrived in Egypt, she worked in different jobs, but she left them because she was exploited and harassed by the employers, who thought that all Iraqi women were "easy" because of rumours that many Iraqi women work in prostitution. Haifaa currently works as a hairdresser at a famous hotel in Cairo. She works 15 hours per day, and sometimes more, depending on the number of clients. She commented: "I have no other choice, I have to accept the working hours. If I am absent for half an hour I lose a whole day's salary. I am really afraid when I leave the hotel late at night. I am always a victim of verbal harassment in the street. Even if somebody insults me, I can't reply. I am afraid they will hear my Iraqi dialect and detect that I am Iraqi. I am also a victim of sexual harassment at work from my employers and also from some rich men from the Gulf States. Some of them touch my body when I am doing a pedicure or manicure and others propose a customary marriage. When I inform my employer, he suggests that I should agree if I want to keep my job. My only hope is to be able to have my own job to support my family. I hope to work with dignity and to have my own hairdresser store, but unfortunately the Egyptian government only gives us a residence permit, but refuses to deliver us a work permit."

TRAFFICKING AND FORCED PROSTITUTION

According to the US State Department Trafficking in Persons Report 2005, Egypt is a transit country for the trafficking of women for sexual exploitation from Eastern Europe and Russia into Israel. Various sources indicate that unspecified numbers of women, particularly from Moldova, Ukraine and Uzbekistan, are smuggled or trafficked through the Sinai desert into Israel. Bedouin smugglers appear to play a key role in this. According to the Egyptian government, 154 persons, including 93 women, who entered Egypt in 2004 on tourist visas, remain unaccounted for.¹⁵⁸

Egypt is also a receiving country for trafficked women. In October 1998, the police dismantled an international prostitution ring which brought Ukrainian, Armenian and Russian women to Egypt in the guise of tourists. The women, who had been working as prostitutes in Cairo and the Red Sea resorts of Hurghada and Sharm al-Sheikh for three months, were arrested along with two Russian men who had brought them to Egypt. OMCT expressed its concern that Law No. 10 of 1961 also makes criminals of women who work as prostitutes, even though, in many cases, they are forced into prostitution. Women who are victims of trafficking and whose human rights are violated are doubly victimised by the criminalisation of their activities.¹⁵⁹

¹⁵⁸ US Department of State (2005), "Country Narratives: Egypt", Trafficking in Persons Report, June 2005, available online at <http://www.state.gov/g/tip/rls/tiprpt/2005/46613.htm>.

¹⁵⁹ Benninger-Budel, Carin (2001), "Violence Against Women in Egypt", op.cit., p.28.

Some migrant and refugee women are implicated in prostitution because of a lack of money and income to feed their families. Rebecca, a refugee from Sudan who was interviewed for this study, has been working as a prostitute in Cairo for seven years and said that she had no other choice: “UNHCR refuses to help. The assistance given by Caritas from time to time is not sufficient to pay the EGP400 rent, to feed and clothe my children and to pay for my son’s medical treatment.” Rebecca was crying while talking about her experience and was ashamed, but said that she had no other choice.

RACIST DISCRIMINATION AND VIOLENCE

In Egypt, migrants and refugees in general, and women in particular, are victims of verbal harassment and sometimes physical violence in the street. The perpetrators can be neighbours, shopkeepers and street sellers or thugs. According to Fateh Azzam, “Migrant workers, especially black Africans, report regular verbal harassment and physical attacks both in the streets by members of the public and by law enforcement officials in Egypt. According to an independent report, ‘Egyptians shout names such as “oonga boonga” or samara (meaning “black”) at Sudanese and other African migrants.’”¹⁶⁰ Women interviewed for this study confirmed that they had been subject to racist behaviour in Egypt. They are harassed in the street because of their appearance, although many wear a hijab or scarf in an effort to appear “more Egyptian”.

Violence suffered by women migrants and refugees can have a long-term psychological impact, and many of those interviewed spoke of prolonged trauma and emotional damage. However, there are few services or support groups to help them deal with these psychological problems.

INSTITUTIONAL RESPONSES

Egyptian Government Responses¹⁶¹

The Egyptian response to different types of violence against women is outlined in the combined fourth and fifth periodic report to the CEDAW committee, which highlights the Egyptian government’s efforts to ensure the human rights of women in Egypt. Violence against women is one of the key issues dealt with in the report.¹⁶² The report submitted to the UN Committee on Migrants’ Rights also provides information as to efforts made to protect migrants in Egypt.

¹⁶⁰ Azzam, Fateh (Ed.) (2006), “A Tragedy of Failures and False Expectations: Report on the Events Surrounding, the Three-month Sit-in and Forced Removal of Sudanese Refugees in Cairo, September–December 2005”, Forced Migration and Refugee Studies Program, The American University in Cairo, June 2006, available online at http://www.aucegypt.edu/ResearchatAUC/rc/cmrs/reports/Documents/Report_Edited_v.pdf, p. 15.

¹⁶¹ Difficulties were encountered in meeting with government officials to talk about this issue. This section of the research is thus largely based on published documents. The reluctance of government officials to talk about the issue of violence against migrant and refugee women might in itself be taken to show a failure on the part of the authorities to engage with the question.

¹⁶² CEDAW (2000), Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Combined fourth and fifth periodic reports of States parties: Egypt, op.cit.

The Egyptian Penal Code categorises all violence or attacks against women as crimes. It further regards the age of the victim and the degree of consanguinity or affinity between the victim and the assailant as aggravating factors in the assessment of the penalties.¹⁶³ Trafficking and prostitution are also criminal acts under the Egyptian penal code.¹⁶⁴

In 2005, women human rights activists elaborated a Domestic Violence Law Project which has been handed over to the Egyptian parliament but has not yet been promulgated. The law project is divided into five chapters and 20 articles dealing in detail with different types of domestic violence and procedures to lodge a complaint.¹⁶⁵

Egyptian efforts to empower women have been implemented through many institutions, such as the National Council for Human Rights, the National Council for Women and the National Council for Childhood and Motherhood. A National Coordinating Committee to Combat and Prevent Trafficking in Persons was recently established to ensure that all the provisions of the laws and regulations are fully implemented. The Committee is charged with drafting and implementing a national action plan to tackle the problem through the 3P’s approach (Prevention, Protection, and Prosecution).¹⁶⁶

Despite the legal and institutional guarantees provided by the Egyptian government to combat violence against women, migrant and refugee women remain beyond the scope of legal protection and the institutional policies in Egypt. There are no specific provisions in the penal code relating to violence against migrant and refugee women, and the labour code, which guarantees the rights of women in different labour sectors, contains an exclusionary clause to exclude domestic workers from the legal protection provided for in the code. Article 4(b) of the Egyptian Labour Code (number 12 of the year 2003) explicitly stipulates that the provisions of the law do not apply to “domestic service workers and their equivalents.”¹⁶⁷

The government response to migrants and refugees in Egypt should also be highlighted to illustrate the lack of protection for migrant and refugee women. Egypt is a party to key international treaties protecting human rights and the rights of refugees and migrant workers. Egypt ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families by Republican Decree No. 446 of 1991, published in the Arabic language in No. 31 of the Official Gazette on 5 August 1993. Egypt is party to the 1951 Geneva Convention Relating to the Status of Refugees, its 1976 Protocol, and the Convention of the Organization of African Unity (now the African Union) governing the specifics of refugee problems in Africa. In 1984, Egypt ratified the African Charter on Human and Peoples’ Rights, which also provides for the right to seek and obtain asylum.¹⁶⁸ However, despite being party

¹⁶³ Ibid.

¹⁶⁴ Ibid.

¹⁶⁵ See the Arabic version of the Domestic Law Project at the Arabic Network for Human Rights Information: <http://www.anhri.net/egypt/nadeem/2008/pr0316-3.shtml>.

¹⁶⁶ “Address of H.E. Suzanne Mubarak at the Plenary Session of the Vienna Forum to Fight Human Trafficking, 13-15 February 2008”, available online at <http://www.mfa.gov.eg>.

¹⁶⁷ Labour Code, Law no. 12 of the year 2003, Article 4 (b), Official Gazette issue no. 14, 7 April 2003.

¹⁶⁸ Initial report of Egypt, Committee on the protection of the rights of all migrant workers and members of their families, 21 August 2006, op.cit.

to an array of legal international and regional human rights instruments, Egypt has not taken any major steps to fully implement the principles of the Conventions in its national legislation. Moreover, Egypt entered five reservations to the 1951 Convention: Art. 12(1) (personal status), Art. 20 (rationing), Art. 22(1) (access to primary education), Art. 23 (public relief/assistance), and Art. 24 (labour legislation and social security).¹⁶⁹ The rights of refugees and asylum seekers – particularly access to public education, assistance, health care and work – are significantly constrained.¹⁷⁰

Violence against migrant and refugee women did not appear to constitute an important topic for Egyptian women activists while elaborating the domestic violence law project. However, during an interview, a woman from the Alliance for Arab Women did recognise the marginalisation of migrant women living in Cairo and promised to propose to add this issue to the domestic violence law project.

Responses of International Organisations

UNHCR in Egypt

Egypt has no national procedures for Refugee Status Determination. The government has deferred responsibility for those seeking asylum and refugee status in Egypt to the UNHCR; this includes the process of refugee status determination and the provision of assistance. According to the Country Operations Plan 2008 for Egypt, in order to respond to needs of refugee women, UNHCR will continue to hold regular meetings with refugee communities and will conduct participatory assessments and focus group discussions that include women. Refugee women are also targeted in other UNHCR plans and programmes.¹⁷¹

UNHCR Cairo does not have specific programmes on violence against refugee women. According to a legal protection officer, the office receives only a limited number of women asylum seekers fleeing gender-related persecution. Most cases involving refugee women who have been victims of violence are referred to the office by African and Middle East Refugee Assistance (AMERA-Egypt) or by Caritas. The UNHCR does have a Sexual and Gender Based Violence (SGBV) Unit which coordinates with protection officers and community services to receive these cases and to provide counselling via its psychologists. SGBV Unit counsellors can coordinate with the community services unit to refer some traumatised cases to UNHCR implementing partners such as the Ahdaf association, which provides psychological therapy, or Caritas, which provides medical and social counselling.

UNHCR's community services unit can also offer assistance to refugee women who have been victims of domestic violence. The unit provides sheltered accommodation through an implementing partner, the Association for the Development and Enhancement of Women (ADEW). But, as one respondent explained, it is difficult to provide long-term solutions: "Up to

now, two refugee women have been referred to ADEW and they stayed there for three months. But, after that, they left. The problem is that, despite the problems they face, they prefer to live close to their communities."¹⁷²

The European Commission

The EU-Egypt Association Agreement entered into force in June 2004, replacing the 1977 Cooperation Agreement. It provides a framework for the political, economic and social dimensions of the EU-Egypt partnership, with the main goals of creating a free trade area over a period of 12 years and of helping to increase economic growth.¹⁷³ The ENP Action Plan, adopted in March 2007, identifies reform priorities (and their sequencing) within Egypt's own agenda of reforms. This Action Plan sets out a comprehensive set of priorities in areas within the scope of the Association Agreement. Among these priorities is the strengthening of co-operation on migration-related issues, including the effective joint management of migration flows, regular and irregular migration, readmission, facilitation of the legal movement of individuals, equal treatment and social integration for regular migrants, and asylum issues. Cooperation in the fight against organised crime, including trafficking in human beings, is also a priority.¹⁷⁴ The Action Plan also gives importance to other domains, such as the support of Egypt's efforts to promote gender equality and reinforce the fight against discrimination and gender-based violence. This includes strengthening the activities of the National Council for Women and its periodic review of the relevant existing legislation and recommendations for new legislation. However, although the Action Plan stipulates that the EU will support Egypt's efforts to reinforce the fight against gender-based violence, there is no mention of migrant women. There is no programme designed to fight violence against women within the EU-funded co-operation programmes, MEDA I and MEDA II.¹⁷⁵

NGO RESPONSES

The number of local and international organisations providing some assistance and legal aid for refugees in Egypt has increased significantly in recent years.¹⁷⁶ Two NGOs, AMERA (a member of the EMHRN) and El Nadim Center, have programmes focused specifically on the rehabilitation of victims of violence, and both receive cases involving refugee women.

AMERA-Egypt attempts to promote the legal protection of asylum seekers and refugees through increased access to administrative justice in international and local institutions. AMERA provides different programmes and services through six teams. Three of these teams are particularly important with respect to refugee women victims of violence: the protection and registration team; the SGBV team; and the psycho-social team. The SGBV team collaborates with UNHCR,

¹⁷² Interview with Dr Ashraf at UNHCR Cairo.

¹⁷³ Overview of the EU's relations with Egypt, Website of the Delegation of the European Commission in Egypt, <http://www.eu-delegation.org.eg/en/index.htm>.

¹⁷⁴ European Neighbourhood Policy, EU – Egypt Joint Action Plan, Adopted at the 3rd EU-Egypt Association Council in Brussels on 6 March 2007.

¹⁷⁵ For a general overview of EU cooperation programmes, see the website of the Delegation of the European Commission in Egypt at <http://www.eu-delegation.org.eg/en/index.htm>.

¹⁷⁶ Interview with Dr Barbara Harrell-Bond, Distinguished Adjunct Professor and Advisor to Forced Migration and Refugee Studies at the American University in Cairo.

¹⁶⁹ Shafie, Sherifa (2004), "FMO Research Guide: Egypt", Forced Migration Online, <http://www.forcedmigration.org/guides/fmo029>.

¹⁷⁰ Grabska, "Living on the Margins", op.cit., p. 15.

¹⁷¹ UNHCR, Country Operations Plan 2008, p. 1.

trains other NGOs and community interpreters on gender issues in the refugee communities, and updates the database with current legal and country of origin information pertaining to GBV and other gender-related issues in refugee contexts. The team also coordinates referrals of GBV cases for urgent resettlement, when appropriate.¹⁷⁷ The psycho-social team works with asylum seekers and refugees to help them find the emotional strength required to reveal sensitive information about their experiences with torture, sexual assault, and detention. This team also coordinates medical and psychological reports for asylum seekers and refugees who require these to either substantiate their claims or to fast-track their refugee status process. Moreover, the team's members write psychological assessments as required by legal advisors and/or UNHCR.¹⁷⁸

According to a member of the AMERA SGBV team, the total number of cases the team has handled has not been large.¹⁷⁹ The principal forms of SGBV they have noted with respect to women refugees are: rape, violence related to sexual exploitation, and domestic violence. AMERA provides counselling and emergency medical care to these victims, and if the victim is a recognised refugee, AMERA immediately refers the case to UNHCR, which provides medical and financial assistance through its implementing partners. Otherwise, if the case is not registered at UNHCR, AMERA reports the case to the agency and asks it to schedule a registration interview so that the victim can benefit from UNHCR implementing partners' services. One of the problems highlighted by AMERA's SGBV team is that of identifying victims in a large urban area such as Cairo. No statistics are available on sexual and gender-based violence in the refugee populations, and victims feel ashamed to make a formal complaint.¹⁸⁰ El Nadim Centre for the Management and Rehabilitation of Victims of Violence and Torture is an Egyptian NGO established in 1993 to provide medical and psycho-social rehabilitation for Egyptian and non-Egyptian victims of violence and torture. The centre is also a reporting and lobbying NGO. El Nadim has published two reports on torture in Egypt and Sudan, including testimonies of refugee women who were victims of torture in their countries of origin.¹⁸¹ According to one of the psychologists working at the centre, El Nadim currently deals with a large number of Sudanese and Iraqi refugees. Most of the women received by the centre have been victims of rape and sexual violence. The centre offers counselling services to the victims and has established various therapy programmes for them. According to respondents at the centre, the major problems facing migrant and refugee women victims of violence are, first of all, a reluctance to talk about their plight or to trust any of the authorities to help them, and, secondly, difficulties in accessing justice.

Two other NGOs, Caritas and Refuge Egypt also work with the UNHCR to implement refugee assistance programmes. Caritas is the UNHCR partner responsible for assessing the needs of refugees and for providing assistance, health care and community services in support of self-sufficiency and self-reliance within a community-based approach. Caritas has established a SGBV team which offers counselling and medical care to refugee women victims of violence,

but, according to the head of the team, receives only a limited number of SGBV victims. Caritas also offers emergency financial assistance in some cases, for example where women lost their work due abuse by their employers.

Refuge Egypt, which is based at the All Saints Cathedral, focuses on providing humanitarian assistance and supporting self-sufficiency in Egypt. It does not receive a huge number of women victims of violence, but does have special programmes for women, such as counselling programmes and clinical assessments of survivors of torture. In partnership with UNHCR, it provides counselling and medical assistance for pregnant refugee women.

Lobbying NGOs

NGOs such as the Hicham Mubarak Law Centre, the South Centre for Human Rights, or the Egyptian Initiative for Human Rights do not have specific activities for the counselling or rehabilitation of migrant and refugee women victims of violence in Egypt. They act by raising awareness, lobbying and reporting on cases of human rights abuses affecting all migrants and refugees in Egypt. Refugees in Egypt have also created their own associations to support their communities and to provide them with necessary information related to their lives in Egypt. In most cases, these are non-registered organisations. There are associations for Sudanese, Somalis, Eritreans and, most recently, for Iraqis. The Sudanese Women's Union in Cairo, for example, aims to help combat the daily challenges of unemployment and health problems. However, the association does not have any specific focus on violence against women. One member of the association's board remarked that "Sudanese women are victims of different types of violence in Egypt, but the feeling of shame, or of being stigmatised, was present while writing the association's statutes."¹⁸² The chairman of the Somali Association for refugees expressed the same point of view when he stated that the organisation could not offer concrete responses to the needs of female victims of violence because Somali women refused to talk about their experiences of violence. The women fear the reactions of members of their community, to the extent that the association of Somali Women in Cairo refused to be interviewed about this issue.

NGOs' responses to the problems of migrant and refugee women are too limited when considering the extent of the violence and its physical and psychological impact. Responses are also limited by the fact that many migrant and refugee women are too ashamed or scared to talk about their experiences of violence or to seek help.

¹⁷⁷ Ibid.

¹⁷⁸ Ibid.

¹⁷⁹ Interview with Parastou Hassouri, the focal point of AMERA's SGBV team.

¹⁸⁰ Interview with Parastou Hassouri.

¹⁸¹ El Nadim Centre (2008), "Torture in Sudan: Facts and Testimonies", op.cit.

¹⁸² Interview with Sudanese Women's Union, Cairo.



B. CASE STUDY: MOROCCO

For centuries, Morocco's geographical location attracted migratory influx. In recent years, Morocco has also become a country of transit for a significant migration flow originating in Sub-Saharan Africa and passing through the Maghreb on the way to Europe. Since the mid-1990s, the presence of migrants and refugees from Sub-Saharan Africa has increased sharply, following the events in the Democratic Republic of the Congo, the Republic of the Congo and the Great Lakes region. Other migratory flows have originated in Sierra Leone, Nigeria and Côte d'Ivoire, owing to the political situations in those countries. Today, the main countries of origin of prospective migrants are Guinea-Bissau, Mali, Liberia, Sierra Leone, Nigeria, Guinea, Senegal and Algeria.¹⁸³ In 2005, the General Directorate of National Security estimated the foreign population officially present on Moroccan territory to consist of 62,348 individuals.¹⁸⁴ The Directorate of Migration and the border control estimated that 10,000 Sub-Saharan migrants were residing in Morocco.¹⁸⁵ Sub-Saharan migrants and refugees have become more visible in different Moroccan cities, but there is still no reliable data on the numbers of migrants, or on the social characteristics of migration flows, including a gender breakdown.

The Association Marocaine d'Etudes et de Recherches en Migration (AMERM) conducted a study on the livelihood of Sub-Saharan migrants in Morocco. According to this survey, women constitute 20.3 per cent of the migrant population, although the researchers highlight the difficulties in gaining access to women migrants because of their dependence on male

partners.¹⁸⁶ At the time of drafting this report, 829 refugees were registered at the UNHCR, of whom 251 were women and girls.¹⁸⁷ The AMERM survey further reports that 29.3 per cent of asylum seekers in Morocco are women.¹⁸⁸

There is very little data regarding violence against women in Morocco. As the Association Démocratique des Femmes du Maroc (ADFM) remarks in its report on the implementation of the CEDAW in Morocco: "The absence of national and comprehensive statistics does not help assess the extent either of prostitution or gender-based violence. However, both phenomena are rampant in Morocco."¹⁸⁹

There are no official statistics concerning violence against migrants in Morocco, but Médecins Sans Frontières (MSF) has released two reports on violence against irregular Sub-Saharan migrants in Morocco.¹⁹⁰ The first one was published in 2005 and covers the period between April 2003 and May 2005. The second report was issued in February 2008, and covers the period between June 2005 and October 2007. In both reports, MSF presents an overview of the various patterns of violence committed against irregular Sub-Saharan immigrants (ISSs) in both Morocco and Spain. The reports focus on the repercussions violence has on health, revealing the vulnerability of ISSs. It also highlights the Moroccan, Spanish and European authorities' failure to meet their obligations in protecting migrants from all forms of violence, including physical and mental harm, threats and intimidation. Furthermore, the report shows that vulnerability has increased amongst people who are already in danger due to armed conflict, political persecution or the extreme poverty from which they are seeking asylum. Between April 2003 and May 2005, 2,193 of a total of 9,350 medical consultations with ISSs were related to violence. This means that approximately 23.5 per cent of the people treated were direct or indirect victims of violent acts.¹⁹¹ The data contained in MSF's 2008 report is based on 7,533 medical consultations, of which 1,077 were directly linked to violence.¹⁹² The available statistical data presented by MSF do not provide an exact and all-inclusive figure for violence perpetuated against migrant women, although they do detail different forms of violence.

¹⁸³ "Specific Groups and Individuals: Migrant Workers", Report submitted by Ms Gabriela Rodríguez Pizarro, Special Rapporteur on the Human Rights of Migrants, Addendum Visit to Morocco, Commission on Human Rights, Sixtieth session, Item 14 (a) of the provisional agenda, p. 4.

¹⁸⁴ See Mghari, Mohamed (2007), "Maroc: la dimension démographique et économique des migrations", in Philippe Fargues (ed), *Mediterranean Migration - 2006-2007 report: Cooperation project on the social integration of immigrants, migration, and the movement of persons*, Financed by the European Commission - MEDA Programme, San Domenico di Fiesole, Italy: Robert Schuman Centre for Advanced Studies, European University Institute, p.151.

¹⁸⁵ These are the available data published by MAP (Maghreb Arab Press), January 2006.

¹⁸⁶ Afoulous, S. (2008), "AMREM, Première enquête sur le phénomène migratoire des subsahariens transitant par le Maroc", *L'opinion*, 26 January 2008.

¹⁸⁷ UNHCR statistics, May 2008.

¹⁸⁸ Ibid.

¹⁸⁹ Association Démocratique des Femmes du Maroc (ADFM) (November 2007), *Implementation of the CEDAW Convention: Non-Governmental Organisations' Shadow Report to the Third and the Fourth Periodic Report of the Moroccan Government*, Part V, Paragraph 24.

¹⁹⁰ Médecins sans frontières (October 2005), *Violence and Immigration: Report on illegal sub-Saharan immigrants (ISSs) in Morocco*.

Médecins sans frontières (February 2008), *Violence et immigration: deux ans après, rapport sur l'immigration d'origine subsaharienne en situation irrégulière au Maroc et dans les zones*.

¹⁹¹ Médecins sans frontières (2005), *Violence and Immigration: Report on irregular sub-Saharan immigrants (ISSs) in Morocco*, op.cit.

¹⁹² Médecins sans frontières (2008), *Violence et immigration: deux ans après, rapport sur l'immigration d'origine subsaharienne en situation irrégulière au Maroc et dans les zones frontalières*, op.cit., p.8.

VIOLENCE DURING MIGRANTS' AND REFUGEES' JOURNEYS

It is important to highlight that migrant and refugee women are victims of violence at all stages of migration. For many women, violence in their home country is the cause of their migration (although we do not have space to detail this violence in the present report). Women are also victims of violence during their journey to Morocco and upon arrival in the country. Sexual violence is particularly prevalent against migrant and refugee women. All of the migrant and refugee women interviewed for this report claimed to have been victims of some form of sexual violence, including coerced sex. According to the AMERM survey mentioned above, sexual harassment and rape are the major problems faced by Sub-Saharan migrant women in Morocco.¹⁹³ Because of the nature of this violence, it is impossible to compile accurate statistics about the prevalence of sexual violence, but it is clearly a reality that is feared by many migrant and refugee women.

Most of the women interviewed had come to Morocco in buses. The journey is not easy, as one Nigerian woman explained. Migrants need a lot of money to pay the smugglers and the border guards, and many women may be forced to have sex with the smugglers in return for the services they provide. Single women are most vulnerable to forced sex and other forms of sexual abuse. For this reason, some women deliberately try to find a male travel companion. However, the chosen partner may himself be the source of sexual abuse or violence; in this case, the woman may be scared to separate from him, as she would then expose herself to the risk of being subjected to violence and sexual abuse by others. In some cases, migrants and refugees are also victims of attacks by organised gangs, and these attacks may be organised with the collaboration of the smugglers. One Nigerian woman interviewed had been kidnapped by a gang at the border between Mali and Algeria. She was held for one month, during which time she was repeatedly raped and beaten, until one of the gang members took pity on her and helped her to escape.

Sexual and gender-based violence can be extreme, as Dr Kalongé from the Organisation Pan Africaine de lutte contre le Sida (OPALS) reported in an interview. He described cases of traumatised women who had suffered extreme violence during their migration. For example, some women had been attacked by gangs, were stripped naked in public and were searched to see if they were hiding money in their vagina.¹⁹⁴

A. is a 20-year-old asylum seeker from Côte d'Ivoire who arrived in Morocco one year ago. She reports that, once they had crossed the Algerian border from Mali, her group was attacked by the Algerian border guards. One of the guards asked her to have sex with him if she wanted to continue her trip. She did so, but was then imprisoned for one week in a small room in the desert until the guard expelled her to the Malian border. After that, she lived in a small village for six months until she managed to obtain false papers and continue her trip to Morocco.

¹⁹³ "AMERM, Première enquête sur les phénomènes migratoires des subsahariens transitant par le Maroc", S. Afoulous, L'opinion, 26/01/2008

¹⁹⁴ Interview with Dr Kalongé Tshisekedi from OPALS.

S. is a 19-year-old migrant from Nigeria who entered Morocco in 2008. She recounts her experience: "I paid around \$300. The person who was in charge told me that he would prepare a false passport for me, but he threatened to kill me if I was caught and if I talked about him. During the journey, the guide asked for money from all of us, and sometimes he asked me to have sex with him. What could I do? I accepted. If I hadn't accepted, he would have abandoned me in the desert, and you don't know what desert means."

PHYSICAL AND SEXUAL VIOLENCE

MSF reports that, between June 2005 and October 2007, it registered 79 incidents of violence against women and that the 34 worst cases (43.3%) involved sexual violence. The average age of victims was 25, but in seven cases the victims were minors. Most of the affected women were Congolese (DRC), with 19 cases, followed by Nigerians (8), Ivorians (3), Angolans (2), Cameroonians (1) and Chadians (1). Seven of the victims were refugees recognised by UNHCR and 15 were asylum seekers.¹⁹⁵ Based on testimonies collected by MSF, the main perpetrators were traffickers, Moroccan security forces and Moroccan gangs.¹⁹⁶ The president of the Comité des Femmes et Enfants Victimes de l'Immigration (COFESVIM), a community-based organisation that is not registered, explained that: "Most of our members have experience with sexual violence, at the hands of migrants themselves and/or of Moroccans and Algerians in border areas. We have cases of minors who were forcibly impregnated and single mothers with their babies. Old or young – perpetrators do not make any distinctions. The most important thing for them is to achieve sexual pleasure."¹⁹⁷

The "no man's land" between the Moroccan border and the town of Oujda is particularly dangerous for migrants and refugees. According to Hicham Baraka, the head of the Association Beni Znassen for Culture (ABCDS), based in Oujda, many Nigerians and Moroccans attack migrants who have just reached Morocco. There are many cases of women who have been kidnapped, raped and even killed in this area, where trafficking and smuggling networks flourish.¹⁹⁸ These networks operate with impunity and are responsible for 52 per cent of violent attacks against migrants, according to MSF.¹⁹⁹ MSF reports the cases of 45 migrant women who have been victims of serious violence and sexual assault at the hands of these networks.²⁰⁰ A 29-year-old Congolese woman, for example, reports being kidnapped by four Nigerians in "no man's land". She was separated from her two boys and raped and tortured for a whole week.²⁰¹

¹⁹⁵ MSF 2008 Report, op.cit., p.16.

¹⁹⁶ See: Le groupe antiraciste de défense et d'accompagnement des étrangers et migrants (GADEM) (2007), La chasse aux migrants aux frontières Sud de l'UE; Conséquence des politiques migratoires européennes, L'exemple des refoulements de décembre 2006 au Maroc. See also MSF Reports, AMERM Survey Results.

¹⁹⁷ Interview with the president of COFESVIM.

¹⁹⁸ Interview with Hicham Baraka.

¹⁹⁹ MSF 2008 Report, op.cit., p.11.

²⁰⁰ Ibid.

²⁰¹ Interview with a Congolese migrant.

S., a Congolese refugee, expressed her fears when talking about her experience in no man's land: "I am frightened when I hear that Moroccan police start deporting our brothers and sisters to Oujda. I am terrified because I am sure that, once again, I and my daughters will be attacked by Nigerians. They will rape us again, they will torture us again. I have high blood pressure and heart disease and I remember what happened to us when we were expelled in 2006. I think I will die and I leave my daughters alone here in Morocco."

TRAFFICKING FOR SEXUAL EXPLOITATION

According to several reports, Morocco has become a transit and destination country for women victims of trafficking from Sub-Saharan Africa, North Africa and Asia. A number of Asian victims were brought to Morocco in 2004. Sex trafficking also targets Moroccan girls and women who are sent to work in countries such as Saudi Arabia, Qatar, Syria and the United Arab Emirates, and in Europe.²⁰² Several female Moroccan youths were lured by job contracts (as hairdressers or receptionists) in Gulf countries and ended up being detained, beaten and forced to engage in prostitution. When they attempt to escape, they usually are imprisoned and may be at risk of being murdered.²⁰³ A 2007 report by UNAIDS argues that prostitution among migrant and refugee women in Morocco has recently increased. Many of these women are forced into prostitution by trafficking networks. They were destined to go to Europe, but find themselves trapped in Rabat or in Tangier and have no other resources to survive. According to MSF, many of these women face health problems and some of them are HIV positive.²⁰⁴

VIOLENCE BY STATE AGENTS: FORCED EXPULSIONS

In the name of security, territorial control and management of migratory flows, Moroccan and Spanish Corps Security Forces allegedly committed acts of violence against migrants and refugees. According to MSF's report, violent acts committed by Moroccan and Spanish Corps Security Forces represent 43.9 per cent of the most serious incidents; 39.8 per cent are perpetrated by Moroccan Forces, while 4.1 per cent of violent acts are perpetrated by Spanish Forces.²⁰⁵ During a forced expulsion of migrants in December 2006, pregnant women and children were among those arrested and forcibly removed to the border. One of the pregnant women is reported to have lost her baby.²⁰⁶ In October 2007, 100 migrants and asylum seekers were arrested in Rabat in the early morning hours to be expelled to the Oujda border. According to MSF, a lot of pregnant women and children were among the detainees.²⁰⁷

202 US Department of State (2007), "Country Narratives: Morocco", Trafficking in Persons Report, June 2007, available online at <http://www.state.gov/g/tip/rls/tiprpt/2007/82806.htm>.

203 Association Démocratique des Femmes du Maroc, Report, op.cit., paragraph 214.

204 Lahlou, Mehdi, Escoffier, Claire and Najia Hajji (Equipe du projet) (November 2007), Evaluation de la situation de la mobilité et du VIH au Maroc, Ministère de la Santé Publique, study conducted with the support of UNAIDS. This report will be referred to as the "2007 UNAIDS Report" below.

205 MSF 2008 Report, op.cit., p.10

206 2007 UNAIDS Report, op.cit.

207 MSF 2008 Report, op.cit., p.5.

Many of the migrants who are deported to the border area live in inhumane conditions, in a "forest" a few kilometres from Oujda. One Nigerian woman interviewed in this area said that she had lost her two-year-old son near Alhouceima. Despite being severely injured, she was deported to Oujda without any medical care. She was clearly in a state of shock and was constantly crying and saying that she was lost. Another Ivoirian woman was deported from Tantan in the South of Morocco, around 1,000 km from Oujda. She was deported to Oujda even though she had given birth only one month earlier.

DOMESTIC VIOLENCE

Migrant and refugee women interviewed for this research also highlighted the problem of domestic violence perpetrated by partners both during their migratory journey and upon arrival in Morocco. An aggravating factor that contributes in producing domestic violence is the precarious and vulnerable conditions in which migrants and refugees live in Morocco. Many migrant and refugee women living in Morocco are deprived of their basic human rights. Even those recognised by the UNHCR as refugees do not enjoy their full rights, as the Moroccan authorities do not provide them with a residence permit and do not recognise their socio-economic rights. The majority of migrants and refugees are concentrated in marginal urban areas within Moroccan cities. Their economic vulnerability can in some cases mean that migrant and refugee women are forced into prostitution by their male partners.²⁰⁸ This is just one of the effects of male domination. This domination seems so generalised that, in some cases, women could only be interviewed with their partner's consent and with him being present.

As has been remarked previously, one of the major difficulties in helping women victims of violence is their reluctance to talk about what they have experienced. The UNAIDS 2007 report highlights the way that women victims of rape are ashamed to talk about what has happened to them. They fear being stigmatised and possibly suspected of being contaminated with HIV. They prefer to keep quiet and not to talk about the trauma they are experiencing for fear of being ostracised by their peers or neglected by their companions.²⁰⁹

RACIST VIOLENCE

Women interviewed for the purpose of this study claimed that some Moroccans perceived them as inferior and as a threat to the country's security. They felt they were victims of racist behaviours and attacks. In its report, MSF estimates that 27.5 per cent of the total attacks committed against migrants are committed by Moroccan gangs. These attacks include sexual violence against migrant women.²¹⁰

208 Interview with Mrs Selestine (COFESVIM).

209 Ibid.

210 MSF 2008 Report, op.cit., p.12.

INSTITUTIONAL RESPONSES TO VIOLENCE AGAINST MIGRANT AND REFUGEE WOMEN

Moroccan Government Responses

The Moroccan government has not directly addressed the problem of violence against migrant and refugee women, either through its immigration and asylum policies or through its policies on violence against women.

Internationally, Morocco played an important part in creating the mandate of the Special Rapporteur on the human rights of migrants, and it participated actively in the drafting and adoption of the International Convention on the Protection of the Rights of All Migrant Workers and their Family Members, an instrument which Morocco ratified on 21 June 1993 and which entered into force on 1 July 2003.²¹¹ With regard to the other main international human rights instruments, Morocco has either ratified or acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Optional Protocol to the Convention on the involvement of children in armed conflict.²¹²

With regard to refugee protection, Morocco has ratified the Convention relating to the Status of Refugees of 1951, together with the Protocol relating to the Status of Refugees. At the regional level, the country has ratified the Convention Governing the Specific Aspects of Refugee Problems in Africa of 10 September 1969.

At the national level, current legislation on migrants is contained in the law on the entry and stay of foreigners in Morocco, immigration and irregular immigration, known as Law 02/03, which came into force in November 2003. This law regulates migration into Morocco and imposes penalties for any person facilitating the irregular entry or exit of nationals or foreigners, and for any organisation created for such purpose.²¹³ Beside the adoption of this law, other measures have been taken as well, including, at the institutional level, the creation of a Directorate of migration and border surveillance and an observatory of migration, measures which represent a further step in the process control and management of migratory flows.²¹⁴ As for refugees, a

²¹¹ Special Rapporteur on the human rights of migrants, Addendum Visit to Morocco, op.cit., paragraph 8.

²¹² Ibid, paragraph 9.

²¹³ Elmadmad, Khadija (2007), "La législation de la migration et des travailleurs migrants au Maroc", Rapport pour l'étude sur: La migration de main d'œuvre pour l'intégration et le développement dans l'EUROMED, L'Afrique Orientale et Occidentale, Bureau International du Travail, pp.13-14.

²¹⁴ "In an effort to eliminate clandestine emigration (for which Morocco pays a heavy price), a Directorate of Migration and Border Surveillance was established within the Ministry of the Interior in December 2003. In a statement to the Chamber of Advisors on 30 May 2006, a spokesman for the Ministry of the Interior reported that approximately 480 human trafficking operations were broken up in 2005; this figure represents an increase of more than 60 per cent compared to 2004. During the first four months of 2006, the Moroccan authorities succeeded in breaking up 120 human trafficking operations". Consideration of reports submitted by States Parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Combined third and fourth periodic report of States Parties:

decree has been adopted in 1957 to regulate the implementation of the 1951 Convention and an Office for Stateless People and Refugees (BRA) has been set up. However, the decree is no longer applied (although it has never been abrogated) and the BRA's activities have been frozen.

Despite being party to an array of international and regional human rights instruments, it might be argued that, in practice, the Moroccan authorities do not always respect their commitments under these instruments. Sometimes the basic human rights of migrants and refugees may be violated by the Moroccan authorities, as has been explained earlier with regard to arrests and forced expulsions. The deportation of pregnant women and children, for example, is contrary to both international conventions and Moroccan national legislation, which protects both minors and pregnant women from expulsion.²¹⁵ The UNHCR deals with refugee status determination, protection and assistance, and, in fact, Morocco does not have effective national legislation concerning refugees, which weakens the legal situation of asylum seekers and refugees. Recognised refugees were among those deported from Morocco during the incidents described earlier on. This was a clear violation of their right to "non-refoulement" under the 1951 Convention. However, the Moroccan authorities at present seem to refrain from mass deportation of UNHCR-registered refugees.

Concerning women's rights in general, Morocco stated in the combined third and fourth periodic report it submitted to the CEDAW Committee that the kingdom of Morocco had consolidated a certain number of reforms and launched new projects aimed at preserving and promoting human rights in general and the fundamental human rights of women and girls in particular. Despite some progress in promoting Moroccan women's rights, there have been no measures targeted at migrant and refugee women. Rachida Tahiri²¹⁶ from the Ministry for Social Development, the Family and Solidarity argues that the Moroccan government has taken concrete steps in fighting violence against women, including many national campaigns.²¹⁷ The Ministry adopted a National Strategy for the Elimination of Violence Against Women in 2002 and an operation plan for the National Strategy on the Elimination of Violence Against Women in 2004.²¹⁸ However, the struggle against gender-based violence in Morocco has not been extended to cover migrant and refugee women. Mrs Tahiri recognises the existing gap in the protection offered to migrant and refugee women and agrees that violence against migrant and refugee women should be taken into account while dealing with violence against women in Morocco, particularly in the forthcoming legislation on combating violence against women.

It should be noted that the absence of specific legislation or policy relating to the protection of migrants and refugees in general, and women in particular, was highlighted in the concluding observations of the CEDAW Committee, which stated that: "The Committee is concerned at

Morocco, Committee on the Elimination of Discrimination Against Women, 18 September 2006, paragraph 118.

²¹⁵ Article 29 of 02-03 Law paragraph 2 indicates that neither a foreign pregnant woman nor a foreign minor can be expelled. Similarly, no alien can be expelled to a country if it seems that his/her life or freedom is threatened or he/she is exposed to cruel, inhuman or degrading treatment.

²¹⁶ Interview with Mrs Rachida Tahiri of the Ministry of Social Development, the Family and Solidarity.

²¹⁷ See: "5ème Campagne nationale de lutte contre la violence fondée sur le genre: fiche technique", available online at <http://www.social.gov.ma>.

²¹⁸ See the ADFM parallel report, op.cit., p.57.

the situation of migrants, refugees and asylum-seekers in the State party, as this phenomenon has increased with Morocco becoming also a country of destination and not only of origin and transit of migrants. The Committee is particularly concerned of their access to the labour market, health, education and social services, especially in the case of women and girls, as well as with their exposure to violence, including sexual violence.²¹⁹ The committee called upon the Moroccan government to continue to strengthen its cooperation with UNHCR and adopt national refugee legislation, and recommended that it allow refugees and asylum-seekers to access public services, provide work permits for those refugees and asylum-seekers who are documented, and ensure their right to security, especially for women and children.²²⁰

Measures to protect women victims of human trafficking are also very limited in Morocco. One respondent commented that the Moroccan government had failed to take this issue seriously, and that the only measures put in place were random controls of single women leaving Morocco for a destination in one of the Gulf States.²²¹

RESPONSES OF INTERNATIONAL INSTITUTIONS

UNHCR

In the absence of a government agency specifically tasked with dealing with refugees and asylum seekers, UNHCR conducts Refugee Status Determination under its mandate. As such, UNHCR is involved in protection interventions whenever asylum-seekers or refugees are at risk of arrest, detention or refoulement. The office advocates the issuance of residence documents by the authorities and the respect of UNHCR status determination decisions. UNHCR also provides limited financial and social assistance to vulnerable refugees to enable them to cover their basic shelter, health and education needs.²²² UNHCR in Morocco is willing to be more actively involved in capacity-building efforts with the authorities and the non-governmental sector, in order to improve implementation of international refugee protection standards, establish a functioning asylum system supported by a proper legal framework, and implement durable solutions for refugees.²²³ In 2006, a number of women in need of special assistance were identified during the registration process. Support included socio-medical and psychological treatment, as well as alternative accommodations, education and vocational skills training. This support is provided through UNHCR's implementing partners, such as OPALS and the Fondation Orient Occident. At the stage of registration and of the refugee status determination interview, the specific needs of female asylum seekers are taken into consideration: female interviewers and interpreters are provided.²²⁴ UNHCR says that it strives to continuously raise its staff's and implementing partners' awareness of SGBV issues. The office has adopted a local procedure for prevention and intervention in cases of SGBV, and has held training sessions on the psycho-social needs of refugees with a special focus on refugee women victims of violence.

219 Committee on the Elimination of Discrimination against Women, Fortieth Session, 14 January - 1 February 2008, paragraph 44.

220 Ibid, paragraph 45.

221 Interview with Rabea Naciri, ADFM.

222 Country Operations Plan-Morocco, Executive Committee Summary Country, Planning Year: 2007.

223 Ibid.

224 Interview with an eligibility officer.

IOM

The IOM has set up a programme of voluntary return from Morocco. According to the person responsible for this programme in the IOM office in Rabat,²²⁵ many migrant women who are willing to return voluntarily to their country of origin have been referred to the office by an NGO, such as AFVIC, MSF and the Comité d'entraide internationale (CEI) linked to the Evangelic church in Morocco. Other women come directly to the office asking for return. IOM gives priority to vulnerable women in their projects of voluntary return. Until 2007, IOM had repatriated 50 women, 25 of whom were pregnant or accompanied by children. The majority of repatriated women were between 20 and 30 years old.²²⁶ The office provides documents for undocumented women through their embassies and assists them with \$6,000 to establish projects in their home countries with the help of IOM offices there. The IOM has no specific actions for women victims of violence in Morocco and refers cases of gender-based violence to medical NGOs such as MSF and Médecins du Monde (MdM).

The European Commission

Migration is one of the most important political issues in relations between the European Union and Morocco. Title VI of the Association Agreement signed between the European Union and Morocco, ratified in 2000, deals with cooperation in social and cultural matters. It provides for a social dialogue to be conducted on all problems relating to migration, irregular immigration and the conditions governing the return of individuals who are in breach of the legislation dealing with the right to stay and the right of establishment in their host countries.²²⁷ Under the MEDA programme of technical and financial support measures, the Morocco Strategy Paper 2002-2006 and the National Indicative Programme 2002-2004 emphasise the role of the social, cultural and human components in the European Union's strategy in Morocco. The Union aims to develop a two-pronged approach: (a) improving the organisation of regular emigration while at the same time combating irregular emigration; and (b) stabilising the populations in those regions that produce the majority of such emigration, and particularly the Northern provinces.²²⁸ A European Commission representative in Rabat pointed to the fact that an array of national and international NGOs acting in the field of migration and supporting the human rights of migrants have benefited from EU projects under the AENEAS programmes.²²⁹ With regard to migrant women, he highlighted the fact that a gender-mainstreaming perspective is adopted in the elaboration of all EU programmes and policies, and that the AENEAS programme had given priority to project proposals focusing on female migration. However, despite this stated commitment to mainstreaming gender in programmes concerning migration, there have been no projects targeted at protecting migrant women or combating violence against migrant women in Morocco.

225 Interview with Laura Lungarouti, head of the programme of voluntary return, IOM, Rabat.

226 Ibid.

227 Report of the Special Rapporteur on the human rights of migrants, Visit to Morocco, op.cit., paragraph 64.

228 Ibid, paragraph 66.

229 According to the list of financial programmes submitted by Mr Louis Dey in 2008, the EU financed four projects in Morocco under the AENEAS programme.

NGO RESPONSES TO VIOLENCE AGAINST MIGRANT AND REFUGEE WOMEN

The number of local and international organisations providing assistance and legal aid to migrants and refugees has significantly increased in Morocco.²³⁰ NGOs undertaking lobbying activities concerning migrants' and refugees' rights do not necessarily have specific support actions for migrant and refugee women victims of violence. They do, however, act in different ways, for example by raising awareness, lobbying, reporting and advocacy on cases of human rights abuses affecting all migrants and refugees in Morocco, with a special focus on women.

The Association Démocratique des Femmes du Maroc (ADFM, member of the EMHRN) is one of the most active women's associations in Morocco. The president of the ADFM, Rabéa Naciri, argued that the association was interested in working on the situation of migrants and refugee women victims of violence in Morocco, as well on that of Moroccan women who have been victims of human trafficking to the Gulf States. However, the organisation does not have the necessary resources to do so at present. Mrs Naciri further pointed out that, as far as she knew, Moroccan NGOs working to protect women did not deal with the topic of violence against migrant and refugee women.²³¹ She was also not aware of specific programmes or actions related to violence against migrant and refugee women conducted by other women's organisations in Morocco. Saida Drissi, President of ADFM-Rabat, reaffirmed ADFM's interest in working on this issue and promised to advocate to include specific provisions related to migrant and refugee women in the new legislation on combating violence against women.²³²

In conclusion, it seems that NGOs supporting migrants and refugees do not tend to have specific policies or projects on gender, while NGOs supporting women do not have particular programmes on migrant and refugee women. There also seems to be a lack of coordination between different NGOs in this area. Closer networking could improve the services provided to migrant and refugee women.

²³⁰ It should be noted that Caritas is also an important actor in this field. It has established a Reception Centre for migrants where it provides psychological therapy and general medical care to all irregular migrants in Morocco. Caritas has ample experience in providing assistance to migrants in Moroccan cities. Unfortunately we were unable to interview the directors of Caritas for this research.

²³¹ Interview with Mrs Rabéa Naciri, national president of ADFM. To substantiate Mrs Naciri's statement, it can be noted that, in a major report on complaints relating to violence against women, drafted on the basis of information collected from Moroccan help centres and legal aid centres, not a single complaint regarding violence against a migrant woman is mentioned. See: "Les violences basées sur le genre au Maroc, Rapport initial d'analyse des plaintes enregistrées par les centres d'écoute et d'assistance juridique", Réseau National des centres des femmes victimes de violence, ANARUZ, 2006.

²³² Interview with Mrs Saïda Drissi, president of ADFM Rabat.

IV. CONCLUSIONS & RECOMMENDATIONS



CONCLUSIONS

The research for this report has shown that, despite differing national contexts in the case study countries, some more general trends can be identified concerning the causes of violence against migrant and refugee women in the Euromed region and factors exacerbating this violence and preventing women from receiving adequate support and protection. Women migrate for many different reasons, but one of the core causes of migration is gendered inequalities and violence. Migrant and refugee women also experience violence during their journey to the Euromed region and once they have arrived in their country of destination.

It is important to underline that violence suffered by migrant and refugee women is not the result of “deviant” behaviour by individuals, but rather the consequence of structural gender inequalities both in the country of origin and in the host country. Women’s vulnerability to violence is exacerbated by the legislation and policy framework in place both at European and national levels. The limitation of legal channels for migration and a lack of a secure legal status in host countries are clear causes of vulnerability for women. Similarly, labour market and employment policies which confine women to the domestic service sector may make them vulnerable to abuse at work.

Migrant and refugee women interviewed for this research expressed the difficulties they faced in obtaining support and help in the face of violence. In some cases, this is because they are reluctant to talk about their experiences and fearful of the consequences of doing so. Barriers to talking about violence stem both from fear of authorities (for example, fear of arrest in the case of undocumented migrants) and fear of community responses. In other cases, migrant and refugee women are simply unaware of any structures that may exist to help them.

The research also demonstrated a failure to provide an adequate response to violence against migrant and refugee women, both on the part of government authorities, European authorities, and NGOs and associations. This failure can be attributed to:

1. Lack of knowledge about the situation of migrant and refugee women. The lack of adequate statistical or qualitative data means that it is impossible to plan adequate responses to violence against migrant and refugee women. In some cases there is not even basic statistical data regarding the number of migrant women present in a host country. The case studies have shown that this tendency is particularly pronounced in Egypt and Morocco, but even in EU member states there is a lack of gender-disaggregated statistics regarding migration. A major issue respondents identified in relation to the Istanbul conclusions and their follow-up was a real lack of data in many countries. The lack of reliable data on populations of migrant women is clearly a barrier to the formulation of further policies and actions to protect these women’s rights.
2. A tendency to disassociate the two policy areas of violence against women and migration. This disassociation means that, even where there are policies and programmes in place to tackle violence against women, these frequently do not consider the specific situation of migrant and refugee women. Further policies in place to protect the human rights of migrants often do not take gender issues seriously. This separation is clear at a national level but also at EU level with regard to the funding instruments and programmes on migration and on human rights.
3. Policies which prioritise the legal status of migrants over protection of migrants’ rights. In many cases, migrant women who are victims of violence cannot get assistance because they do not have residence or working papers in the host country. The policy priority of limiting migration also limits the rights of these women, who may not be able to seek support from police or from the relevant social services because of their fear of being arrested as “illegal” migrants.
4. Attribution of violence against migrant and refugee women to “cultural differences”. Many of the interviews revealed the way in which violence against migrant and refugee women is seen as part of a problem of “cultural differences” between host societies and the country of origin. This explanation for violence serves to remove any responsibility for these women’s insecurity from the host society and its policies, and to “de-politicise” the issue of violence against migrant and refugee women.

RECOMMENDATIONS

1. In order to better understand the phenomenon of violence against migrant and refugee women, much better data is needed at both the national and EU levels. Both national and European institutions should ensure that all migration data is disaggregated by gender in order to provide a more accurate picture of migrant populations. In parallel, statistics and data on violence against women should be collected in a manner which is sensitive to women's differing migration and nationality status.
2. Policies and legislation to fight violence against women both at national and at EU levels should include specific measures to tackle violence against migrant and refugee women. These measures should consider the specificities of migrant and refugee women's situation, in particular their legal situation within the country, and should ensure the primacy of basic human rights (protection from violence) over immigration status.
3. Anti-violence programmes should be specifically designed to enable migrant and refugee women to receive appropriate support. In particular, there might be information campaigns to inform migrant and refugee women about the services and support available to them. Conditions within anti-violence support centres and programmes should be appropriate to allow women to talk about what has happened to them (clearly a major problem for migrant and refugee women is that often they do not feel empowered to talk about what has happened to them). The use of other migrant and refugee women as interpreters and mediators within anti-violence centres and programmes could be one means of overcoming such barriers.
5. Within the context of the follow-up to the Ministerial Conclusions on Strengthening the Role of Women in Society (Istanbul 2006), there should be a focus on the particular problems of migrant and refugee women and the violence they face. It seems that anti-violence measures will be a priority in the Istanbul follow-up, but it is imperative that there are specific measures targeted at migrant and refugee women – otherwise they will be forgotten. Respondents did not mention migrant and refugee women in the plans for actions on violence against women, so this is an important lobbying point.
6. More programmes for the protection of migrant domestic workers are needed. National governments should develop a system for better monitoring of the employment of migrant domestic workers and for offering protection to these workers. This issue should be prioritised both within follow-up to the Istanbul conclusions and in Euromed migration programmes.
7. Expansion of EU anti-violence programmes to the MENA partners. In particular, the Daphne programme has funded specific actions concerning migrant women within EU member states. Funding to include the whole of the Euro-Mediterranean region would be beneficial.
8. In terms of the Euromed migration programme, gender is still not being mainstreamed. There will be a separate study on migrant women as part of the Euromed Migration II Project, but this will focus on issues of remittances and migrant women in the labour market. The other working groups for this project do not have a gender element. It is vital that the relevant officials make a greater effort to mainstream gender into all elements of this project and to take greater account of the particular situations of migrant women. It would also be an advance if the study on migrant women could focus on protection of migrant women's rights/protection from violence.
9. The protection of women asylum seekers and refugees in the region is still not sufficient. Although EU states have made some progress in reacting to gender-related cases of persecution amongst asylum seekers, they still do not go far enough in adopting the UNHCR's gender guidelines. In other states in the region the situation is far worse as there is little provision for asylum seekers and refugees in domestic policy or legislation. This is a major area where refugee women who have been victims of violence need the help and support of both the authorities and NGOs. Programmes should be put into place to offer counselling and medical support to refugee women fleeing gender-based violence and who have experienced such violence on their journey to or through one of the Euromed countries.

ANNEXES



ANNEXE 1: BIBLIOGRAPHY

General Literature on Violence against Migrant Women

European and International Organisations:

Council of Europe, Directorate of Social and Economic Affairs (1995), Immigrant Women and Integration, Strasbourg: Council of Europe.

A report which focuses on the integration of immigrant women in Europe, but which also provides recommendations on the protection of immigrant women against various forms of violence and discrimination.

Council of Europe, Committee on Equal Opportunities for Women and Men (2001), Domestic Slavery, report AS/Ega (2001) 2.

Council of Europe (2007), Protecting Women against Violence, Strasbourg: Council of Europe.

The report provides an analysis of the implementation of Council of Europe recommendations on protection of women against violence in member states. It includes data on measures taken to protect immigrant and refugee women against violence, particularly the granting of independent residence status to women victims of domestic violence. The report also stresses the importance of providing support services to women in languages which they understand.

European Commission (2006), Euromed Partnership: Acting for Gender Equality, Brussels: European Commission.

Includes particular relevant information on a project run by the Caritas Lebanon Migrant Centre to protect migrant workers' rights in Lebanon.

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Includes recommendations for governments in both sending and receiving countries of migration on ways to prevent exploitation and abuse of migrant domestic workers. There are also sections aimed at domestic workers themselves, and strategies for Trade Unions to help migrant domestic workers to protect their rights.

International Labour Organisation (2004), Gender and Migration in Arab States: the case of Domestic Workers, Beirut: ILO.

A report which describes the phenomenon of migrant domestic workers in Arab States and details abuses and exploitation against them. Includes a country report on Lebanon.

United Nations (2000), Reports, Studies and Other Documentation for the Preparatory Committee and the World Conference: Discrimination Against Migrants: Migrant Women: In Search of Remedies. World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/PC.1/19), New York: United Nations.

United Nations Commission on the Status of Women (1998), Report on the forty-second session, E/1998/27, New York: United Nations.

Contains a resolution on violence against women migrant workers:
'The Commission on the Status of Women ... calls upon concerned governments, particularly of sending and receiving countries, if they have not done so, to put in place penal and criminal sanctions to punish perpetrators of violence against women migrant workers and, to the extent possible, to provide victims of violence with the full range of immediate assistance, such as counselling, legal and consular assistance, temporary shelters and other measures, that will allow them to be present during the judicial process, as well as to establish reintegration and rehabilitation schemes for returning women migrants.'

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UNHCR (2002), Guidelines on international protection: Gender-related persecution within the context of Article 1(A)2 of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees, Geneva: UNHCR.

Important guidelines relating to the ways in which countries signatory to the 1951 Convention should put into place policies and practice to take gender-related persecution seriously and to ensure women who are victims of such gender-related persecution have proper access to refugee status.

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UNHCR (2008), Handbook for the Protection of Women and Girls, Geneva: UNHCR.

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World Health Organisation (2005), Researching Violence Against Women: A Practical Guide for Researchers and Activists, Geneva: WHO.

A comprehensive guide on the issues involved in researching violence against women, including definitions of gender-based violence and analysis of methodological issues involved in carrying out both quantitative and qualitative studies.

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Although this report does not focus on migrant women, it contains useful information concerning the right of women – including migrant women – to be protected against violence.

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ANNEXE 2 :

PROGRAMMES FINANCED IN THE EURO-MEDITERRANEAN REGION UNDER THE AENEAS PROGRAMME

Year	Beneficiary	Project Title	Region
2004	MLAL Progettomondo	Promotion d’une migration responsable	Morocco
2004	Institut Universitaire Européen	Action collective de soutien à la reintegration des migrants de retour dans leur pays d’origine	Algeria, Morocco, Tunisia
2004	IOM	Programme de renforcement et de soutien au dialogue et à la gestion des migrations irrégulières et de transit au Maghreb en provenance de l’Afrique de l’Ouest	EU, Maghreb, Sub-Saharan Africa
2004	Mairie de Cartaya	Programme de gestion integral de l’immigration saisonnière	Morocco, Spain
2004	CISP – Comitato Internazionale per lo Sviluppo dei Popoli	Projet réseau Afrique/Migration	Libya, Maghreb
2004	UNHCR	Strengthening protection and durable solutions for asylum seekers and refugees in Egypt	Egypt
2004	Euro-Mediterranean Human Rights Network	Enhancing civil society participation in human rights management of migration	Libya and the Maghreb
2004	World Bank	International migration from Middle East and North Africa	Middle East and North Africa
2005	Association Secours Catholique Caritas, France	Renforcement et integration du Centre d’Accueil des Migrants dans un dynamique locale et regionale	Morocco
2005	Direzione Generale dell’Immigrazione – Ministero del Lavoro e Delle Politiche Sociali, Italy	Sharing learning for a better migration life	Egypt, Morocco, Italy
2005	Movimento Laici America Latina Onlus	Lutte contre l’immigration illegal et le trafic des êtres humains à travers la participation des familles victimes de l’émigration clandestine, des associations organisée de la société civile et des institutions locales	Morocco

Year	Beneficiary	Project Title	Region
2005	Government of Catalonia Secretariat for Immigration	Barcelona-Tangier Programme. Programme of co-operation and development with Morocco for the training of minors who have embarked, or are considering embarking on an unaccompanied migration project.	Morocco, Spain
2005	Associazione per la cooperazione transregionale local ed europea	Mesure – Migrations en sécurité	Tunisia, Italy
2005	European University Institute	Système d’observation, d’analyse et de veille en matière migratoire dans la region Afrique du Nord et Méditerranée Orientale	Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Mauritania, Palestine, Syria, Tunisia, Turkey
2005	UNHCR	Management of asylum and migration in North Africa and improving protection for asylum-seekers in Jordan, Lebanon and Syria, with focus on Iraqis	Morocco, Libya, Tunisia, Algeria, Syria, Jordan and Lebanon
2007	Ministry of the Interior, Italy	Across Sahars II – Regional cooperation and capacity building on border and migration management	Libya and Algeria
2007	Fédération Internationale des Sociétés Nationales de la Croix-Rouge et du Croissant-Rouge	Promotion des principes et des valeurs humanitaires de lutte contre les actes de racisme et de xénophobie à l’égard des migrants	Morocco
2007	United Nations Office on Drugs and Crime (UNODC)	Strengthening the criminal justice system response to smuggling of migrants in North Africa	Algeria, Libya, Egypt, Morocco and Tunisia
2007	Soleterre – Strategie di Pace ONLUS	Women migration from Morocco to EU: a warp yarn for development ²³⁴	Morocco, Italy
2007	European Perspective Development and Education Centre	Capacity building of governmental and non-governmental agencies to manage emigration in Egypt	Egypt

234 C’est le seul projet financé qui traite directement des femmes migrantes. Ce projet vise à contribuer au développement d’activités commerciales pour les migrants, avec l’aide des organisations de la diaspora.

ANNEXE 3 :

LIST OF DAPHNE PROJECTS CONCERNING MIGRANT WOMEN

1997-025	Protection against violence in their families for young women of Muslim origin in Germany - PAPATYA
1997-043	Pilot project for women victims of trafficking – the LENA project
1997- 096	Female Genital Mutilation – Towards a Consensus
1998-070	Women refugees – Sexual exploitation and trafficking – awareness campaign
1998-096	Action and prevention for female migrants affected by trafficking
1998-111	Radio information campaign – non-violence- local community stations
1998-215	For a true abolition of slavery
1998-237	National network against violence and women traffic – Free Women
1998-273	Assist women and children trafficked into Italy from Central and Eastern Europe, Africa and Latin America – from the street to autonomy
1999-036	Female genital mutilation – European network
1999-048	Violence towards migrant women – professional strategies on the cultural approach
1999-082	European action against modern slavery
1999-093	Victims of human trafficking for sexual exploitation – assistance of women – perspective of the violation of human rights
1999-146	Unaccompanied minor migrants – development of protection mechanisms
1999-219	Protection of family violence against young girls and women with Muslim backgrounds
2000-014	FemMigration 1 – Legal agenda online for migrant prostitutes and trafficked women
2000-017	Assistance to victims of trafficking in human beings – integration of victims in countries of destination
2000-247	Violence against women and girls from different ethnic backgrounds
2000-330	Domestic violence in immigrant communities – time to count the cost of violence against women – the breaking through project
2001-028	Female genital mutilation of Somali women and girls in Finland and Denmark – development of community based methods
2001-211	Violence and human trafficking – protection, advice and care of victims
2001-273	Migrant, refugee and ethnic minority women – radio campaign around International Day against Violence towards Women
2002-094	HEIRAT 1 – Immigration route through marriage – overview of the legal and social situation
2002-181	Minority women victimized by repeat perpetrators – service provision and policy-making
2003-048	Honour based violence – honour killings, forced or early marriages – the SHERAZAD project
2003-080	HEIRAT II – Protectin and aid measures for female marriage migrants from third countries in the member states of the EU
2004-2-052	HEIRAT III – Female marriage migrants – awareness raising and violence prevention
2005-1-069	Violence against new immigrant women: improving the evidence to inform policy and services in the European Union



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