

FROM EVIDENCE TO ACTION:

TACKLING GENDER-BASED VIOLENCE AGAINST MIGRANT WOMEN AND GIRLS

Photo: UN Women / M. R. Hasan

Summary

Being a migrant accentuates the risks of women and girls to various forms of gender-based violence (GBV) in countries of origin, transit, destination and return. Their increased vulnerability to gender-based violence derives not only from the intersecting and multiple forms of discrimination they face, but also as a result of structural and gender inequalities, including a lack of access to safe and regular migration pathways. Incidences of violence against migrant women happen at all stages of migration and are committed by a variety of actors including smugglers, human traffickers, authorities (i.e. police and border guards), intimate partners and other migrants. This has been exacerbated by the COVID-19 pandemic which has led to travel restrictions and border closures, resulting in women and girls turning to more dangerous routes, including using the services of smugglers. Rising poverty and the inability to gain access to decent work has also led some migrant women to accept risky economic opportunities rendering them more vulnerable to violence, abuse and exploitation. In order to tackle and prevent violence against migrant women and girls and improve the provision of essential services to survivors, it is critical to strengthen the safe and ethical collection, analysis and dissemination of data on their experiences of violence, and ensure that health, justice and social service providers are trained on the specific needs of migrant women and girls, including how to identify and assist them in a survivor-centred and gender-responsive manner.

Introduction

Globally, one in three women has experienced sexual violence or violence committed by intimate partners at least once in their lifetime.¹ While it is likely that violence against migrant women and girls is significantly higher due to the vulnerable situations they are in, compounded by the multiple and intersecting forms of discrimination they face,² there continues to be a lack of comprehensive data and analysis capturing this issue.³ Furthermore, there is striking scarcity of data capturing the exploitation, abuse and violence faced by women migrant workers, in particular those in low-skilled sectors.⁴

Gender-based violence is defined as any harmful act that is perpetrated against a person's will and based on socially ascribed differences between women and men and is rooted in deeply entrenched gender inequalities and harmful norms. Gender-based violence includes acts that inflict physical, sexual or mental harm or suffering, threats of such acts, coercion and other deprivations of liberty.⁵ It has detrimental and long-lasting consequences on the well-being, health and safety of survivors, affects their educational outcomes, and impacts on the productivity and development of countries of origin, transit and destination. It constitutes a severe human rights violation rooted in harmful gender norms and discriminatory cultural beliefs and attitudes that perpetuate

inequalities between women and men. For migrant women and girls, the lack of safe and regular migration pathways increases the risk of gender-based violence. This is exacerbated by inadequate access to services and information, including on rights, as well as language barriers and limited or no access to decent work and educational opportunities.

While men and boys also experience gender-based violence at all stages of migration, this policy brief seeks to draw on available data, studies and programmes to shed light on the experiences of migrant women and girls who continue to be disproportionately affected by all forms of gender-based violence. While it is understood that migrants who identify as LGBTIQ+⁶ face compounded rates of discrimination and risks of gender-based violence, data continue to be lacking on this issue and it will not be explored in this paper.

This policy brief concludes with a set of concrete recommendations for stakeholders to tackle the pervasive human rights violation of gender-based violence.

Gender-based violence at all stages of migration

Women and girls are likely to experience a continuum of gender-based violence at all stages of migration, from bullying and verbal, physical and psychological abuse to sexual violence. Incidences of violence often take place not once but multiple times, along the route in the country of origin, while in transit, on arrival in the country of destination and upon return. Along certain migration routes, the risk of gender-based violence is particularly high. For instance, in one study conducted with migrants who had travelled along the Mediterranean route from Northern Africa to Italy, it was estimated that 90 per cent of the women and girls who participated in the study were raped at some point during their journeys.⁷ In addition, some migrant women, particularly those who are using irregular channels, face increased risk of becoming victims of trafficking in persons, especially for the purpose of sexual exploitation, as well as labour exploitation and domestic servitude.

The threat or experience of gender-based violence can be a factor compelling women and girls to migrate. In the Horn of Africa, for example, women and girls migrate to escape gender-based violence and other harmful practices such as female genital mutilation and child marriage.⁸ In some instances, women's decision to migrate can lead to increased risks of violence from parents or guardians, intimate partners or community members that do not agree with their decision.⁹

Migration policies and laws often reproduce or reinforce gender inequalities. Gender-specific restrictions and bans, including those that aim to protect women and girls from risks of exploitation and abuse, may result in further limiting women's and girls' opportunities to access regular migration channels, thereby increasing their risk of gender-based violence along irregular and riskier routes. Gender-based violence is committed by a variety of actors including smugglers, human traffickers, authorities (i.e. police and border guards), intimate partners or other migrants. Smugglers are key perpetrators of violence against migrant women and girls worldwide; a survey of nearly 2,000 respondents who experienced or witnessed gender-based violence revealed that along the East and Horn of Africa migration corridor, smugglers were responsible for 90 per cent of such incidents.¹⁰ Often using 'go now, pay later' schemes, smugglers charge exorbitant fees for migrants to continue their journey, often resulting in debt bondage and increasing migrant women's risk of forced labour, sexual exploitation, including forced prostitution, and survival sex, i.e. providing sex as 'payment' for safe passage.¹¹

Aware of the high risk of gender-based violence, many migrant women take precautions as a way to prevent unwanted pregnancy in cases of rape. For Eritrean women transiting through Libya on their way to southern Europe, it was reported that such precautions not only included taking injectable contraceptives, but also in some cases travelling while pregnant or with younger children in an effort to prevent the risk of experiencing violence. However, it is unknown whether this increased the risk to the children with whom they were travelling. Furthermore, many married women migrating through North Africa do so separately from their husbands, as they are aware that if their husbands attempted to intervene if they were being assaulted, they would likely be killed.¹²

In countries of transit or destination, migrant women, especially those who are undocumented, often lack access to decent work and social protection. They are therefore more likely to accept deplorable working conditions, with many working in the informal economy with limited or no labour protection, exacerbating their risk of gender-based violence, abuse and exploitation in the workplace.¹³ Migrant women are less likely to report cases of gender-based violence for fear of losing their job, partner or residency status.¹⁴ For example, in the United States, low-paid migrant farm workers and janitors are often subjected to sexual harassment and sexual assault by their supervisors, which they tend not to report for fear of repercussions.¹⁵



Photo: UN Women / Ryan Brown

Migrant women whose residency status is dependent on their partners are at high risk of intimate partner violence and domestic violence, and do not report such incidences for fear of deportation.¹⁶ Furthermore, sponsorship systems, such as the Kafala system found in the Gulf Cooperation Council countries, place migrant women in situations of heightened vulnerability, as they cannot freely enter or leave the country or resign from or change employment, forcing them to endure violence and harassment.¹⁷

In addition, migrant women who are victims of trafficking may not report their situation of exploitation due to fear for their personal safety and of reprisals from traffickers, as well as due to the fear of being treated by state authorities as criminals or offenders.¹⁸ Rather than respecting the safety and rights of trafficking victims, authorities often use the threat of criminal and administrative charges, including deportation, in order to get them to coercively assist in investigations.¹⁹

Impacts of COVID-19: the 'shadow pandemic for women already in the shadows'

The COVID-19 pandemic has exacerbated women's risk of gender-based violence at all stages of migration,²⁰ particularly those with irregular migration status or those who are sexual and gender minorities, who are least likely to report violence due to discrimination or fear of arrest or deportation. For instance, a recent survey carried out in Tunisia by the Mixed Migration Monitoring Mechanism Initiative found that of the 766 women interviewed, 61 per cent reported an increased risk of domestic violence and 42 per cent reported an increased risk of sexual exploitation due to the measures put in place to contain COVID-19.²¹

During the pandemic, women migrant workers who remained in employment were at greater risk of workplace violence and harassment, while lockdown measures increased isolation and reduced the ability for migrant women to leave abusive work conditions.²² With many countries partially or fully closing their borders, such restrictions led many migrant women and girls to look for alternative, more dangerous migration routes, making them vulnerable to trafficking in persons.²³

Migrant women who return to their countries of origin as a result of COVID-19 are also vulnerable to abuse on their return journeys, including in quarantine facilities, and may suffer from discrimination, stigma and violence, as they are perceived to spread COVID-19.²⁴

COVID-19 AND VIOLENCE AGAINST WOMEN: THE EVIDENCE BEHIND THE TALK

In 2021, UN Women, in partnership with UNFPA and Quilt. AI, undertook a study on online search behaviour on violence against women during the COVID-19 pandemic, using 'big data', "*COVID-19 and Violence Against Women: The evidence behind the talk*." The study identified trends from data generated from discourse across social media platforms and search engines and highlighted that while migrant women are suffering from violence, barriers to accessing help may be deterring them from searching for it: almost 80 per cent of searches in migrant-dense neighbourhoods (both men and women) in three destination countries (Malaysia, Singapore and Thailand) were related to mental health – highlighting an increase in feelings of stress, depression, fear, anxiety and loneliness among migrant populations. Of these, an estimated 20 per cent were classified as help-seeking searches.²⁵ At the same time, there have been significant disruptions in the provision of essential services for the prevention and treatment of gender-based violence owing to containment measures as well as redirection of funds, staff and spaces to respond to the COVID-19 crisis, making it even more difficult for migrant women to seek support.²⁶

From evidence to action: addressing gender-based violence against migrant women

Cognizant that violence can be both a driver as well as a risk factor at all stages of migration, migration governance needs to contribute to reducing the risks to violence and ensure the provision of quality and survivor-centred essential services. Increasing options and pathways for regular migration which uphold the principle of equality and non-discrimination can help to reduce the prevalence of violence against migrant women and girls. Regular and gender-responsive migration pathways enable women and girls to migrate safely, ensuring better protection of their human rights and can facilitate access to decent work, social protection and public services, as well as education and vocational training. Providing equality of access to safe and regular migration pathways can also help to eliminate the need for irregular migration, including the use of smugglers, as well as to prevent exploitation linked to unscrupulous brokers and intermediaries and reduce exposure to gender-based violence, including trafficking in persons.²⁷



Photo: UN Women / Younghwa Choi

In addition to increasing options for regular migration, developing and strengthening policies, programmes and services which are gender-responsive and evidence-based, can play a critical role in reducing—with the aim to eliminate—violence against migrant women and improve service provision to survivors. In order to do so, it is critical to collect, analyse and disseminate data on migrant women's experiences of violence. However, there are several key limitations of current data collection on violence against migrant women:

1. The sensitive nature of violence against women and girls poses a number of methodological and ethical challenges. Addressing these challenges requires paying attention to the safety of both respondents and interviewers, providing support to women disclosing incidents of violence, and carefully designing surveys and data collection, including comprehensive training of interviewers. International protocols are available to mitigate these challenges, but political will and technical and financial capacity are also required.
2. Data collection instruments on gender-based violence, where they exist, are often designed to assess prevalence at an aggregate level, with sampling methodology that cannot easily accommodate extensive subgroup analysis, including on migrant women.
3. Migrant women in vulnerable situations—such as live-in domestic workers, migrants in transit and other migrant workers in the informal economy—may be more at risk of gender-based violence but are often isolated and difficult to reach for data collection purposes.
4. Migrant women must feel comfortable disclosing sensitive information during data collection, which is challenging given the social stigma and shame attached to gender-based violence in many countries.
5. There is a lack of standardization in GBV terminology, data collection tools and incident classification, and a lack of uniformity in how and what data are collected across governments, international organizations and civil society organizations, making comparisons and summaries challenging.

It is also vital that information about the risks of gender-based violence and advice on how to access support are provided as part of pre-departure trainings, at key points along the journey and on arrival in countries of destination. Gender-responsive communication campaigns that are based on evidence, human rights and a clear understanding of risk factors are critical in this regard. A key role in information dissemination is played by peer networks and civil society organizations, which need to be equipped with relevant and verified information and with the capacity to reach out to communities, including through social media. Migrant women and girls who are survivors of gender-based violence need to be given information in relevant languages on essential services and referral pathways. Officials, including border and law enforcement personnel, need to be trained to identify and assist women in a survivor-centred manner.²⁸

From evidence to action: ensuring availability of essential services for migrant women

Access to coordinated essential services at all stages of migration –from justice and police to social services and health services– is critical for survivors of gender-based violence.²⁹ Essential services need to be made available and accessible to migrant women and girls, irrespective of their migration status, and should be provided in a gender-responsive and culturally and linguistically appropriate manner, while providing for the needs of persons with disabilities. Essential services should be furthermore offered on a variety of days, at different times, and in various locations, including virtually via helplines and apps, to make it easier for migrant women to take up service delivery. Services should prioritize the safety and security of migrant women who have experienced gender-based violence, and information about service provision should never be passed on to immigration enforcement actors.

Coordinated national and transnational systems are critical to ensure that all sectors and service providers have clarity about their roles and responsibilities through agreed protocols and standards. This can improve responses to violence and is more efficient than individual agencies working in isolation.³⁰ It is vital that national and local GBV standard operating procedures and referral pathways identify migrant women and girls as being at higher risk of gender-based violence, and outline how to provide tailored services to them. For example, in 2020, the Indonesian Ministry of Women's Empowerment and Child Protection launched Guidelines on the Protection of Women Migrant Workers during COVID-19 and a Protocol for Handling Gender-Based Violence and Trafficking during COVID-19.³¹ Together these documents established standard operating procedures to ensure the availability of comprehensive GBV services to women in Indonesia and abroad during COVID-19. The protocol offers a list of contact details of all available GBV service providers to ensure timely case management throughout the pandemic.³²

All service providers should be trained on how to respond appropriately to migrant women who have experienced violence, and ensure services are provided without discrimination. They should understand the reluctance of migrant women and girls to access services due to fears around arrest and deportation.³³ It is also critical that border officials have the capacity, skills and knowledge on how to identify victims and survivors of gender-based violence in a survivor-centred and gender-responsive manner and refer them to essential services.



Photo: UN Women / Felipe Abreu

To strengthen the coordination of essential services for migrant women and the governance of coordination processes and mechanisms, linkages should be promoted internationally, through regional, multilateral and/or bilateral agreements and mechanisms, or bilateral social protection agreements that include a specific response to violence against women migrant workers. Embassies should work together to ensure that essential services are available and are coordinated both in the country of destination and upon return to the country of origin. Since 2019, the Socialist Republic of Viet Nam,³⁴ for instance, has been regularly equipping embassy and consular departments officials with knowledge on gender-based violence, labour migration and trafficking and on their role in responding to violence, including trafficking, through direct service provision and referral.³⁵ Linkages should also be established between the sectors working on anti-trafficking, migration and ending violence against women, to ensure that essential services are available, accessible and coordinated.³⁶

Access to essential services continues to be a challenge in many countries as women face structural and systemic discrimination, and multiple barriers prevent them from seeking help through both formal and informal channels.³⁷ Language barriers and a lack of full and clear information on where to seek help, as well as a lack of required documentation, such as proof of residency, can affect service access, particularly in countries where being undocumented can lead to arrest and deportation. In response to these challenges, several countries are developing or strengthening existing policies to provide pathways to residency for migrants who are survivors of violence, including those who are undocumented. In the European Union, such permits are offered in France, Greece, Italy, the Netherlands and Spain; the Netherlands has one of the highest rates of granting independent residency permits to survivors of domestic violence who were initially residing under the permit of a partner or spouse.³⁸

Recommendations

In order to reduce the risks of gender-based violence and improve the provision and coordination of essential services at all stages of migration, the following recommendations are proposed:

DEVELOP AND IMPLEMENT TARGETED LAWS AND POLICIES

- ✓ Ratify and implement international and regional instruments relevant to addressing gender-based violence against migrant women, including women migrant workers.
- ✓ Review, amend and synchronize existing policies on migration, labour and the workplace, gender-based violence and trafficking to address the prevention and response to violence against migrant women, in alignment with international and regional normative frameworks, and apply gender-responsive budgeting to ensure sufficient resources for their implementation.
- ✓ Expand pathways for admission and stay for migrant women and girls and LGBTIQ+ migrants who are at risk or survivors of gender-based violence.
- ✓ Provide residency permits for victims and survivors of domestic violence and intimate partner violence that allow migrants to leave their partners without losing a family residency permit or custody of their children.
- ✓ Promote multi-stakeholder dialogues among actors that work on migration, gender equality, labour, gender-based violence and trafficking, including migrant women and their organizations, to develop coordinated strategies and action plans for preventing and responding to gender-based violence.

STRENGTHEN THE PROVISION OF ESSENTIAL SERVICES

- ✓ Ensure access to coordinated quality essential services for survivors of gender-based violence, irrespective of migration status, delivered in a manner that is disability – and culturally sensitive to ensure that all survivors are treated with due process and dignity.
- ✓ Ensure access to reliable information on GBV services for survivors, families and communities in countries of origin, transit and destination in the relevant language(s) of the migrant population(s).
- ✓ Ensure that national and local GBV standard operating procedures and referral pathways identify migrant women and LGBTIQ+ migrants as particularly at risk of gender-based violence.
- ✓ Provide gender-responsive training and capacity-building to health, justice and social service providers on the specific needs of migrant women and girls, and to border officials and law enforcement professionals on how to identify and assist migrant women survivors of violence, including through referrals.
- ✓ Strengthen the governance and coordination of essential services through regional, multilateral and/or bilateral labour or social protection agreements that address violence against women migrant workers.
- ✓ Foster cross-border linkages with embassies and consular offices and civil society organizations to ensure that essential services are available and coordinated.
- ✓ Separate immigration enforcement activities from the provision of essential services.

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