

ISSN 2785-5228



**EUWEB**

**EU-WESTERN BALKANS**

Cooperation on Justice and Home Affairs



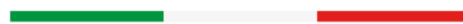
**EUWEB Legal Essays**  
Global & International Perspectives  
Issue 1/2024

EDITORIALE  
SCIENTIFICA

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[www.euweb.org](http://www.euweb.org)  
Editoriale Scientifica, Via San Biagio dei Librai, 39 – Napoli  
Registrazione presso il Tribunale di Nocera Inferiore n° 5 del 23 marzo 2022  
ISSN 2785-5228

Index  
2024, No. 1  
MONOGRAPHIC ISSUE  
*“Promoting Cooperation for the Protection of Migrants’ Rights and the Fight Against  
Transnational Crimes”*

**PREFACE**

**Ana Nikodinovska Krstevska, Teresa Russo** 7

**ESSAYS**

**Olga Koshevaliska, Ernis Isamatov**  
*Unravelling the Impact of Xenophobia and Hate Crimes on the Human Rights of  
Migrants and Asylum Seekers* 10

**Elena Maksimova**  
*Cooperation for the Protection of the Rights of Female Migrants: Prevention of  
Gender-Based Violence During Migration* 19

**Eugenio Zaniboni, Paolo Cestra**  
*International and European Police Cooperation Against Trafficking of Stolen  
Vehicles* 35

**CONFERENCE SPEECHES**

*“Promoting Public Awareness of the Fight Against Transnational Crimes, the Role of  
Police and Judicial Cooperation and Respect for Fundamental Rights”*, Faculty of Law,  
University of Donja Gorica (UDG, Podgorica, Montenegro), 20 June 2023

**Teresa Russo**  
*The Evolution of European Criminal Competence in the Fight Against  
Transnational Crime* 53

**Johann Wagner**  
*Criminalistics and Criminal Justice Aspects of Proving and Solving Criminal  
Offences* 65

**Jelena Đurišić**  
*Organised Criminality* 77

**Jelena Đaletić**  
*Montenegro and the Eurojust* 80

**Ognjen Mitrović**  
*International Judicial Cooperation in Criminal Matters in Montenegro* 82

**Nikola B. Šaranović**

<i>Free Movement of Crime</i>	85
<b>Mladen Vukčević</b> <i>Respect for Human Rights and the Concept of Transnational Organised Crime (Challenges in the Rule-of-Law Field)</i>	87
<b>Milorad Marković</b> <i>Searching for a Just Balance</i>	95

# COOPERATION FOR THE PROTECTION OF THE RIGHTS OF FEMALE MIGRANTS: PREVENTION OF GENDER-BASED VIOLENCE DURING MIGRATION

by *Elena Maksimova*\*

SUMMARY: 1. Introduction. – 2. Terms and Methodology. – 3. The Feminization of Migration and Gender-Based Violence. – 4. Risk Factors for Gender-Based violence Towards Female Migrants. – 5. Types of Gender-Based Violence that Migrant Women Suffer. – 6. Cooperation for Protection. – 6.1 Basic Steps in Join Protection. – 6.2 Relevant European Legal Framework. 7 – Instead of a Conclusion – Example of Good Practice.

## 1. Introduction

Men and women migrate for similar reasons, such as the desire to receive a better education, to find work, to improve the quality of life for themselves and their families, and to reunite with family members. Migration can also be caused by duress, such as the need to flee conflict and persecution, or economic precariousness. Regardless of the reason, in percentage terms women migrate almost as much as men, from certain areas of the world even more. Statistics from mid 2020 shows us that “feminization of migration” is even higher than we assume, from Northern America 51.8% of total migration is done by women, Europe – 51.6%, Oceania – 50.5%. From other areas of the world that percentage is a bit lower than that of men, but it does not go beneath 40% of total migration<sup>1</sup>. In total, for 2020, 48% of total international migration worldwide was women and girls. The earlier conclusions about the dependent and accessory role of women during migration from a male companion, very quickly proved to be outdated, and women migrate much more often and independently in today’s conditions.

However, their migration is not without gender challenges. The gender-based violence suffered by every third woman in the world<sup>2</sup> has not gone away and the migrant woman, moreover, increases the danger of victimization.

*“Violence against women, is one of the most serious forms of gender-based violations of human rights in Europe that is still shrouded in silence. One-fifth to one-quarter of all women have experienced physical violence at least once during their adult lives and more than one-tenth have suffered sexual violence involving the use of force. Figures for all forms of violence, including stalking, are as high as 45%. The majority of such violent*

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### DOUBLE BLIND PEER REVIEWED ARTICLE

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<sup>1</sup> United Nation Department of Economics and Social Affairs, *Population Division (2020), International Migration Stock*, 2020.

<sup>2</sup> T. KENDALL, *A Synthesis of Evidence on the Collection and Use of Administrative Data on Violence against Women: Background Paper for the Development of Global Guidance*, New York, 2020, p. 9. Cfr. G. ABEL, *Gender and Migration Data*, in *KNOMAD Paper Series*, 2022, No. 44; J. HENNEBRY, K. WILLIAMS, *Gender and Migration Data: A Guide for Evidence-Based, Gender Responsive Migration Governance*, Geneva, 2021; IOM and McKinsey & Company, *More than Numbers: How Migration Data Can Deliver Real-Life Benefits for Migrants and Governments*, Geneva, 2018; N. PIPER, *Gender and Migration*, Paper prepared for the Policy Analysis and Research Programme of the Global Commission on International Migration, Geneva, 2005.

*acts are carried out by men in their immediate social environment, most often by partners and ex-partners*<sup>3</sup>.

Violence against women (VAW) is 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. VAW encompasses but is not limited to physical, sexual and psychological violence occurring within the family sphere, in the general community and violence perpetrated or condoned by governments<sup>4</sup>. The main forms of violence against women and girls are: intimate-partner violence - sexual violence including rape, physical domestic violence, femicide, human trafficking, female genital mutilation, child – early and forced marriage, forced abortion and forced sterilisation, sexual harassment<sup>5</sup>, online or technology-facilitated violence<sup>6</sup>, etc.

Migrants, in themselves, are a particularly vulnerable category and may be found in vulnerable situations, that force them to leave their country of origin in the first place, but also due to the circumstances in which they travel and the people they are travelling with, the conditions they face upon arrival, or personal characteristics such as their age, gender, identity, race, disability, or health issues<sup>7</sup>. Accordingly, being a woman within migration flows is particularly challenging. The risks of possible victimization are severalfold – both from the point of view of a migrant's position, and from the perspective of gender. 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.

This paper therefore sheds light on this marginalized group – migrant women and girls who have heightened chances of facing gender-based violence. We will make an overview of all forms and ways in which women and girls within the framework of migration flows can and do suffer violence, tackling which human rights are violated, and which are the ways for joint protection and cooperation for the protection of the rights of female migrants from gender-based violence. We do not direct our analysis only to the country of destination, where female individuals face with labour exploitation as the most common form of violence against woman. On the contrary, we direct the primary focus on possible gender-based violence and female's vulnerability during their migration journey. Meanwhile we are retaining and emphasizing the good practices in this direction,

<sup>3</sup> Council of Europe, *Council of Europe Treaty Series – No. 210, Explanatory Report to the Council of Europe Convention on preventing and combating violence against woman and domestic violence*, 2011.

<sup>4</sup> UN General Assembly 1993, arts. 1-2. See. M. VAN REISEN, M. MAWERE, K. SMITS, M. WIRTZ (eds.), *Enslaved, Trapped and Trafficked in Digital Black Holes*, 2023.

<sup>5</sup> Council of Europe, *Convention on preventing and combating violence against women and domestic violence*, 2011. The ECtHR accepts that different legislative solutions can provide adequate legal protection against domestic violence in the sphere of criminal law as long as these mechanisms are effective. In other words, the ECtHR jurisprudence indirectly produces the harmonization effect within the Council of Europe's Member States, even in the case of countries that have not yet ratified the Istanbul Convention. European Court of Human Rights, Judgment of 16 July 2013, Application no. 74839/10, *Mudric v. the Republic of Moldova*, para. 48; European Court of Human Rights, Judgment of 30 October 2012, Application no. 43994/05, *E.M. v. Romania*, para. 62; European Court of Human Rights, Judgment of 28 May 2013, Application no. 3564/11, *Eremia v. the Republic of Moldova*, para 56; European Court of Human Rights, Judgment of 26 March 2013, Application no. 33234/07, *Valiulienė v. Lithuania*, para 7. For a comment, see M. BOSAK, M. MUNIVRANA VAJDA, *The Reality Behind the Istanbul Convention: Shattering Conservative Delusions*, in *Women's Studies International Forum*. Vol. 74, 2019, pp. 77-83.

<sup>6</sup> UN Women, *FAQs: Types of Violence Against Women and Girls*, <https://www.unwomen.org/en/what-we-do/ending-violence-against-women/faqs/types-of-violence>.

<sup>7</sup> United Nation Human Rights Office of the High Commissioner and Global Migration Group, *Principles and Guidelines on the Human Rights Protection of Migrants in Vulnerable Situation*, 2018.



we are analyzing the newest acts that are brought by international stakeholders in order to prevent and suppress this kind of *actus reus*, but also, pointing out the shortcomings on a global and European level that must be overcome.

## 2. Terms and Methodology

The International Organization of Migration refers to the term “migrant” as “*an umbrella term, not defined under international law, reflecting the common lay understanding of a person who moves away from his or her place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons. The term includes a number of well-defined legal categories of people, such as migrant workers; persons whose particular types of movements are legally defined, such as smuggled migrants; as well as those whose status or means of movement are not specifically defined under international law, such as international students*”<sup>8</sup>.

Amnesty International also says that the term migrant has no internationally accepted definition, but also stress that “*just because migrants do not flee persecution, they are still entitled to have all their human rights protected and respected, regardless of the status they have in the country they moved to*”<sup>9</sup>.

In this area there are plenty of international documents that support and protect migrants’ human rights, like the 1948 Universal Declaration of Human Rights, the 1951 UN Refugee Convention, the 1990 Migrant Workers Convention, etc. Below in the text we will analyse the ones that are in the direction of protecting women and girls’ migrants from gender-based violence.

*Gender-based violence* (GBV) is an umbrella term for any harmful act that is perpetrated against a person’s will and is based on socially ascribed (*i.e.*, gender) differences between males and females. It includes acts that inflict physical, sexual, or mental harm or suffering, threats of such acts, coercion, and denial of resources, opportunities or services, forced marriage and other deprivations of liberty. These acts can occur in public or in private<sup>10</sup>. Gender-based violence can affect anybody but is often used in the same context as violence against women and girls, as a most common victim and refers to the female’s subordinate status in society and their increased vulnerability to violence. Acts of this kind of violence are mostly illegal and also criminal and violate a basic universal human right.

In terms of methodology, we emphasize that this paper is aimed at a criminological analysis of the phenomenon with a focus on joint cooperation for prevention. It mainly consists of desk research, and a review of the relevant legislation and policy documents. This is in the direction of the phenomenological processing of gender-based violence against a specific and vulnerable category – migrant women and girls. In order to point out relevant data to support the cruciality of the issue and the need for its emphasis and permanent monitoring, we will use the presentation of established statistical indicators,

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<sup>8</sup> International Organization of Migration, *Glossary of Migration*, IML Series No. 34, 2019, p. 134.

<sup>9</sup> Amnesty International, *Refugees, Asylum Seekers and Migrants*, <https://www.amnesty.org/en/what-we-do/refugees-asylum-seekers-and-migrants/>.

<sup>10</sup> Inter-Agency Standing Committee, *Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action: Reducing Risk, Promoting Resilience and Aiding Recovery*, 2015, p. 5. On the ways to effectively combat the phenomenon, see T. ZINIAKOVA, *Gender-Based Violence in International Human Rights Law: Evolution Towards a Binding Post-Binary Framework*, in *William & Mary Journal of Race, Gender, and Social Justice*, No. 3, 2021, pp. 709-762; E. STORKEY, *Scars Across Humanity. Understanding and Overcoming Violence Against Women*, 2018; R. MANJOO, *The Continuum of Violence Against Women and the Challenges of Effective Redress*, in *International Human Rights Law Review*, No. 1, 2012, p. 1 ff.

their analysis and data processing. To study the overall crime, a whole range of methods is applied, each of which in its own way, points to some criminological factor and helps to better explain the causes and consequences of its occurrence. The historical, comparative, case study, sociological, analytical, dialectical and empirical-analytical, are just a part of the ways in which different researchers start to explain criminological phenomena. However, even in the search for a good interdisciplinary concept, there is a danger of establishing one-sided or hasty claims, if an uncritical determination of a concept that is not based on a theoretical interpretation is taken into account. Therefore, describing and theoretically explaining criminality in general is a basic method that should include a conceptual definition, basic features and structure, a descriptive perception of the phenomenon, a quantitative and qualitative description of specific criminality, etc. We get such descriptive revelations best by using the historical and comparative method. A reference to the etiology of the problem is inevitable, that is, an analysis of the causes and consequences of such behaviors, especially on the part of the victim. Reasons that are some of the forms of gender-based violence that were a trigger for migration or that appeared as a consequence of migration itself. In such an analysis of the etiology, a brief review of the victimization component is inevitable, especially the process of victimization of women and girls in gender-based violence. The global nature of the problem imposes on us the need for a global approach, so we go beyond the analysis of national legislation in order to consider international and European instruments aimed at the prevention of violence against women and girls and connect the norms with real needs.

### 3. The Feminization of Migration and Gender-Based Violence

The gender structure of migrants has changed significantly in the last few decades. For a long time, women were only seen as someone who accompanies men in the migration process, mostly as family member – spouses<sup>11</sup>. Although some emphasize this fact as the non-existence of a real increase in the number of women within the migration flows, because women have always been present in one way or another, or that the statistical data of a slight increase (from 46-48, 49% until 2020) are based on the increased number of the population in general<sup>12</sup>, we strongly stress that this term does not refer only to the numerical share of the female population in migration. This term is often linked to the “feminization of poverty”, meaning that the (large) number of women who migrate is due to their strategy to deal with poverty and powerlessness in their place of origin. The type of poverty in question is structural, meaning that women are systematically impoverished, and it includes low education and a lack of skills that keeps many migrant women workers trapped in jobs that are simply domestic work extensions<sup>13</sup>.

We can say that this term “feminization of migration” is much more than just quantitative analysis. Indeed, it means that the total migration has suffered a quantitative change, meaning that the total female participation in migration has increased over the

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<sup>11</sup> D. DELAET, *Introduction: The Invisibility of Woman in Scholarship on International Migration*, in G. KELSON, D. DEALER (eds.), *Gender and Immigration*, New York, 1999, pp. 1-17.

<sup>12</sup> D. TITTENSOR, F. MANSOURI, *The Feminisation of Migration? A Critical Overview*, in D. TITTENSOR, F. MANSOURI (eds.), *The Politics of Woman and Migration in the Global South*, London, 2017, pp. 11-25. Cfr. A.R. CALABRÒ, *Quaderno n°5. Master “Genere, immigrazione, modelli familiari e strategie di integrazione*, Milan, 2016.

<sup>13</sup> J. HAYYUNING PRASTIWI, *Feminization of Migration: Redistribution of Village Government Powers and Resources to Protect Women Migrant Workers*, in *Jurnal Ilmu Administrasi Publik*, Vol. 8, No. 1, 2023, pp. 53-70.

years, but it also refers to the qualitative changes that have been made to the migration flows<sup>14</sup>. Females in total are moving more individually than before and are not depending on male companions. They are even pioneers nowadays in some migrations and are the main providers for their transnational families. UN analysis says that the average remittance amount for migrant women is the same as or even greater than that of migrant men in some of the countries like Burkina Faso, Kenya, and Nigeria for domestic remittances and Uganda and Nepal for international remittances, and that women from these countries on average earn less than men, so their higher average remittance amounts suggest that women who do remit are sending home a larger portion of their earnings than men<sup>15</sup>. The survey is conducted in 11 countries, for several of them, the average remittance amount for migrant women is the same as or even greater than that of migrant men. They conclude that migrant women generally earn less than migrant men, so this means they are remitting a greater proportion of their wages than men. Also, regarding the topic, migrant worker occupations continue to be divided along traditional gender lines, *i.e.*, men working in construction and landscaping, and women in the care and domestic work sectors. And when it comes to internal migrations, for the 11 sample countries, women account for a larger proportion than men<sup>16</sup>.

At mid-year 2020, female migrants comprised somewhat less than half, 135 million or 48.1% of the global<sup>17</sup>. The share of female migrants has declined from 49.4% at mid-year 2000 to 48.1% at mid-year 2020, whereas the proportion of male migrants grew from 50.6% at mid-year 2000 to 51.9% at mid-year 2020. But gender distribution differs on different continents. Data from mid-2020 shows that female participation in total migration in North America is 51,8% of the total, in Europe it is 51,6%, and in Oceania it is 50.5%. Asia (41.8 %), Latin America (49.5 %), and Africa (47.1 %) have lower female participation in total migration<sup>18</sup>. So, the higher the number of females that are in the migration process, unfortunately, the higher would be the number of women and girls who face dangerous migration pathways. Female migrants, as we said before, are facing increased vulnerability to GBV, as a result not only of the intersecting and multiple forms of discrimination they face but also of structural and gender inequalities, including a lack of access to safe and regular migration pathways<sup>19</sup>. Internationally, every third of women have experienced sexual violence or *intimate partner violence* (IPV) at least once in their lifetime.<sup>20</sup>

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.<sup>21</sup> Data from 2021 shows us that one in five refugee or internally displaced women have faced sexual violence, and the situation continues to

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<sup>14</sup> G. POMBO, *Migrant Women and Gender Violence – Strategies and Perspectives for Interventions*, 2015, p. 86.

<sup>15</sup> UN Women, *Migrant Women & Remittances: Exploring the Data from Selected Countries*, 2020, p.4 <https://www.unwomen.org/en/digital-library/publications/2020/06/policy-brief-migrant-women-and-remittances-exploring-the-data-from-selected-countries>.

<sup>16</sup> *Ibidem*, p. 6.

<sup>17</sup> United Nation Department of Economic and Social Affairs, Population Division, *International Migrant Stock*, 2020 <https://www.un.org/development/desa/pd/content/international-migrant-stock>.

<sup>18</sup> *Ibidem*.

<sup>19</sup> UN Woman, *From Evidence to Action: Tackling Gender-Based Violence Against Migrant Women and Girls*, 2021, <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2021/Policy-brief-From-evidence-to-action-Tackling-GBV-against-migrant-women-and-girls-en.pdf>.

<sup>20</sup> World Health Organization, *Violence Against Women Prevalence Estimates*, 2018.

<sup>21</sup> UN Woman, *Guidance Note: Addressing the Impacts of the COVID-19 Pandemic on Women Migrant Workers*, 2020.

worsen globally<sup>22</sup>. One third of migrant and refugee women experience domestic violence and family violence<sup>23</sup>. Globally, less than 40% of women who experience violence seeking help of any sort or reporting the crimeless reported their case to the police<sup>24</sup>. In the circumstances that a female migrant is facing along the path, we can freely say that these percentages are even higher.

#### 4. Risk Factors for Gender-Based Violence Toward Female Migrant

A female migrant can experience prolonged gender-based violence at all stages of migration, from her starting point (country of origin), during the journey she takes and in transit, at the country of destination, and also upon return. From bullying – verbal, physical, and psychological abuse – to, most likely, sexual violence, which can take place not once but multiple times. Having unstable residency status in the transit or host countries, women and girls experience economic, social, and institutional barriers to seeking judicial redress and support. So, the lack of pathways for seeking protection from GBV without fear of consequences like deportation, detention, or ostracization from the community has a direct deterrent effect on female migrants' reporting of GBV experiences<sup>25</sup>. In fact, this is the main reason why we are facing a lack of relevant and accurate statistics on this problem and why it is not sufficiently popularised, even though it is more than known. In order to reduce the dark number and the number of cases in general, the necessary criminological analysis precedes us.

There can be plenty of reasons and risk factors for a woman or girl to become a victim of gender-based violence while in migration. We strongly believe that there are several factors that emphasise this risk and make the victimization even more likely to happen, like:

- travelling with smugglers;
- the rights of national legislation;
- long stays at the border crossing, roadsides, detention centres, or prison;
- lack of documentation;
- fear of deportation or identification and;
- economic hardship as a source of power imbalance.

*Travelling with smugglers* can be very dangerous for women or girls, especially if they are travelling without a companion. In transit, females who travel with smugglers tend to be exposed to heightened risks of GBV and transactional sex<sup>26</sup>. There is an UNODC study<sup>27</sup> that

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<sup>22</sup> UN News, *Violence Against Refugee Woman Surged in 2020, but Grassroots Solutions Can Help Tackle Scourge*, <https://news.un.org/en/story/2021/11/1106592>

<sup>23</sup> ABC News, *Study Shows Third of Migrant and Refugee Women Experienced Domestic and Family Violence*, 2021.

<sup>24</sup> P. MLAMBO-NGCUKA, UN WOMAN, *Violence Against Women and Girls: the Shadow Pandemic*, in *UN Women*, 2020, <https://www.unwomen.org/en/news/stories/2020/4/statement-ed-phumzile-violence-against-women-during-pandemic>.

<sup>25</sup> S.E. TAN, K. KUSCHMINDER, *Migrant Experiences of Sexual and Gender-Based Violence: A Critical Interpretative Synthesis*, in *Global Health*, Vol. 18, 2022, p. 68 ff.

<sup>26</sup> J. FREEDMAN, *Sexual and Gender-Based Violence Against Refugee Women: A Hidden Aspect of the Refugee Crisis*, 2016, pp.18-26.

<sup>27</sup> United Nation Office on Drugs and Crime, *Abused and Neglected: A Gender Perspective on Aggravated Migrant Smuggling Offences and Response*, 2021.

says that migrants who use smuggling networks to flee their home countries are often subjected to extreme violence, torture, rape, and kidnapping. Female migrants, on the other hand, seem to be exposed to a higher risk of aggravations, also due to the social pressure to care for other travellers (mostly sick migrants or children) while in transit. Different forms of sexual violence, sexual exploitation, rape, or assaults of women are omnipresent in all migration and smuggling routes and seem to affect almost exclusively women when they have a financial dimension (*i.e.*, sexual exploitation for financial gain). Women often face additional challenges to cope with the consequences of sexual abuse experienced during transit, consequences that indeed exacerbate the endangerment to their lives through a higher vulnerability to physical injuries, exposure, or a lack of adequate medical and health care<sup>28</sup>. Sexual violence is perpetrated as a form of retaliation (for alleged misconduct, the impossibility for migrants to pay the requested fees, etc.), intimidation or coercion, as a means of payment, or with no purpose besides demonstration of power, misogyny, racism, or sexual gratification. In many cases, it appears to have a financial dimension<sup>29</sup>. So, sexual violence can be used or imposed by the smuggler as a direct means of payment for specific services, like transportation, food or water, accommodation, or bribes to officials<sup>30</sup>, which qualifies as sexual abuse. Women are more exposed to sexual exploitation along the route, mainly because women can use sex as a currency to pay their smugglers or kidnappers and move on<sup>31</sup>.

*National legislation* can appear as a key risk factor for the victimization of women and girls by gender-based violence or as an obstacle to its detection, prevention, or reduction. Most often, the national legislation of the countries through which migrants transit creates inequalities for migrants and puts them in significantly more enviable positions than the rest of the population. Potential perpetrators often take advantage of the fact that fear of deportation or identification due to securitization policies makes migrants more vulnerable to victimization, increasing their vulnerability to sexual exploitation and violence. Fear of deportation with loss of employment, partner, or residential status is also a major barrier to receiving post-violence care<sup>32</sup>. The same fear can deter victims from reporting the crime, which in turn can mean prolonging the migrant's stay in a transit country for the sake of participating in a procedure that a female migrant can find to be non-beneficial. The reasons why national legislation can be a trigger for violence, or its non-prosecution, are diverse and extensive. That's why they must undergo changes, which, in this direction, will mean migrant-friendly procedures and legislation, adequate treatment of victims, and the possibility to report violence.

*Long stays at border crossings, roadsides, detention centres, or prisons* are a factor that we associate with the above-mentioned national legislation. National legislation and international policies can be created in such a way that they leave migrants, including women and girls, to spend a long time in transit centres, detention centres, on the open road, or at the border crossing itself (example with the European migrant crisis of 2015), which makes them particularly susceptible to all kinds of victimization. For women and girls, the danger of gender-based violence that can come from smugglers, other migrants, intimate partners, or the resident population in the country of transit increases even more.

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<sup>28</sup> *Ibidem*, p.77.

<sup>29</sup> *Ibidem*, p.43.

<sup>30</sup> "NG\_Imo\_K\_12" testimony from a Nigerian investigator UNODC Observatory on Smuggling of Migrants, interview conducted in Nigeria in 2019; United Nation Office on Drugs and Crime, *op. cit.*

<sup>31</sup> "G\_K\_01" testimony from an organization worker UNODC Observatory on Smuggling of Migrants, interview conducted in Nigeria in 2019; United Nation Office on Drugs and Crime, *op. cit.*

<sup>32</sup> S.E. TAN, K. KUSCHMINDER, *op. cit.*

*The lack of documentation* and/or financial means to travel in the desired manner contributes to and widens the power potential perpetrators hold over migrants. For female migrants, this reduces the ability to seek redress for any injustice and the inability to report on GBV experiences or to seek formal medical help without getting detection of irregular status or getting stigmatized which allows potential subjugation of the migrants. Travelling with little legal and/or financial means forms a reliance on the goodwill and discretion of those surrounding the migrants. Just as border guards may rely on their discretion to allow a migrant through, locals, smugglers, or even other migrants can report an irregular migrant over a small dispute. The reliance on others' discretion places migrants in a submissive position with little authority and control over their own trajectories. This widening disparity of power undeniably increases migrants' risk of GBV victimization<sup>33</sup>.

*Fear of deportation* by losing employment status, partner status, or residential status also posits a large barrier to receiving post-GBV care<sup>34</sup>. As we said before, fear of deportation or identification due to securitization policies can make migrants more vulnerable to GBV victimization, which is a threat that potential perpetrators can leverage.

*Economic hardship as a source of power imbalance*. Lack of income-generating activities or lack of the right to work create vulnerabilities when migrants of both sexes must resort to transactional sex as a survival strategy. Living in insecure housing such as tents or co-ed asylum facilities also increases the risk of GBV for female migrants<sup>35</sup>. GBV may also be used to maintain or express power in times of economic hardship; men's frustration over their inability to provide for the household and disruption of traditional gender roles when women enter the workforce to provide or when women are registered as head of households as beneficiaries may contribute to IPV and/or GBV perpetration<sup>36</sup>.

## 5. Types of Gender-Based Violence that Migrant Women Suffer

Gender-based violence is a violation of several human rights: the right to an identity, to personal development, to physical and mental health, including sexual and reproductive health, to work and have access to decent work and social protection, access to justice due to language barriers, and a lack of information about their rights and procedures (especially in transit countries). Trust in the police encroaches on the right to education, the right to property, and threatens the integrity and right to life. Tackling the question, we mentioned above that GBV towards the migrant woman can come at all stages and from a variety of actors, including smugglers, human traffickers, authorities (*i.e.*, police and border guards), intimate partners, and other migrants<sup>37</sup>. Having this as a starting point,

<sup>33</sup> *Ibidem*.

<sup>34</sup> C. ROBILARD, J. McLAUGHLIN, DC. COLE, B., VASILEVSKA, R., GENDRON, "Caught in the Same Webs"—Service Providers' Insights on Gender-Based and Structural Violence among Female Temporary Foreign Workers in Canada, in *Journal of International Migration and Integration*, Vol. 19, No. 1, 2018, pp. 583-606.

<sup>35</sup> V. DIGIDIKI, J. BHABHA, *Sexual Abuse and Exploitation of Unaccompanied Migrant Children in Greece: Identifying Risk Factors and Gaps in Services during the European Migration Crisis*, in *Children and Youth Services Review*, Vol. 92(C), 2018, pp. 114-121.

<sup>36</sup> S. AKHTER, K. KUSAKABE, *Gender-Based Violence among Documented Rohingya Refugees in Bangladesh*, in *Indian Journal of Gender Studies*. Vol. 21, No. 2, 2014, pp. 225-246.

<sup>37</sup> UN WOMAN, *From Evidence to Action: Tackling Gender-Based Violence Against Migrant Women and Girls*, 2021, <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2021/Policy-brief-From-evidence-to-action-Tackling-GBV-against-migrant-women-and-girls-en.pdf>.

we could make a phenomenological analysis about the prevalence and subtypes of GBV to which migrant women and girls are exposed during the entire trip.

According to the place where this violence is occurring, there can be GBV towards a female migrant in the country of origin, in the country where she is transiting, or in the destination country; violence doesn't stop once they reach their destination. Sometimes the violence is the main reason why they choose to migrate, and the irony is that they often encounter more violence at the route or the destination. Violence in the country of origin can come in all shapes and forms, on a macro-structural level (having war situations, economic and socio-cultural construction in the country, gender discrimination at the labour market, etc.). At the family level, it can mean having a situation of forced marriage, unwanted pregnancy, child marriage, prioritizing family's interests over female's... And on an individual level, it can mean that the female in the country has a prohibition or restriction on her right to migrate; restrictions or specific requirements on employment; no or low access to education and training. These are the main triggers that put the migrant woman in a position to flee or to opt to move.

Along the journey, danger can come from different sides. Refugee and migrant women and girls face specific challenges and protection risks in transit, including family separation, psychosocial stress and trauma, health complications, particularly for pregnant women, physical harm and injury, and risks of exploitation and gender-based violence. Women also often serve as the main caretakers for children and elderly family members, further deepening their need for protection and support<sup>38</sup>. During migration transit, the migrant population – and women in particular – are exposed to physical violence and sexual abuse by border control officials, authorities, and traffickers<sup>39</sup>. From the authorities, they can be exposed to double discrimination for being both women and foreigners. Migrant women who work as cross-border traders, for example, may be especially vulnerable to abuses by traffickers, criminals, and even the border authorities that are supposed to protect them<sup>40</sup>. Refugee camps are gendered on the basis of demographic and economic structures. Given the rapidly changing social, economic, and geographical structure, there is no sense of community, and this fragility surfaces every time a group arrives. In transit, 46% of women feel unsafe in camps<sup>41</sup>. Transit centres are mainly gender-mixed, which leaves women extremely vulnerable (many women said the poor lighting means that they are afraid of going to the toilet at night; multiple accounts explain that girls and women 'admitted to refusing food and water for multiple days in order to avoid using the latrines, which they perceive as unsafe and unsuitable). These also affect women's mental health, where more than 75% of women in camps have mental and physical health issues, which are linked to their living conditions. Many transit camps are designed in a way that can permit violence against women and girls<sup>42</sup>. Women choose not to report the rape or sexual assault mainly because of shame – female virginity, family's honour, fear of blame on the victim, risk that the woman and her family will be ostracised by their community, fear that reporting will delay their journey, or because the violence comes from someone that women live with<sup>43</sup>. The GBV in transit can come from

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<sup>38</sup> UN WOMAN, *Women Refugees and Migrants*, <https://eca.unwomen.org/en/news/in-focus/women-refugees-and-migrants-0>.

<sup>39</sup> G. POMBO, *op. cit.*, p.75.

<sup>40</sup> *Ibidem*, p. 81.

<sup>41</sup> AL JAZEERA, *RRDP: Women fear violence and rape in refugee camps*, 2017 <https://www.aljazeera.com/news/2017/01/rrdp-women-fear-violence-rape-refugee-camps-170123180556027.html>.

<sup>42</sup> S. CHAKRABARTI, *Of Women: In the Twenty-First Century*. London, 2017 p. 169.

<sup>43</sup> M.A. JESSEN, *Gender-Based Violence in Refugee Camps: Understanding and Addressing the Role of the Experiences of Refugees*, in *Inquiries Journal*, Vol. 11, No. 2, 2019.

intimate partners, family members, and other migrants in camps, as well as from smugglers or “coyotes” females are travelling with. In countries of destination, the migrant population may face obstacles to regularising their migration situation and accessing health, justice, education systems, etc. They might also suffer discriminatory situations from actions by the native population<sup>44</sup>.

To summarise, the subtypes of violence that female migrants can be faced with are diverse. In her country-of-origin females are usually triggered by domestic violence, intimate partner violence, child or forced marriage, genital mutilation, etc. During the path towards the country of destination, she often faces trafficking, sexual harassment, rape and sexual assault, violence from the media, and so on. And finally, in the country of destination, she is mostly victimised by labour exploitation but also sexual harassment, assault, and domestic violence that could continue to occur<sup>45</sup>.

## 6. Cooperation for Protection

### 6.1 Basic Steps in Joint Protection

The best way to protect migrant women from gender-based violence is through a joint and unified approach that would instil security among migrant women at all stages of migration and in all areas. Such an ideal situation is tantamount to utopia, but steps towards approval must be taken to bring the system closer to migrants and provide equal opportunities for accessing assistance that will not be to their detriment.

IOM’s recommended guidelines for designing intervention strategies for intervention in gender-based violence, especially directed at migrant women, during different stages are organizing work teams, raising awareness and promoting rights, providing direct assistance and intervention, and monitoring and evaluation<sup>46</sup>.

*Organization of the interstate team’s work* is crucial. The team’s involvement mainly means building and maintaining spaces for team meetings and internal and external monitoring, bringing together different teams working on similar issues, as they facilitate an exchange of experiences, resources, and knowledge and also prevent isolation, helplessness, and exhaustion amongst the team members, rather than having protocols for action that frame, guide, and facilitate the task. Furthermore, undergoing service training that strengthens teams’ knowledge and experiences in relation to migration, from a gender perspective, and improves their interventions, knowing the institutions that intervene in the assistance circuits for women in situations of violence according to the access migrant women have or might have to them. Also, establishing articulations with the institutions involved, systematizing practices for intervention, and valuing them as essential input for producing knowledge in the field of gender-based violence, participating in advocacy spaces that promote migrant women’s rights, etc. This can also mean interstate dialogue and bilateral, regional, interregional, and international cooperation, including through bodies such as ASEAN and SAARC and through consultative processes such as the Colombo Process and the Global Forum on Migration and Development, which have

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<sup>44</sup> G. POMBO, *op. cit.*, p.75.

<sup>45</sup> L. INKA (ed.), *Handbook on Counselling Asylum Seeking and Refugee Women Victims of Gender-Based Violence, Helping Her to Reclaim Her Story*, Helsinki, 2019.

<sup>46</sup> G. POMBO, *op. cit.*, p. 61.



yielded important cross-country learning and commitments to improve the rights and experiences of women<sup>47</sup>.

*Awareness-raising* strategy and promotion of migrant women's rights means developing a campaign that can be addressed to all migrant women or to some population in the role of migrant, but also some of the campaigns need to be addressed to the people who are working in institutions that are providing assistance to female migrants and to society as a whole (awareness-raising). For example, UN Women has a call for help in order to bust the myths about women and girls on the move, with tweets and posts that anyone can use to move the conversation forward and raise awareness about the rights and needs of women refugees and migrants using the hashtag #UN4RefugeesMigrants<sup>48</sup>.

*Strategies for assistance and direct attention in situations of violence* need to include informing female migrant about their rights as a migrant, considering the impact of migration on everyday conditions of women in situations of violence, and advising on the implications and rights related to legal proceedings. Regarding the fact that this journey is often bumpy for female migrant, especially for victimised ones, this means providing specific information on the scope of making a legal complaint in violent episodes and advising on any legal measures to be taken or that could be taken in the situation of violence experienced by each woman. It also includes designing guidance and support strategies for women who are passing through institutions for ensuring social rights, establishing articulations between governmental institutions and civil society organizations connected to the promotion of migrant people's rights, and actively including migrant women and their organizations in interventions with women in situations of violence.

And last, but not least, *monitoring and evaluation strategies*. It is said that an evaluation process grounded in a rights-based approach must include the following three dimensions at least: using information and data on the situation of the population as a guide for the analysis; identifying information related to institutional, regulatory, and public policy mechanisms that progressively ensure the effectiveness of rights, with due consideration of the political, socio-economic, and socio-cultural context; and the capacities and resources available for both defenders and holders of rights to demand their effective fulfilment<sup>49</sup>.

## 6.2 Relevant European Legal Framework

Everyone is entitled to human rights. International human rights law requires that every person enjoy his or her rights without any discrimination, including based on sex or other status. Certain legal protection regimes have been created for specific groups, such as groups of non-nationals, refugees, trafficked persons, and migrant workers, to address particular situations and specific vulnerabilities. A well-established international legal framework is of undeniable importance for setting quality and unified parameters in the fight against gender-based violence in general and specifically towards a specific target group such as women and girls in migration processes. Under international human rights

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<sup>47</sup> UN Woman, *Background Paper Prevention of Gender-Based Violence and Harassment Against Women Migrant Workers in South and Southeast Asia*, 2022, [https://asiapacific.unwomen.org/sites/default/files/2022-11/PVAWMW-Background-paper-designed\\_FINAL.pdf](https://asiapacific.unwomen.org/sites/default/files/2022-11/PVAWMW-Background-paper-designed_FINAL.pdf).

<sup>48</sup> A social media package with sample messages in English, Spanish, and French is available online at #UN4RefugeesMigrants in Dropbox.

<sup>49</sup> G. POMBO, *op. cit.*, p. 125.

law, signing states are obliged to respect the right of every person to be free from torture and ill-treatment<sup>50</sup>.

A legal and normative framework to protect international migrants as a whole cannot be found in a single treaty or mechanism<sup>51</sup>. The protection is placed in a rich set of instruments and related principles and standards.

We need to mention the *Convention on the Elimination of All Forms of Discrimination against Women*<sup>52</sup>, which says that discrimination against women is prohibited and states are obliged to eliminate discrimination against women. It includes an obligation to suppress trafficking in women, equality, and equal rights; it guarantees non-discrimination against women in several fields, like employment, health care, and movement; and it guarantees freedom for choosing residence and domicile.

Through *Recommendation No. 26 from the 2008 Committee on the Elimination of Discrimination Against Women*<sup>53</sup>, we addressed the issues of women migrant workers who travel independently, those who migrate as dependents of their spouses, and those in irregular situations. It outlined a set of responsibilities that should be assumed by states, including implementing gender-responsive and rights-based migration policies, involving women in policymaking, safeguarding remittances sent by women migrant workers, collecting data disaggregated by gender, and lifting discriminatory bans on women's freedom of movement. It addresses in detail the circumstances that contribute to the particular vulnerability of many migrant women and their experiences of gender- and sex-based discrimination, identifying this vulnerability as both a cause and a consequence of the violation of their human rights<sup>54</sup>.

The *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*<sup>55</sup> provides for the rights of migrant workers and their families without discrimination based on sex.

The *Convention on preventing and combating violence against women and domestic violence, also known as the Istanbul Convention*<sup>56</sup>, is a significant, legally binding instrument tackling violence against women in Europe. It defines gender-based violence against women as violence that is directed against a woman because she is a woman or that affects women disproportionately. The Istanbul Convention requires states to

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<sup>50</sup> M.E. GALEY, *International Enforcement of Women's Rights*, in *Human Rights Law Quarterly*, 1984, p. 463 ff.; R.J. Vincent, *Human Rights and International Relations*, Cambridge, 1986, p. 101. Cfr. J. DONNELLY, *Universal Human Rights in Theory and Practice*, III ed., 2013.

<sup>51</sup> For an evaluation of Violence against Women as a Constitutional Concern, see R. RUBIO-MARÍN, *Global Gender Constitutionalism and Women's Citizenship: a Struggle for Transformative Inclusion*, Cambridge, 2022, p. 214 ff.

<sup>52</sup> *United Nations' Convention on the Elimination of All Forms of Discrimination against Women*, 18 December 1979. See M. CAMPBELL, *CEDAW and Women's Intersecting Identities: A Pioneering New Approach to Intersectional Discrimination*, in *Revista Direito GV*, 2015; F. RADAY, *Gender and Democratic Citizenship: the Impact of CEDAW*, in *Journal of International Constitutional Law*, 2012; L.R. PRUITT, *Migration, Development, and the Promise of CEDAW for Rural Women*, in *Michigan Journal of International Law*, 2009, p. 3 ff.; H.B. SCHÖP, A. SCHILLING, C. FLINTERMAN (eds.), *The Circle of Empowerment: Twenty-five Years of the UN Committee on the Elimination of Discrimination against Women*, New York, 2007.

<sup>53</sup> UN Committee on the Elimination of Discrimination Against Women (CEDAW), *General recommendation No. 26 on women migrant workers*, 5 December 2008.

<sup>54</sup> M.C. MAFFEI, *La condizione della donna tra protezione e divieto di discriminazione*, in L. PINESCHI (ed.), *La tutela internazionale dei diritti umani: norme, garanzie, prassi*, Milan, 2015.

<sup>55</sup> *United Nations' International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*, 18 December 1990.

<sup>56</sup> Council of Europe, *Convention on preventing and combating violence against women and domestic violence* 1 August 2014. Cfr. N. MOLE, *The Council of Europe and violence against women - past, present and future*, in *European Human Rights Law Review*, No. 2, 2023, pp. 163-171.

criminalise the forms of gender-based violence defined in the Convention. It focuses on prevention, protection, prosecution, and the development of integrated policies.

The *EU's Qualification Directive*<sup>57</sup> sets down the criteria for recognising persons in need of international protection in the EU. The Directive has important definitions that play a role in defining the status of refugee women who have been victims of gender-based violence. The Directive defines acts of gender-specific nature as a form of persecution, and it also recognises the conduct of non-state actors (inc., non-state armed groups or family members) as a form of persecution or as serious harm<sup>58</sup>.

The *EU's Reception Conditions Directive*<sup>59</sup> sets standards for the reception of applicants for international protection. It also requires the EU Member States to recognise the situation of vulnerable persons in accommodation centres, to take appropriate measures to prevent gender-based violence, and to provide victims with access to medical and psychological treatment or care<sup>60</sup>.

As a resentful act that recognises gender-based violence as a form of violence that is specific to female migrants because they are women and that affects them disproportionately, we must separately mention the Recommendation CM/Rec(2022)17 of the Committee of Ministers on protecting the rights of migrant, refugee, and asylum-seeking women and girls<sup>61</sup>. This recommendation was adopted in Turin on May 20, 2022, and covers all migrant, refugee, and asylum-seeking women and girls. The recommendation addresses a broad range of issues faced by migrant women and girls, both on the move and in their countries of destination. It provides member states with a checklist of measures to ensure that migrant women's human rights are better protected. Regarding the girls' migrants, it recommends that states adopt a child rights-based approach and stresses that child protection measures should be implemented without discrimination based on migration status. The recommendation contains a part about information, empowerment, awareness-raising, and the promotion of human rights. Indeed, art. 14 contains a recommendation about the empowerment of migrant, refugee, and asylum-seeking women and girls about enabling them to access their rights. They should be provided with relevant and accessible information and advice in a way and in a language that they can understand, covering, at least, among other things, the possibility

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<sup>57</sup> Directive 2011/95/EU of the European Parliament and of the Council, *on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted*, of 13 December 2011, in OJ L 337, of 20 December 2011. For an overarching view on the EU's efforts on the matter of VAW, see C. RUIZ SUTIL, *La violence de genre/conjugale à l'égard des ressortissantes étrangères et leurs enfants face à la dimension transfrontalière dans l'Union européenne*, in C. CORSO, P. WAUTELET (dir.), *L'accès aux droits de la personne et de la famille en Europe*, Brussels, 2022, in particular pp. 164-165.

<sup>58</sup> L. INKA, *op. cit.*, p. 17; C. NAVARRA, M. FERNANDES, N. LOMBA, *Gender-based Violence as a New Area of Crime listed in Article 83(1) TFEU. European Added Value Assessment*, Brussels, 2021, p. 34.

<sup>59</sup> Directive 2013/33/EU of the European Parliament and of the Council, *laying down standards for the reception of applicants for international protection*, of 26 June 2013, in OJ L 180, of 29 June 2013.

<sup>60</sup> L. INKA, *op. cit.*, p. 17.

<sup>61</sup> Council of Europe, *Recommendation CM/Rec(2022)17 of the Committee of Ministers to member States on protecting the rights of migrant, refugee and asylum-seeking women and girls*, 20 May 2022. See also the EU Commission's Proposal for a directive of the European Parliament and of the Council, *on combating violence against women and domestic violence*, of 8 March 2022, COM(2022)105 final, 2022/0066(COD). For a comment, see N. HAHNKAMPER-VANDENBULCKE, I. BACIAN, *Violence Against Women and Domestic Violence: The New Commission Proposal in Light of European Parliament Requests*, Brussels, 2022; S. DE VIDO, *A First Insight into the EU Proposal for a Directive on Countering Violence against Women and Domestic Violence*, in *EJIL:Talk!*, 7 April 2022; M. PICCHI, *Violence against Women and Domestic Violence: The European Commission's Directive Proposal*, in *Athens Journal of Law*, No. 4, 2022, p. 400 ff.

of reporting and complaint mechanisms in cases of violence or other violations of rights by state authorities or private contractors acting on behalf of the state, including rights to civil remedies, compensation, and legal aid. It also requires access to legal advice and free legal aid, under the conditions provided for by internal law, in order to support migrant, refugee, and asylum-seeking women and girls who are victims of any forms of violence against women and trafficking in human beings through criminal, administrative, and civil proceedings, as appropriate, including the pursuit of compensation claims and legal redress against the perpetrators. This recommendation also recognises training, awareness-raising, and data collection and evaluation as crucial elements. It stresses that Member States should support the collection of data, disaggregated at least by age and sex, on migration, refugee, and asylum issues, notably on victims of violence against women, including trafficking in human beings, and ensure compliance with applicable data protection requirements. It says that research, monitoring, and evaluation of migration, integration, and asylum policies from a gender equality perspective, in particular in relation to preventing any violation of women and girls' fundamental rights, should be supported and adequately resourced at all levels. In part of protection from such violence, in art. 31, it is written that Member States should protect migrant, refugee, and asylum-seeking women and girls from all forms of violence against women, including trafficking in human beings, and ensure effective access for migrant, refugee, and asylum-seeking women and girls, with or without children, to shelters for victims of violence against women, including trafficking in human beings, regardless of their legal status. Regarding transit and reception facilities, it is said that competent authorities should ensure that transit, reception, accommodation, and screening arrangements are age- and gender-sensitive. The screening process should facilitate the identification of victims of violence against women, including trafficking in human beings, at the earliest possible opportunity and ensure that women's protection claims are processed promptly and efficiently, in a safe, confidential, and victim-centred manner. And support services should be provided to victims of violence against women, including trafficking in human beings. Regarding cross-borders, also recognised as a specifically problematic area, the recommendation encourages countries to fund specific assistance and humanitarian resettlement programmes for women and girls who are victims, or at risk, of violence against women or trafficking in human beings, including for the purpose of sexual exploitation, and to set up and implement effective cross-border protection mechanisms for victims of violence against women and trafficking in human beings, including trafficking for the purpose of sexual exploitation. This recommendation also includes health issues, family reunion issues, treatment by public authorities, returns, etc. as a separate problematic area and gives a solid, up-to-date recommendation for member states about overcoming them.

## **7. Instead of a Conclusion – Example of Good Practice**

Gender-based violence is a problem that requires an intersectoral, interinstitutional approach to its solution. As the migration flows coming out of the internal migration spread over the territory of several states, encroaching on many legal systems and national legislation, this type of violence, following the migration flows in, permeates interstate, which in itself requires a comprehensive interstate approach to making strategies for its prevention and suppression, respecting the human rights of women and girls, and creating a friendly approach to the realization of these rights. We have seen above that the danger of gender-based violence against migrant women and girls lurks from many sides and in

many territories. From the beginning of their life in migration, even after arriving at the desired destination, and especially during the journey, they are susceptible to victimization by their loved ones, the people they travel with, or the people they meet during the journey or in the country of destination. The forms of violence they suffer are also diverse; however, sexual violence is the one that prevails and of which the woman as the victim is the dominant gender. The prevalence of sexual violence by gender, as shown in figures provided in reports published by various organizations in 2020, says that this percentage is more than doubled for female migrants. The ratio of female to male migrants victimised by sexual violence, measured by IOM and UNHCR for this period, is 6-19%, and UNDOC Observatory data is 12-34%<sup>62</sup>.

Here, instead of a conclusion, which is obvious – the need for stronger cooperation and prevention in this area – we are going to share a good practice for interstate action in the direction of dealing with gender-based violence against migrant women and girls.

The European Institute for Crime Prevention and Control, which is affiliated with the United Nations (HEUNI), in the period of 2021-2022, implemented the project SARAH – *Safe, Aware, Resilient, Able, and Heard*, aiming to protect migrant women who are victims of gender-based violence, including applicants and refugee women. The project was implemented by civil society organisations in four EU Member States, namely Germany, Greece, Finland, and Italy<sup>63</sup>. Its aim is to raise awareness about gender-based violence and victims' rights and also to raise awareness of the challenges the migrant population is facing in accessing victim support services among policymakers in these countries. Another aim was to develop tools to improve access to victim support services for migrant women and girls who are victims of gender-based violence. The SARAH *Impact Toolkit, or Enhancing Counselling for Victims of Gender-Based Violence*, was directed at empowering counsellors and beneficiaries to assess the needs and impact of counselling with women in migration. They developed a SARAH podcast series in which migrant women discuss gender-based violence and encourage others to speak up. In each of the podcasts (one in Arabic, Farsi, Somali, and English), different women share their thoughts. To provide strategies for solving this issue, they realised info cafes, expert roundtables, counselling sessions, trainings, networking events, and so on. The actions of this project were in line with “protecting and supporting children, young people, and women who are victims or potential victims of violence” and specifically targeted women in migration. Therefore, the project aims to: 1) raise awareness about GBV and victims' rights both among migrant populations and among national policymakers responsible for developing, coordinating, and resourcing specialised victim support services; and 2) improve access to specialised victim support services by designing an assistance method focusing on the specific needs of migrant women victims. It was also developed to raise awareness about GBV and victims' rights, to design and implement a working method focusing on the specific needs of migrant and refugee women victims of GBV, and to facilitate access to services by increasing the capacity of different professionals to identify, assist, and/or refer migrant and refugee women who are victims of GBV and by creating multi-disciplinary cooperation and inter-agency networks<sup>64</sup>.

The importance of the project is seen primarily in the fact that it is in the direction of all the above-mentioned recommendations and measures for the suppression of gender-

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<sup>62</sup> United Nation Office on Drugs and Crime, *op. cit.*, pp. 44-45.

<sup>63</sup> European Institute for Crime Prevention and Control, affiliated with the United Nations, *SARAH: Safe, Aware, Resilient, Able and Heard – protecting and supporting migrant women victims of gender-based violence*, 2021, <https://heuni.fi/-/sarah#dc32ec47>.

<sup>64</sup> At <https://www.developmentaid.org/organizations/awards/view/363279/safe-aware-resilient-able-and-heard-protecting-and-supporting-migrant-women-victims-of-gender-based>.

based violence, and especially because it is based on friendly mechanisms where migrant women and girls – victims – can feel free, heard, and protected. Such good practices are the hope for the realisation of essential implementation of the norms from the recommendations and progress in reducing gender-based violence as a global problem. Migrant women and girls, as a particularly vulnerable group, must be protected in a multisectoral way not only from the act of violence but also from the consequences that it brings.

### **ABSTRACT**

*Being a woman within migration flows is particularly challenging. The risks of possible victimization are severalfold – both from the point of view of a migrant's position, and from the perspective of gender. 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. Hence, this paper aims to shed light on migrant women and girls who have heightened chances of facing gender-based violence in order to make an overview of all forms and ways in which women and girls within the framework of migration flows can and do suffer violence, tackling which human rights are violated, and which are the ways for joint protection and cooperation for the protection of the rights of female migrants from gender-based violence. Additionally, the paper intends to emphasize the good practices in this direction, by analyzing the newest acts that are brought by international stakeholders in order to prevent and suppress this kind of actus reus while also pointing out the shortcomings on a global and European level that must be overcome.*

### **KEYWORDS**

*Cooperation, Female Migrants, Gender-Based Violence, Human Rights, Migration.*