



MIGRATION AND VIOLENCE AGAINST WOMEN IN EUROPE

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Summary of main points of the debates

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We met over the past two days to discuss the particular question of migration and violence against women in Europe. The meeting was open to members of parliaments of the Parliamentary Assembly of the Council of Europe and the IPU Twelve Plus Group. Our objective was to exchange experience, share good practices and identify specific proposals for action that we parliamentarians could take home to implement change. This initiative falls within the general framework of our commitment to eradicate violence against women.

As a premise to our discussions, we agreed that violence against women is one of the worst forms of gender-based discrimination and a severe violation of women's human rights. As such it is an issue of concern to both men and women and must be addressed within the general context of efforts to ensure equality. It is a complex issue which requires profound changes. It means looking at power relations; confronting patriarchy, which permeates all aspects of our societies; changing mentality and challenging social roles and stereotypes which we hold within us. There are many ways of tackling violence against women. Of direct relevance to parliamentarians, we mentioned the need for: (1) a strong political will; (2) a strong and comprehensive legal framework that addresses prevention, prosecution, punishment and assistance to victims; (3) effective implementation with proper enforcement mechanisms (gender sensitive budgets, monitoring mechanisms, data collection and research capacity); (4) education and awareness-raising.

We agreed that migration is a complex issue, in part due to the multitude of actors, dimensions and situations related to this phenomenon. Migration is not gender-neutral. Half of the world's migrants are women who contribute significantly to the social and economic development of both countries of origin and destination. We acknowledged that migrant women face particular challenges and multidimensional forms of discrimination.

Our debates focused on migrant women's heightened vulnerability to physical, sexual and psychological violence within their family, their community and in the host community. They are also highly vulnerable to human trafficking, economic exploitation as well as violence perpetrated by State agents/actors. Migrant women face a dual vulnerability. As women, they are exposed to violence that stems from gender inequality both in migrant and host communities; as migrants they are exposed to violence non-nationals face in the destination country. In addition these two main factors intersect with other risk factors that include often precarious economic status, legal status, race, educational status, ethnicity, class, age, sexual orientation, disability, religion and culture.

In view of their situation, migrant women victims of violence face additional difficulties in accessing support and redress. They rarely report the violence they are victims of out of fear, lack of trust or information, fear of being repatriated, lack of legal literacy, language barriers, feelings of shame and rejection. This makes the provision of assistance even more challenging.

With this in mind we considered several areas in which we parliamentarians can make a difference. These are of course not exhaustive but reflect some of the main points and common themes that were touched upon. A more full fledged report on our meeting will be put together in the coming weeks:

1. In addressing violence against migrant women we need to adopt a **human rights approach** and ensure that human rights considerations prevail in all instances. This is essential to counter cultural relativism often used to breach respect for women's rights. A first priority is to enhance our efforts to enforce **international and regional human rights instruments** to which our States are Parties. Parliaments have to closely monitor and oversee the enforcement of such instruments and be more involved in Human rights treaty body mechanisms and processes, such as CEDAW, from beginning to end. In addition, we need to expand our legislative arsenal by ratifying the United Nations Convention on the Protection of the Rights of All Migrant Workers and members of their families and other legal instruments on protection of migrants and human trafficking. In addition when working on new regional and international instruments related to gender equality or migration, we should ensure that protection needs of migrant women, whether in a regular or an irregular situation, be addressed for instance within the preparatory work on the future Council of Europe convention on preventing and combating violence against women and domestic violence.
2. At the national level, we need to ensure that the **legal framework** addresses the particular situation and vulnerability of migrant women to violence. In so doing, we need to identify gaps and weaknesses, avoid any contradiction between legislative provisions, and closely monitor impact through our parliamentary oversight functions. In particular, we must pay attention to the need to adopt measures to provide that survivors of violence against women benefit from protective measures including related to their immigration status when they report such violence to police or other authorities. Ensuring that migrant women benefit from an independent legal status, separate from that of their husbands or family, is another strong legal protective measure to reduce their vulnerability to violence. In view of the transnational dimensions of violence against migrant women, we also identified the need for greater extraterritorial cooperation and legal harmonisation.
3. The particular situation of women who flee gender-based violence and persecution in their home countries should be the subject of specific attention. More efforts, through training, guidelines or legislation, need to be directed toward this in the **asylum seeking process**, especially in view of the UNHCR guidelines which recognize that gender-based persecution may be a ground for obtaining refugee status. More generally, the whole asylum seeking process should be gender-sensitive and rely on information and data, including on forms of gender-based violence in countries of origin.
4. Women migrants are particularly vulnerable to being exploited in prostitution, forced labour networks and other forms of **human trafficking**. In view of the transnational, criminal and invisible nature of this problem, action requires close coordination between parliaments of countries of origin, transit and destination. While pursuing efforts in terms of prevention and prosecution and direct assistance to victims, we also need to start paying more attention to the question of demand which is at the core of such exploitation. Furthermore, we must see to it that Council of Europe member and non-member States ratify the Council of Europe Convention on Action against Trafficking in Human Beings.
5. A cross cutting issue that came up at all of our sessions was a need for broad based **education** and training, with a particular focus on human rights, gender equality and non discrimination. As members of parliament, we first must be adequately informed ourselves, in order to change mentalities and to be sensitive to these issues in our daily work. We also need to develop and support programmes and initiatives that provide such education within school curricula at the earliest stage but also within professional training programmes, targeting lawyers, judges and law enforcement agents (especially police, border and immigration officers), health practitioners, and all those that have dealings with migrant women, including those who are victims of violence. We must also support programmes aimed at informing migrant women of their rights and facilitating their access to justice and support.
6. For effective policies and response to violence against migrant women, we need to support initiatives to enhance our **access to knowledge** and information through the collection of statistics and the production of qualitative research, which would also include looking at the causes and dynamics of such violence and the specific vulnerability of migrant women. Particular attention was placed on the need for more research on violence against women in custody, economic

exploitation, forced marriage, so-called “honour crimes”, trafficking and ageing migrant women in Europe.

7. Lastly, progress will only result from building **partnerships** - between men and women, between parliaments (in particular with those of countries of origin and destination), across parties and with other stakeholders, including civil society, international organisations, media, and representatives of migrant communities.