



# Strategies to End Double Violence Against Undocumented Women

Protecting Rights and Ensuring Justice



PLATFORM FOR INTERNATIONAL COOPERATION ON  
UNDOCUMENTED MIGRANTS

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Report written by Eve Geddie and Michele LeVoy, with contributions from Kim Anh Nguyen, Marta Mateos, and Sangeetha Iengar.

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**PICUM**  
**Platform for International Cooperation**  
**on Undocumented Migrants**

Rue du Congrès 37-41/5  
1000 Brussels  
Belgium

Tel: +32/2/210.17.80  
Fax: +32/2/210.17.89  
[info@picum.org](mailto:info@picum.org)  
[www.picum.org](http://www.picum.org)

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Front cover image: Creative textile and multimedia installation entitled “Blurred Boundaries” which was created by 45 members of the Domestic Workers Support Group (DWSG) in Dublin, Ireland. Photo credit: Migrant Rights Centre Ireland 2007

All illustrations in this report were completed by participants of the workshop “*Human Rights of Migrant Women: Obstacles and Organizing*” at the People’s Global Action on Migration and Development, Mexico City, 3 November 2010

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## Foreword

*“Everyone has a right for normal life. Everyone is a human being. Even if you do not have documents, you are still a human being, right?”*

– Undocumented woman in Poland

All women have the right to live a life free of violence. This is an inalienable right to which all measures to address gender-based violence refer. No one deserves to be assaulted and there should always be help for those who need it. To overcome challenges to report violence, measures have been introduced to ensure survivors are treated in a secure and appropriate manner. Informed and impartial safeguards have been developed to tackle impunity and bring perpetrators to justice. Women are told that violence against them is wrong and that they will receive immediate assistance and support when making the difficult decision to come forward.

This right and the protections that accompany have however been denied to a certain group of women. As with most groups whose right to rights are questioned, undocumented women are excluded, disadvantaged, and somewhat unpopular. Their existence in society has been considered illegitimate, so the violence against them has been disregarded and

their access to justice denied. Yet it is in limiting these basic rights and protections, that society delegitimises their very basis.

All member states of the European Union have ratified the **United Nations Convention on the Elimination of Discrimination Against All Women** (CEDAW) and are thus obliged to address domination over and discrimination against women in its social, economic, and political forms. Yet those in a position of power or influence have been slow to demand justice for undocumented women in Europe. There are serious attempts by politicians and even service providers to justify that a woman's right to live a life free from violence is derived from her administrative status and not her humanity. Political populism, economic unrest, and subtle policy argumentation are being used to eradicate this most fundamental right. It is a woman's experience of violence, and not her status, that should determine the social response.





## Their Rights, Our Dignity

*Reflections from a Migrants' Rights Advocate in Sweden*

The situation of undocumented women in Europe is a basic human rights issue. Irrespective of their legal condition, fundamental rights are universal. All human beings are entitled to them. This is the foundation upon which Europe has been built. States can have all the laws they want on migration as long as the fundamental rights of each human being on its territory are respected.

By ensuring access to basic human rights we can diminish the exploitation of human beings. The people who exploit these women know they lack access to the police; they know the barriers that exist, and use this against them to exploit them more. Undocumented women are only being exploited because our policies allow them to be exploited.

**But in the public mind, the issue does not exist.**

There is a denial of undocumented women's reality and their rights; a kind of mental blockage that affects the whole policies and approaches of society as a whole. This becomes a kind of war where everyone is a loser: the government, society, women, and the migrants themselves. There is no winner.

**This is fundamentally a moral issue, an ethical issue.** It is not enough to look at it as a labour issue, a health issue or a migration issue; it is a moral and ethical issue. The ultimate price we will pay is that society will become inhumane. We will destroy the fundamental values that are so extremely crucial and important for any civilized society. So, for me, it is also a fundamental issue for survival of society as a civilized society.

One of the things that strikes me more and more as I meet undocumented women here in Sweden, is that this is a group with a strength that I do not see in normal society. How can we afford to deny them their fundamental rights? The more I meet these people I recognise it is not them who are the most exploited, we are the most exploited because we do not recognise who we are. We have lost something. **It is my conviction, that Europe has lost its human dignity because of the way we treat undocumented migrants.**

I believe that human beings can change and improve. And I hope that Europe grows into a more humane society in terms of dealing with undocumented people. We have shown that we can be compassionate and I believe that we have the capacity to address this issue and have learnt the inherent risks of not doing so.



**Mr. George Joseph**

*Head of Migration Department, Caritas Sweden*  
Member of the PICUM Board

## Routes to Irregularity

### MARRIAGE

*"I've been in the UK for seven years now, been married to a British citizen for nine years, met him about twelve years ago. He hasn't made me legal, I tried it on my own but by the time I tried to send the right application form I was already overstayed, and my husband didn't do anything to help me – actually, it helped him you know – because he liked to control me."*

*"When my husband and I got married, they told me it was not a reason for me to stay in Holland because he had no right to marry me because his income was too low. I said "look, I have two masters degrees and have two job offers right here for a salary of €2,300 per month, and I can support my husband, my child, and myself perfectly fine". They said "no, the husband has to make the money". So I am supposed to rely on a guy who makes €800 a month and have no right to become regular and make my own money?"*

### VIOLENCE

*"One of the major issues for the Immigrant Council Ireland is domestic violence. We meet women from undocumented backgrounds that may hold a status dependent on the perpetrator of the violence; we see violence as a pathway linked to irregularity."*

*"We see victims who are still "illegal" because her husband was preventing her from accessing the services. Often the aggressors know that the victims will be reluctant to denounce them because there is always the possibility that they may be deported. There are cases of women who could have been legalised but the men intentionally didn't provide the means. This is a crime. She was the one handcuffed! I think everybody must talk about this!"*

## WORK

*"I arrived in 2000, the first time I was here, I was working picking strawberries. Then I was working in a market. In 2002, I was undocumented for two months because it was a delay to get a new passport from the Ukrainian embassy. I continued working, but it was hard to get a visa. My daughter is in university in Ukraine so I needed to stay working. When Schengen came in 2007, we were not able to go back. My husband is also here, our children visit but they live with their grandparents in Ukraine. Since 2003, I've worked cleaning in private houses and in hotels. I work eight hours per day, six days per week. When you are irregular, employers often don't pay, or say "we'll pay you next month". They can even threaten you with the police!"*

*"Women can lose their work permits because of pregnancies; their boss finds out they're pregnant and makes them redundant. Their legal status runs out because it expires every year. They can't be in employment because they have been redundant. So they don't have maternity entitlements and their stamp is not renewable."*

## UNSUCCESSFUL ASYLUM APPLICATION

*"And the problem with the joint asylum application is if there is violence or exploitation in the relationship and she leaves it, she is automatically undocumented. And if she wants to apply for the same reason with the husband, they are a joint case. If she wants her own case, then she has to say it. I have had cases where immigration representatives have asked the woman "Do you want to say something for yourself?" but it's asked in front of the husband. And she said "no, I don't have any individual case", because he is there. It is just madness!"*

## IRREGULAR ENTRY

*"I was in Libya for a year. Women are not free to go out alone there. There is no protection in Libya, nothing. We went to Tripoli, to the coast, and spent four days at sea. No water, no food, the stress was getting too much. I was giving up. My daughter was six months then, and she was only breast-fed but there was no food, no water. So I got dehydrated, I got a thrombosis. We landed in Malta, I was taken to the hospital and then I was put in detention. I was released after one month because of the baby."*

## Who Are Undocumented Women?

*“Normally if we talk about slavery, you need chains. In Germany, we don’t need chains, we have immigration status.”*

– Nivedita Prasad, Ban Ying, Germany

Undocumented women are those residing in Europe without a valid residence or work permit. In an absence of rights and justice, violence can be a reason for their migration, the cause of their irregularity, and consequence of this unprotected status.

Gender vulnerabilities increase the likelihood of migrant women to become undocumented, a status under which they are greatly exposed to systematic violence, abuse and discrimination. The majority of undocumented women arrive to Europe with a regular, but often highly dependent migration status and become undocumented for reasons outside of their own control. While many women leave their home countries in a bid to achieve justice and equality, the discriminatory and disempowering policies which govern the migration process can often disempower them.

The *lack of an independent legal status* is a very common challenge for migrant women and means that those subject to violence, exploitation or

misinformation can easily find themselves in an undocumented situation with no possibility to re-regularise their status. Migrant women may also become undocumented following an *unsuccessful claim for asylum*; those seeking protection are highly disadvantaged in the asylum system as claims on grounds of gender-based violence have a disproportionately high refusal rate in many of states.<sup>1</sup> Finally, *irregular entry* is another route in which migrant women can become undocumented and one in which they are at particular risk of human rights abuses.<sup>2</sup>

As workers, migrants, and carers, undocumented migrant women are frequently the main wage earner and often negotiate on behalf of their families and communities with the social, educational and health systems. The tendency to detect irregular migrants through these systems therefore places undocumented women at additional risk of being detained and deported. Paradoxically, it is the active agency of migrant women, in addition to their urgent needs

<sup>1</sup> Claims for asylum based on grounds of gender-based violence are often inaccurately considered to be unfounded and directly refused. At European level, organisations such as the European Women’s Lobby (EWL) and Asylum Aid have been calling on EU Member States to apply the United Nations High Commission for Refugees Gender Guidelines (2002) on International Protection with regards to Gender-Related Persecution. More information available at: [http://www.asylumaid.org.uk/pages/the\\_projects\\_purpose.html](http://www.asylumaid.org.uk/pages/the_projects_purpose.html).

<sup>2</sup> See PICUM, ‘PICUM’s 2009 Annual Concerns for Undocumented Migrants’, PICUM: Brussels, 2009, pp. 10 – 13 and UNFPA, State of World Population 2006, p.32.

regarding housing, working conditions and protection from violence which enables disproportionate discrimination.

While European governments recognise health and education as fundamental standards to improve the situation of vulnerable women abroad, they

implement policies which effectively strip these same women of their innate rights and entitlements should they become undocumented within EU borders. The barriers facing undocumented women to access basic social rights, social support systems or redress for abuses increases their experience of violence.

**PICUM has made a conscious decision to use the following terms:**

**Survivors of Violence:** while the term “victim” is used, specifically when referring to policy and legislative frameworks, PICUM prefers to use of the term “survivors” as it highlights the strength and capacity of undocumented women to resist and overcome abuse.

**Undocumented:** when referring to migrants without a valid residence permit, PICUM advocates for the use of “undocumented migrants” or “irregular migrants” as opposed to “illegal migrants” and “illegal immigration”. The term “illegal” is increasingly identified as a politically-charged slur used to devalue, dehumanize, and discriminate. Following the United Nations, the European Union institutions and agencies including the Fundamental Rights Agency, European Parliament, and European Commission, have taken positive steps in espousing the use of the term “irregular migrants” in all of their official communications.

## Purpose of this Report

Recognising the strength and capacity of undocumented women in Europe, this report offers a practical overview of the methods that address gender-based discrimination and violence against them.

It is intended to **support and inspire advocates** who are often working alone to defend the minimum levels of rights and protection afforded to women facing violence in Europe. In assisting women who often cannot be referred to justice or support services, they are dealing with the most severe and protracted cases of violence in difficult circumstances with minimal resources. This report seeks to inform them about supports that do exist in Europe, how they came about, and methods that can be used to empower undocumented women to lobby and advocate for improvements. We hope that these examples can lead to further inspiration and innovation on the ground. While not exhaustive, efforts are made to delineate the process through which these measures were developed, the partnerships formed, the campaign messages used, and the various advocacy approaches required. Ultimately, this report aims to foster recognition the work of practitioners, understanding the challenges they face, and increased support for undocumented women.

This report also aims to inform readers about the realities of undocumented women and their experiences of gender violence. Seeking to **strengthen the women's movement**, it emphasises the core principles of equality and equal rights and highlights means to overcome the administrative and financial barriers that may prevent the adequate support and protection of undocumented women.

PICUM invites readers to share this report widely and to keep us updated about initiatives and methodologies which support undocumented women's access to services and justice.

At the policy level, this report illustrates how the prevention, protection, and prosecution of gender-based violence can be strengthened by the inclusion of undocumented women. Key **legislative, financial, and practical measures** from across Europe are detailed so they can be supported and replicated. Insight from law enforcement personnel, judiciary, medical professionals, local and regional authorities and a range of other actors are highlighted in order to give credence regarding the need to ensure justice for all women, all the time, without discrimination.

This report seeks to reaffirm **undocumented women's right to rights**. By bringing together the laws, policies and practices existing across Europe to affirm the dignity of those without papers and ensure their access to support and justice, we wish to provide solidarity and hope. A life is more than the context in which it is lived. The examples here show that bad situations can improve, restrictive laws can be changed. A network of support and respect does exist in Europe, and it is our goal to make it stronger.

The initiatives featured here were selected because of their innovative approach in overcoming the varied barriers to inform undocumented women of their fundamental rights to dignity, justice, gender equality and a life free of violence. While not intended to

be exhaustive, PICUM hope that in highlighting the methods, mediums and messaging that has enabled protections for all women regardless of status, we can inspire and encourage the development of similar initiatives elsewhere.

Finally, this research also reveals areas in which action is lacking. For instance, there is a significant need to engage with international and regional monitoring and reporting mechanisms to guarantee undocumented women's rights. Furthermore, there is a notable absence of initiatives involving documented and undocumented men to build gender equality and a mutual understanding in order to end violence against women.

#### FILLING THE GAP

While the framework addressing **trafficking in human beings** has many gaps and failures, a significant number of organisation and institutions are examining the issue and it has been at the forefront of policy discussions for well over a decade. This report seeks to fulfil a gap and by exploring systematic responses for women with an irregular status who are not covered by anti-trafficking laws and policies.

# Methodology

PICUM conducted field visits to Belgium, Cyprus, Finland, France, Ireland, Malta, the Netherlands, Poland, Portugal, Spain, Sweden, and United Kingdom during 2010 and 2011. Using a semi-structured questionnaire, the following interviews were conducted in person and in some cases by telephone due to availability. While the information gathered related to access to support and justice in cases of violence, workplace rights and sexual and reproductive healthcare, this report focuses exclusively on the issues relating to violence.

**122 civil society organisations** - individual interviews and three roundtable sessions .

**30 undocumented migrant women** - individual interviews and focus groups

**8 authorities** - including parliamentarians, ombudspersons, police, local authorities

In addition, PICUM gathered input from the following workshops, conferences and trainings it has held on the issue since beginning its focus on undocumented women in 2009. Over 400 individuals and organisations participated in these events and many of their insights and experiences are included in this report.

- PICUM and United Methodist Women Immigrant/Civil Rights Initiative, “*The Exploitation of Undocumented Migrant Women in the Workplace*”, Athens, 4 November 2009
- PICUM Conference, “*Violence and Exploitation of Undocumented Migrant Women: Building Strategies to End Impunity*”, Brussels, 25 June 2010
- PICUM co-organised workshop, “*Human Rights of Migrant Women: Obstacles and Organising*” at the People Global Action on Migration and Development, Mexico City, 3 November 2010
- PICUM Training, “*PICUM Members Dealing with Violence Against Women*”, Brussels, 11 December 2010
- PICUM Workshop, “*Strategies to Promote the Empowerment of Undocumented Women*”, PICUM General Assembly, Brussels, 24 June 2011
- PICUM Conference, “*International Conference on “Undocumented Migrant Women in Europe: Strategies for Support and Empowerment”*”, Brussels, 12-13 December 2011



## Executive Summary

To promote an end to violence against women, this report provides a practical overview of methods that protect rights and ensure justice for survivors regardless of their immigration status. Across Europe, undocumented women are turned away from women's shelters, denied psychological support, and risk arrest or deportation if they contact the police. This "institutional" or "administrative" violence is not only discriminatory, but it is fostering a culture of impunity across the region.

PICUM has identified a broad range of practical and legislative measures that address the "double violence" against undocumented women. These examples indicate the growing willingness to put women's protection needs ahead of their migration status and show how this can be done practically, coherently and in accordance with the duties of civil society, law enforcement, legislators and policymakers. Part of a broader movement to protect undocumented migrants from abuse and to ensure equal access to justice, the examples in this report seek to inspire and bring together these efforts. While not claiming to be exhaustive, our hope is that by tracing the context and processes from which such strategies have emerged, we can support existing initiatives and foster further innovation.

### **1. Informing undocumented women about their right to a life free from violence**

Raising awareness about the legislation and support that exist to assist undocumented women is an important way for society to affirm its rejection of violence against all women without discrimination of any kind. To ensure that undocumented women are aware of their right to live a life free from violence and abuse, a variety of mediums, methods and messages are used to reach and inform them. Drop in services, help-desks and group information sessions are effective ways to develop their knowledge and understanding of the issue, while public advertisements, radio, and telephone helplines can be used to reach and support women in particularly isolated situations.

### **2. Providing an evidence base on violence against undocumented women**

Undocumented women are often excluded from research initiatives assessing the prevalence of violence against women. The lack of information regarding the link between status-based discrimination and violence has perpetuated a lack of recognition, response, and responsibility for undocumented women's realities. In developing a solid evidence base, research can identify problematic policies and generate the support, alliances, and momentum needed to change them. Data collection can also help organisations to improve their service provision to undocumented women and identify

emerging or under addressed trends to address in their future work. “Self-research” initiatives can increase undocumented women’s participation in and empowerment through the research process.

### **3. Raising awareness about the presence, contribution and rights of undocumented women**

Little is known about the realities facing undocumented women in Europe and society does not always understand the consequences of failing to address violence against a woman because of her immigration status. In response, migrant organisations, churches, women’s groups, trade unions and undocumented women themselves are drawing attention to these issues. The existence, realities and rights of undocumented women are being highlighted through the use of media, events, road shows, printed material, and trainings. In addition to informing the general public and putting pressure on policy makers, these activities send a strong message to society at large about the illegitimacy of violence against all women regardless of administrative status.

### **4. Participation and empowerment through community outreach**

It is essential that undocumented women are supported to realise their rights, determine their life outcomes, and resist violence and discrimination. Examining how decisions are made, by whom, and in whose interests is a vital step to enabling undocumented women to challenge discrimination and realise their rights. Community outreach, empowerment and peer learning initiatives offer a means through which undocumented women can redefine their experiences as women, as migrants, and as undocumented. In turn, society benefits by recognising that the innate dignity and equal worth of all women is not something that can be negated by administrative procedures.

### **5. Undocumented women taking action**

Across Europe, undocumented women are coming together to assert their right to rights. Identifying

key issues and building alliances to bring about solutions, they are creating positive awareness and changing policies. In bringing attention to their individual experience or working collectively to organise, undocumented women are actively seeking justice and challenging exploitation to regain control of their situation. Mobilising at political level, they are fostering strategic alliances with key partners such as trade unions and women’s organisations.

### **6. Ensuring access to shelters**

Policy-driven destitution compounds undocumented women’s experience of violence. With limited access to state funded accommodation, mainstream emergency shelters and specialist services, the transient and dependant nature of undocumented women’s situation limits their options to leave abusive situations and seek protection. For many years, migrant rights organisations, solidarity networks, and faith-based communities have provided vital support to undocumented migrant women fleeing violence. Working to effectuate structural change, these groups are building support among policy makers, service providers and the women’s rights movements to address barriers and ensure that no woman is denied safety and support because of her immigration status.

### **7. Improving undocumented women’s access to justice**

Authorities are increasingly recognising the need to ensure access to justice and services for survivors of violence regardless of their immigration status. Improving the ability of law enforcement agents, lawyers, public prosecutors, and social services to violence against all women, sends a clear message to perpetrators that immigration law cannot be used to trap women in a cycle of abuse. Civil society organisations have encouraged a growing willingness to put women’s protection needs ahead of their migration status. Numerous examples from both Europe and the United States illustrate how this can be done practically, coherently and in accordance with the role of law enforcement personnel and the judiciary.

# I. Informing undocumented migrant woman about their right to a life free of violence

*“I don’t think almost any of these women who I have met through this network had any idea of their rights, or at least they did really not believe they had them.”*

– Katja Tuominen, Vapaan liikkuvuuden (Free Movement), Finland

*“It’s difficult to get the message out there that you can be undocumented but you can still have certain rights!”*

– Sue Nkhata, Refugee and Migrant Centre, UK

*“Irregular migrant women often do not know their rights or how to exercise them. They are women who have left their family environment, many come here on reunification schemes, maybe they don’t work and have little social interaction, so they have little chance of getting to know their rights.”*

– Carles Bertran, Centre d’informació per a treballadors i treballadores estrangers (Information Centre for Foreign Workers and Workers - CITE), Confederación Sindical Comisiones Obreras (The Workers’ Commissions Union - CCOO), Spain

In examining the wide range of practices being used to reach and inform undocumented women about their rights, it is evident that undocumented women and their advocates continue to find innovative ways and means despite a significant lack of funding and resources.

Many of the undocumented migrant women interviewed in this research identified “being informed about their rights” as an essential first step towards preventing and resisting gender-based violence. Those who believe that their irregular status has revoked their fundamental right to humane treatment and protection are far more reluctant to challenge discrimination. For some, their experience of life in Europe has led them to the conclusion that gender-based violence is an expected and socially tolerated consequence of their irregular status. Their daily struggle for survival is a major factor, particularly in countries where there is a high chance of detection.

Telling undocumented women about the support and protection services available to them enables them to make informed decisions about leaving violent situations. This includes identifying specific forms of violence they experience as women, as migrants, and as people of irregular status. Migrants’ rights and women’s rights advocates use a variety of mediums, methods and messages to inform undocumented women about this right. This section highlights ways to reach out and inform undocumented migrant women of their right to a life free from violence. While not claiming to be exhaustive, our hope is that by tracing the context and processes from which a diverse cross-section of strategies has emerged, we can support existing initiatives and foster further innovation.

### REACHING OUT TO UNDOCUMENTED WOMEN

As Jaana Kauppinen of Pro-tukipiste (Pro-Support) in Finland explains, “*Undocumented women are so used to hiding, they actually don’t anymore think about their rights; they just want to know how to hide*”.

It is an issue which can face entire migrant communities, as Dang Thu Huong of Association for Free World in Poland highlighted, “*The Vietnamese are not aware of their rights in Poland. They come from a country with a different legal system and they become even more confused. Very few of them ask us for help as they assume that no one can help them.*”

## DROP-IN SERVICE AND HELPDESKS

Permanent advice and information services are a key way for undocumented migrant women to be informed of their right to dignity, security and non-discrimination. Drop in services and helpdesks can help undocumented women recognise various forms of gender-violence and inform them about solutions (such as leaving this situation).

**Latin American Women’s Rights Service (LAWRS)** in London, offer an open drop-in service so women from the community can obtain advice and assistance once a week without prior appointment. Every Monday morning, these “walk in” sessions allow users to get a prompt response to pressing issues such as domestic violence or elderly abuse. The format enables LAWRS to provide on-going outreach to Latin American women in London and sustain referrals to its other services; such as the therapy service in Spanish and Portuguese for women with experiences of violence.

Based in Amsterdam, the **Steungroep voor Vrouwen zonder Verblijfsvergunning** – (Support Group for Undocumented Women, SVZV) holds “open office hours” from 2-5pm every Friday afternoon to provide information and advice. Those experiencing violence are provided with information about legal aid and alternative housing. SVZV coordinate with other services to ensure that undocumented women

experiencing violence can access more specialised services in the domains of health, housing, and counselling. This volunteer-run organisation has been assisting up to ten women per week in its drop-in service since 1995.

## TELEPHONE

Many individuals and organisations working to support women experiencing violence asserted that their first point of contact was often by telephone. While serving to provide basic information and enabling referral to specialist services, telephone contact offers greater anonymity and accessibility for undocumented women experiencing violence. Telephone contact also facilitates a broader translation service, such as the ad-hoc support of volunteer interpreters.

**La Cimade** in Paris, operate a telephone hotline for migrant women experiencing violence. This hotline allows all women to share their experience of violence and obtain advice regarding administrative issues and legal aid. Callers are offered basic advice and information before being orientated towards La Cimade’s permanent support services. “*This service relies on confidentiality, follow-up and consistency,*” explained Ibtissem C., a volunteer with La Cimade, “*It is important to develop trust with the caller and can take time before they confide in us, before they give their real identity.*”

La Cimade makes significant efforts to communicate with callers in their own language; as many of the volunteers staffing the phones are of migrant background, callers can express themselves more freely when explaining their situation. Helpline staff then pass information to a case-worker who meets with the caller to speak with them in more detail and provide on-going support. In addition to offering essential information and access to comprehensive support to those experiencing violence, the information and experiences gathered by La Cimade through its telephone helpline was a key motivator for their 2010 campaign on the “Double Violence” experienced by migrant women in France. (see chapter 6)

Mainstream organisations offering advice and information to those affected by physical and sexual violence are increasingly accommodating the linguistic needs of migrant women within their telephone services. The free and confidential nature of telephone helplines makes them easily accessible to undocumented women.

The **Dublin Rape Crisis Centre (RCC)** has operated a free phone helpline since 1979. Today, the helpline is staffed 24 hours a day and 365 days a year by trained counsellors who take calls from across the country. Providing advice and support, helpline volunteers can also accompany victims to the sexual assault unit in hospital or to court if requested.

Trained volunteer telephone counsellors work outside the centre’s normal working hours supporting the five staff telephone counsellors to provide “support, information and hope” to thousands of callers, on a 24 hour basis, 365 days a year. *“We have a French-speaking therapist, we provided interpreters when necessary and the volunteer cohort has representation from nine different nationalities”,* explained CEO Ellen O’Malley Dunlop. As the centre received increased contact from migrant women in recent years, *“we have endeavoured to reflect the*

*variety of nationalities in our selection and training of volunteers who are so vital to supporting the services offered by the centre”.* The helpline is managed by the Centre’s volunteer department, which trains and coordinates 75 volunteers per two year period.

## OUTREACH

Reaching out to undocumented women through the spaces and communities in which they commonly interact can be extremely useful. However, even with a lack of resources, organisations have effectively harnessed word-of-mouth and community networking as a means to disseminate information.

Effective outreach is one that facilitates undocumented women’s access and understanding of information regarding rights and services. As isolation is a key tactic and expression of gender violence, outreach can enable important information to reach women most in need. Creating a presence in areas which undocumented women congregate in and offering information is an extremely effective way of ensuring it is received and understood. Organisations often disseminate information to undocumented women via internet cafes, public telephone outlets, or money-transfer centres as well as in launderettes, parks, shops frequented by migrants and on public transport. Some had even used billboard campaigns or advertisements on the sides of buses to inform and sensitize undocumented women about their rights.

In 2009, **CSC/ACV Union** conducted outreach programmes to the churches, universities and other buildings in Brussels which were being occupied by undocumented migrants seeking regularisation. By going out and speaking to the women that were present in these occupations, Ana Rodriguez of CSC realised that not only were the women uninformed



about their rights, but that their needs and demands were not being addressed by the often male-dominated occupation committees which had been established. *“Bringing the women together allowed them to identify shared requirements and develop a strong and united voice so they could be also represented in the decision making”* explained Ana.

## Mobile Units

Mobile units can be effective in reaching undocumented migrant women who live or work in isolated situations. There are many examples of mobile services providing information and support regarding gender-based violence to undocumented women. These clinics have increased opportunity for contact with undocumented women and enable them to receive essential advice.

**Médecins du Monde** (Doctors of the World) have operated the **“Lotus Bus”** in Paris since 2004 to provide undocumented migrant sex workers in Paris with information on their rights and advice on how to best protect themselves against violent attacks. The



Lotus Bus, Médecins du Monde  
© Dossier de presse, Médecins du Monde, February 2009

service also distributes whistles so that a woman can gain attention if attacked on the street, and provides advice concerning clothing to reduce risk of strangulation. The “Lotus Bus” has enabled the organisation to reach a previously isolated community of Chinese sex workers, many of whom are undocumented. By distributing information about their rights, Médecins du Monde have enabled a number of undocumented migrant sex workers to file complaints against aggressive clients, warn and protect their colleagues and also, encouraged several to speak out create awareness about the realities of their situation. Similar initiatives for undocumented migrant sex workers are operated by the organisations **Grisélidis** in Marseille, France and **Àmbit Prevenció** in Barcelona, Spain.

Informing female migrants of their rights and helping them to access and defend these rights motivated a group of Colombian women to establish **Latin American Women’s Rights Service (LAWRS)** in London in the early-1980s. *“It was migrant Latin American women that saw the need to organise and support others with very gender-specific needs; either as victims of abuse or torture, or rape, or political persecution, or because through the process of migration they faced different needs in their changing domestic or gender roles”* explained Frances Carlisle.

One of their first activities of LAWRS was a mobile information unit. *“They used to have a bus that would go around the community to give out information leaflets and advice to the Latin American’s in their own language. It was a really good way of reaching people”* said Frances Carlisle. Having identified problems and given support to the community early on, LAWRS now engages with over 4,000 Latin American migrant women in the UK annually, a significant number of whom are undocumented.

### CREATIVE SOLUTIONS TO REACH MIGRANT WOMEN IN ISOLATION

Ban Ying (House of Women) in Berlin, Germany designed an innovative campaign to reach out to migrant women working in private homes. Often very isolated and with little knowledge of their rights, those experiencing the most serious exploitation have little freedom of movement and all contact goes via their employer. *"We came across several women working for diplomats who had been locked in the house over years, so we asked them 'How could we have got to you?' and they said 'you would have had to come to us,'"* said Nivedita Prasad. Ban Ying created billboards with writing in Tagalog or Chinese which appeared to advertise soap, but in fact displayed information about domestic workers' rights. Motorbikes drove around areas where live-in migrant domestic workers resided and delivered bars of soap to the houses, inside each bar of soap was a card with telephone numbers in eight languages.

Dublin Rape Crisis Centre, Ireland, ran a billboard campaign displaying its helpline number on the sides of buses. *"Thankfully the bus company gives us free space whenever they can,"* explained Ellen O'Malley-Dunlop. *"There was a migrant woman in a situation of extreme sexual exploitation; she was locked in a room but she saw the bus from the window and had enough English to realise what our advert was. Thankfully another bus came soon afterwards and she got the whole number. She rang our telephone counselling service and was able to be freed."*



## Church

The church also emerged as a key means to promote information and raise awareness among this group regarding gender-based violence. For many undocumented women working as domestic or care workers, the church is often their only direct contact with the society in which they live.

**The International Christian Centre** in Finland reaches a significant number of undocumented migrants through their weekly service. *"Every day, we were reaching out to about 300 migrants every three months through morning and afternoon service, including about 50-60 undocumented,"* said Vida Kessey. The church soon realized that the undocumented community were ill informed about their existing rights and services *"or they had*

*information but not accurate information"* explained Vida. The community focused nature of this inter-denominational centre compelled them to develop a range of holistic support and information and advice services for undocumented women within their congregation.

Recognising the important role played by churches in the lives and wellbeing of Latin American women in terms of both support and social network, **Latin American Women's Rights Service** adopted a proactive approach to reaching undocumented women in London. *"We disseminate information leaflets via churches, and we also go to talk to the priest or someone else from the congregation. This can be really beneficial as many churches host coffee mornings or chats afterwards,"* revealed Frances Carlisle.

## PRINTED MATERIAL

Printed material remains an effective method of disseminating information concerning rights and services for undocumented women. Easily distributable and shared, it can serve as a permanent reference and educational resource for undocumented women.

The **Institut Català de les Dones** (Catalan Institute for Women) in Spain have produced a *Welcome Brochure* to inform newly arrived female migrants of their rights and the services available to them as residents in Catalonia. The bilingual brochure available in Catalan alongside English, Arabic, Tamazight, Spanish, French, Romanian, Russian, Urdu, or Chinese, informs readers of the importance of gender equality and non-discrimination in Catalan society and provides details of the national 24 hour gender violence hotline. The brochure tells readers “*You have just arrived in a country where we women have all the civil, economic and political rights that are recognised internationally, after many years of fighting for them; and now, just for the simple fact that you now live in Catalonia, you will also be entitled to these rights.*”<sup>3</sup>

The Institute has also produced and disseminated a series of comic books aimed at preventing gender violence throughout the schools in Catalonia. Advising young people about their rights and available protective measures, this illustrated brochure includes concerns specific to migrant communities such as forced marriage and female genital mutilation. This initiative also features a teaching guide on suggested discussion and activities for educators. As undocumented migrants and their children are entitled to access education under Spanish law, initiatives in schools are also very beneficial informative tools within the community.

It is also important to inform undocumented women about their right to fair treatment at work. **Abvak-abo FNV** trade union in the Netherlands released a brochure for undocumented domestic workers as part of a larger effort to organise them. Outlining the rights of domestic workers, the brochure, which can be downloaded from the internet, includes a model contract which can be used when making agreements with employers.<sup>4</sup> The programme **BlinN** (Bonded Labour in the Netherlands) focuses particularly on the situation of domestic workers and they have published a leaflet entitled “Undocumented Workers also have Rights” which focuses exclusively on the rights of undocumented workers in the Netherlands.

## INFORMING THOSE IN DETENTION

Initiatives have developed to provide information and support on gender violence to those in detention. It is important to enable detained women to identify experiences of gender violence and promote their capacity to resist further violations. However, not all countries in Europe allow civil society access to detention centres.<sup>5</sup>

Often afforded freer access to detention centres, faith-based organisations emerged as a key source of support and information for detained migrant women. Pastors, chaplains and other religious leaders who visit migrants in detention can provide a vital link with external organisations and advocates. Through the use of sermons or pastoral visits, they can reach out and inform those who are often inaccessible to NGOs.

3 Full text available online at: [http://www20.gencat.cat/docs/icdones/temes/docs/benvinguda\\_castella.pdf](http://www20.gencat.cat/docs/icdones/temes/docs/benvinguda_castella.pdf)

4 The full text brochure “Your Rights as a Domestic Worker in a Private Household” is available online at: <http://www.abvakabofnv.nl/PDF/downloads/folder-rechten-als-huishoudelijke-hulp/193055/.pdf>

5 “Open Access Now” is a Paris based coalition demanding that civil society and journalists have access to detention centers. Their website and full information on their campaign is accessible here: <http://www.openaccessnow.eu/>



In Malta, where detention is mandatory upon arrival for all asylum seekers and irregular migrants, the **Jesuit Refugee Service, Malta** (JRS Malta) has proved an essential source of support for detained migrants on the island. Before 2009 men and women who arrived via irregular channels were detained together. This led to a lot of problems of abuse and rape, with migrant women often becoming pregnant in detention. Women were not only exposed to abuse by other detainees, but some claims implicated Maltese soldiers. One undocumented woman PICUM interviewed for this research reported that many women slept in their jeans while in detention, with belts tightly fastened or tied, in order to prevent rapes.

**Senperforto**, a European Project addressing the prevalence of gender-based violence in detention centres, used leaflets, posters, and postcards to inform and sensitise migrants. Led by the University of Ghent, the project gathered key civil society groups working to promote the rights of migrants in detention. In order to ensure the information also reached women who were unable to read, the leaflets employed a lot of visual imagery. For instance, a significant number of migrant women detained in Malta are of Somali or Eritrean origin, a group in which there is a high rate of illiteracy. As project partner Kristina Zammit of JRS Malta explains “*We produced leaflets and posters and postcards. The brochures were in many different languages but the posters were just pictures; we picked twelve themes, like domestic violence, rape, rights, sexual abuse, and reproductive health.*”

## GROUP INFORMATION SESSIONS

Providing information to undocumented women in a group setting can be a less resource-intensive way of responding to commonly asked queries. It can also help break the isolation of women and foster peer support through the sharing of experiences. Some organisations hold one off information sessions to address a particular issue concerning violence, while others host regular gatherings with interventions from external experts working on violence against women. Some networks, such as the Madrid based network **Red Acoge**, have consciously changed their interventions from individual-centred to more group-focused work so that women could participate more actively.

Brussels-based **La Voix des Femmes** (The Women’s Voice, LVDF) invite state and civil society service providers to present their work to migrant women, improving contacts and helping raise awareness on both sides. “*First we organise an information session to explain what abuse is; the cycle of violence, its different forms, and then we arrange visits from experts such as doctors, shelters, policemen, or lawyers working the issue,*” explains Maria Miguel Sierra. “*After working in groups to learn what violence is, the women often realise that they had been victims without realising it*”. LVDF then work with the women to identify ways to change the situation; their 2010 radio project was one such initiative.

### SOLIDARITY AND SUPPORT EVENINGS

In Amsterdam, the Netherlands, Steungroep voor Vrouwen zonder Verblijfsvergunning (*Support Group for Undocumented Women - SVZV*) host a “dinner café”. Once a month, a hot evening meal is offered to undocumented women and a guest speaker attends the event to inform them about routes to legalisation, access to services, or another pressing issue. These evenings provide an important opportunity for dialogue and solidarity between service providers and those residing in an irregular situation. Undocumented women attending the sessions learn from the questions asked by other group members, and benefit from discussing the topics between themselves.

Réseau pour l’Autonomie des Femmes Immigrées et Réfugiées (*Network for the Autonomy of Female Migrants and Refugees - RAJFIRE*) held debate movie nights in May and June 2011 at the Maison de Femmes (House of Women) in Paris addressing the theme of women, work and migration. The evenings allowed undocumented women to share their experiences, give them information on their rights and a platform to discuss.

## MEDIA

The range, availability, and accessibility of media increases opportunities to reach and inform an increasing number of migrants of an irregular situation. Traditional forms of media, such as print, radio and television continue to be used in fresh and innovative ways, while new forms of “social media” have allowed information sharing to become more open and accessible, facilitating a louder, more informed dialogue among migrant communities.

As a medium which is often more affordable for organisations to use and accessible to a wide audience, radio has emerged as a popular tool to inform society about gender equality, non-discrimination, and the right to live a life free of violence regardless of immigration status. Radio is also a useful

means of bringing public attention to undocumented migrant women’s experience of gender violence and can prove to be an effective force in obtaining support to change policies and practices.

**Latin American Women’s Rights Service** (LAWRS), based in London, UK, have found radio extremely beneficial for reaching out to undocumented women, informing them about their rights and services available to them. “*We use the radio service; it is in Spanish, Portuguese and English. We have a two hour slot in which one of our advisors or project coordinators give an interview on a key issue facing the community and the work that we do and then take phone call from the public*”, said Frances Carlisle. “*It’s a Latin American radio station which is also online too, so it can be heard both in Latin America and by those from the community living here in the UK.*”

## Internet

The internet can also serve as a vital source of information and support for women experiencing violence and exploitation. While not accessible to all, several undocumented women interviewed by PICUM viewed the internet as a crucial source of information.

Many organisations use their websites to impart essential information on rights and available services to undocumented women experiencing violence. It is a cheap and effective way for organisations to share information in a visual, multilingual, and interactive way. Users can also access a variety of other media from the organisations about violence against women, such as brochures, publications, audio or video materials.

### Internet Safety Notice

Internet security is vital. Many organisations working on violence against women issues ensure their websites are “perpetrator safe” by providing the option to “hide this visit” so it cannot be traced via the browsing history.<sup>6</sup> Other websites feature an “ESCAPE” button which enables users to “click to immediately leave this site if your abuser may see you reading it”.<sup>7</sup>

It is important that organisations using the internet to inform undocumented women experiencing violence include such options or advice to users on how to “stay safe online”.

The “**Survivors Handbook**”, produced by **Women’s Aid** in the UK is an online resource to provide practical support and information for all women experiencing domestic violence. A special section on “Immigration Issues” summarises immigration rules relating to domestic violence and identifies the supports and services available to those on a spouse-dependent or migrant worker visa, as well as those who are undocumented.<sup>8</sup> The guide is available for free download in twelve languages and with an audio version of the English edition also available.

In addition to information on existing laws and services, undocumented women can also access essential advice on how to survive a situation of violence. Migrant women with an irregular or dependent migration status often experience an additional reluctance to leave violent relationships. For this reason, many organisations recognise that they will not do so until their lives are at significant risk, and so seek to provide undocumented women with effective survival and exit strategies.

6 See Women Against Violence Europe (WAVE) website: <http://www.wave-network.org/>

7 For an example visit the US Department of Health Website on “Violence Against Women” at: <http://www.womenshealth.gov/violence-against-women/types-of-violence/violence-against-immigrant-refugee-women.cfm>

8 Women’s Aid, “The Survivors Handbook”, available online at: <http://www.womensaid.org.uk/domestic-violence-survivors-handbook.asp?section=000100010008000100350002>

## Staying safe if you live with an abuser

*Information available on LAWRS website available in English, Spanish, and Portuguese*

- **In an emergency call 999, or get a friend or a neighbour to do so**
- **If you feel a problem is about to explode, try to go to a room where there's another exit.**  
NEVER go to a bathroom (you could run the risk of being drowned) or a kitchen (you could be burnt or harmed with a knife) or any other place with objects that may be used as weapons.
- **Practice how to leave the house safely**
  - Keep a bag hidden with clothes, medicine and anything else you and your children may need
  - Keep copies of important documents (immigration papers, birth certificates, marriage certificates, court orders)
  - Talk to your children and give them a key word so they understand you must leave.
  - Decide where to go, even if you don't think you'll leave
- **Keep a list of important telephone numbers – police, LAWRS, friends**
- **Inform yourself of your rights**  
*Trust your instinct in a dangerous situation. If it's too dangerous, try to calm your partner down whilst you think of your next step*
- **Always remember that abuse is a crime**



## Online video hosting websites

Offer an essential platform for those with educational or awareness raising material on violence against migrant women, to share these resources with a wide audience. Migrants' rights advocates and service providers may produce video material specifically intended for these sites, or else use

them to ensure longevity and better dissemination of existing material.

*YouTube* and *Vimeo* feature a significant volume of material produced by or in support of undocumented women's rights organisations and initiatives. Many of those featured in this report also host their own channels on these sites to share material.<sup>9</sup>

The internet is also being used by officials to disseminate information about undocumented women and gender-based violence in a culturally appropriate and accessible way.

As part of their “**¡No te dejes! /Don’t Let Yourself**” initiative, authorities in El Paso, Texas produced an educational video called “The Undocumented Victim”.<sup>10</sup> The short film, in Spanish with English subtitles, traces the experiences of an undocumented woman with a young daughter, who decides to leave her abusive husband and seek help from a local women’s shelter.<sup>11</sup> The film seeks to discount

many of the immigration-related threats waged by abusers; namely, that women will be arrested, separated from their children and deported by the authorities.



### The Undocumented Victim

*Dialogue from information film produced by County Officials in El Paso, Texas*

*“If I call the police, I’ll get deported”*

“That won’t happen. In fact, there are laws that can protect and help you. You can apply for a U-Visa”

*“What’s that?”*

“The U visa is a working permit that the immigration service gives to victims of violence and their family. In order to qualify, you will have to cooperate with the police by testifying against your husband”

*“How long does it last”*

“The Visa lasts up to four years”

*“Where will I find a job? My husband was the one who worked and he struggled finding a job.”*

“The programme helps you find a job”

The high quality production explains the options available to women with an irregular status in a credible, accessible, and informative way and is disseminated to a wide audience via the *¡No te dejes!* website, YouTube and VIMEO channels.<sup>12</sup> The film is part of a wider initiative by El Paso’s

District and County Attorney’s Office to inform women residing in the area about gender-based violence and help them recognise the intervention and prevention services available. The website [www.dontletyourself.org](http://www.dontletyourself.org) enables both victims and perpetrators to “GET EDUCATED” to understand

9 For examples of online video hosting please see Women’s E-News <http://www.youtube.com/user/WomenseNews>, La Cimade <http://vimeo.com/32632627> and the “Don’t Let Yourself!” initiative <http://www.youtube.com/user/DontLetYourselfEP>

10 Released in 2011, this Texan initiative was funded by an \$80,000 grant from the Criminal Justice Department.

11 “The Undocumented Victim” can be seen on YouTube, VIMEO as well as the project website: <http://www.dontletyourself.org/resources/videos/the-undocumented-victim.html>

and identify gender-based violence. The section on *“Information for Immigrants”* recognises that those with an irregular status *“cannot work for minimum wage, are fearful of deportation by social service and law enforcement agencies, and are isolated in the country”*, but clearly states *“legal status is not an issue, there is help for all who are abused”*.<sup>12</sup>

The *“¡No te dejes! /Don’t Let Yourself”* initiative tours schools, community centres, migrant organisations, as well as perpetrator treatment classes with the film. An accompanying curriculum with discussion points and activities to educate participants about the dynamics of abusive relationships, the cycle of violence, the power and control wheel and also, provide information on services and legislation applicable to undocumented victims of violence such as *Violence Against Women Act (VAWA)* and *Victims Compensation Fund*. Downloadable from their website, the curriculum could easily be used or adapted by other organisations working on the issue.<sup>13</sup>

## Music videos

Music videos are another commonly shared form of media shared on websites such as YouTube and Vimeo. When British-Asian singer “Avina” released her song raising awareness about domestic violence within the Asian community, she did so in collaboration with the migrant women’s group “Southall Black Sisters”.<sup>14</sup> Southall have a long standing history of work on this issue, and were involved in the seminal 1986 documentary film on domestic abuse within the Asian community *“A Fearful Silence”*.<sup>15</sup>

Sung in Hindi and released online, the song “Without you” is aimed at informing Asian women about leaving abusive relationships. The song includes the refrain *“look forward, don’t look back, my life will be better without you”*. Proceeds from the release went to support the work of Southall Black Sisters, and the initiative helped to bring attention to the often taboo issue of domestic violence within the community and the work of Southall Black Sisters more generally, in assisting female survivors regardless of their immigration status.

## CONCLUSION

It is damaging for any society to have a portion of its population ill-informed and unsupported to resist gender violence. If undocumented women are aware of their innate right to equality and non-discrimination, they will be more able to address negative and exploitative influences that may lead to violence or harassment. Reaching out to them with information about their rights and of sources of support helps to reduce the power and control they experience through the use of immigration or residency privilege and provides an essential foundation upon which other strategies are built. Violence against *all* women is a crime. Raising awareness about the legislation, services, and support existing to assist undocumented women is a powerful affirmation of society’s rejection of all forms of violence against all women.

12 Available online at: <http://www.dontletyourself.org/>

13 ¡No te dejes! /Don’t Let Yourself, “Information for Immigrants” available at: <http://www.dontletyourself.org/get-educated/information-for-immigrants.html>

14 “Domestic Abuse Curriculum” available for download on the “¡No te dejes! /Don’t Let Yourself” website at: <http://www.dontletyourself.org/uploads/documents/DV-Curriculum.pdf>

15 Music video available online at: <http://www.youtube.com/watch?v=600IHt4Q-M&feature=autoplay&list=UUM2dtzJx0R6q3iDpE3Eop9A&lf=plcp&playnext=1>

16 Clip available online at: [http://www.youtube.com/watch?v=6mdR9ouh\\_LA](http://www.youtube.com/watch?v=6mdR9ouh_LA)

## II. Providing an evidence base on violence against undocumented women

*“Is there anything you want to ask me?”*

*“I don’t think so. Actually, what is the power of research?”*

– PICUM Interview with an undocumented Ukrainian woman in Poland

This question, from an undocumented woman living in Poland, provides a perfect introduction to exploring the function of research as a strategy to address undocumented migrant women’s experience of violence.

PICUM has prioritised the use of research in order to bring attention to the realities of undocumented migrants. In developing a solid evidence base on how migration policy agenda is played out across Europe and re-humanising these lived experiences, research can identify problematic policies and generate the support, alliances, and momentum to change them. Internally, data collection can also help organisations improve their service provision to undocumented women and identify emerging or under-addressed trends to address in their future work.

In this chapter, we will identify the context, approach, and outcome of a variety of research initiatives that have collected numerical (quantitative) or narrative (qualitative) data about undocumented women. In addition to highlighting the key findings of this research, the purpose or use of the information will also be explained.

In addressing the power of research, as a positive and negative force, specific attention is given to “self-research” initiatives that prioritise undocumented women’s participation, advancement and involvement in the research process. “Experts by experience” undocumented women are the original advocates for their basic rights and it is essential to value and document their agency and activism.<sup>17</sup> The power of participatory research is its ability to view the incidence of violence against undocumented women within the broader context of state violence. Inherently, it is the state that has put discriminatory limitations on the access of services which led to the destitution, criminalisation, incarceration and expulsion of undocumented women from our societies.

Funding is a notable barrier to data collection on violence against undocumented migrant women. It is apparent from our research that those specifically working with undocumented women at grassroots level lack the resources to systematically collect information, while larger state funded organisations with specific focus on violence against women are either reluctant to admit supporting this group, or refuse to address the issue at all.

17 This term “expert by experience” was coined by Rosa Logar of “Women Against Violence Europe” at the PICUM Conference on Undocumented Migrant Women on 13 December 2011.



## SELF-RESEARCH INITIATIVES

Addressing the exclusion of undocumented women from research initiatives because of their administrative status, migrant communities have served as a vital resource in developing an alternative evidence base regarding undocumented women's experience of gender violence, recognising their discrimination in society and revaluing their experiences as women.

### WHAT IS PARTICIPATORY ACTION RESEARCH?

This research takes a community based, social justice approach to gathering information for positive change. Creating a space for shared understanding and bridging social inequalities, this method provides excluded groups with a collaborative role in research design, data collection and analysis, and the delivery of findings. Participatory action research projects enable undocumented women to take a visible and participatory role in building evidence on their profile and needs.

The **Grupo de Mujeres Inmigrantes de Sant Cugat** (The Migrant Womens Group of Sant Cugat, GMISC) have shown how migrant women can produce their own research regarding their situation.<sup>18</sup> Breaking away from the "top-down" research initiatives in which they were subjects, they produced their own research about how existing immigration policies can compound experiences of exclusion and discrimination.

Documented and undocumented group members recognised that to be integrated in society, they had to take charge of the production of knowledge regarding their situation by contributing their own investigations, reflections, and recommendations to the debate. *"No compassion, just real participation!"* they insisted, *"How many times have we been researched, interviewed, had our photos taken, and invited to events in Catalonia? What was all that for? We are still relegated in the margins of Sant Cugat's social and economic policy. We don't want to be passive objects for surveys!"*<sup>19</sup>

Consisting mainly of Moroccan, Bolivian, and Colombian migrant women, a core group of the GMISC engaged in the entire research process by conducting interviews, developing focus groups, analysing outcomes, and holding a press conference to present the findings. Their research found a great need for education and training that enabled migrant women to develop leadership and participation skills, not simply literacy campaigns. Migrant women wanted support to become educators in their own community; *"Why not Moroccan women teaching Catalan to other Moroccan women?"* the recommendations asked.

*"They showed that you don't need a lot of money, or be an academic to do research; they have done this research by themselves to influence the local city hall,"* explained Nerea Bilbatua of **Global Alliance Against Traffic in Women** (GAATW) *"They presented their recommendations to the mayor and at the university. They engaged this institutional academic world but from a grassroots perspective. I think it is very empowering."*<sup>20</sup>

18 Report available in Spanish at [http://www.aulaintercultural.org/IMG/pdf/voces\\_de\\_mujeres\\_2007.pdf](http://www.aulaintercultural.org/IMG/pdf/voces_de_mujeres_2007.pdf)

19 Extract from "Memoria Voces de mujeres marroquíes y bolivianas en Sant Cugat Realizado por el Grupo de Mujeres Inmigrantes de Sant Cugat, 2007" available online at: [http://www.aulaintercultural.org/IMG/pdf/voces\\_de\\_mujeres\\_2007.pdf](http://www.aulaintercultural.org/IMG/pdf/voces_de_mujeres_2007.pdf)

20 A detailed example of the GMICS initiative has been produced by GAATW and is available online at: <http://pensamientofronterizo.files.wordpress.com/2011/08/feminist-participatory-action-research-fpar.pdf>



Rather than confirming the “difference” of migrant women, making them an “issue” of concern in society, the migrant women in San Cugat engaged in a process that brought their unique perspectives and recommendations to policy makers through a process of genuine participation.

**AkiDwa** was established by African women in Ireland to address their shared realities of isolation, discrimination, and gender based violence. They became increasingly concerned that inequalities in the asylum system were compounding migrant women’s experiences of violence, causing significant suffering during the assessment procedure and increasing their chances of being refused asylum. In 2009 they gathered other migrant organisations to develop a response to the gender-based violence concerns raised by women living in state funded institutional accommodation called “direct provision accommodation centres”.

A total of 121 women living in these centres participated in focus groups which enabled them to share their views and experiences. The research found

that accommodation was not only unsuitable for women with experience of gender-based violence, but that the stress, poor living conditions, and destitution led to further violence.

This research highlights the complexities of gender inequality within the direct provision accommodation system of the Irish state. It also highlights the psychological and emotional impact of Ireland’s reception and asylum system on women and children. It includes challenges faced by women and children living in direct provision accommodation, including health and safety concerns. Many women expressed great relief at finally being able to talk about their experiences and reported feeling empowered by the process. Following the launch of their report “*Experiences of Women Seeking Asylum in Ireland*” AkiDwa were able to secure meetings with several government departments and were invited to present the research findings to several internal committees. “*They have agreed to look into the issue of gender-based violence,*” explains Salome Mbugua of AkiDwa, “*so we are very hopeful*”

### TRAINING FRONTLINE ORGANISATIONS IN FEMINIST PARTICIPATORY ACTION RESEARCH

**Global Alliance Against Traffic in Women** (GAATW) provided training to promote and facilitate action research on issues relating to traffic in women. GAATW has coordinated support and training on feminist participatory methodology for organisations working with undocumented women in both Asia and Europe.

By providing training on feminist participatory action research methodology (FPAR) to organisations such as *AkiDwa* and *Grupo de Mujeres Inmigrantes de Sant Cugat*, GAATW ensure the participation of affected women and their families in research that seeks to address the real cause of exploitation and avoid worsening their situation.

As GAATW explain, “*Participation comes also as a strategy to break social stigma, whether it is associated to being undocumented migrants, sex workers, returnee migrants, minorities within the mainstream society etc. It provides a frame in which normally unheard voices raise and speak by themselves*”.<sup>21</sup>

21 GAATW, Alliance News – Issue 34, December 2010 at p. 15. Full text available online at: [http://www.gaatw.org/publications/Alliance%20News/Alliance\\_News\\_Dec2010\\_FPAR.pdf](http://www.gaatw.org/publications/Alliance%20News/Alliance_News_Dec2010_FPAR.pdf)

## GATHERING INFORMATION COLLECTED THROUGH SERVICE PROVISION

Cooperation between community groups and NGOs producing research regarding the experience of violence among undocumented women can foster a strong alliance for future change. “Evidence” of violence against women is often difficult to gain, particularly in the domestic sphere. For undocumented women the difficulties to prove violence, due to the barriers they face in accessing police, doctors and other services, is compounded by the external lack of evidence regarding their situation.

**Southall Black Sisters** (SBS) have successfully used evidence-based research in their work to reform the negative impact of state control upon migrant

women’s lives in the United Kingdom. By making the voices and experiences of women heard, they have effectuated changes in immigration law, such as the “no recourse to public funds” rule.

Since 1979 SBS has witnessed a high incidence of violence amongst women subject to immigration control. While politicians claimed these measures prevented immigration abuse, SBS could see they were in fact facilitating significant and prolonged abuse of immigrant women. SBS released statistics that they had gathered as “an indicator”. Their figures highlighted a high correlation between spouse dependent visas and violence. Their research also demonstrated that as only a small, yet not insignificant number of immigrant women were affected by this paradigm, the provision of state support would not be too costly for the state.

### IMMIGRATION POLICIES IMPACTING UPON UNDOCUMENTED WOMEN IN THE UK

The “**one year rule**” required migrant women on spouse to dependent visas to remain with their spouse for one year before a joint application for leave to remain could be made. In 2003 this was increased to the “**two year rule**”. Those who leave the relationship before this period, or whose spouse refuses to submit an application for permanent residence, automatically become irregular and subject to deportation.

The “**no recourse to public funds**” is a rule which limits access to state support for those on a spouse-dependent visa. So social housing, financial support, access to state funded women’s shelters all become inaccessible under this rule. This also applies to visa overstayers and those who are refused asylum.

Having developed their profile on this issue, SBS were invited to provide evidence to the “Home Affairs Select Committee on Domestic Violence” in 1992 regarding the numbers of women who had escaped from domestic violence. The statistics and testimonies provided by SBS not only proved the negative impact of immigration rules and procedures upon women experiencing domestic violence, but affirmed SBS’s position as a vital partner for future meetings and consultations on this issue. When the

Labour Government won the 1997 general election, SBS were invited into a formal consultation process regarding the issue.

Helping women through the law in the UK since 1975, **Rights of Women** began to receive increased requests for support from women experiencing violence and with immigration concerns. In response they opened a specialist immigration and asylum legal advice line on 1st April 2011.

Qualitative and quantitative information regarding the profile of callers and their experience of violence was gathered and released in the report *"Silenced Voices Speak: Strategies for protecting migrant women from violence and abuse"*. In presenting statistical information alongside case studies, the report managed to highlight the overall incidence and individual experiences of migrant women negatively impacted by policies. This research indicates a link between high levels of gender-based violence and an insecure immigration status.

**UK BASED ORGANISATION "RIGHTS OF WOMEN" PROVIDE STATISTICS FROM THEIR IMMIGRATION HELPLINE<sup>22</sup>**

Between April and September 2011 we provided legal advice to 95 callers. 27% of our callers identified themselves as asylum seekers, refugees or women with another insecure immigration status. 35% of callers stated that they were supporting a woman in this position.

The consequence of protection gaps are explored through the voices of women affected by them. The report presents clear and concrete recommendations in tune with the UK government's national priorities and international obligations to protect women from violence. In explaining the relevant laws and procedures in an accessible way, *Silenced Voices Speak* also serves as an important resource for frontline community and women's organisations.



In France, **La Cimade** used statistical evidence to highlight the treatment of undocumented women by the police. A survey of 75 police stations in Paris found that over a third would start deportation proceedings for an undocumented woman who came to them to report violence. This evidence served as a corner stone of La Cimade's national campaign *"Ni Une Ni Deux"* ("Not even twice") to address the institutional or double violence, against migrant women. In highlighting the overwhelming lack of justice for women reporting violence, the campaign mobilised a broad support base of organisations, parliamentarians, city authorities, and public figures.<sup>23</sup>

**LA CIMADE GAUGE RESPONSE OF PARISIAN POLICE<sup>24</sup>**

La Cimade contacted 75 police stations in the Parisian region on 2 March 2010.

Asked whether an undocumented woman beaten by her spouse could lodge a complaint:

38% of police stations stated that she would be arrested. This included 5% that said she would not even be able to lodge a complaint. 12% of the stations contacted could not provide an answer.

22 The Rights of Women have published a paper entitled "Silenced Voices Speak: Strategies for promoting migrant women from violence and abuse" the full text of which is available online at: [http://www.rightsofwomen.org.uk/pdfs/Policy/Silenced\\_voices\\_speak-strategies\\_for\\_protecting\\_migrant\\_women\\_from\\_violence\\_and\\_abuse.pdf](http://www.rightsofwomen.org.uk/pdfs/Policy/Silenced_voices_speak-strategies_for_protecting_migrant_women_from_violence_and_abuse.pdf)

23 La Cimade's Campaign website "Ni Une Ni Deux" is available at: [http://www.lacimade.org/minisites/niunenideux/rubriques/128-Les-acteurs?page\\_id=2207](http://www.lacimade.org/minisites/niunenideux/rubriques/128-Les-acteurs?page_id=2207)

24 La Cimade's press release from 12 March 2010, "Inauguration d'un commissariat modèle dans l'accueil et la protection des femmes étrangères victimes de violences" is available at: <http://www.cimade.org/nouvelles/2293-Inauguration-d-un-commissariat-mod-le-dans-l-accueil-et-la-protection-des-femmes>

## Trade Unions

The **Centre d'Informació per a Treballadors i Treballadores Estrangers** (*Information Centre for Foreign Workers and Workers*, CITE) is supported by Spanish Trade Union **Confederacion Sindicale Comisiones Obreras** (CCOO). A free information and support centre for migrants, CITE has taken an active role in collecting data to address the inequalities that were compounding migrant women's experience of violence at work and in the home.

*"CITE receives around 22,000 migrant workers a year, of which 51 or 52 % are women,"* explained Carles Bertran of the Catalan branch, *"so CITE and the union at large have a vested interest in addressing violence against migrant women"*. The centre collects information from members and those using its services which can be analysed to

assess the breakdown of service users in terms of gender, immigration status, country of origin, domains of employment etc. This process enables them to develop their service provision and policy work to the needs of their users.

*"It was apparent from the statistics that violence against women was increasingly present among immigrant women and that the legal status was often an issue,"* underlined Carles. The experiences of discrimination and violence among irregular women alerted CITE to the safeguards existing in Spain, whilst also highlighting the insufficiency of safeguards in many other European countries. In addition to pushing for awareness among union members, the general public and policy makers, CITE responded by developing additional material and resources for the women.

### MULTILINGUAL LANGUAGE GUIDE PUBLISHED BY CCOO OF CATALONIA<sup>25</sup>

The Department of Immigration, CCOO, Catalonia, with the collaboration of the Ministry of Women's Union and the support of the Ministry for Immigration of the Catalan has published a guide on violence against women in ten languages.

The guide *"Violence against women: What is that and what can I do?"* is written in Catalan, Castilian, English, French, Arabic, Tagalog, Polish, Russian, Chinese and Urdu, and defines violence against women both in the home and at work, explains the resources that are available to battered women and where they can go. It also includes the latest amendments to the Foreigners Law on access to an independent residence permit and work permit for migrant women in an irregular situation who experience violence.

CCOO published 5000 copies to distribute throughout the union structures, as well as social service agencies and women shelters and migrant associations.

25 CCOO's publication "Violencia contra les dones" is available online at: [http://www.ccoo.cat/immigracio/documentacio/violencia\\_dones.pdf](http://www.ccoo.cat/immigracio/documentacio/violencia_dones.pdf)

## DATA COLLECTION BY SOLIDARITY NETWORKS AND FAITH-BASED COMMUNITIES

In countries with comprehensive social support systems, but with far-reaching immigration restrictions, irregular immigrants are faced with a very specific set of problems. Mainstream organisations are financially restricted from working with undocumented migrants, while parallel support and service provision systems are largely underdeveloped.

As a result, undocumented women must turn to those within their own community, seek support from informal solidarity networks and from faith-based communities, or else remain in protracted experiences of destitution, violence and abuse. In addition to feeding, clothing, and housing a significant number of undocumented women experiencing violence these non-formalised networks are making great efforts to gather evidence on the issue and effectuate change. Often among the first to recognise the needs and presence of undocumented migrants, faith-based communities have also emerged as an important source of information and expertise on the issue.

Providing social, education and counselling sessions to undocumented women in Helsinki, the **International Christian Centre** has served approximately 60-70 undocumented migrants weekly since they began their service in 2004. To ensure the best on-going support, cases workers record the country of origin, legal status, needs, languages, and employment history of service users on file. Caseworker Vida Kessey commented about how the relentless detection of undocumented in Finland creates significant barriers to data collection even

by faith-based groups with no link to public authorities, *“most people are really scared, when they see the piece of paper they think “what next”? So some will give us the information, while others won’t”*.

Grassroots support networks are ideally placed to gather information about undocumented women’s experience of violence, and also have the incentive and dedication to push the issue forward. Brought together by their concern for the negative impact of immigration control and to provide support to individuals at risk of arrest or deportation, these networks are also active campaigners in bringing about change. Organisations such as **Ingen människa är illegal** (No One is Illegal Network) in Sweden and **Vapaan liikkuvuuden** (Free Movement) in Finland have developed a strong network with years of exposure to the realities facing undocumented women and most importantly, have gained these women’s trust. *“Our facts come from this history and come from the undocumented women themselves and we have this as our base,”* explained Trifa Shakey. In addition to the many difficulties they face, networks such as these are vulnerable to targeting by xenophobic elements of society.<sup>26</sup>

## USE OF TESTIMONIES

Testimonies can be a powerful way to report the experiences of women migrating irregularly and enable researchers to draw attention to the humanity of undocumented women and the complexities of their experience. Many organisations working with undocumented women highlight the benefit of personal stories and testimonies to document the specific power and control exerted over women who experience violence while undocumented.

26 In January 2012, a xenophobic Swedish website urged readers to pose as volunteers to infiltrate support networks for undocumented migrants in Lund and denounce migrants to the police. (See PICUM Newsletter, 15 February 2012), in France members of the solidarity network RESF (Réseau Éducatif Sans Frontières) had their names and photographs published on an anti-migrant website.

### USE OF TESTIMONIES BY FRONTLINE SERVICE PROVIDERS

Many organisations highlighted the benefits of using undocumented women's testimonies in their media and advocacy work. *"The case studies are always the most compelling parts of what we do",* affirmed Bethan Lant of Praxis in the UK. *"By gathering information you can state "300 undocumented women approached us, their issues were this and this", but that doesn't impact on many people, they just think "they're undocumented women, so what?" But, when you can show the human face behind that, someone who has come here in good faith, has children, worked, and now finds themselves trapped in an exploitative situation, this has an impact."*

However, others found the collection of testimonies challenging due to resources and privacy issues. *"It's difficult to collect stories when you are doing everything else",* explained a caseworker from Netherlands-based organisation, STIL, *"Even if they are not having their faces on television, undocumented people often don't want to tell their stories."*

**Praxis** is a front line advice and casework organisation serving undocumented migrants in East London. In 2009 they appointed a part-time policy worker to coordinate the collection of data concerning service users, both in terms of trends and case studies, from their service provision work. *"We feed the experience from our "service provision work" into the policy side of the work,"* explained Bethan. *"We look at the developments, see what's happening and feed that into campaigning and research".* Praxis holds a twice yearly staff conference to assess their work and develop a response to emerging issues.

Specific case studies on each of Praxis's thematic work areas were used in their communications, such as the annual review and website, the case studies were also used by partner organisations campaigning for regularisation and remain a key resource for PRAXIS in influencing policy makers on specific

issues. Re-using case studies can be a useful way to prevent research-fatigue among undocumented migrants who can often get frustrated at constantly telling their experiences to researchers.

Based in the Netherlands, migrant support centre **Wereldhuis** (Worldhouse) highlighted the importance of documenting the positive experiences of undocumented women. In September 2010 they held a symposium to highlight the contribution of migrant domestic workers, both documented and undocumented, to the Dutch economy. As Project Leader Evelyn Schwartz explains; *"It is a difficult message to tell, but it shows that undocumented are not only victims, not all are refugees, many of them are just paying a high price to try and live a normal life. I think we should emphasise this more; not only tell the stories of victims of the migration story, but also the ones who more or less succeed."*



## SUPPORTING FRONTLINE DATA COLLECTION

In providing support to frontline groups and service providers, second-tier organisations can be a valuable resource in terms of data collection. **Imkaan** is a UK network of independent, women-led organisations that support Black, Asian, Minority Ethnic and Refugee (BMER) Women experiencing violence.

As a “second tier” membership-based organisation Imkaan brings the voices and experiences of both service users and providers to the policy level. Close to realities on the ground, they do not have the case-load and sustainability issues facing many women’s shelters and support services. Using a solid research base, Imkaan bring the needs, experiences and concerns of their members to the policy level in an informed and authoritative way. “*Building a strong evidence base is key to highlighting the needs of our members and the women and children they support*” explained Sumanta Roy. While research fuels their strategic advocacy and lobbying to bring about policy changes for frontline BMER groups, Imkaan also works to inform members of the national situation so they can engage at policy level.

To address the lack of consistent data collection, Imkaan developed a data toolkit to help frontline organisations collect statistics about BMER women and children accessing their services over a three month period in 2009. This pilot gathered information from 124 women regarding their profile, experiences of violence, support needs, and the structural barriers they faced to access basic social rights and justice. The telephone interviews, questionnaires,

web-based research and twelve detailed case studies with local authorities, frontline service providers, and BMER women seeking support culminated in the largest collection of data on this issue in the UK to date. “*The survey demonstrated that 92% of 183 women with immigration issues, reported threats of deportation from the perpetrator*” highlighted Sumanta. “*This form of violence has a profound impact on women and their ability to leave a violent relationship.*”

In addition to highlighting protection gaps, the statistics showed the common experiences of migrant women denied access to public funds in terms of destitution, child custody issues, subjective and prejudicial treatment by public authorities, and reliance on underfunded frontline services.

### BLACK, MINORITY, ETHNIC AND REFUGEE (BMER) WOMEN FACING VIOLENCE IN THE UK<sup>27</sup>

Over 40% of women in an abusive relationship had been in it for five years or more; just under a quarter had lived with the abuse for 5-9 years, and 16.3% had lived with abuse for 10 years or more. 60% of women had lived with abuse for more than two years.

Over a quarter of the women had no recourse to public funds suggesting that BMER services are taking on the majority of these cases which are often more complex, requiring additional time, resources and specialist support. Over 80% of these women were aged below 35 years and the majority of women were on spousal visas.

27 Ravi K. Thiara and Sumanta Roy “Vital Statistics The experiences of Black, Asian, Minority Ethnic & Refugee women & children facing violence & abuse”, Imkaan, 2010, available online at: [http://www.imkaan.org.uk/index.htm\\_files/Vital%20Statistics%202010.pdf](http://www.imkaan.org.uk/index.htm_files/Vital%20Statistics%202010.pdf)

## RESEARCH BY HEALTH PROFESSIONALS

A number of studies highlighting the levels of violence against undocumented women have served to support NGO actions seeking to improve access to services and to justice.

**University Hospital Geneva** conducted an observational study of the specific sexual and reproductive health experiences and needs of undocumented women from their services over a 20 month period. Starting in 2005, this clinical trial of pregnant women compared a sample, or “control group”, of 161 undocumented women with 233 legal residents of Geneva delivering in the public hospital during the same time period. Quantitative research findings showed that undocumented women were more likely to have unintended pregnancy, availed of prenatal care at a later stage, and were more exposed to violence during their pregnancy.



European Parliament Hearing on 8 December 2010 organised by Médecins du Monde's HUMA network, PICUM, the European Women's Lobby (EWL) and the European Anti-Poverty Network (EAPN)  
© Rebecca Lea, EAPN 2010

### UNDOCUMENTED PREGNANT WOMEN:

Data gathered by University Hospital of Geneva<sup>28</sup>

#### *Emergency contraception:*

- Unaware of emergency contraception: 61% (9% of legal residents)
- Unintended pregnancies: 75% (21% of legal residents)

#### *Prenatal care:*

- Initial consultation more than 4 weeks later than legal residents
- First visit during the first trimester: 63% (96% of legal residents)
- Cervical smear test: never or more than 3 years ago 18% (2% legal residents)

#### *Violence:*

- Exposed to violence during their pregnancy: 11% (1% of legal residents)

Underscoring the need for routine screening for violence exposure and better access to healthcare, researcher Hans Wolff presented this study at a public hearing in the European Parliament on 8th December 2010 organised by Médecins du Monde's HUMA network, PICUM, the European Women's Lobby (EWL) and the European Anti-Poverty Network (EAPN), which highlighted how undocumented pregnant women and children are threatened by legislative and practical barriers when trying to access healthcare. The hearing resulted in the inclusion of this group in the European Parliament Resolution on “Reducing health inequalities in the EU”, adopted on 8 March 2011.<sup>29</sup>

28 The full research study entitled “Undocumented migrants lack access to pregnancy care and prevention” is available online at: <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2323378/>

29 For more information on this event and to view a video see PICUM, “EP Resolution on “Reducing health inequalities in the EU” adopted on March 8th!”, available at: <http://picum.org/en/news/picum-news/25501/>



## STATE-LED RESEARCH

Spain has one of the most comprehensive frameworks of legal support for undocumented women experiencing violence in Europe. Research by central and regional governments and their respective institutes has been a cornerstone of the development and on-going improvement of legislation. (see chapter 7)

In 1999, as the Spanish Government launched its first “Plan of Action Against Domestic Violence 1999–2002”, the **Instituto de la Mujer**<sup>30</sup> (*Spanish Institute for Women’s Affairs*) conducted major telephone surveys on the prevalence of gender-based violence nationwide. Concerns about the frequent, hidden, and unpunished nature of violence against migrant communities were addressed through a series of national strategies and legislative amendments. This survey was conducted again in 2002 to assess changes as the strategy came to an end. The data clearly showed that immigrant women were more at risk due to their precarious economic situations, irregular status, language issues, and isolation.

Consequently, legislation released in 2004 affirmed “*particular attention shall be given to the situation of women whose personal and/or social circumstances put them at greater risk of suffering gender violence, or may hinder their take-up of the services envisaged herein. This definition may extend to women belonging to minorities, immigrants and those suffering social exclusion or disability.*”<sup>31</sup> In 2006, the National observatory on violence was established, and the telephone survey was duplicated once more to assess the changes since the implementation of the law.

However, as Santiago Morán Medina of the Spanish Government Delegation on Gender-Based Violence

explained “*Violence among foreign women was twice the rate of that of Spanish nationals and constituted 30% of the total deaths caused by gender-based violence nationwide, despite the fact that only 11% of Spain’s total population was foreign.*”<sup>32</sup> Due to this disproportionate level of violence, the Ministry of Equality enacted a second three year violence prevention plan targeted at Spain’s migrant population in 2009. By 2011, new legislation providing the most comprehensive guarantee to undocumented women reporting violence anywhere in Europe was enacted. It was through a solid evidence base that Spanish society recognised the need to implement a non-discriminatory approach to addressing violence against women, and develop legal protections and rights for all experiencing violence regardless of their immigration status.

### DATA COLLECTION BY REGIONAL AUTHORITIES IN CATALONIA

The Regional government of Catalonia funded a 2009 study exploring the experiences of psychological violence among national, documented and undocumented women.<sup>33</sup> Researchers traced the treatment of seven women experiencing violence; four of whom were migrants, two with poor Spanish language skills and one who was undocumented. Input from judges and attorneys specialising in violence against women, police officers, social workers, cultural mediators, women shelters, municipal authorities, and academics were also gathered through a series of interviews and roundtables. The research provided the regional government with insight into the approaches, difficulties and experiences, of professionals, psychologists and social workers in trying to assess and address situations of psychological partner violence in Catalonia.

30 Info taken from: [http://www.gencat.cat/salut/depsalut/html/en/dir241/eng\\_femchist.pdf](http://www.gencat.cat/salut/depsalut/html/en/dir241/eng_femchist.pdf)

31 Article 32(4), Law on Measures Comprehensive Protection against Gender Violence of 28 December 2004

32 PICUM workshop report, “Violence and Exploitation of Undocumented Migrant Women: Building Strategies to End Impunity”, PICUM: Brussels, 2011, p. 5, available at: <http://picum.org/picum.org/uploads/publication/FINAL%2008.03.2011PIC%20004-10%20EN.pdf>

33 The Center for Legal Studies and For-Specialized training (CEJFE) of the Catalanian government funded this initiative through its publically called Annual Research Grants. The research on migrant women was gathered by Pilar Albertín and Jenny Cubells, available at: <http://www20.gencat.cat/docs/Justicia/Documents/ARXIU/invesbreu46.pdf>

## SPECIAL FOCUS

## DEVELOPING AN EVIDENCE BASE ON VIOLENCE AGAINST WOMEN AT THE BORDER

Many undocumented migrant women attribute violence as a reason for leaving their home countries. However, as restrictive measures controlling entry intensify, and states fail to ensure safe passage for asylum seekers, migrants are confronted with huge risks when attempting to cross borders via unofficial channels.

As with internal control policies, the “fight against irregular migration” at the border seeks to create conditions so inhumane and distressful that they deter and deflect further migration. The militarisation and impunity existing at Europe’s borders is in fact encouraging abuse of irregular migrants and there is a clear gender-specific nature to these violations. The highly charged, isolated, and criminalised environment compounds gender inequalities and impunity.

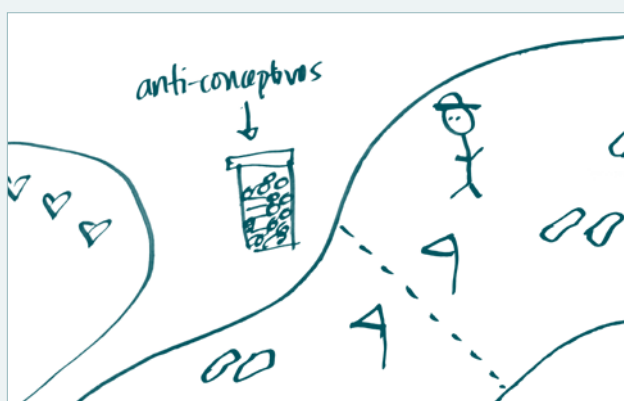
Migrant women are disproportionately exposed to violence and assault, particularly those travelling alone. Rapes are often perpetrated by those with the power to denounce, deport, or otherwise manipulate migrant women’s dependence. When the prevention

of irregular entry is given priority over ensuring dignity and the protection of rights, the risk of physical and sexual abuse serves to benefit the authorities’ agenda. The lack of information about the disproportionate impact upon women only perpetuates the lack of political will to address it.

Compared to the focus on the issue of violence against undocumented women and girls by organisations working along the US-Mexico border, the situation in Europe is comparatively unaddressed.<sup>34</sup> The data which does exist is very much specific to the Moroccan-Spanish and Algerian-Moroccan border regions, and indicates systematic abuse against women by immigration guards, smugglers, and other migrants.<sup>35</sup> Despite the challenges, an increasing number of actors are working to document the frequency of violence against women who migrate to Europe through irregular routes. Such data is vital if this situation is to be addressed.

The externalisation of EU immigration control means that migrants may have to cross more than one militarized zone. “Bottle necks” such as those in Libya, Morocco, Algeria, Turkey, Greece or Ukraine, coincide with high rates of abuse. Many organisations working with women in the region are humanitarian organisations providing healthcare.

**Médecins Sans Frontières (MSF)** has strengthened its internal and external lobbying of Moroccan authorities to assume their responsibilities towards irregular migrants. “*We want to show that the conditions are for the women left at the borders of Europe*” explained Ingrid Kircher. “*The number of*



34 Marilana Montaner and Hanna Kara, “Mujeres que Cruzan Fronteras”, UNIFEM and Mexican Secretary of Foreign Affairs: 2006, p. 5.

35 PICUM, “PICUM’s 2009 Annual Concerns for Undocumented Migrants”, PICUM: Brussels, 2009, pp. 10–13.

women is increasing and we are focusing on this issue as we hear what is happening. We are documenting their reasons for migration which are often connected to armed conflict, sexual violence or exploitation and then, on the trip the abuses they suffer.”



Active in Morocco since 2000, MSF have noticed the changing profile and experiences of sub-Saharan migrants. Initially the organisation provided basic health care in Tangier and in the North East along the Algerian border which was a frequent site of crossings, deportations and push-backs. *“It was very much a transit country”,* recounts Ingrid, *“but then people were becoming more blocked.”* As the presence of sub-Saharan migrants became more permanent, MSF opened clinics in other major cities such as Rabat and Casablanca where, in addition to providing healthcare, they tried to mainstream them within the national healthcare system.

The lack of action by authorities and fear of detection among migrants is very much compounding this issue. *“We’ve seen more women coming to our consultations”* explained Ingrid. *“They present medical problems related to unwanted pregnancies, self-induced abortions and sexually-transmitted diseases. While initially they tell us that they are travelling with their husbands, they later admit they’re migrating alone. They are very exposed. Many are exploited by smuggling or trafficking networks. An increasing number of the women are minors.”*

### SEXUAL VIOLENCE AND MIGRATION: SUB-SAHARAN WOMEN TRAPPED IN MOROCCO EN ROUTE TO EUROPE<sup>36</sup>

Médecins Sans Frontières (MSF) has documented a high level of violence and abuse perpetrated against migrants by Moroccan and Spanish Security Forces, smugglers and other migrants. Their 2010 report “Sexual Violence and Migration” highlighted the abuse sub-Saharan migrant women may experience in their countries of origin and on their way to Europe; one third of the migrants interviewed by MSF had experienced sexual abuse on Moroccan territory. A short video with testimonies from irregular migrant women and MSF researchers coincided with the release of the report, enabling key messages to reach a broader audience.<sup>37</sup>

The **International Centre of Reproductive Health** (ICRH) conducted a participatory research project in Morocco to assess the prevalence of sexual and gender-based violence among sub-Saharan migrants. Concerned by the lack of research on this issue, as well as the humanitarian and public health consequences, the project sought to raise awareness and develop prevention measures in a way that empowered migrant communities.

Ten sub-Saharan migrants were trained as community researchers and conducted 154 in-depth interviews with other male and female transit migrants in Morocco. Mainly undocumented migrants, but also asylum seekers, they originated from Democratic Republic of Congo, Cameroon, Congo Brazzaville, Ivory Coast and Mali. The data exposed

36 Short video: <http://www.youtube.com/watch?v=SKGGS7c-QhM>  
Briefing paper: <http://www.doctorswithoutborders.org/publications/reports/2010/MSF-sexual-violence.pdf>

37 Médecins Sans Frontières video, “Morocco: Sexual Violence and Migration,” available online at: <http://www.youtube.com/watch?v=SKGGS7c-QhM>

sexual violence from gangs operating along the migration route and in the wasteland between Algeria and Morocco. While women and girls were commonly targeted, males were also subject to abuse. Research results, along with a series of targeted policy and practice recommendations, were presented at a public seminar at the *Mohamed V University* in Rabat.<sup>38</sup>

### **“LA ROUTE DE LA SOUFFRANCE”**

*(The Road of Suffering)*

#### **ON TRANSIT MIGRANTS IN MOROCCO<sup>39</sup>**

154 sub-Saharan migrants interviewed (60 female and 90 male)

138 respondents experienced violence either directly (49) or indirectly (89), in 2 cases the respondent was a co-aggressor.

In total, 535 acts of violence were reported; 246 constitute sexual violence, 141 acts considered rape (111 were multiple or gang rapes), 46 sexual abuse, 33 sexual harassment, 24 sexual exploitation and 2 sexual torture.

In Morocco (69 cases) perpetrators were mostly police/military (39), guides/“passeurs” (15), or a combination (12).

For **Women’s Link Worldwide** (WLW) the lack of information about undocumented women’s experience during the migration process did not mean the issue did not exist, simply that it was unaddressed. Regarding the documented cases of migrants trying

to cross the Moroccan-Spanish borders at the enclaves of Ceuta and Meillia, project leader Paloma Soria asked “*What happened with the women? There were no women there, or if there were, they were invisible*”.

In response, WLW began the project “*Migrant Women: An Invisible Reality*” to document the journey of sub-Saharan African from their country of origin through Morocco to Spain, with particular focus on the gender-based violations that they suffered en route. The report details the multiple forms of violence and lack rights facing women during this process, and highlights the sexual and reproductive health concerns. The publication of this factsheet in 2009 aimed to increase public awareness and discussion concerning the situation of woman who had made this journey.

### **FINDINGS FROM “MIGRANT WOMEN”: An Invisible Reality”<sup>40</sup>**

In 1999, Women’s Link Worldwide interviewed 138 sub-Saharan women in Morocco and Spain.

#### Individual interviews with 98 women

45 suffered violence during journey, 8 specifically stated they had been raped, 10 said they had suffered no violence

#### Focus groups with a total of 32 women

18 suffered violence at hand of Moroccan, Algerian and/or Spanish authorities, 3 said they were raped by Moroccan police

38 Recommendation: “The border zones, Oujda and inner-Morocco are priority areas of action. Prevention should be multidisciplinary and multidimensional. The medical sector has an important and immediate role to play and needs urgent investigation and training in order to prevent through screening and give adequate care to any victim regardless of the status they have”.

39 International Centre of Reproductive Health, “La Route de la Souffrance”, ICRH, 2009 available online at: <http://www.icrh.org/publications/la-route-de-la-souffrance>

40 Full text available in English and Spanish from Women’s Link Worldwide at: <http://www.womenslinkworldwide.org/wlw/bajarFS.php?tl=3&per=111>

The **Euro-Mediterranean Human Rights Network (EMHRN)** conducted research in Morocco, Egypt, France and Italy, to gain a regional perspective on violence against migrant women in countries of origin, transit, and destination.<sup>41</sup> Interviews with migrant women highlighted gender inequalities as a reason for migration and gender-based violence was a common experience both en route and while living in Europe. This research identified the role of laws and policies in compounding discrimination against women at each stage of the migration process, and mapped the barriers preventing their access to justice.

By closely monitoring the origin and gender of those arriving to Malta by boat, **Jesuit Refugee Service in Malta (JRS)** identified the need to develop specific initiatives to document and address the experiences of female migrants. In response to the increasing number of female arrivals identified in their statistics, particularly those from West Africa, JRS began a specific project to identify their gender-specific experiences of irregular migrants, and needs both in detention and following release.

## Developing an Evidence Base on Violence Against Women at Europe's Internal Borders

Physical and sexual violence is also a feature at the EU's internal borders. In 2009, the situation facing undocumented women at the irregular migrant camp in Calais compelled the *British Refugee Council* and *France Terre d'Asile* to conduct a joint fact-finding mission to assess the conditions and access to protections.<sup>42</sup> Interviews with the migrants, NGOs, as well as the Deputy Mayor of Calais uncovered the vulnerable position of women in the camp. The organisations identified the notable lack of female interpreters in the area, and the women they interviewed were unable to avail of any sanitary products, violence counselling, or antenatal care. The risk of sexual violence against the women during their stay was also of grave concern. The joint nature of this mission enabled the British and French organisations to share information about practical support but also, on how to use this data in the different media and political contexts of the UK and France. Their final report included targeted recommendations to the European Union, British, and French authorities.

## CONCLUSION

Research enables us to identify the extent to which undocumented women are exposed to violence, justifies it as an issue of concern, and engages key actors to bring about a more humane response. Key for raising awareness, data collection can bring about laws and policy change which addresses

the root causes of violence against undocumented women and removes barriers to support and justice. Undocumented women's direct experiences of violence can prove a powerful force in obtaining political will to implement change. When such research is conducted in a participatory manner, led by the women themselves, it can also have a directly beneficial impact on the women participating.

41 EMHRN, "Violence against Migrant and Refugee Women in the Euromed Region", available online at: [http://www.euromedrights.org/files.php?force&file=Reports/Violence\\_against\\_migrant\\_women\\_357255620.pdf](http://www.euromedrights.org/files.php?force&file=Reports/Violence_against_migrant_women_357255620.pdf)

42 Report of the British Refugee Council and France Terre d'Asile joint fact-finding mission to Calais, September 2009, available online at: <http://www.refugeecouncil.org.uk/Resources/Refugee%20Council/downloads/policy/Calais%20report%20BESSION-WOOLAS%20final.pdf>

## Lifting the Voices of Migrant Women to Drive Global Conversations

### *Reflections from the Migrants' Rights Movement*

Human mobility is happening, it is unstoppable, and it affects us all. It occurs due to “push” factors that the West has helped to create (indebtedness, poverty, resource wars, climate change...), as well as the “pull” of demand for labour. We all know that we need a better response to this global phenomenon. **When are we going to acknowledge that changing demographics from migration reflect real labour needs in receiving countries and are here to stay-- and build relationships of mutual-ity, respect and rights?**

Undocumented women are not victims - they are strong advocates who are taking leadership roles. At the same time, because of the dangers they face of detention and deportation, they need allies to work with them to advocate for rights. These include churches, women's organisations, health and education professionals, police who are willing to treat abused women with respect and not turn them into immigration enforcement, elected officials, lawyers, human rights advocates, trade unions, and many others.

**It can be a struggle to convince the women's movement that migrant women are women.** We must examine how race, class, gender and national status come together to define women's experience. We must ask how public policies for women address ALL women, including those at the margins. To claim rights, migrant women's concerns cannot be isolated- they need to be part of the agenda of women's organisations; labour organisations; human rights organisations; environmental justice organisations; and all groups working for economic justice.

United Methodist Women and PICUM have joined with organisations and trade unions from across the globe to start a **Caucus on Migrant Women** (related to the People's Global Action on Migration, Development and Human Rights, and to NGO events at the UN Commission on the Status of Women). Since 2009, we have come together to identify the obstacles migrant women face regionally and globally, and to share organising and campaigning strategies on critical issues.

Participants in the women's caucus have noted the importance of examining undocumented migrant women's experience in the context of **globalization and trade policies**. As we seek rights-based remedies, we must continue to address those policies that create poverty and cause women to migrate, policies which increase labour mobility while denying rights. By taking action at the regional and global levels, we can strengthen our national efforts and hold our governments accountable to lift up international standards on human rights, women's rights, and labour rights.



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#### **Ms Carol Barton**

*Executive Secretary*

United Methodist Women

Immigrant/Civil Rights Initiative -

United States of America



### III. Raising awareness about the presence, contribution, and rights of undocumented women

*“The main problem for undocumented women in Sweden? That they don’t exist! That is the major problem. The total denial of their reality and their rights. In itself, it’s a kind of mental blockage that affects the policies and approaches of society as a whole”.*

– George Joseph, Caritas, Sweden

*“Undocumented women are “invisible” for the majority of society and live in extremely precarious situations. The general ignorance on this issue renders them more vulnerable to violations of their fundamental human rights”.*

–Cristina Sánchez Velázquez, Women’s Link Worldwide, Spain

*“The biggest barrier facing undocumented women in the UK is the refusal of the state to prioritize them as victims of violence rather than as immigration offenders. Their status is always at the forefront of their experiences. The structures exist in a way that reinforces the abuse of women, leaving women at risk of further violence and destitution.”*

– Marai Larasi, Imkaan, UK

Disseminating the realities and experiences of women with an irregular migration status is essential for building support to bring about change. Irregular migrants are perceived very negatively. Their diverse experiences and profiles, and the numerous causes for their becoming irregular, are frequently omitted from public and political narratives. The image portrayed in European media is overwhelmingly one of male sub-Saharan migrants arriving by boat to Europe’s southern shores. At political level, the debate focuses solely on deportation and return.

Many of those involved in providing support and solidarity to undocumented women describe themselves as a public movement. They are working to shift the understanding and action of relevant actors by revealing the societal consequences of failing to address violence and abuse against a group because of their migration status. The following examples seek to promote substantive equality for undocumented women by raising awareness about their realities.

#### RAISING AWARENESS IN THE MEDIA

In addition to being the subject of media campaigns informing them of their rights (see ch.1), media can be an extremely effective tool for influencing public opinion about the contribution of undocumented women to society and the need to ensure their equal dignity and rights.

**Women’s E-News** is an online non-profit news service which raises awareness about women’s issues. In October 2010, a special series on “Women and Immigration” provided a platform for the voices of migrant women and their advocates in the United States, with special focus on undocumented women. Articles and video reportages featured success stories from undocumented women who availed of support to leave violent relationships, and provided insight into the services and mechanisms available to them. Highlighting many of the difficulties irregular women face to access basic services and justice, the series affirmed the right of all women to live a

life free from violence regardless of their status, and raised awareness about the initiatives that exist to support them. The forum gave undocumented women a chance to share their stories of survival. *“Graciela Beines endured two years of abuse by her ex-boyfriend out of fear of deportation. Now she wants others to know about the U visa, which permits immigrant victims of crimes to escape the violence and stay in the U.S.”*<sup>43</sup> Reports combine text and video to inform viewers about the need for increased protections for undocumented women experiencing violence.

The Polish-based **Fundacja Rozwoju “Oprócz Granic”** (Foundation for Development “Beyond Borders”, FROG) has worked to develop documented and undocumented women’s engagement with media. They are involved in “Broadcasts radiowe”, a bi-weekly radio initiative informs listeners about migration issues such as the role of undocumented migrant women in propping up domestic and care roles as Polish women migrate West.<sup>44</sup> In April 2011, their competition *“The adventures of foreigners on the Polish labour market”* encouraged migrant workers and their employers to share “the joys and the problems related to working in Poland or dealing with public authorities in matters related with legalizing migrant labour”.<sup>45</sup> Submissions in the form of letters, journals, songs, films, photos and paintings, were judged by an interdisciplinary panel of NGOs, public officials, migration experts and a journalist. All participants were awarded diplomas and the three winning entries received a laptop, a camera, and mobile phone. The initiative encouraged migrant workers to draw attention to their

contributions within Polish society, and also enabled employers to join them in criticizing restrictive work and residence permit systems for migrant workers.

Highlighting women-led initiatives to address violence against those with an irregular migration status is also important in defining this as an issue of concern for women. In the Netherlands, the work of “local hero” Henny van den Nagel who opened a shelter for undocumented women experiencing violence was highlighted on the **“Heroes Wanted”** radio show. Broadcast in May 2008 on RTV Utrecht, the show highlighted Henny’s role in setting up “Huize Agnes” to support undocumented women in the city and draw public attention to their realities. Available on several regional television networks and also available online, the show explained to listeners why they should be concerned about the issue, and highlighted how those in the community could provide support. The story of Huize Agnes and “Ramina”, an undocumented women residing there, was also the subject of a short video reportage by two student journalists featured on the “U-stad” (U-city) show on RTV Utrecht.<sup>46</sup>

Women’s magazines can effectively raise public awareness about the specific difficulties facing those without papers to access support and justice when experiencing violence. Interviews, opinion pieces, and feature articles have proved successful in pushing the experiences of undocumented women into the public domain. Partnerships with women’s magazines can be a successful element of public campaigns to push for change. French civil society organisations were particularly successful

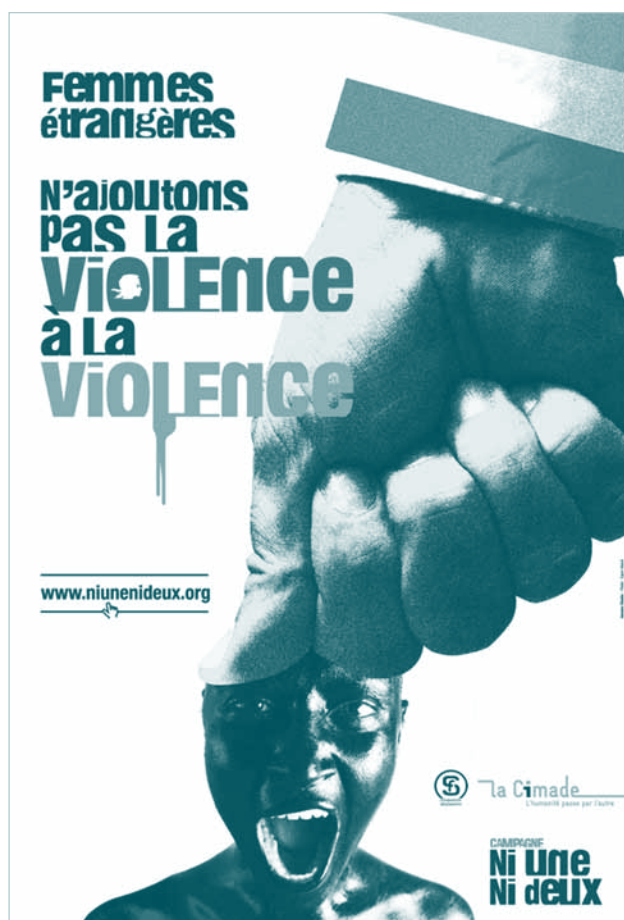
43 Women’s E-News, “Visas Out of Hell: Women Need to Know they Exist”, available at: <http://womensenews.org/story/100302/visas-out-hell-women-need-know-they-exist>

44 Links to FROG’s bi-weekly radio programme can be found at: <http://www.mip.frog.org.pl/component/content/article/41-program-radiowy/68-program-radiowy.html>

45 FROG, “Audycje radiowe” (“Radio Broadcasts”), available at: <http://www.mip.frog.org.pl/component/content/article/41-program-radiowy/68-program-radiowy.html>

46 U-stad RTV Utrecht, “Huize Agnes”, available at: <http://www.youtube.com/watch?v=UUHVmmhCutA&feature=youtu.be>





Poster of Campaign “Ni une; Ni Deux”, La Cimade, France

in gaining the support of major women’s magazines to join the call to prevent the punishment of undocumented women who report violence. Innovative campaigning and messaging advanced the debate from a “migrant issue” to one considered a cause of concern for all women.

As described by Violaine Husson, of *La Cimade*’s “*Ni Une, Ni Deux*” (“Not even twice”) campaign, “*We had a media impact because we managed to link the campaign to current events, giving us access to important channels the radio and television as well as magazines like ELLE. This meant that the issue of “double violence” against immigrant women became a public debate.*” Throughout 2010, *ELLE* magazine

regularly featured highlights of the campaign for the right to access justice and published a feature article on Najlae L., a 19 year old Moroccan girl who was deported after reporting violence to local police (see chapter 5). In October 2010, the magazine named her “Woman of the Week”.<sup>47</sup>

## EVENTS TO PROMOTE GENDER EQUALITY AND ADDRESSES DISCRIMINATION

### Internationally Observed Awareness Days

An increasing number of awareness raising events regarding undocumented women are taking place on internationally observed “awareness days.” Information, awareness raising and political campaigns often issue statements or release reports on dates such as *International Women’s Day* (March 8<sup>th</sup>), *International Day for the Elimination of Violence against Women*, (November 25<sup>th</sup>) or the *16-days of activism* leading up to *International Human Rights Day* (November 25<sup>th</sup> – December 10<sup>th</sup>). By publically marking these dates, undocumented women and their advocates can help to embed this issue within international movements to promote gender equality and end violence.

For instance, London-based **Latin American Women’s Rights Service** marked *International Violence Against Women’s Day* by hosting an event to raise awareness about elder abuse within the Latin American community. The organisation has found that women with family reunification visas can face similar issues as those on spousal visas concerning dependent status isolation and a lack of access to accommodation and services. LAWRS joined with AGE-UK to draw attention to this issue which was occurring more frequently due to changes in the profile of the community.

47 *ELLE*, “Le femmes de la semaine 08/10/2010”, available at: <http://www.elle.fr/Societe/Les-femmes-de-la-semaine/Les-femmes-de-la-semaine-08-10-2010/Najlae-Lhimer>

In Malta, migrants' rights lawyer and advocate Katrine Camilleri of **Jesuit Refugee Service Malta** was presented with the **International Woman of Achievement Award** by the US Ambassador to Malta at a reception on International Women's Day in 2008. The award recognised her work in ensuring that irregular migrants in Malta receive adequate social and legal services.

In Madrid, the **Asociación Sociocultural y de Cooperación al Desarrollo para Colombia e Iberoamérica** (Sociocultural Association for Development Cooperation for Colombia and Latin America) (ACULCO) held an event on International Women's Day 2012 to discuss key issues affecting migrant women, from gender based violence and "feminicide",<sup>48</sup> to the need to advocate for employment rights and gender equality. The event brought together various organisations of migrant women from Latin American and also Eastern Europe.

## Rainbow Festival in Cyprus

**Κίνηση για Ισότητα, Στήριξη, Αντιρατσισμό** (Action for Equality, Support and Antiracism, KISA) was established in 1998 to address the urgent situation facing Cyprus' migrant population. Awareness raising and lobbying are central to its aims. KISA estimates that up to 36,000 migrant domestic workers are in Cyprus. They make up 97% of the total domestic work sector.<sup>49</sup>

However, the exclusionary and non-rights based system which governs this highly feminised labour migration, means that a significant number have become undocumented through workplace exploitation and administrative mismanagement

by employers. This situation has coincided with increasingly xenophobic public and political sentiment. Any structures supporting the rights of undocumented migrants are viewed by the state as encouraging irregular migration. The authorities reject any rights-based measures and refuse to support independent civil society action on this issue. As Doros Polykarpou from KISA explained *"We have two expressions in Cyprus, one bad and the other worse; one is "illegal" and the other is "self-smuggled migrant"."*

KISA have detailed numerous cases involving arbitrary and unfair treatment of migrant women due to the dependent and insecure nature of their status. *"The situation for documented and undocumented migrant women in Cyprus is a very narrow line because at any moment a documented women can become undocumented"*, said Doros. *"We had a case of a woman from Russia who was married to a Cypriot for 14 years. When her husband died the authorities told her to leave the country; all of a sudden she was undocumented. Last week we received another migrant woman whose Cypriot husband was extremely violent, when she finally left him, he reported her to the migration office and she received an order to leave the country in 14 days!"*

The **Rainbow Festival** is an annual open air event organised by KISA. The event seeks to promote tolerance and gain support for a more equal and dignified labour migration system in Cyprus. Many performances, food stalls and artistic displays are organised by women from Philippines, Sri Lanka, Bangladesh, Vietnam, India, and Burma, the majority employed in domestic and care work.<sup>50</sup> Held on Sunday to allow for the participation of the many female migrant domestic workers on the island, the

48 The Mexican Chamber of Deputies, "Special Commission to Study and Review the Investigations of Murders Perpetrated Against Women in Mexico and promote justice for the victims of Feminicide", has coined the term Feminicide which describes murders of the women and girls of exceptional brutality", available at: [http://www.europarl.europa.eu/meetdocs/2004\\_2009/documents/fd/droi20060419\\_h\\_backgroundnote\\_/droi20060419\\_h\\_backgroundnote\\_en.pdf](http://www.europarl.europa.eu/meetdocs/2004_2009/documents/fd/droi20060419_h_backgroundnote_/droi20060419_h_backgroundnote_en.pdf)

49 KISA, "Undocumented Migrants Problems and Recommendations", available at: [http://www.kisa.org.cy/\\_metacanvas/attach\\_handler637.pdf?attach\\_id=274&content\\_type=application/pdf&filename=Memo\\_Undocumented.pdf](http://www.kisa.org.cy/_metacanvas/attach_handler637.pdf?attach_id=274&content_type=application/pdf&filename=Memo_Undocumented.pdf)

50 Short video "Rainbow Festival Cyprus 2009", available at: <http://www.youtube.com/watch?v=HW-DXaFhM74>



Information Poster, 13th Rainbow Festival, 5 November 2010

event allows them to showcase their diversity and talent while providing a chance for social interaction with the Cypriot community. The event also ensures the participation of Greek-Cypriots and Turkish-Cypriots as well as bi-communal organisations.

Held on 5 November 2010, the 13<sup>th</sup> Rainbow Festival was violently attacked by the far-right Greek Resistance Movement and other extreme-right groups who held a demonstration “against illegal migrants”. Despite a strong police presence and the attendance of the Head of the Representation of the European Commission in Cyprus, the anti-migrant

demonstration violently attacked the festival. A number of festival goers were injured, including critical injuries of two Turkish Cypriot musicians performing at the festival. This attack highlights the violent backlash that still faces migrants and their advocates in Europe.

In addition to being violently targeted, KISA was then criminalised. Six months after the event, law enforcement authorities brought charges against KISA’s Executive Director for “rioting and participating in an illegal assembly”, an offence punishable by three years in prison.<sup>51</sup> The leader of the extreme right who organised the demonstration was among the main witnesses for the prosecution. This marked the sixth case by the public prosecutor against KISA for its human rights and solidarity activities. In 2006, the organisation was also taken to court for an awareness and fund raising campaign to cover urgent medical treatment of an undocumented migrant domestic worker; charges were made against KISA for attempting to pay for a surgery which the migrant worker’s employer had refused to cover.<sup>52</sup>

Due to the difficulties of working in the Cypriot context and the on-going attempts to curtail their activities, KISA also engages in monitoring and reporting on the situation of undocumented migrant women at the regional and international level.<sup>53</sup> KISA has reported on the situation to the United Nations International treaty monitoring bodies, the Council of Europe Commissioner for Human Rights, and also participates in several civil society networks and regional intra-state bodies to ensure that the exclusion, discrimination, and exploitation of migrants in Cyprus does not remain unaddressed.

51 PICUM, “Joint Statement - Persecution of human rights defender Polycarpou and breach of migrants’ rights question Cyprus’s suitability to take over EU Chairmanship”, available at: <http://picum.org/en/news/picum-news/32198/>

52 KISA, “The Police Fail to Criminalise KISA’s Struggle”, available at: <http://www.kisa.org.cy/EN/news/572.html>

53 In addition to press releases in both English and Greek, KISA is increasingly using video in order to document the issues in Cyprus for an external audience. See KISA video, “Access to Healthcare in Cyprus”, available at: <http://www.youtube.com/watch?v=EEBBpPbf8Ak>

### LIMITED RIGHTS AND RECOURSE FOR FEMALE MIGRANT WORKERS IN CYPRUS

Inflexible labour migration systems constitute a major pathway to irregularity, as they enable exploitative employers to deliberately undermine their workers' immigration status as a means of controlling and preventing them from reporting or pursuing a case under labour legislation.

In 1991, Cypriot authorities took the decision to allow migrants to enter the country for the purposes of work. A tripartite agreement was developed to allow "the imported labour force" temporary access to certain low-wage sectors if and only if, no Cypriot was willing to take up the job. Confined to sectors where labour demand could not be met, migrant women now make up entire sectors of the Cypriot economy such as domestic work and "cabaret" (sex work).<sup>54</sup> They receive a temporary work permit which ties them to a specific employer, job, and time period; the latter adjusted to curtail permanent resident or family reunification rights.

This inflexible and restrictive visa regime forces migrants to choose between staying in exploitative situations or losing their status.<sup>55</sup> As Doros Polykarpou highlighted *"Cyprus never thought this 'imported labour force' might have needs and require structures to meet their needs as human beings, not only as workers. We have been witnessing incidents over the past two decades which show that this system doesn't work."*

A dependent status and denial of recourse is compounded by a recruitment mechanism which

disadvantages migrant workers even before arrival. Mandatory fees to private agents and registration charges mean that women amass debts of up to €5,000 in order to come and work in Cyprus. Until 2008, the minimum monthly wage

for migrant domestic workers was fixed at €256, and it is now only €326. The rate is significantly lower than national minimum wage as the government allows deduction of food and accommodation expenses. However, even this low wage is not observed by all employers. While other migrant workers' contracts are drafted and regulated by the Ministry of Labour and Social Insurance, the contracts of domestic workers are still under the auspices of the Ministry of Interior. The final decision about any labour disputes facing migrant domestic workers is taken by the Director of the Registry and Migration Department of the Ministry of Interior. Also available in English, the Greek version of this contract prohibits participation in any "actions", while the English version specifies "political actions".

*"Can you name one occupation in Europe that hasn't had a salary increase in almost 20 years?"* asked KISA's Doros Polykarpou.



54 See KISA, "The Position of Migrant Women in Cyprus", 2009, available at: [www2.ohchr.org/english/.../KISACyprus.doc](http://www2.ohchr.org/english/.../KISACyprus.doc), Mediterranean Institute of Gender Studies, "Integration of Female Migrant Domestic Workers", 2008, available at: <http://www.gemmaproject.eu/publicdocs/integration-of-female-migrant-domestic-workers.pdf>, and "Integration of Female Immigrants in Labour Market and Society. A Specific Targeted Research Project of the 6th Framework Programme of the European Commission", 2006, available at: [http://www.femipol.uni-frankfurt.de/docs/working\\_papers/wp1/Cyprus.pdf](http://www.femipol.uni-frankfurt.de/docs/working_papers/wp1/Cyprus.pdf)

55 In March 2001, a 20 year old Russian dancer employed as an artiste fell five floors to her death. Oxana Rantseva had met Cypriot police some days before, but they handed her back to her employer. Her family lodged a successful complaint against Cyprus under Article 4 of the European Convention on Human Rights which prohibits slavery, servitude and forced labour. Source: *Rantsev v Cyprus and Russia* [2010] ECHR 25965/04 (7 January 2010)



Migrant domestic workers enter the country with the purpose of working for a specific family. However, if their employer fails to register them, either on purpose or because of ignorance, the migrant worker is considered to be working “illegally”. *“If they find their employer is purposely not registering them, and contact the authorities, they can be deported. We’ve seen situations where they’ve gone to file a complaint in the Labour Office and been arrested there on the spot!”* said Doros. Even if the worker is not arrested, the Labour Office

will refuse to examine their complaint because the migrant is not in a legal labour relationship.

*“Domestic workers who report sexual harassment are caught and deported immediately because the employer denies he did anything. It is always the same in these cases,”* said Doros. *“In one case, an employer found out that the domestic worker had cancer but instead of taking her to a hospital to get her treatment, he decided to terminate her contract to make her irregular so she would be deported”.*<sup>56</sup>

## ADDRESSING DISCRIMINATIONS AT THE ROOT OF VIOLENCE

Violence against women is pervasive; it exists at all levels of society in every country of the world. It is not something specific to migrant communities and it is important to be aware of attempts to present it as one. Terms such as “honour-based killings” stem from the notion that gender discrimination is something unique to foreign communities and ignores gender issues in our own societies. Many organisations interviewed for this research highlighted the need to address violence against undocumented women without compounding discriminations against them. To reduce violence against undocumented women, there is a need to address the inequalities they face as women, as migrants, and as undocumented.

Raising awareness about the forms and features of gender-based violence is an important first step to enabling migrant women, and society at large, to recognise the discriminations that lead to violence. It is essential to recognise the right of all women to live a life free of discrimination and gender-violence and to do so in a way that addresses structural

discriminations against migrant women, and not by compounding stereotypes that fuel prejudice against them. As Eva Martinez of Red Acoge, Spain stated *“The fact violence has increased towards migrant women is not only an indicator of exclusion, but that equality policies have been unsuccessful. This situation is not only affecting foreign women but actually affects all women in Spain. The issues facing migrant women simply prove what is not working in society.”*

Rooted in the movement supporting Black, Minority Ethnic and Refugee Women (BMER) experiencing violence, **Imkaan** have developed a solid approach to addressing discrimination in both state structures and feminist movements. In order to have an effective dialogue and unbiased discourse on the causes of violence, it is essential that BMER women self-define their experiences of male power and control.

Imkaan and its members raise awareness about the root causes of discrimination against undocumented women; the causes being gender, foreign status, lack of access to services and lack of access to justice. As violence against women is a manifestation of the discrimination women face on grounds

56 For more details on these and other cases see KISA, “Latest News”, available at: <http://www.kisa.org.cy/EN/news/index.html>

of their gender, policies should seek to eradicate and not compound gender discriminations. If the movement to end violence against women has a hope to succeed, it must address **all** forms of discrimination, against **all** women.

Tackling the layers of gender and racial discrimination that perpetuate gender-based violence, Imkaan's awareness raising activities avoid making migrants into "the other" and seek instead to identify common experiences of patriarchy shared by all women. Discussions on violence against BME women typically focus less on inequalities in our society, and instead on embedding notions of "patriarchy" within foreign, particularly Muslim communities, thereby externalising and distancing the issue. As Marai Larasi explains, *"It's so ingrained in how our society thinks and operates that we fail to call it 'honour' when it occurs here; we only call it 'honour' when it's over there. The manifestation of misogyny occurs in different ways in different cultural settings; it's about male violence, as ultimately crimes committed against women in the name of honour are about maintaining men's honourable status. Honour is the vehicle, it's not the cause."*

Several Spanish organisations including **Women's Link Worldwide** and **SOS Racismo** participated in the "Action Against Discrimination" (ACODI) project to map the various forms of discrimination facing migrant women in Spain.<sup>57</sup> By identifying the institutional discrimination against, and the denial of an effective remedy for migrant women in Spain, the report was adeptly titled "612 Cases of Discrimination on Spanish Territory". In addition to raising institutional and public awareness, the mapping seeks to identify appropriate cases and issues for strategic litigation in domestic, regional or international courts.

### MOBILE INITIATIVE TO RAISE AWARENESS ABOUT SEXUAL VIOLENCE AND HARRASSMENT

In Portugal, the **União de Mulheres Alternativa e Resposta** (Union of Women Alternatives and Responses, UMAR) has developed innovative ways to promote equality and raise awareness about gender-based discrimination. "The Feminist Roadshow Against Sexual Harassment" (Rota dos Feminismos contra o Assédio Sexual) is visited by many migrant community organisations to raise awareness about "Sexual Harassment in public spaces and at work". The initiative consists of cultural activities, information sessions and debates to raise public awareness about the human rights aspect of sexual harassment, highlighting the link concerning unequal power relationships between perpetrator and victim. *"There is a lot sexual violence in Portugal towards women from former colonies,"* explained Maria Bibas of UMAR. *"For a long time, African and Brazilian women were seen as different; there are many marriages where a man lives in this fantasy stereotype and there is an amount of eroticization leading to discriminatory treatment."*

Gathering testimonies, the roadshow fed into UMAR's broader campaign of public awareness and political pressure to put sexual harassment on the political agenda. In 2012, the "Mobile Library for Gender Equality" (*Biblioteca Itinerante pela Igualdade de Género* - BIIG) brought books, educational materials and games to municipalities, schools, associations, cooperatives, and organisations in different regions, engaged visitors in discussions, and ran information sessions on challenges to gender equality and women's role as agents of change and education.<sup>58</sup>

57 Women's Link Worldwide and SOS Racismo, "Acción Contra la Discriminación, ACODI", 2007, available at: <http://www.womenslinkworldwide.org/wlw/bajarFS.php?tl=3&per=96>

58 UMAR, "Biblioteca Itinerante", available at: [http://www.umarfeminismos.org/index.php?option=com\\_content&view=article&id=466:o-projecto-biig-biblioteca-itinerante-pela-igualdade-de-genero-esta-ja-a-caminho-do-alentejo&catid=5:projectos](http://www.umarfeminismos.org/index.php?option=com_content&view=article&id=466:o-projecto-biig-biblioteca-itinerante-pela-igualdade-de-genero-esta-ja-a-caminho-do-alentejo&catid=5:projectos)

## TRADE UNIONS: ADDRESSING DISCRIMINATION INSIDE AND OUT

**CSC/ACV** trade union in Brussels started a group with documented and undocumented women in 2010 based on personal story telling and discussion about their working conditions. In addition to developing demands about recurring issues, the group's work fed into the broader work of the union, enabling them to take part in concrete actions to defend their rights.

*"We started raising awareness among the internal union staff as well as the delegates through trainings," explained Ana Rodriguez. "It is very important that delegates develop a sense of solidarity with undocumented workers so we can defend the rights of all workers, documented and undocumented".* In addition to organising an exhibition on the history of immigration to Belgium and the role of the trade unions in supporting migrant workers, an edition of the union's weekly newspaper *l'Info* (The News) published research about the realities of undocumented workers and explained the need for union solidarity between all workers.<sup>59</sup> With over 200,000 delegates in Brussels alone, the union has significant public reach and political influence.

Centre d'informació per a treballadors i treballadores estrangers (Information Centre for Foreign Workers, CITE) within the **CCOO** union in Spain has taken an active role in addressing violence against undocumented women both within the union and society at large. When asked why the union took on the issue, Carles Bertrán of the CITE Catalonia explained, *"We are a socio-political confederate union, so everything that affects workers concerns us in one way or another. It is evident that the union has to be concerned with an issue as important as*

*violence towards women. We take the view that they are part of our society and so the union has a role to play. And this is the origin of the CITE, to inform and try and prevent discrimination or exploitation of people due to their legal position."*

The union works to raise social and political awareness about the realities of female migrants in irregular situations and also undertakes a significant amount of work to sensitise their own members. *"It would be wrong to use a politically correct and elaborated discourse but our base has a very different vision of immigration and women",* said Carles. CCOO ensures its members are well informed about migration by providing resources and training for over 190,000 affiliates. The union's training programmes now include modules on migration, on combating stereotypes and on the specific issues facing migrant women.

## AWARENESS RAISING INITIATIVES WITHIN FAITH BASED COMMUNITIES

**Caritas** is a social arm of the Catholic Church which takes an active role to sensitise their community on the issues facing irregular migrants. *"Our first objective is not only advocacy, but to change the mind of the Spanish government and the Spanish society about migration issues",* noted Maria Segurado of Caritas Spain *"Because if we don't change this opinion, it's impossible to change things".* The organisations work is to inform its network about the issues facing migrant women with insecure status, as these parishes are often in direct contact with them. Through this work, and a network of almost 60,000 volunteers, Caritas can influence the content of sermons and initiatives in local parishes across Spain.

59 CSC/ACV, *l'Info*, Edition 20, 20 May 2010, available at: [http://bruxelles-hal-vilvoorde.csc-en-ligne.be/Images/20\\_2011\\_infocsc\\_tcm59-248082.pdf](http://bruxelles-hal-vilvoorde.csc-en-ligne.be/Images/20_2011_infocsc_tcm59-248082.pdf)



**Jesuit Centre for Faith and Justice** in Malta was established in 1989 to promote justice, address social realities and raise awareness about the Christian social commitment. Through public courses, seminars, media work and meetings with policy makers, the centre encourages positive dialogue on migrants' rights and integration in Malta.

The centre has prepared research for the EU Fundamental Rights Agency (FRA) as well as the European Anti-Poverty Network (EAPN) Malta including a great deal of awareness raising about the human rights and social exclusion experienced by those with an irregular status. To promote interaction and understanding within Malta, the centre has facilitated networking and cultural exchanges between Maltese nationals and African migrants.

*"Our focus is very much on the context and not the direct work with the migrants; we also have some courses for organisations, or seminars on justice issues where we speak about the situation of migrants," explained Fr Edgar Busuttil. "For instance, one Catholic Women's movement did a course, and asked us if they could meet with migrant women. So we brought some African women to meet the group and they spoke very openly about their needs and experiences in Malta. It certainly increased awareness and understanding."*

In addition to providing practical support by housing undocumented migrants, **BAG Asyl in der Kirche** (German Ecumenical Committee on Church Asylum) works to promote the fair treatment of foreigners as prescribed by the Bible and the Christian tradition. *"We collect texts and good examples on how to bring this issue to the celebration", explained Verena Mittermaier. The network disseminates information within the church to engage support for the issue*

and considers it an important base for accessing political discussions. *"We are a public movement, we don't hide what we do. We try to put our work out in the media, in the public discussion", said Verena. In 2010, BAG Asyl in der Kirche held a summer course in Malta with German and Maltese students which included visits to detention centres and trainings on migrants' rights and theology.*

#### **FAITH BASED WOMEN'S GROUP MOBILIZE SUPPORT FOR UNDOCUMENTED**

**United Methodist Women (UMW)** is a US faith-based women's organisation with over 800,000 members. With a long history of anti-racism work, UMW has been actively engaged in an Immigrant and Civil Rights Initiative since 2006. In response to its mandate to treat everyone as a neighbour, the organisation welcomes migrants to its churches, and actively encourages its members to visit those in detention, disseminate material aid to communities in the wake of immigration raids, hold vigils at detention centres, call for an end to racial profiling by local police and border patrol, and advocate for a just immigration policy in the US and globally.

United Methodist Women view migrant rights as part of the on-going civil rights struggle in the USA and place it in the global context of social justice. To mobilise their community to speak out publicly for migrant rights across the country, the Immigrant and Civil Rights initiative provides support and guidance through a specially developed toolkit "How to Organise a Public Witness for Immigrant Rights" which includes advice on gaining media attention, exploring ecumenical support and developing contact with other local migrants' rights groups.<sup>60</sup>

60 Available online at: <http://new.gbqm-umc.org/umw/act/alerts/item/index.cfm?id=511>

## CONCLUSION

This chapter has illustrated a variety of means through which the existence, realities and rights of undocumented women can be brought to the attention of the society in which they live and work in. The role of churches, trade unions, women's groups and NGOs in bringing these realities to the fore illustrates the weight and importance these movements give to this issue. In identifying the innovative ways in which they raise awareness, we hope to mobilise supporters and inspire other examples.

## Undocumented Migrant Women: Powerful Agents for Change

*Reflections from the European Network of Migrant Women*

Undocumented women are extremely powerful, strong women. It is the injustice in state structures that makes them vulnerable. We need to challenge and change this.

When striving to empower migrant women, it is crucial to consider them as stakeholders and not only as vulnerable women that need to be helped.

**It is essential to ask women how and where the system has failed them and what they believe needs to be changed.**

The European Network of Migrant Women is committed to the improvement of undocumented migrant women's situation. Established by migrant women to represent the concerns, needs and interests of migrant women in the European Union, the network has developed a specific thematic area on this issue so we can learn from each other's experiences and share strategies for change. Similar to PICUM, we work closely to link up the work of national NGOs to the European level and influence policies by providing practical examples and experiences.

While advocacy work on European level is essential to raise awareness among policy makers and other stakeholders, in order to create real lasting changes, we must include undocumented women themselves in those processes. We need to strengthen and support the work that they are already undertaking on their own and give this more visibility. It is important that undocumented women are given the opportunity to speak for themselves. Illustrate their incredible strength

and encourage others to come forward and claim their rights. Participation can be an extremely empowering and inspiring opportunity.

**The general public needs to understand how easily someone can lose their immigration status and become undocumented. As a migrant woman, I could easily find myself undocumented.**

Although it is vital to consider the possible implications that revealing one's immigration status might have on undocumented women and ensuring their safety must be prioritized, it is so important to share the stories of these women with the wider public. Putting a human face on these experiences helps these women to be seen and recognised as important actors in our communities and societies and it helps to influence the perceptions of the wider public.



**Ms Alwiye Xuseyn**

*Chair, European Network of Migrant Women (ENoMW)*

*Migrant Women Health Coordinator,  
Akina Dada wa Africa (AkiDwa), Ireland*

## IV. Participation and empowerment through community outreach

*“No to “victims”. They are not victims. When you see her as a victim she has no power anymore.”*

– Nathalie Simonnot, Médecins du Monde, France

*“How can all these people go to work without a domestic worker to look after their family? In the Philippines, the economy would collapse if we stopped sending money for three days. That’s why they call us “modern heroes”, but where is the protection and support we need most if we are heroes?”*

– Marissa Begonia, Justice for Domestic Workers, UK<sup>61</sup>

Undocumented migrant women are often limited by the legal, social and economic structures which discriminate against them. They show significant resourcefulness in leaving their home countries and coming to Europe; those who migrate for economic reasons prop-up vital sectors of our economy, and are often the main source of income for their families back home.<sup>62</sup> However, they face a triple discrimination on grounds of their gender, foreign origin, and irregular status.

It is essential that the process of receiving services or gaining information is a supportive and empowering one. In addressing the core needs and experiences of undocumented women, many initiatives also enable them to collectively examine possibilities to challenge their conditions. Community outreach involves collectively challenging the dynamics of power within a society to bring about social justice. Examining how decisions are made, by whom, and in whose interests is a vital first step to recognising the power of collective action to challenge institutional authority and achieve progress. This section attempts to highlight examples of what worked, in what context, and how.

### CREATING SPACE FOR PARTICIPATION

This section explores initiatives that enable undocumented women to come together, share experiences and identify the common issues that they need to address. Pamela Castro of **Migrants Rights Network**, UK explains, “*The idea is to bring people together around the issues they have in common; it’s all about community cohesion and creating solidarity, speaking about the issues they experience*”. Participation is a cornerstone of **Migrants Rights Centre Ireland’s** (MRCI) social reform agenda and enables those distanced from formal structures of power to actively redress imbalances. “*Participation is a process with a specific purpose and is underpinned by a clear set of principles*,” explained Edel McGinley. “*It’s not just about migrants being involved but maintaining their involvement by developing their ownership of the process*.”

Based in Madrid, **Pueblos Unidos** have created a private space for migrant women availing of their drop-in service to come together while waiting to see a case worker. This approach enables those who

61 ITUC, “Interviews: Spotlight on Marissa Begonia [J4DW/Unite/TUC – United Kingdom]”, 2 August 2010, available at: <http://www.ituc-csi.org/spotlight-on-marissa-begonia-j4dw.html?lang=en>

62 IOM, “Gender, Migration and Remittance”, 2011, available at: [http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published\\_docs/brochures\\_and\\_info\\_sheets/Gender-migration-remittances-infosheet.pdf](http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published_docs/brochures_and_info_sheets/Gender-migration-remittances-infosheet.pdf)

come to seek individual support, to share experiences with migrant women in a similar situation and inadvertently, take on a support role. Reinforcing the other work area of this centre, the “ad-hoc working group for mutual support” promotes collective realisation, networking, and support.

*“What we do in this space is discussing while the women are waiting, we discuss their expectations, frustrations or complaints. Many things are said here when we talk,”* shared group facilitator Juan David. *“The idea is not that I act as a psychologist, to explore people lives, but rather to provide a space for conversation among women about their problems. Often not even about their problems, but also about the situation in their countries and what it had meant to come here in Spain.”* The groups realise that their individual experiences are very much shared by the other women. Women are encouraged to make ties and realise they have similar issues and experiences.

In addition to sharing problems, group members also share essential advice and information. This support role is a vital first step in developing links and friendships that can somehow address their social isolation. *“These new relations will enable them to support each other in everyday life either with regards to job searches or how to become regularised via the “arraigo social”<sup>63</sup>* Catalina Villa said. *“Even if they are undocumented, they create networks that allow for stability, that allow them to survive.”* The solidarity within peer support groups can also facilitate greater disclosure by the women and enable the organisation to identify necessary support. *“In a space where they feel others have experienced same issues, they also dare to tell their own. The other women can give some support in terms of strategies to solve this emotional problem or situation. This is the group aim”* stated Catalina.

#### PUEBLOS UNIDOS’ AD-HOC SUPPORT GROUP FOR MIGRANT WOMEN

Alongside their information and support services, **Pueblos Unidos** provide a space for women to come together in a very fluid and informal way. With some women attending for one day and others for several weeks, facilitators consistently link arising problems and experiences to broader realities and trends.

As facilitator Juan David explained, *“We try to make them understand that they are not to blame for their situation. That the world economic system is organised in such a way that they cannot have a decent life back in their countries, and so they come here in search of a life. But also, this closed immigration system characterised by restrictions generates a situation which makes it difficult for them to live and work in dignity”*.

#### Here is an excerpt from one of the sessions:

JD: *Why did you come to Spain?*

A: For my children.

JD: *And why for them?*

A: So that they have a better life than mine.

<sup>63</sup> The “arraigo social” is a process by which migrants may gain legal permission to live in Spain on a case-by-case basis. Those who have formed community ties for which they want to stay put. If they fulfill the requirements and present a compelling case, they may be allowed to do so if they: have lived in Spain for a minimum of three years; don’t have a criminal record in your home country, in Spain, nor in the country they lived in prior to residing in Spain, have a job in Spain with a legal work contract or sufficient economic resources

JD: *How many children do you have?*

A: I have two, one is 18, and the other is 14. I cannot bring them here.

JD: *And with whom are they staying?*

A: Thank God I have the help of my parents and brothers. It is better they get their education there.

JD: *Yes, it is really difficult to go to university here in Spain.*

B: Yes, like me! I wanted to study, but I could not enrol because I have no papers. I have the ability and will to study but I can't.

JD (to the group): *"Before, an undocumented person was able to study, now it is a requirement to have papers in order to enrol so it is more difficult for B. to go university. The other factor is survival; you have to live day by day here, and the worst paid jobs are generally left to immigrants, so there are less economic resources to go to university. Many women like A. chose to come here and work to give their children a university education back home; if they had they stayed in their own country that may not have been possible."*

For the past few years, Amsterdam-based migrant support centre **Wereldhuis** has operated women only days on Thursday to ensure a separate space for women, where they could engage in support, training, and counselling. *"What we also heard in the group counselling situations with undocumented was that the women were feeling oppressed by the men from their own ethnic group, so we wanted to give a space where they could share their experiences"*, said Evelyn Schwartz. Because such a large number of women visiting the centre are in full-time work, the session begins in the evening with a shared meal followed by classes. Women's groups are also invited to use the facilities to host their own meetings, trainings and social events.

French migrants' rights organisations **La Cimade** and **Comede** launched a discussion group for migrant women who experience violence. Established in March 2009, the group met once a month in the offices of the **Ligue des droits de l'Homme** in Paris to exchange thoughts and feelings, and overcome their isolation. Around 20 undocumented

women, mostly from Africa and the Middle East, were referred to the group through the consultations at Comede and La Cimade. Childcare services were provided by a group of volunteers. A second group was then established which was facilitated by the women from the first group, providing them with a supportive and leadership role.

Undocumented women also come together to participate in action groups, where they get involved and mobilise around key social and political issues. While the initial process of building relationships and providing on-going group support can take time and resources, it is vital in order for undocumented women to move towards collective participation such as campaigning for change.

**Migrants Rights Centre Ireland (MRCI)** has shown the impact that a community work model can have in advancing the rights of undocumented migrants. Inspired by the power of social justice movements to address inequality, they have mobilised migrant communities as active agents in achieving positive

change. MRCI builds the capacity of undocumented migrant women through participation, empowerment, and collective action.

Since opening in 2001, MRCI received many requests for support from migrant domestic workers. Mostly female, these workers were particularly isolated and their work was unregulated as their place of work was often their place of residence. Employers had unilateral control of work permits and so workers had few options if subject to violence or exploitation. Despite the high rates of exploitation, the Irish government was failing to address these issues occurring in private homes.

Rather than continuing to work on a case-by-case basis, MRCI developed a participatory-based strategy so that migrant domestic workers could effectuate social and policy change. These women initially came together to participate in a “support group”. By creating a social space where group activities were linked to political change, they succeeded in creating a public and political space for migrant domestic workers to challenge their situation.

*“One of our first action groups began as the Domestic Workers Support Group which was started in 2003 and solidified in 2005”, explained Edel McGinley of MRCI. “Its main aim was to bring domestic workers who were so isolated in their place of employment together to talk about their experiences and to develop plans of action and campaigns to go forward.”*

To enable undocumented women to participate in decisions and structures that affect their lives, MRCI “start where the community are at” and link into existing social networks and support channels. To enable maximum participation, meetings were held on Sunday. A safe space was created so that the immediate needs of domestic workers could be shared and the group developed according to these needs.

## EMPOWERMENT

Language training, learning about rights, gaining skills in public speaking and organising can improve undocumented women’s capacity to identify their power and use it to bring about change.

London-based **Praxis** has a long history supporting destitute migrants. In 2009, they were invited by the *British Institute of Human Rights* (BIHR) to join several other frontline organisations in developing an innovative human rights approach to addressing poverty and social injustice. Praxis identified the refusal of social services to support undocumented families as the most pressing issue they faced; as their caseworker explained, *“Social services refuse to help undocumented women so they become destitute, and then they threaten to take their children into care because they are destitute!”*

In December 2010, Praxis and the British Institute of Human Rights held a community awareness day for women and families with no access to public funds entitled *“You have recourse to human rights”*. The event featured a diverse mix of activities for migrant women such as drama workshops and role playing. Activities were designed to help the participants gain a better understanding of their human rights, of the obligations that human rights law places on public authorities and how to use this knowledge when accessing services.



Domestic workers support group organized by OR.CA, September 2011  
© Joan Roels - Pokitin Productions 2011



In Brussels, Belgium, **OR.CA** established a domestic workers support group in 2009. Held on Sunday afternoons, the group of 15-20 women consisted mainly of live-in migrant domestic workers several of whom were undocumented. Together they decided what activities would best suit their needs. One of the first events was a guided tour of the city, which many were unfamiliar with due to their limited free-time. French language classes were also held on the request of several Filipino women, many of whom work in English-speaking households. OR.C.A. arranged for language classes that incorporated discussion on labour rights, gender-equality, global migration, as well as the International Labour Organisation's Convention on domestic work.

**“Abriendo Mundos”** (Opening Worlds), the initiative of Oxfam Spain (Intermón) included several training initiatives with undocumented women from Andean region of South America living in Spain.<sup>64</sup> In addition to practical computer and communications skills, the women were informed about immigration laws, the protections existing in Spain for all women subject to gender-based violence regardless of their immigration status, and information on labour laws for domestic workers.

*“The training courses were related to empowerment issues: leadership, rights, and strengthening the communications capacities of women that are in the country of destination”, explained Catalina of Pueblos Unidos. “They were given training on what are their rights even if they were undocumented, about what happens in the Centro de Internamiento de Extranjeros - CIE (Spanish detention centres), and we tell them where and how policemen control undocumented persons.”*

Women were invited to develop a “life-line” to review the different moments of their life and then, project

their future. This activity aids those who migrate for economic reasons to regain control of their migratory experience, to make a realistic plan concerning the time they will remain in Spain and the amount they can expect to earn. This exercise proved very liberating for the women and led many to take on a more engaged role in the group. Those who had felt immobilized by what they often imagined as an impending departure from Spain allowed themselves to develop a social network and get involved in more joint activities.

The **Latin American Elderly Project** (LAEP) is an initiative of Latin American Women's Rights Service (LAWRS). It provides advice, information, casework support and advocacy to Latin American women aged 55 years and over, who are experiencing abusive situations, neglect, family problems, or are threatened with homelessness. Elderly day care centres function as social support groups; women are encouraged to share their experiences in the family home and receive support from other members, whilst learning about their rights and developing their negotiation skills and networking.

The changing profile of the Latin American community in the UK has meant that those who arrived as refugees in the 1970s and 1980s have become older, while younger and middle-aged families are bringing their parents on family reunification schemes. *“What can happen is these elderly women practically become slaves in the family home; they are taking care of children and doing all the cooking and cleaning unpaid,” explained Frances Carlisle. “If they come as dependents, they don't have access to public funds; they can't claim pensions or legally work. They're not here within their own right; so it's about informing them, whether it's financial abuse or extreme limitations to their movements. It's also about their access to services”.*

64 A wide variety of information ranging from the legislative to the testimony are available at: [www.abriendomundos.org](http://www.abriendomundos.org)

About 70% of the women participating in the group receive support only from LAWRS. The organisation is working hard to raise awareness about elder abuse, offering family workshops run by a psychologist. However, it is a difficult and sensitive issue to address.

*"It involves a lot of talking", said LAWRS director Frances Carlisle. "Talking to them, talking to their families, and getting them to talk to their families so that the abuse stops. Talking to them about what their rights are, that they can report to the police or talk to their doctor. Telling them what they need to be aware of, really helping them to be more aware of their rights and teaching them to better control their finances, to better stick up for themselves with their families."*

## PEER LEARNING

In addition to providing leadership roles to undocumented migrant women, peer education can enable organisations to increase their capacity to reach, assess, and redress the key issues facing this group.

The contribution of undocumented migrants is a major success of **Wereldhuis**. From the beginning, the activities of the house were developed by the migrants themselves, built on their strengths and what they wanted to learn. *"In addition to counselling, they wanted to learn Dutch and the Latin Americans*

*also wanted English, so language courses were organised first. Computer courses came quite soon after. Most of the things we are doing are done by volunteers, and most of them are also undocumented migrants,"* explained Evelyn Schwartz.

The majority of volunteer instructors for the free training courses in computers, English language, and also bike-repair at the centre are taught by undocumented migrants. Wereldhuis' activity reports contain a graph illustrating the contribution of undocumented volunteers to the organisation, in terms of hours and tasks.<sup>65</sup> The centre attribute their positive atmosphere to the fact that do not approach undocumented women only in relation to the problems they face, but also develop their strengths and enable them to realise their power.

In all of their trainings, **Latin American Women's Rights Service** (LAWRS) work to encourage women to actively share what they have learnt within the community and even become "co-facilitators" in future trainings to serve as a role-model to the rest of the group. Women are asked to share the information they learnt with at least one other woman, and use their knowledge to practically retrain others in the community. *"That process is very empowering, that she can go out and tell friends or colleagues in the community about what she has learnt and she is practically retraining people in the community",* said Frances Carlisle.

65 Het Wereldhuis, "De Nederlanders vroegen mijwie ik ben en wat ik zou doen als ik terug moet naar mijn Vaderland en ik denk: ja, wie ben ik eigenlijk?", September 2010, pg.87, available at: [http://www.wereldhuis.org/pdfs%20activiteiten/Redocumented\\_Weredhuis.pdf](http://www.wereldhuis.org/pdfs%20activiteiten/Redocumented_Weredhuis.pdf)

### MIGRANT WOMEN AS TRAINERS AND FACILITATORS WITHIN THEIR OWN COMMUNITIES

Developing migrant women's knowledge and capacity to provide information and support can help them to become leaders within their own communities, and also serves as a vital outreach point to women who may not otherwise access services. Numerous initiatives exist that enable both documented and undocumented migrant women to provide support, training, and awareness raising.

Established in Malta by the Department of Primary Health in 2008, The **Migrant Health Unit (MHU)** has trained and employed cultural mediators from migrant communities, men and women with both regular and irregular status. Conducting outreach and working within the main healthcare clinics and hospitals, female mediators provide information and assistance at the women's clinics for antenatal and gynaecological appointments. Through community-based health education, the MHU fostered dialogue between health care providers and migrant communities. The female cultural mediators have improved dialogue within the communities in relation to sensitive issues like Female Genital Mutilation (FGM), domestic violence, sexual health, and the fear among many migrant women to undergo a caesarean section.

In California, USA, the **Mixteco Indigena Community Organising Project (MICOP)** formed a partnership with a local non-profit family services centre to create a 40-hour domestic violence training program for Mixteco community advocates, known as "promotoras" who are former farmworkers who speak both Mixteco and Spanish. These women "promotoras" go into the community to educate other migrant women in their native language about their legal rights and the services that are available to them.<sup>66</sup>

## CREATIVE PROJECTS TO EMPOWER UNDOCUMENTED WOMEN

Bringing women together in a creative space to learn about global migration, gender discrimination, and the history of social movements to tackle injustice can be an extremely empowering process. Many organisations identified creative projects as an effective "soft" approach to raise awareness and to inform undocumented women about the structural inequalities that define their experiences as migrant women with an irregular status.

By helping undocumented women to locate their individual problems within broader social trends, creative processes can enable a collective identification

of issues and solutions within a group, and help them to develop a political message. In addition, they can produce powerful forms of visual expression that are effective in raising awareness among a broader public, thus also advancing these rights on a practical level. The power given to the artist to control and reimagine reality can serve as an important base for them to recognise their power as an individual in society. As a process which seeks to give voice, express experience, and imagine alternatives, the use of art is evident in many of the initiatives with undocumented women.

In the Netherlands, migrant support centre **Wereld-huis** joined together with the University of Amsterdam for the participatory art and media project

66 Cynthia Overweg, "Mixteco women get help leaving abusive partners", vcstar.com, 8 March 2010, available at: <http://www.vcstar.com/news/2010/mar/08/mixteco-women-get-help-leaving-abusive-partners/>

“REDOCUMENTED”. This project enabled undocumented migrants to document and record the images and stories of their experiences, to exhibit and publish information highlighting the support they provide to Dutch households as well as their contributions to civil society.

Working in Berlin, **Solwodi** meets many undocumented African women in situations of extreme hardship, distress, and often sexual exploitation. They provide support and shelter to help them to exit prostitution and recover from their experiences. “*Women are not children,*” said counselor Mabel Mariotti describing the work of the counseling centre. “*It’s very important that women are the actors, the catalyst in their own choice and shaping their own future*”. An art therapy student volunteered at the shelter to work with several of the women, enabling them to work through their past experiences, identify their internal agency, and work towards imagining their futures.

One of the first activities of **Migrants Rights Centre Ireland’s** (MRCI) domestic worker support group was the production of a quilt and multimedia installation “*Blurred Boundaries*”. A reference to the “blurred boundaries” between the private lives and working lives of migrant domestic workers, the project provided a creative means to explore issues and instigated the groups move from support to action.

This support group came together on a monthly basis to meet and discuss issues. Held on Sundays to enable maximum participation of domestic workers outside of working hours, MRCI created a secure and welcoming environment that encouraged reflection and solidarity among the women. By using a creative means to explore issues and engage members’



This creative textile and multimedia installation entitled “Blurred Boundaries” was created by 45 members of the Domestic Workers Support Group (DWSG). © MRCI 2007

participation, the migrant domestic workers underwent a powerful and solidifying group experience which developed the basis for MRCI’s joint interest and action groups. “*Created by 45 migrant domestic workers, this quilt and multimedia installation enabled them to address the social and economic barriers they faced,*” shared Pablo Rojas Coppari. “*The project was a creative way of exploring issues and facilitated the participation of members. It conveyed a political message and created links with policymakers.*”

The installation also served as an effective tool to bring public attention to the realities facing domestic workers in Ireland. The domestic workers received the knowledge and skill base necessary to actively seek improvement for their working conditions in Ireland. The group initiated dialogue with the **Irish Congress of Trade Unions** (ICTU) and the **Services,**

**Industrial, Professional and Technical Union** (SIPTU) to develop a Code of Practice for domestic workers in Ireland. This code was negotiated with and agreed by the ICTU in Ireland's National Partnership Agreement.

Based in Barcelona, **Àmbit Prevenció** adopts a harm reduction and peer-work approach to promoting the dignity and rights of sex workers. They hold training sessions and workshops to empower men, women and transsexuals that they contact through their outreach and drop in centre.

The organisation holds individual interviews with recently arrived migrant women to assess and support their legal situation and evaluate their experiences of violence. *"Trust is a huge issue"*, explained Silvia Silva. *"Sometimes, a woman can be coming to us for three years before she will tell us her full history"*. In addition to addressing urgent needs such as healthcare, the organisation holds workshops seeking to empower migrant women who are single mothers, who have experience of sexual violence, or with urgent health issues. The organisation holds workshops on empowerment, each with around 16 to 18 women. *"About 40% of the Nigerians we see are either undocumented or in process, and then maybe 5% of the Latin Americans,"* said Silvia.

Àmbit Prevenció joined several other organisations with a focus on women for a project on the female body called *"Cuerpo de Mujer"*. This project gathered groups of ten women to explore body-politics issues through the use of different art techniques. *"We worked with women on ideas about their bodies"*, explained director Mercè Meroño, *"The idea was to create an opportunity for therapy and enable them to identify and represent their political experiences."*

### THE PROCESS OF ARTISTIC CREATION "CUERPO DE MUJER"

By enabling undocumented women to use and redefine their bodies as a medium of art, Àmbit Prevenció sought to promote their personal development and political consciousness. In creating their own art, the women were encouraged to become protagonists of their lives.

As described by Mercè Meroño, *"The women produced a photo collage and life size models, which were then exhibited in Palau de la Virreina; a major public exhibition space on La Rambla. Different associations that work with women were invited to attend and to think about the situation and empowerment of these women; it created great political awareness."*

#### The process of "Cuerpo de Mujer":

**BODY GROUP** - Strengthen individual and group identity, enhancing expressive and communicative skills.

**BODY SKIN** - Encourage creativity and transform the ability of each participant and the reflection of the skin in place of individual and social representation.

**BODY IMAGE**- Develop an awareness of image and body image through photography and vision and critical reflexivity in relation to the body.

**BODY COLOR** - Participants will acquire notions of harmony. The colours and emotions. Breathing exercises.

**BODY WORK** - Realization and presentation of individual Sculpture Project participants.



## Performance Art, Theatre and Film

By acting out lived experiences and giving undocumented women control of their representation and narrative drama, theatre, and film can also be a powerful educational tool for both participants and the audience. It has emerged as a popular means and process to enable undocumented women to come together and challenge their conditions.

Based in the Bolivia, the **Grupo de mujeres migrantes** ran a series of theatre workshops developed as part of a self-esteem program for Bolivian women who have returned home after living and working abroad. “*We’re Back!*” enabled women to prepare and present their testimonies of migration and return in public spaces, working through their experiences and affirming their identities as women and migrants. The public performance element seeks to break down barriers and prejudices which returnees face in their family environment and the broader community.

In Ireland, the **Domestic Workers Action Group** (DWAG) scripted and performed a series of dramatisations that reflected their experiences as migrant workers in private homes. Involving several undocumented migrant domestic workers, “Acting Out for Hope and Change” was the result of ten weeks of drama workshops between the women of DWAG and a theatre production company. The role-playing and dramatic self-presentation enabled the migrant women to recreate their experiences of living and working in Irish homes as child-minders and caregivers. Participants deepened understanding of their shared realities and workplace dynamics, while developing their public speaking and performance skills. Performed during “*Domestic Workers Action Week*” in 2011 in a public theatre and also to a private audience of trade union leaders on International Labour Day 1 May, the production laid bare the multiple discriminations facing migrant domestic workers and the role of existing policies in perpetuating abuse.<sup>67</sup>

### HIP HOP INITIATIVE TO EMPOWER WOMEN WITH EXPERIENCES OF VIOLENCE

“*Hip Hop de Baton*” (Lipstick Hip-Hop) is an initiative carried out by **Diálogo e Acção** (*Association for Dialogue and Action*) in Lisbon, Portugal with Brazilian and Portuguese female youth. Based on a model from Brazil, the programme is carried out in marginalised neighbourhoods around Lisbon to give voice to young women experiencing violence and to enable them to strengthen their self-esteem by delivering this message publically.<sup>68</sup>

“*Currently we are in Amadora, but we’ve been in neighbourhoods like the Chelas, Seixal, Bairro da Torre, and Quinta da Fonte*”, explained coordinator Ana Rita. “*It’s an exercise for young women, many of whom experienced domestic violence, using the hip-hop culture, they compose songs and pass the message about their experiences with domestic violence with the intent to spread the message and do similar initiatives in other neighbourhoods and communities*”.



67 Domestic Workers Action Group, “Acting Out for Hope and Change”, available at: <http://vimeo.com/23077910>

68 Canal de HipHopPelaPaz, performances are available at: <http://www.youtube.com/user/HipHopPelaPaz>

## Media Initiatives which Empower Migrant Women

The use of media has been extremely successful in informing women of their right to a life free of violence regardless of immigration status. It can also serve as an important mechanism for empowerment by providing a voice to undocumented women experiencing violence.

Based in Brussels, Belgium, **La Voix de Femmes** (The Women's Voice), was established by a group of migrant women in 1987 to establish their voices and facilitate self-representation in society. As part of their agenda to promote awareness, accountability and a critical understanding of migrant women's realities, they organised a radio show project regarding experiences of violence in which three undocumented migrant women participated. In May 2010, testimonies of their experiences of violence as undocumented women were broadcasted on the Brussels-based *Radio Panik* 105.4 FM.<sup>69</sup>

This broadcast was the result of a year-long radio project for migrant women in which a number of undocumented women participated. The project provided the women with media training and enabled them to interview professionals and organisations working with victims of violence. The programme featured group discussions among the women regarding the different types of gender-based violence, individual testimonies about experiences of violence, and interviews they had conducted during the year. As one participant explained, *"I want to take part in this show because we need to inform and defend women who are afraid to speak. We must help empower women, educate our children to respect girls and women, and be present and listen to women to help break the silence and denounce all forms of violence."*

In addition to increasing awareness about violence and disseminating information on legal and social issues, the broadcast featured several positive statements by police officials and women's shelters regarding the right of undocumented women to access justice and services in Belgium. When asked in an interview by one of the project participants about the protections for undocumented women, a Belgian police officer confirmed that all women have the right to lodge a complaint to police regardless of their undocumented status. Finally, the women concluded the show by making their demands and recommendations for change.

In Ireland, a participatory media project involving members of the **Bridging Visa Campaign Group** took place in 2007. Undocumented workers in Ireland formed the group to push the Irish Government to introduce a *"Bridging Visa"* to provide workers who have become undocumented through no fault of their own with a route back to regularity.<sup>70</sup> Supported by **Migrants Rights Centre Ireland** and facilitated by **FOMACS (Forum on Media and Communications)**, this digital storytelling project provided a "media learning space" for undocumented migrants to engage in scriptwriting, photography, recording and editing activities. Four undocumented migrants, two men and two women, produced digital narratives exploring how their experiences of workplace exploitation, deception, or unexpected redundancy in Ireland caused them to lose their status and become irregular.

Coordinator of MRCI's irregular migration team, Edel McGinley stressed the importance of linking creative processes to a changed agenda. *"Participation is important. Digital storytelling is a great medium for people to share their stories without being identified. An important thing around involving undocumented migrants in creative processes is that they*

69 Radio Panik 105.4fm, "Femmes et Violences", May 2010, available at: <http://www.lavoixdesfemmes.org/web/spip.php?article22>

70 Migrant workers from outside the European Union who entered Ireland legally can easily become undocumented for reasons beyond their control, such as workplace exploitation, deception, or unexpected redundancy. The Bridging visa, which was brought about in (2009) provided them with a 3 month period in which to find another job.



*are linked to a changed agenda. This initiative was very much linked to “a request” for change, and to really make a difference over time in people’s lives. All those who participated became documented as a result of policy change. It is very important that participation is linked in to a changed agenda.”*

Social media provides undocumented women with a broader platform from which to address and challenge their conditions, and mobilize support. User generated content has very much changed the way organisations, communities, and individuals communicate. Discussion forums, weblogs, podcasts, image and video sharing, and social networks such as Facebook provide increasing opportunities for undocumented women to share experiences and receive information about their rights.<sup>71</sup>

One of the key methods used by UK organisation **Migrant Voice** is to create a media space for both documented and undocumented migrants. In advance of the UK general election in 2010, migration emerged among the top three public concerns alongside health and the economy. *“For migrants, this was shocking; we were seen as a problem that needed to be dealt with, this is how we were portrayed. We didn’t have a voice so this was really a one sided debate which we were not part of”,* explained Migrant Voice founder Nazek Ramadan. *“We set up because there wasn’t an organisation in the UK that was dedicated to making sure migrants are speaking, are visible, are seen in the media and that they are engaging in the debate on migration. We are trying to engage in mobilising migrants so more of them can be engaged and they can be more visible and outspoken and to be active”.*



Migrant Voice Election Edition 2010

In response, a group of documented and undocumented migrants met together with several journalists to discuss possible reasons and responses for these concerns. A process began which would see the newly established Migrant Voice produce a pre-election newspaper targeting policy makers. Over forty migrants were involved in the process throughout, from the planning and conceptual phases through to the writing, and over half were women. *Migrant Voice* succeeded in printing 20,000

71 For an innovative example of how online blogs can serve as a valuable information source for undocumented women see the online forum, developed and moderated as part of the “Abriendo Mundos” project. Available in Spanish at: <http://abriendomundos.org/foro/index.php>

copies of its “Election Special” which was sent to local counsellors, members of the House of Commons and House of Lords, as well as to universities and research institutions. *“It was sent to every single policy maker in the UK, including the Prime Minister.”* Remarkably, the paper was produced almost entirely on a voluntary basis, with some funding required for distribution and storage. *“All of the work was done on a voluntary basis, most of the printing we got for free. All you need to have is a group of committed people who are happy to put the time in.”*

*Migrant Voice* provides information sessions to help migrants understand the UK media scene and offers training on interview techniques and maintaining good relationships with journalists. Migrants are taught to use social media to tell their own story and get involved in the discussions and debates.<sup>72</sup>

## Film

Another powerful way to enable undocumented women to contribute to the debates on migration, film can provide greater longevity and audience for initiatives aimed at empowering undocumented women.

**“Alienated”** highlights the case of Licia, one of the estimated 65,000 undocumented young people who graduate from US high schools each year.<sup>73</sup>

Because of her irregular status, Licia cannot access university education and had to take up work as a nanny receiving \$4 (€3) per hour. This film seeks to show viewers the realities of being young, able and irregular in America. The film provides Licia with a space to share her experiences and respond to the increasing sentiment against undocumented migrant women. *“We are so criticised by the very people that we help; the legal people don’t want to do the jobs we’re doing, they don’t want to clean your house, they don’t want to take care of your kids, they don’t want to cook your food, they don’t want to wash or iron your clothes – that’s the job we’re doing!”*

An initiative of the **Asociación Mirada Compartida** (Association Shared Gaze), *“Cartas desde la distancia”* (Letters from Afar) provided practical documentary-film workshops to Latin American women living in Madrid and provided them with a small camera to film a self-portrait documentary. Workshops held over a two-month period allowed women to examine and share their experiences as female migrants from different perspectives and use an audio-visual medium to provide insight into their daily lives and personal world. A total of nine women from Chile, Colombia, Brazil and Peru produced “Letters From Afar”. Films were screened in Casa de America in Madrid<sup>74</sup> and are available on the project’s YouTube channel.<sup>75</sup>

72 Migrant Voice, “Testimony from an Undocumented Woman”, available at: [http://www.migrantvoice.org/index.php?option=com\\_content&view=article&id=222%3Aa-day-in-the-life-of-a-migrant&catid=42%3Amain&Itemid=4](http://www.migrantvoice.org/index.php?option=com_content&view=article&id=222%3Aa-day-in-the-life-of-a-migrant&catid=42%3Amain&Itemid=4)

73 Alienated: Undocumented Immigrant Youth, 2005, available at: [http://www.snagfilms.com/films/title/alienated\\_undocumented\\_immigrant\\_youth](http://www.snagfilms.com/films/title/alienated_undocumented_immigrant_youth)

74 Colloquium after the screening of “Cartas desde la distancia”, available at: [http://www.youtube.com/watch?v=r\\_oLFo25t10](http://www.youtube.com/watch?v=r_oLFo25t10)

75 “Cartas desde la distancia”, available at: [http://www.youtube.com/watch?v=cPj\\_wyKyuzs](http://www.youtube.com/watch?v=cPj_wyKyuzs); Self-Portrait of Vicky Abregú S. available at: <http://www.youtube.com/watch?v=l4691Lm381o> and interview with the two directors of “Cartas desde la distancia”, available at: [http://www.youtube.com/watch?v=HNUwtii4\\_2M&feature=related](http://www.youtube.com/watch?v=HNUwtii4_2M&feature=related)

### “MORE WOMEN ON THE MOVE” RADIO INITIATIVE

Radio 1812 is an initiative launched by the organisation *December 18* to link the migrant rights movement with radio stations from around the world to produce, broadcast and share programmes which highlight migrants’ concerns. Since 2006, over 50 radio stations in more than 25 countries have been involved in this initiative.

To mark the “*16 Days of Activism Against Gender Violence Campaign*”, Radio 1812 released a collection of audio reports addressing the discrimination, abuse and other forms of violence facing migrant women and highlighting their need for specific protection during the migration process. Programmes addressing the feminization of migration and highlighting migrant women’s stories are available online in English, French and Spanish, and Radio 1812 invites stations around the world to rebroadcast them free of charge.<sup>76</sup>

## CONCLUSION

Many advocates commented on the need to move from a “charity” to a “rights-based” approach. As one advocate in Malta noted, “*This mentality of “help the poor African” is based on the idea that they are worth less than us and that we are doing a great job by helping them.*” This chapter has provided some models and examples on how that can be done.

When aware of their rights, undocumented women are better equipped to change the balance of power and negotiate their access to justice and services. By building undocumented women’s organising and negotiating power, it is possible for them to redefine their experiences as women, as migrants, and as undocumented. In turn, society benefits by recognising that the innate dignity and equal worth of all women is not something that can be negated by administrative procedures.

76 December 18, “More Women on the Move”, 7 October 2010, available at: <http://www.radio1812.net/nl/article/more-women-move>

## Effective Advocacy for the Human Rights of Undocumented Migrant Women

### *Reflections from a Women's Rights Advocate*

It is a sad reality that many organisations working on women's issues are experiencing increased difficulty in their work because of the fallout from the economic crisis. For example, less funding is available, anti-immigrant legislation is on the rise and there is an increase in xenophobic attitudes among the general public in some of the countries you work in. Given this environment, it is even more important to ask *"how is it possible to connect what is happening at the local level, to the European and international level?"*

First, **how do we get our voice heard?** In an economic crisis, countries first turn inwards and look at their own situation. This governmental shift of perspective impacts on human rights advocacy strategies. Governments in "crisis situations" may not seem to be open to consider what we have to say. The second inevitable result of crisis situations is a cut to services - cuts to shelters, legal aid, and other services. These direct cuts have an indirect and disproportionate effect on women. In the UK it was shown that around 72 percent of such service cuts affected more women than men. The impact of such cuts can be used as a stage to advocate for our human rights objectives.

Remember to **adapt your voice** accordingly. That is, to nuance your arguments for your audience. For example, persuasive arguments to the Green Party would be less effective than to the Conservatives.

Then, **document all of your work**. Those who are service providers for example, try to capture all the stories and testimonies you hear in any form (audio visual, text etc.) for the media, for research and documentation. If done ethically and of course with full consent, you have powerful data to prove your points and individual stories to illustrate your work.

It is powerful to **embed your struggle with other struggles**. Connect with other actors – labour, children's rights, women's organisations, etc. In this way you can mainstream your issue into the general discussion. PICUM has done a good job on this by mainstreaming undocumented migrants into general texts and policies.

Use **legal resources** such as new legal instruments that have come into effect. There are always interesting new developments in international law, primary legislation, case law and policy that can be used to support your recommendations. For example the ILO Convention is an effective piece of work, but it is only as good as how it is used.

Human rights organisations often forget to **build on their communications**. It is essential to have a professional relationship with the media, one that is mutually beneficial. You have to nurture relationships and nurture allies. Journalists are open to stories, you just have to know what material they would want, and present it to them in a way that is also beneficial to your cause.

Finally, it's important to find each other. **Solidarity** amongst organisations is essential. No matter if you are based in different countries and regions, it is important to find each other so that through your shared struggle, you can move your work forwards.



**Ms Gauri van Gulik**

*Global Advocate*

Human Rights Watch - Women's Rights Division

## Seven questions human rights actors should always ask themselves

To effectively advocate for our human rights, there are seven questions I believe all human rights actors should continually be asking themselves:

1. What is the change I need to see?
2. Who needs to do what in order to make the change happen?
3. Why are “they” not already doing it?
4. What arguments are likely to convince “them” to start making it happen?
5. Who will “they” most likely listen to?
6. What kind of international voices and actors are likely to be practically helpful in making the change happen?
7. What kind of international voices and actors are likely to be *unhelpful* in making the change happen?

**Excerpt from intervention by Gauri van Gulik of Human Rights Watch at PICUM's Conference,  
“Undocumented Migrant Women in Europe: Strategies for Support and Empowerment”,  
12-13 December 2011**

## V. Undocumented women taking action

*“We believe that in order to secure our rights we must educate and mobilise ourselves and build links with those who can support us.”*

– Marissa Begonia, Justice for Domestic Workers, United Kingdom

*“We will motivate Polish authorities to give us the green light for regularisation. This action is not the end. It is not just a once off. We will continue it; especially if there will be no regularisation. We will fight for our rights, for rights of all migrants; especially for those working hard in this country.”*

– Sasha Husak, Regularised Migrant in Poland

Across Europe, undocumented women are coming together to assert their right to rights. Identifying key issues and building alliances to bring about solutions, they are creating positive awareness and effectively changing laws and policies. This chapter will identify how community outreach and capacity building activities can empower undocumented women to get involved in decision making and decision changing.

### UNDOCUMENTED WOMEN AND THE “JESTEM ZA!” CAMPAIGN FOR REGULARISATION IN POLAND

Inspired by a television address by Ombudsman Janusz Kochanowski in August 2009 about the existence of irregular migrant workers in Poland, several undocumented women came together and decided to write him an open letter thanking him for raising the issue and requesting that authorities consider regularising their situation. “We wrote it,” said Sasha Husak from Ukraine. “It was more like a personal testimony, how good it is here in Poland but how difficult it is at the same time.”

In January 2010, the group approached the **Fundacja Rozwoju “Oprócz Granic”** (Foundation for Development “Beyond Borders”, FROG) to request support for their initiative. “We are not lawyers, we are physical workers, and the law is complicated,” said Sasha. FROG recognised the need for a regularisation and could provide the policy and legal insight required to bring the initiative forward. As Sasha explained, “We came to FROG and the girls there told us if we want to, and are brave enough to come out and to show ourselves, that they can support us in writing the letter, but the rest – the collection of signatures, mobilising, organising the whole event – we will do by ourselves”. The group of ten undocumented women agreed to move forward. “If not us, then who?” they asked.



“Jestem Za!” (“I’m in Favour”) Campaign, Poland, 2010  
© Fundacja Rozwoju “Oprócz Granic” 2010



The undocumented women's group began to organise meetings in churches, the FROG office and other places to speak about the issue and encourage undocumented migrants to come forward. The appeal for regularisation was launched and they started to collect signatures. Many expressed huge relief that their situation was finally being addressed. *"I was about to go privately to President Lech Kaczyński to plea for my position," explained Lyuda who had been irregular for two years. "This was before I came to FROG – here is my hope! I was about to get down on my knees and beg; "help, give me a visa"! I was so distraught, it looked like a joke, but it tore my soul apart."*

Originally planned for Spring 2010 with a strawberry as its symbol, the campaign was delayed due to the Smolensk plane crash in April, in which the President and 95 other Polish officials were killed, and the major floods which took place during the summer months. Campaign "Jestem Za!" ("I'm in Favour") was launched in autumn with its green apple logo representing the reliance of Polish agriculture upon undocumented workers as 80% of apples were being picked by irregular workers from Ukraine or Belarus. *"We chose the green apple because the majority of migrants in Poland come to pick apples or do physical work in general; they work hard from early morning to 11 pm for little money 6zł (€1.50) per hour"* said Sasha. FROG assisted in bringing media coverage, set up a campaign blog,<sup>77</sup> gathered support from other organisations and lobbied members of parliament and governmental officials.

At 11am on 22 October 2010, undocumented migrants held a public demonstration outside the Polish

Parliament. In addition to coinciding with a session of the national Human Right Committee, this was also the date the Polish parliament would discuss the 2011 budget and would therefore be particularly interested to hear about the additional tax revenue that could be raised through regularisation. While there was some fear among the group regarding possible arrest, they ensured a strong media presence.<sup>78</sup> Speaking a few days before the event, Sasha explained:

*"We will bring baskets of apples picked by Ukrainian workers and copies of our petition from the web. We will ask them to take our rights into consideration and say the greatest winner of our legalisation will be Poland itself as we will start to pay taxes, we be able to make invoices. Our action is a peaceful one; we just want to remind them about our situation. A group of three people will go to the Parliament; they will submit the appeal, signatures and the basket with apples and then go to the President and the Premier with the same gift. That action gives us a big hope that problems of irregular migrants will be solved, that there will be a big regularisation".*

The "Bill on Regularization of the Stay of Certain Foreign Nationals on Polish territory", was adopted on 22 June 2011 and allows three possibilities for undocumented migrants to regularize their stay.<sup>79</sup> *"It got easier, because we met people who supported us," reflected Sasha. "To find that this centre exists, where one can come with such an idea and girls from that organisation can help us somehow, to give us advice. It helped us at that time we were at a dead end."*

77 Available online at: <http://jestemza.blogspot.com/>

78 Photos of the event and other highlights of the campaign are available on the "Jestem Za!" blog as well as FROG's online photo account: <https://picasaweb.google.com/103050608962987522522>

79 Central District Office of the City of Warsaw, "Abolicja dla cudzoziemców" ("Amnesty for Foreigners"), available at: [http://www.mazowieckie.pl/portal/pl/950/8674/Abolicja\\_dla\\_cudzoziemcow.html](http://www.mazowieckie.pl/portal/pl/950/8674/Abolicja_dla_cudzoziemcow.html)



Founded by a group of young migrant women from Belarus and Ukraine, FROG has been extremely effective in facilitating this campaign. *“We are just doing our job,”* said Ksenia Naranovich FROG Coordinator, *“But it’s true that the people working here share this experience, they know how it feels when you lose a visa because you did not bring the right sized photos on a certain day and this certainly makes us more active.”* The organisation spoke of their hope that the regularisation campaign will start a social movement in Poland in which undocumented migrants and NGOs will become better organised and create more bottom up initiatives.

## MIGRANT WOMEN REPRESENT THEIR CONCERNS AT EUROPEAN POLICY LEVEL

**Babaylan** is an initiative of migrant women from the Philippines to enable support, advocacy, and networking to bring about positive change. Established in 1992, its membership stretches across Austria, Denmark, France, Germany, Greece, Italy, Netherlands, Spain, Switzerland, and UK.

Named after pre-colonial wise women who were local community leaders, “Babaylan” work to empower Philippine migrant women by promoting their rights and integration, and enabling them to represent their shared interests and concerns at regional and international policy levels. Gathering information on common and country-specific issues facing Filipinas in Europe, they have developed a significant amount of information and analysis on female labour migration, marriage migration, and concerns about those who lose their status. In addition to speaking out against recruitment and visa systems that discriminate against women, they have carried out joint actions in relation to independent spouse visas and more recently, concerns surrounding the exploitation of migrant women recruited as

au pairs.

The **European Network of Migrant Women (ENoMW)** is a network bringing together more than one hundred non-governmental and non-profit organisations from across the EU to represent the concerns, needs and interests of migrant women at policy level. Providing migrant women with a stronger voice at European level, the network provides regular input in policy areas impacting on migrant women and support their members through information and training. Its membership works on a variety of issues including immigration, violence against women, employment, health and education.

In assessing the leverage that the network can use to bring about lasting change, Chairwoman Alwiye Xussein stressed the need to work in partnership with undocumented women themselves. *“Undocumented women are not vulnerable; they are powerful women who are made vulnerable by the system, so it is the system which needs to be changed. A crucial starting point to empower migrant women is to consider them as stakeholders and ask them how the system fails them and what needs to be changed.”* The ENoMW have called for greater focus on undocumented women and the issues they face. While undocumented women face significant barriers to participate in cross-border initiatives, the network is keen to increase their voices and visibility in its on-going work.

## UNDOCUMENTED WOMEN “SPEAK BACK” TO MOBILISE CHANGE

Many issues can prevent women from reporting violence. Strategies of control, degradation, and the undermining self-esteem are often key strategies of the abuser. Migrants can be more prone to social isolation, and often lack knowledge of the language, their rights or who to turn to. Finally, those with an irregular status face a very real fear of

being arrested and deported themselves if reporting violence to the police. Yet undocumented women who faced a “double violence” at the hands of authorities, suffering arrest and deportation when they should have received help, have “spoken back” to raise awareness about their situation and support campaigns for change.

## Noura B. in Spain

While Spain’s legal system is among the most comprehensive concerning the level of rights and protection to undocumented migrant women experiencing violence in Europe, the sexual abuse and subsequent deportation of a 25 year old Moroccan woman “Noura B” at the hands of Spanish police in 2010 illustrated the concerns of many civil society groups regarding the problematic implementation of the law.

On May 28, Noura B. was in custody at the police station in Orihuela where she was informed by a police officer that she could engage in sexual acts in order to secure her release.<sup>80</sup> Taken from her cell to the toilets, she was partially undressed and then abused by the officer on several occasions. She only submitted a complaint following the intervention of a female police officer who witnessed the offence. Although a judge suspended her deportation to allow for an investigation, the order was ignored by the Secretary of State for Security and she was returned to Morocco on 13 July 2010. In a telephone interview following her deportation, Noura spoke out against her arduous 24-hour journey back to Morocco in handcuffs and abandonment at the Moroccan-Spanish border in Ceuta, while her family

were waiting for her in Casablanca, having heard no news in twenty-four hours. Noura pledged she would return to Spain to seek justice.

A coalition of Spanish organisations involved in the *Campaña por el Cierre de los Centros de Internamiento para Extranjeros* held a demonstration in Valencia on 27 July 2010 to protest against Noura’s treatment.<sup>81</sup> Prosecutors in Valencia prepared a formal complaint against the Ministry of Interior before the Supreme Judicial Council and the Vice Council of Morocco based in Valencia also submitted a formal complaint to the Foreign Ministry.

## Najlae L. in France

Two days after 19 year old **Najlae L.** went to her local police station in Loiret, France to report her brother for assault, she was forcibly returned to Morocco, a country she had left over five years earlier. Upon her arrival, she contacted the volunteer network *Reseau Education Sans Frontieres* (RESF) who quickly mobilised in her support. Najlae spoke openly in interviews via telephone which were broadcast by the French organisations and soon picked up by mainstream media outlets.<sup>82</sup> Demonstrations and an



RESF welcome Najlae L. back to Paris, March 2010  
© RESF

80 Several articles about this case are available online at: Yabiladi, “Espagne : Une Marocaine expulsée dénonce un abus sexuel”, available at: <http://www.yabiladi.com/articles/details/2814/espagne-marocaine-expulsee-denonce-abus.html> and Antifeixistes, “Concentració Contra Els CIES i en Solidaritat amb Noura: Dimarts 27 Julio a València”, at: [http://www.antifeixistes.org/3635\\_concentracio-contra-cies-solidaritat-noura-dimarts-juliol-valencia.htm](http://www.antifeixistes.org/3635_concentracio-contra-cies-solidaritat-noura-dimarts-juliol-valencia.htm)

81 Campaign banner available at: <http://desinformemonos.org/wp-content/uploads/2011/01/Noura-Benrabah.jpg>

82 Najlae, 19 ans, expulsée vers le Maroc, France 3 at: [http://www.dailymotion.com/video/xcbnap\\_france-3-centre-najlae-19-ans-expul\\_news](http://www.dailymotion.com/video/xcbnap_france-3-centre-najlae-19-ans-expul_news), <http://www.educationsansfrontieres.org/article26307.html>, BFMTV at: [http://www.dailymotion.com/video/xcd7ok\\_battue-a-paris-l-hiver-a-casablanca\\_news](http://www.dailymotion.com/video/xcd7ok_battue-a-paris-l-hiver-a-casablanca_news) and in English at: <http://www.youtube.com/watch?v=myRfCo9uY1Q>

online petition demanding her return gained significant attention across the country, her case was highlighted by organisations such as RESF and “Ni pute, Ni soumise” (“Neither Whores Nor Submissives”) who had been dealing with similar cases for many years.

On 8 March 2010, three weeks after Najlae’s deportation, at an event to mark the 100<sup>th</sup> Anniversary of International Women’s Day with civil society members of the “National Year to Prevent Violence Against Women”, president Nicolas Sarkozy was

publically questioned about the case.<sup>83</sup> His response, that Najlae “*was welcome to return to France if she wished*” marked a significant victory for campaigners and sent a strong message regarding the treatment of undocumented victims of violence.<sup>84</sup> Najlae was granted permission to return to France where she received a residence permit in October 2010.<sup>85</sup> She became a public face for undocumented women seeking justice in France, and by stepping forward to speak out about her treatment by police she gave significant incentive to the campaign for legislative change.

#### TOOLKIT TO MOBILISE AGAINST “LAW ENFORCEMENT VIOLENCE”

“**INCITE! Women of Color Against Violence**” is a national activist organisation in the United States of feminists working to advance a movement to end violence against them and their communities through direct action, critical dialogue and grassroots organising. Representing thousands of members in chapters and affiliates across the U.S., the collective mobilises to lever change at local, national and transnational levels.



To help social justice and migrant-led movements to develop strategies and analysis that address both state and interpersonal violence, INCITE gathered a broad coalition of national and local groups to develop a toolkit for organisers working to address police brutality and violence against women and trans-people of colour.

A response to the racial and gender-based discrimination of Native, Black, Latina, Asian, and Arab women and girls under the guise of the “wars” on drugs, terror, and irregular migration, the “*Organisers’ Resource and Toolkit: Law Enforcement Violence Against Women of Colour and Trans People of Colour*” aims to mobilise and empower these communities to build coalitions, document, and then collectively resist “law enforcement violence”. The kit contains organising resources, organising tools and factsheets to help organisations to address violence against migrant women at the border, in detention, and by law enforcement agencies.<sup>86</sup>

83 Official Statement of the Lycee, “Réunion avec les associations membres du collectif “Grande Cause nationale 2010”, engagé dans la lutte contre les violences faites aux femmes, à l’occasion du 100<sup>ème</sup> anniversaire de la Journée internationale des droits de la Femme”, available online at: [http://www.elysee.fr/president/les-actualites/communiqués-de-presse/2010/mars/reunion-avec-les-associations-membres-du-collectif.8338.html?search=Najlae&xtmc=Najlae\\_Lhimer&xcr=1](http://www.elysee.fr/president/les-actualites/communiqués-de-presse/2010/mars/reunion-avec-les-associations-membres-du-collectif.8338.html?search=Najlae&xtmc=Najlae_Lhimer&xcr=1)

84 Le Point.fr, “Nicolas Sarkozy autorise le retour de Najlae Lhimer”, available at: <http://www.lepoint.fr/actualites-societe/2010-03-08/marocaine-expulsee-sarkozy-autorise-son-retour-en-france/920/0/431435>

85 BFMTV, “Najlae de retour en France”, available at: [http://www.dailymotion.com/video/xck6x0\\_najlae-de-retour-en-france\\_news](http://www.dailymotion.com/video/xck6x0_najlae-de-retour-en-france_news) and RTL Info, “Loiret: carte de séjour temporaire pour la jeune Marocaine Najlae Lhimer”, available at: <http://www.rtl.be/info/monde/international/742669/loiret-carte-de-sejour-temporaire-pour-la-jeune-marocaine-najlae-lhimer>

86 INCITE!, “Stop Law Enforcement Violence”, available at: <http://incite-national.org/index.php?s=52>

## BUILDING ALLIANCES WITH THE TRADE UNION MOVEMENT TO ADDRESS VIOLENCE AGAINST UNDOCUMENTED WOMEN

The labour rights and women's rights movement can serve as important allies for undocumented women in addressing underlying issues of gender based violence and discrimination. As these examples show, developing alliances with trade union and violence against women organisations can significant be a strategy to strengthen a campaign or else, be a campaign objective in itself.

In certain countries, unions have emerged as a key source of support. As highlighted by Carles Bertran of CITE/CCOO, union elections are often the only sphere where a migrant worker can stand for election and vote for their representative; so a migrant worker can not only represent other migrant workers, but an entire workforce. Ana Rogriguez of CSC/ACV union in Brussels noted unions' significant expertise regarding the rights of all workers and the unions' ability to organise collective and concrete actions.

In France, ten undocumented women from Cape Verde gained the support of the Alpes Maritimes division of the **Confédération Générale des Travailleurs** (General Workers Confederation, CGT) in organising a collective action against "Pierre and Vacances" hotel in Nice during September 2011. The hotel had falsely employed the women as Portuguese nationals with a temporary work contract. With the support of union, the women occupied the hotel for nine days, and finally managed to negotiate with the management to get a contract until 2013 so they could continue working in the hotel and submit a file for regularisation.

The **Mushroom Pickers Support Group** was formed in Ireland in 2006, to respond to the exploitation of migrant workers employed on Ireland's mushroom farms. At the time, Ireland's €110 million industry had become reliant on a largely female workforce from Latvia, Lithuania, Ukraine, Moldova, Belarus, China and Thailand. Living and working on isolated farms, these mushroom workers were experiencing dangerous and exploitative conditions, receiving wages as low as €2.50 per hour. Isolated and lacking information about their rights, many had become undocumented because of the high levels of exploitation in the industry. Several workers made contact with Migrants Rights Centre Ireland (MRCI), who responded using a community work approach in the region to organise these workers and bring about change in this sector<sup>87</sup>

Through a series of house meetings the women mobilised, which led to larger and regular meetings. This group documented the exploitation in this industry and embarked on a campaign and strategy for change in this mushroom industry. As one worker explained, *"Meeting with other members and hearing their stories makes you angry and you want to fight for fair treatment as well...If I meet another mushroom worker I encourage them to join the group as well"*.<sup>88</sup>

At a media event in November 2006, several women recounted their experiences as undocumented migrant workers in this sector and released their recommendations for employers, government agencies, trade unions, buyers, and others. This event marked the beginning of collaboration between MRCI and SIPTU the largest trade union in Ireland. Several demands were realized and the group expanded its focus to incorporate other sectors, becoming the Agricultural Workers Association

87 MRCI have made great efforts to document this and other community work initiatives in their report "Mobilising for Social Justice", 2011, available at: <http://www.mrci.ie/media/File/Mobilising%20for%20Social%20Justice%20-%20MRCIs%20Community%20Work%20Model.pdf>

88 MRCI, *Harvesting Justice*, 2006, available at: [http://www.mrci.ie/media/128689742254\\_Harvesting%20Justice%20-%20Mushroom%20Workers%20Call%20for%20Change.pdf](http://www.mrci.ie/media/128689742254_Harvesting%20Justice%20-%20Mushroom%20Workers%20Call%20for%20Change.pdf). See also, video by MRCI and SIPTU, "Organising Mushroom Workers in Ireland", available at: <http://www.youtube.com/watch?v=XbZZQLDLWno>

(AgWA), a nationwide initiative which in 2007 alone assisted migrant workers to retrieve €250,000 in unpaid wages. Speaking about the initiative, Edel McGinley of MRCI shared *“It didn’t happen over night, but it has really solidified our work and enabled a new type of relationship with the trade unions which had not been evident in Ireland up to that time. So that’s was a very positive development to the immediate situation and for future work.”*

In the UK, **Justice for Domestic Workers** (J4DW) has been very effective in building the capacities of their members to effectively mobilise and engage with public and policy makers to effectuate change. Initiated by domestic workers who came together to support each other informally, the group recognised the need for a more formal structure to enable them to present their case to policy makers and campaign for change.

Many of their members are undocumented, and others risk losing their status due to unilateral employer control of their permits. The group has gathered many examples of violence and sexual harassment experienced by migrant domestic workers, and seeks to raise awareness about how the existing model governing migration for domestic work can disproportionately expose women to workplace harassment. As testimonies on their website illustrate, this unbalanced power and control can manifest in psychological, physical, or sexual violence, and that female employers can also be abusive. *“He would put in and out his private parts into my bottom, in and out into my ears. Whenever I protested, he would cut off my one month salary”* reports one domestic worker, while another shares how *“My employer would poke my eyes until bruised with every little mistake. As I cried of pain, she would*

*tell me, in this country I could not cry, if I cry, police will catch me.”*<sup>89</sup>

By becoming an official branch of the UK’s biggest trade union “Unite”, all members of J4DW can equally avail of all courses provided by the union.<sup>90</sup> Unite’s courses include English and IT classes, courses on labour rights, health and safety, as well as training for those interested in becoming a union representative.

Despite their low salaries, much of which is sent as remittances, a monthly membership collection of £1.00 (€1.20) serves as an emergency fund for those leaving abusive employers, providing food, clothing and a travel allowance. The organising and public speaking skills of members enable them to effectively oppose injustice, inequality, and discrimination on a structural level. *“We help them understand that by joining the union, they have access to education, training, benefits, and we make them aware of the importance of campaigning,”* underscored J4DW coordinator Marissa Begonia. *“It helps us to develop and improve our skills so that we can be confident when speaking in public, either in the parliament, at government meetings, national and international conferences and mobilisations.”*<sup>91</sup>

At international level, J4DW worked alongside organisations such as Anti-Slavery International, RESPECT, Oxfam and the International Trade Union Confederation (ITUC) in actively campaigning to secure the adoption of ILO Convention on Domestic Workers. Coordinator Marissa Begonia was a member of the ITUC delegation at the 100<sup>th</sup> International Labour Conference which led to the ratification of International Labour Organisation (ILO) Convention 189 on “Decent Work for Domestic Workers”.<sup>92</sup>

89 Testimonies from J4DW website, available at : <http://www.j4dw.org/about>

90 Justice for Domestic Workers Information Brochure, available at: <http://www.kalayaan.org.uk/documents/j4dwleaflet.pdf>

91 ITUC, “Spotlight on Marissa Begonia”, 2010, available at: <http://www.ituc-csi.org/spotlight-on-marissa-begonia-j4dw.html>

92 ILO, “Convention concerning Decent Work for Domestic Workers”, available at: <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C189>



### MIGRANT DOMESTIC WORKER SELF HELP GROUP CAMPAIGNS FOR CHANGE

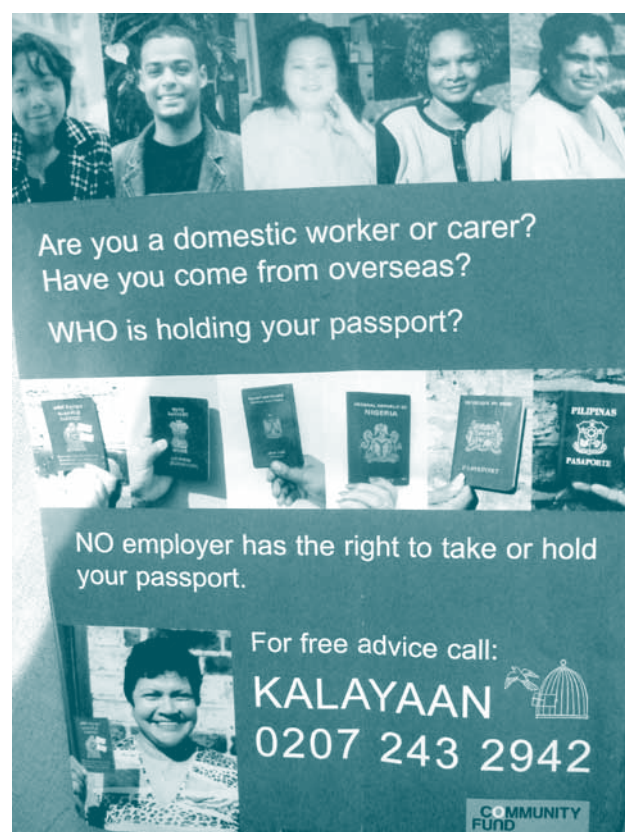
Established in 2009 and now representing over 300 active members, J4DW is a powerful presence on the UK social policy scene. In developing a strategic partnership with the largest national trade union “UNITE”, they have been able to increase the negotiating power of migrant domestic workers, access important trainings, and influence high-level policy debates.

J4DW represent a diverse group of nationalities, in continuing to speak out publicly about their situation, they encourage other migrant domestic workers to come together and organise to claim their rights. They have become a vital partner for any policy work on this issue in the UK. As coordinator Marissa Begonia explains, *“Any action becomes more alive, more visible, more effective when domestic workers campaign for themselves, and of course the support of other trade unions and NGOs is very important”*.<sup>93</sup>

The group work closely with Kalayaan, an advice centre and key campaigner for positive policy change for migrant domestic workers.

As part of the campaign to enable migrant domestic workers employed by diplomats the right to change employer, J4DW members together with **Kalayaan** have met with representatives of the House of Parliament and House of Lords to speak about their experiences of extreme labour exploitation. As Jenny Moss of Kalayaan explained, *“Our aim is to get domestic workers employed by diplomats the right to change their employer, because otherwise they are trapped there in fear; if they do escape, they can’t take the case to the court and can’t go to the police”*.

On 26 October 2009, Kalayaan and six domestic workers met with senior figures from the lower house of parliament to explain about the realities of domestic slavery among diplomatic overseas staff. *“We invited the All-Party Parliamentary group on trafficking to meet with workers who had been taken here by diplomats and had had these experiences,”* explained Jenny. *“The parliamentarians met workers that had become undocumented because of exploitation by diplomats”*. Shocked by the realities



Information poster, Kalayaan  
© PICUM 2010

93 International Trade Union Confederation, “Spotlight on Marissa Begonia”, interview available online at: <http://www.ituc-csi.org/spotlight-on-marissa-begonia-j4dw.html>



of the workers' lives, many representatives were keen to help progress these individual cases, but the group was firm that the fundamental right to change employer had to be addressed. The delegation enabled Kalayaan to meet with the Immigration Minister on 24 November 2009 to discuss the issue. *"It led to this meeting with Phil Woolas that these politicians themselves organised, and seven of them, MPs and Lords, turned up at this meeting with the Immigration Minister, so it was quite a show of support!"* While the Minister agreed in principle that he wanted to change the visa so that workers could change employer, unfortunately there have been no signs of change.

Kalayaan ensured that undocumented women who participated in the meeting understood the limits of the outcome. As Jenny explains, *"We met with them for about an hour before hand and talked about what they wanted to raise, but then all that really happened was that the politicians asked them sort of one by one about their experiences and asked them a few questions about it. They didn't push them to give away any more than they wanted to say. The feedback from the domestic workers was really positive; they really appreciated having a chance to tell their story to a politician who really listened to them"*.

J4DW members and Kalayaan met with a Shadow Minister in November 2011 to discuss the problems for all domestic workers including those employed by diplomats. Kalayaan contacted the Shadow Minister ahead of time to make sure he was comfortable with the fact that one of the J4DW members he would be meeting is undocumented (although she has made an application to the UK Borders Agency to switch her visa "outside the rules" and thus is known to the authorities). *"Actually going into the Houses of Parliament and into a politician's office as an undocumented migrant was a huge moment of pride for that particular domestic worker,"* said Jenny.

## CONCLUSION

This chapter highlighted how undocumented women are taking action to seek justice, challenging exploitation, and effectuating change. The influence that undocumented women can have had both individually as well as collectively is evident across Europe. In bringing their individual realities and experiences to the public and political attention, or working collectively to organise and build capacity, undocumented women are able to regain control of their situation. Migrant women are mobilising to represent their concerns at political level, and fostering strategic alliances with key partners such as trade unions and women's organisations.

## VI. Ensuring access to shelters

*“There is a threat hanging over you. When they see that there is no one to defend you, they use it. They can physically mistreat you. My landlord, he used to come to my door at night and he was always touching me and telling me “you are so nice, you are beautiful”. I told him “don’t come close to me, do not touch me, I paid you my rent, that is it”. I had to find somewhere else to live.”*

– Undocumented woman in Poland

*“Things could be worse for me. If he hadn’t taken me in, I would have ended up on the streets. Many migrant women in Athens are forced to sell themselves every night. At least now I know who is raping me.”*

– Undocumented woman in Athens<sup>94</sup>

*“We see women experiencing violence but they don’t have an alternative place to live, so they stay with their violent partner. If you don’t have access to legal housing, it is a much more vulnerable position for a woman because then you are always dependent on unauthorised housing or you are dependent on your partner for your residence permit. Many of the ladies that come here are in violent relationships. It is really very sad that women are pushed into this role of dependency upon men for the residence permit and housing. That is really the worst thing.”*

– Federica Armandillo, SVZV, Netherlands

Without access to social housing, undocumented migrants are dependent on unregulated private housing and often, unscrupulous landlords. If they become homeless, shelters are generally not reimbursed for accommodating them and support that does exist is generally volunteer-based and under resourced. A fundamental aspect of undocumented migrants’ reality, destitution is also the main policy response by governments concerning their existence, with economic and social isolation used as a tool of migration control in many member states.

Undocumented women are disproportionately impacted by this situation. They are often unable to access domestic violence shelters and have to endure exploitative living situations for longer periods. Women can be forced to choose between abusive living conditions or become homeless, a situation in which they are often exposed to further

violence. Across Europe, undocumented women are sleeping in train stations, phone boxes, on night buses or just wandering the streets. In such insecure conditions, they are exposed to those preying on their vulnerability. In the words of one interviewee, *“If you are a woman, with nowhere to live, moving from place to place, you are exploited to the full. As you are exploited it becomes easier for people to exploit you.”*

Few provisions exist for single women and while those with children may receive priority in terms of emergency accommodation, their destitution means they are vulnerable to losing custody. The very discrimination that fuels their exposure to violence also fuels the lack of support when violence occurs. While the difficulties facing undocumented women are systematic of the limited resources and capacity within the women’s shelter movement as a whole,

<sup>94</sup> “Paperittomat” by Kaisa Viitanen and Katja Tähjä offers a unique insight into the daily lives of undocumented migrants in Europe. Currently available in Finnish, the book will soon to be available in English under the title “Paperless”.

the administrative, financial and social structure cannot change without their support. The following initiatives illustrate how the women's movement can be strengthened through legislative, policy, and practical means that ensure access to shelters for undocumented women.

Destitution fosters and compounds undocumented women's experience of violence as they have limited access to accommodation or state support. The transient and dependant nature of their living situation increases exposure to overt and covert violence. As described by Bethan Lant of Praxis in UK, *"Destitute women moving through different houses are often assaulted; the men will see an opportunity and either sexually or physically assault them and expect that's permissible because they're staying at their house, so why shouldn't they? We see a lot of that."*

Accommodation issues are exposing both women and children to prolonged physical or sexual abuse; either in a home they fear to flee, from a person claiming to offer them sanctuary, or in the worst cases, both consecutively. *"Often, the price is that they have to have sex with someone that they don't want to,"* explained one Dutch organisation, *"I don't hear so much about homeless undocumented women, but we have many cases involving bad relationships where they have to agree to sex or live on the streets"*. A similar situation was reported in the UK. *"We have heard of lots of women who, to avoid being made a prostitute, have stayed with a man to whom they have to provide services to have somewhere to sleep, not just cleaning and cooking but sexual services."* shared Nazek Ramadan of Migrant Voice.

## ENTITLEMENTS UNDER GENDER BASED VIOLENCE LEGISLATION

*"Parties shall take the necessary legislative or other measures to provide for the setting-up of appropriate, easily accessible shelters in sufficient numbers to provide safe accommodation for and to reach out pro-actively to victims, especially women and their children."* - Article 23, Council of Europe Convention to Combat Violence against Women

On 1 September 2011, the **Council of Europe Convention to Combat Violence against Women** entered into force. It is the first legally binding instrument providing a comprehensive legal framework to prevent violence against women, to protect victims and to end with the impunity of perpetrators.

In addition to recognising the increased risks of undocumented women to gender violence, the official guidance note recommends that States provide accommodation in specialized women's shelters. Reiterating 2006 recommendations of the Task Force to Combat Violence against Women, that one "family place" should be available per 10,000 population.<sup>95</sup> This legal standard is an important one, as the failure of member states to provide these places, or adequately fund organisations that do so, is a key source of the difficulties facing undocumented women.

At national level, **Spanish legislation** on Gender Based Violence provides undocumented migrant women with an immediate right to access domestic violence shelters. Those pursuing a case against their abuser in court have access to housing funds

95 Council of Europe Convention on preventing and combating violence against women and domestic violence Explanatory report, 7 April 2011, Article 23(135), "The Final Activity Report of the Council of Europe Task Force to Combat Violence against Women, including Domestic Violence (EG-TFV (2008)6) recommends safe accommodation in specialised women's shelters, available in every region, with one family place per 10 000 head of population. However, the number of shelter places should depend on the actual need. For shelters on other forms of violence, the number of places to be offered will again depend on the actual need", available at: <http://conventions.coe.int/Treaty/EN/treaties/html/210.htm>

and in cases of a successful conviction, receive priority in accessing public housing. Article 14(3) of the 2009 Organic Law affirms, “*The foreigners, whatever their status, are entitled to services and basic social benefits*”.<sup>96</sup>

When an undocumented woman files a complaint for violence in Spain, she can request to be accompanied by police escort to pick up her belongings or to go to the health centre. If police believes the woman

is in potential danger, they refer her to specialist emergency accommodation for women and children (see below). According to Criminal Procedure Act, a quick trial (in 72 hours maximum) will take place to determine the seriousness of the breach, and to provide the victim a protection order. From this point Social Services will provide (locally) a more permanent accommodation in a different shelter and coordinate locally with NGOs, as they might provide other accommodation facilities.

### SPECIALIST EMERGENCY ACCOMODATION FOR UNDOCUMENTED WOMEN IN SPAIN

The referral and payment systems work differently across Spain depending on the Regional Administration. Here are the examples as to how an undocumented woman would access emergency accommodation in Madrid and Catalonia.

The Madrid City Council operates a **Servicio de Atención a la Violencia Domestica** (Care Service for Domestic Violence, SAVD). A specialized intervention model for survivors of gender violence operating within the municipal social services, it is open 24 hours a day, 365 days a year. With a free phone service (900), SAVD provides immediate assistance, legal information and support, psychological help and emergency short stay. Staffed by a multidisciplinary team of police and gender based violence specialists, the service coordinates with municipal and privately run support services in the city. A Zona de Estancia Temporal (Area of Temporary Stay) within the service provides accommodation for up to 48 hours but some women have been housed much longer. The SAVD also refer women to emergency flats managed by Fundación Lábor, with whom they have partnership. In these flats they provide accommodation for a maximum of 20 days.

In Catalonia, police (mossos de esquadra) directly contact the Social Services (Departament de Benestar Social i Família) who provide emergency shelter depending on existing local services. If the woman is seeking accommodation out of hours, the mossos de esquadra will take responsibility for referring her directly to the shelter.



Servicio de Atención a la Violencia Domestica poster, ‘Don’t you EVER dare to lay a hand on me. Zero tolerance for abuse’

96 Ley Orgánica 2/2009, de 11 de diciembre, de reforma de la Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social

## NATIONAL GOVERNMENT REIMBURSEMENT OF SHELTERS

Associations working with undocumented women agree that it is always difficult, and often impossible, to find shelters to accommodate them. Migrant women active within their own communities often play a huge role in trying to secure access, as described by a Philippine migrant women's group in Belgium who is often contacted by undocumented women fleeing violence. *"These shelters are always full; we drive from one province to another always looking for a space for these women"*. Often, these advocates end up housing the women themselves.

Because undocumented women are denied a legal income and lack access to subsidies, shelters do not have a guarantee that their stay will be reimbursed. Their lack of access to the housing and labour market means are more likely to require long term support. Several positive models do exist at national level, generally in the form of "government funds" which reimburse shelters for housing undocumented women.

In the Netherlands, the **Benefits Scheme for Certain Categories of Foreigners** (*Regeling verstrekkingen bepaalde categorieën vreemdelingen -Rvb*) provides a monthly income to undocumented women serving as witnesses for court cases relating to trafficking, domestic violence, or "honour" crimes.<sup>97</sup> The fund applies to women who have submitted an application for a residence permit on grounds of domestic violence. The application must be made within one year of the relationship ending and the applicant must be able to prove that domestic violence has occurred, providing a police statement or report of domestic violence complaint *and* a declaration from a doctor or other health professional *or* a statement from a women's shelter.

*"Now undocumented women who can prove they were victims of domestic or honour related violence can access government benefits in case they ask for a stay permit; this has improved access to women's shelters because the shelters need to survive too,"* explained Anne Olde Loohuis of Stichting LOS. However, many organisations stated that relevant women's shelters were not familiar with the scheme. Also, that the undocumented woman has to be in a women's shelter in order to access to fund. *"The woman's shelter first has to let you in, is a port of access, and that's the problem"*. Other organisations noted that those women are particularly afraid of being sent back, *"They don't want any kind of contact; if you contact the state funded organisations or shelter, the women are sure that they will be sent back if it is possible. They consider this as a high risk"*, said Anne.

The **Sojourner Project** is a UK-government fund that reimburses shelters for housing migrants subject to domestic violence with no-recourse to public funds (NRPF). Established by the Home Office in 2009, the fund is available to those who previously held a spouse-dependent visa and qualify for *Indefinite Leave to Remain* (ILR) under the Domestic Violence Rule.<sup>98</sup> The fund is available for a 40-day period, in which the migrant 20 days to apply for indefinite leave to remain, and authorities have a further 20 days to review their application.

Sojourner was developed following demands from the women's movement and migrant rights organisations to rectify the destitution of domestic violence victims. *"The whole issue of women with no recourse to public funds fleeing domestic violence was becoming an increasingly difficult, with lots of cases coming forward,"* recounted Jo Clarke *"Our only option then was to go to social services as there was no other financial support"*. Alongside that was

97 The Central Agency for the Reception of Asylum Seekers (COA) in the Netherlands.

98 Eaves Housing, "The Sojourner Project", available at: <http://www.eaves4women.co.uk/Sojourner/Sojourner.php>

an awareness that these women were among the most vulnerable, the most isolated and the most severely abused because they could be. *“With no control of their situation, nowhere to go and no*

*means of escape, the ethos of Women’s Aids groups was to never turn away those in danger; you make them safe and protect them. But then, how to fund them?”*

### CAMPAIGN TO END DESTITUION OF MIGRANT WOMEN EXPERIENCING VIOLENCE IN UK

In 2007, Southall Black Sisters formed the **“Campaign to Abolish No Recourse to Public Funds”**, a broad coalition of 30 leading human rights and women’s organisations.<sup>99</sup> A national day of action was held on 23 April 2008 for which the coalition prepared an advocacy pack to mobilise grassroots and volunteer organisations. Complete with lobbying guidelines, template letter and press releases, the pack also highlighted several case studies and examples of how other organisations had brought attention to the issue.<sup>100</sup> As the pack explains:



*“Unless women’s organisations make it clear we will no longer put up with the injustice of the no recourse rule, the government will continue to ignore these women and pander to anti-immigration sentiment that keeps women trapped between abuse and destitution. We can make a difference. We can show that women’s organisations will not be taken for granted. We can influence the government and convince them that they must take responsibility for the destitution and hardships suffered by women as a direct result of the “no recourse to public funds” requirement. This is possible if we act as a visible and united force. The Day of Action can create the change we want to see.”*

With targeted lobbying and awareness raising, the coalition managed to convince the Home Office to implement reforms so that women on spouse dependent visas who experienced violence were no longer denied funding to access shelters and support services. Launched on 30 November 2009, “The Sojourner Project” funds women’s shelters for housing those with no-recourse to public funds. When asked what elements other countries could learn from this initiative, Jo Clarke of Eaves Housing who now operates this government fund said, *“Mutual respect, understanding the limitations on the women’s shelters and then working together and pooling resources. There is obviously power in unity; it’s about researching what is out there and then joining forces and making the most of resources, forming a pressure group. The Sojourner is proof you can do it”*.

Established under the Labour government, and extended on a very piecemeal basis, the Sojourner Project has received the support of new Conservative Home Secretary Theresa May. *“You have campaigned and we have listened”*, she said at the Women’s Aid Annual conference in 2010 and pledged to extend the scheme.<sup>101</sup>

99 Southall Black Sisters, “Campaign Leaflet to Abolish No Recourse to Public Funds”, 2007, available at: <http://www.southallblacksisters.org.uk/downloads/CampaignToAbolishNoRecourseLeafletA4.pdf>

100 Campaign to Abolish No Recourse to Public Funds, “Resources for voluntary organisations for the day of action on 23 April 2008”, available at: <http://www.southallblacksisters.org.uk/downloads/HowCanISupportHerResourcePack.pdf>

101 Full speech available on the Women’s Aid website at: <http://www.womensaid.org.uk/page.asp?section=000100010015000800040002&sectionTitle=Theresa+May’s+Speech>



The Home Office initially agreed to run a three month pilot and assess the extent of the problem; launched on 30 November 2009 it was intended to run until the 20 February 2010. *"Since our duty line opened, it has rung constantly,"* said Jo Clarke, *"We knew three months was not enough, as there was huge demand"*.

Eaves Housing, who run the project, receive referrals from a variety of sources including police, midwives, word of mouth, self-referrals or other agencies. Eaves central office maintains applicants' file and refer them to the UK Border Agency (UKBA) who check for eligibility. Successful applicants receive a Sojourner ID number. *"At that stage they will either be in a refuge or they will be looking to go to a refuge",* explained Jo. *"So if they are not in a refuge our admin workers spend half a day every-day looking for refuge spaces; if already in a refuge our finance officer simply deals with the invoices"*. Eaves have signed service level agreements with over 100 shelters across the UK. The agreement affirms that the shelter undertakes to "accommodate this woman appropriately and safely, to support her with her domestic violence issues, to take her to immigration solicitors as a matter of urgency and to support her to get her application in for indefinite leave to remain for the first four weeks, and also, to invoice Eaves with rent costs and pass on subsistence money.

From 1 April 2012, victims of domestic violence will be able to access public funds on a short term basis. As Jo explained, *"In order for the funding to run seamlessly, the women need to get their application in for indefinite leave by the end of the fourth week. Having acknowledged that this time frame was too restrictive, this long term solution will provide benefits 5 weeks before and 5 weeks after."* While the 2012 changes foresee that women will be able to apply for income support and housing benefits, the

scope is still limited to those who entered the UK on a spouse visa. A significant portion of applicants do not qualify for public support and UKBA caseworkers have been quite restrictive in terms of evidence, an issue Eaves have addressed in their training. *"We were finding that the sort of evidence that they were looking for tended to be at a criminal level,"* said Jo. *"Not understanding that sometimes woman may have not spoken to a soul and nobody has seen her injuries, and it's necessary to consider input from the domestic violence counsellor"*.

All of the UK groups interviewed for this research commended the Sojourner project as a fantastic leap forward, yet expressed common concerns regarding the short term nature of the support, the restrictive qualification criteria, and the limited period in which ILR applications had to be submitted. *"It's a useful initiative and has worked well but it needs to be expanded"* concluded Praxis, while Dave Stamp of ASIRT in Birmingham stressed the challenges of submitting an application. *"This one case took one and a half staff members all of their time, including unpaid time outside of work hours, to get the case to a point that we could be submitted it in time. And that was for a client that we knew and were familiar with her case history; even then it was an absolute race against time, we were doing nothing else. All other appointments and meetings were dropped."*

Many solicitors fear that their fundamental duty to their client to ensure they submit a solid case is very limited by this timeframe, and despite their support for the Sojourner Project, the proposals by the current government to limit undocumented migrants' access to legal aid expose an inherent contradiction as appeals will no longer be funded. For shelters, the issue of space and financial risk has not totally abated and some shelters remain reluctant to accept Sojourner applicants, fearing that they may stay long beyond the funded four weeks.

### CAMPAIGNS INSPIRED BY SOJOURNER TRUTH

Sojourner Truth (1797-1883) was an African-American abolitionist and women's rights activist. Born into slavery, she delivered a famous intervention at an 1851 women's rights convention in Akron, Ohio. This speech, *"Ain't I a Woman?"* has come to represent the need to address sexism, racism, and classism in the feminist movement.<sup>102</sup> Notably, it has inspired two of the leading campaigns to address violence against undocumented women in Europe.

#### "Ain't I a Woman" Campaign, Sweden

Launched by the "No one is illegal" network in March 2010, this campaign addresses the lack of support services and justice for undocumented women in Sweden.<sup>103</sup> To stop them from becoming easy targets for harassment and assault, the campaign asks that the right to protection comes before the threat of deportation and that undocumented women contributing to a criminal investigation are granted a temporary residence permit. A key element of the campaign was to get the women's movement on board.

#### Sojourner Project, United Kingdom

The Sojourner project is the result of a long history of campaigning by migrant women's groups in close cooperation with national women's and human rights organisations to remove the "no recourse for public funds" rule for women experiencing violence and enable them to access state support.

## LOCAL AND REGIONAL GOVERNMENT SUPPORT

The city government of Utrecht, Netherlands, supported the local organisation **Solidariteitsorganisatie voor uitgeprocedeerde vluchtelingen en migranten** (Solidarity Organisation for Failed Asylum Seekers and Migrants, STIL) in setting up a shelter for undocumented women. Opened in 2005, **Fanga Musow** (Strong Women) offers women and children safe and stable accommodation, financial help, legal assistance, education and medical services. Undocumented women and their children can be housed for six months during which time the team, mainly volunteers, explore avenues for legalisation and help the women to plan their future. The Utrecht city government also continues to support a shelter for unsuccessful asylum seekers who are experiencing specific emergency situations.<sup>104</sup>

The Swedish city of Gothenburg has developed a promising local initiative to facilitate undocumented women's access to emergency shelters.



After a year of campaigning by "Ain't I a Woman", an initiative of Sweden's "No one is illegal" network, local politicians agreed to address the administrative barriers preventing undocumented women from accessing state funded shelters. As Trifa Shakey of the "Ain't I a Woman" campaign recalled, *"We saw that a lot of women who needed shelters, who were being abused at work or in the streets and we couldn't guarantee their protection. When we asked the women's shelters why they were not accepting undocumented women, they said it was because they were not getting resources from social security or from the politicians. So we said, OK, we are going to fix that!"*

<sup>102</sup> "Alice Walker reads Sojourner Truth", available at: <http://www.youtube.com/watch?v=EsjdLL3MrKk>

<sup>103</sup> Information available in Swedish, English and Spanish at: <http://aintiawomankampanjen.wordpress.com/>

<sup>104</sup> Fanga Musow at: <http://www.fangamusow.nl/> and "Hulp aan illegalen blijft toch", Het Parool, 23 April 2009, available at: <http://www.parool.nl/parool/nl/4/AMSTERDAM/article/detail/238751/2009/04/23/Hulp-aan-illegalen-blijft-toch.dhtml>

On 19 February 2011, following almost a year of “Ain’t I A Woman” campaigning by local representatives, the municipality voted in favour of a motion to reimburse shelters offering undocumented women protection against violence. Non-profit shelters financially supported by the City are now compensated for activities with undocumented women, while the Municipal Emergency Centre for Women is also commissioned to provide support and protection to this group.

Commentary on the motion from the City Council’s “National Resource Board” (*Social resursnämnd*), responsible for matters relating to social support, housing, and integration, affirmed that as a party to the Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Sweden had an international obligation to support undocumented women from violence.

*“Women who live in hiding in Sweden without a residence permit is a group that is particularly vulnerable in terms of male violence,”* stated Councillor Marie Linden who supported the motion. *“A woman who has no rights in society risks becoming the victim of sexual abuse and assault by men who exploit her situation. This agreement means that shelters can feel secure that they have coverage even for women who have issues with social services”.*<sup>105</sup> The “Ain’t I A Woman” network affirmed that it was much easier to work with the shelters now they had the right to provide protection for undocumented migrants and could receive reimbursement.

In France, problems regarding availability of shelters and housing centres are compounded by the fact they are not funded to receive undocumented women. To improve coordination among social services for those who leave their home because of

violence, the public sector organise a central toll-free number (115) for those who need emergency shelter. While women can try to find places in emergency centres on case by case basis, this leaves them in an unstable situation, often needing alternative solutions such as hotels, or sleeping on the streets. NGOs such as La Cimade report that many women were turning to prostitution in order to find a shelter for the night. An emergency centre in the Parisian region noted that *“This constitutes a real problem for undocumented women’s reinsertion, stabilisation and empowerment following an experience of violence; in fact it exposes them to further violence.”*

## WOMEN’S SHELTER NETWORKS: ADVOCATING FOR CHANGE

Networks of women’s shelters can improve the capacity of women’s shelters to address the needs of undocumented women and also, lobby for policy change to remove barriers to their support and protection. The following networks provide support to frontline shelters on the issue of undocumented women in terms of capacity building, networking, and national or regional level advocacy.

**Women Against Violence in Europe (WAVE)** is a network of over 4,000 women’s organisations working in the field of combating violence against women and children. Founded in 1994, to establish a European-wide network to address physical and sexual violence, WAVE’s membership now stretches across 47 countries, including EU member states and the Balkans.

WAVE’s founding principles affirm that all victims of violence, regardless of nationality or status, have a right to legal support and protection. In 2010, they

<sup>105</sup> Quoted in Elin Schwartz, “Papperslösa kvinnor ska få skydd”, GöteborgsFria, 20 January 2011, available at: <http://www.goteborgsfria.nu/artikel/86596>

carried out a specific focus on migrant women, mapping the concerns in terms of protection and support, and dedicating a panel on the situation of “undocumented migrant women and violence” at their General Assembly. WAVE has alerted members to undocumented women’s issues, required them to assess the accessibility of their services, and highlighted good practices existing in several countries.

*“Even when shelters theoretically say they take in undocumented women and children, it often doesn’t work because of money issues and because governments prevent shelters from taking them,” explained Rosa Logar Chair of WAVE. “Our goal is to abolish these policies and ensure that every woman and child has access to protection.”*

WAVE network was represented on the Drafting Committee of the Council of Europe Convention on protecting women from violence. Their inputs to the discussion and guide for national level lobbying are available on their website.<sup>106</sup>

**Imkaan** is a network of independent, women-led, violence-against-women organisations that support BMER (Black, Minority Ethnic and Refugee) Women in the UK. Describing the support they provide to frontline organisations, Marai Larasi explained *“It’s difficult enough for the refugees to ensure women have the basics; this requires a lot of creative funding by those on the ground with local events; these shelters literally have to write letters to request food or nappies, so it’s really important that there is the second tier.”*

In focusing on strategic advocacy and lobbying, IMKAAN enable policy changes for those in their membership and use their position to develop members’ knowledge and capacity via trainings, bi-annual policy briefs, information queries and enabling access to the extensive resource library at their London offices. As a member of WAVE network, they are also engaged at European policy level and actively promote their approach as a model for other women’s shelters regionally.

106 Women Against Violence Europe, “Ad Hoc Committee on Preventing Violence against Women (CAHVIO)” available at: <http://www.wave-network.org/start.asp?ID=23079&b=151>

## SPECIAL FOCUS

## HOLISTIC SUPPORT FOR UNDOCUMENTED SURVIVORS OF VIOLENCE

Undocumented women experiencing violence face numerous financial and administrative barriers to receiving psychological assistance, counselling, medication or accessing support programmes. In addition to specialist intervention to help women leave violent situations, counselling services can address anxiety and distress and help for long-term recovery. For them, the experience of violence can be compounded by their irregular situation and the subsequent denial of essential psychological support.



NGOs and voluntary initiatives are often the only providers of unconditional specialised treatment to irregular migrants and with limited resources it is a challenge to meet the long-term treatment they require.<sup>107</sup> A variety of local actors are proving a valuable source of psychological support for undocumented women who have experienced gender based violence. Grassroots supporters and community organisations already in contact with this group are working to inform themselves about violence and are developing their capacity to help women in an effective way. Having earned the trust and confidence,

they are often the first point of contact by undocumented women in need of support. Often working on a voluntary basis, they lack the resources and support of larger violence against women organisations, yet find themselves dealing with a myriad of issues, from counselling, to referral, and perpetrator intervention.

*"We receive calls. If they trust you they will tell their stories,"* said Juliet Frisnedi of **Filipiana Europa**. Established to organise cultural activities for Filipino women in Leuven, Belgium, the group was soon contacted by migrant women experiencing violence. While some were on a spouse dependent visa, many had already become undocumented. *"The first case I had, she was phoning me and I could hear him shouting in the background. It was so stressful; I didn't know how to go about it. I would spend a lot of time on the phone, but it helped her, so I would listen. Finally she escaped and I brought her to the crisis centre; by just showing I care, I gave a spark of hope."*

Also in Belgium, Monica Pereira of the Brazilian community organisation **Abraço** spends much of her time supporting women in a precarious situation. *"I've had a lot of cases where women call me several times but don't act afterwards. Responding to violence situation is very difficult and it's a long-term process where you need to carefully listen to these women and to gain their trust, in order for them to decide to act."*

To address this situation, a growing number of specialist support services are finding innovative ways to reach undocumented women experiencing violence and provide them with holistic support.

107 FRA – European Union Agency for Fundamental Rights (2011), Migrants in an irregular situation: access to healthcare in 10 European Union Member States, pp-28-30, available at: [http://fra.europa.eu/fraWebsite/attachments/FRA-2011-fundamental-rights-for-irregular-migrants-healthcare\\_EN.pdf](http://fra.europa.eu/fraWebsite/attachments/FRA-2011-fundamental-rights-for-irregular-migrants-healthcare_EN.pdf)

## Specialist Support Services for Survivors of Sexual Violence

Barcelona based **Associació d'Assistència a Dones Agredides Sexualment** (Association of Assistance for Sexually Abused Women, AADAS) offers free, comprehensive and long-term assistance to women and children who have experienced sexual assault. *"We listen and assist anyone that has been a victim of sexual aggression no matter their legal status or economic circumstances,"* explained Coordinator Glòria Escudero. In 2010, migrant women represented 23% of their caseload, a slight increase from 19% the previous year. While the majority are documented, the association highlighted that migration status served as a significant barrier for women to come forward. *"Undocumented women fear additional repercussions if they look for or ask for help. Silence benefits aggressors and not those who have suffered this violence. This support is essential to break the silence, find help and get their rights. Otherwise, women can't receive the help they need and we can never know the scale of this problem".*

Violence in the workplace was the most common experience among the undocumented clients visiting the centre. *"The majority of cases we encounter are those who work in domestic work or catering and it is often their boss, the owner of the company or of the house which abuses them sexually because they know they are vulnerable,"* said Glòria. AADAS also support many Latin American women who had suffered sexual violence in their childhood, however the length of time since the crime, and distance of the perpetrator means the women have few options for legal action, and often only come for psychological support. As Glòria explains, *"It was often violence within their own families, where the abuser was the father or a family member. Little can really be done and even less so from here".*

AADAS engages with the mossos d'escuadra (regional police force), social services, women's shelters, Catalan women's institute, and the courts to inform them about the realities of survivors. *"Gender violence is still not very well understood. People generally understand more about child abuse than a women being abused. With women there is a tendency to ask why did she not leave? What is she only saying it now? There is still a lot of awareness raising to be done. We have to address prejudice among judges, lawyers and solicitors, doctors even the police. Without understanding the psychological impact of violence against women, they will not be treated properly,"* said Glòria.

Seeking to eradicate all violence against women, AADAS see it as their duty to support all women regardless of their status. *"We were born out of the need to provide, women who have suffered sexual abuse need psychological help and often legal advice which was not provided by the public social system,"* explained Glòria. *"Our day to day work is to help these women independently of who they are, but as our final objective is to eradicate gender violence. Any person who has suffered such violence needs to be helped, we need to eradicate this violence from our society."*

Many undocumented women lack the basic elements required for decent survival. This destitution can facilitate their exposure to violence and abuse, and accessing support and information services remains a low-priority when such basic needs are unmet. In order to attract and retain contact with undocumented women, some support and counselling services also seek to alleviate these pressing needs. They may reimburse public transport costs or provide in-house child care facilities, offer essential items such as hot meals, operate clothing banks, or distribute food vouchers.



In the UK, the **Rape and Sexual Violence Project** (RSVP) has offered a free counselling service to survivors of sexual violence in the West Midlands since 1979. To encourage migrant and minority women to access their counselling services for sexual violence, RSVP hired an outreach worker in 2007 to raise awareness about the services and languages offered. This outreach also identified the specific needs and experiences of many destitute migrant women living in the area who had fled their countries following rape and sexual torture.

RSVP received three-year funding to deliver counselling and support to survivors of sexual violence and torture. Many of these women had an irregular migration status and were unable to access public funds.<sup>108</sup> RSVP developed a holistic approach which addressed the women's basic needs. As their support worker explained, *"I realized was that women were not going to access RSVP and sit and talk about their issues if all their other needs were not met. So, adequate housing had to be looked at. If they didn't have food, that needed to be looked at. Clients couldn't get on a bus to travel to us, so we managed to get a budget. When a client comes in they get £3.50, the equivalent of a day pass on all buses"*.

RSVP provided training to mental health workers, primary healthcare staff, counselling and other voluntary organisations to improve their understanding about the particular internal and external barriers preventing women in the asylum system to disclose experiences of sexual violence. Recognising the detrimental impact that an asylum refusal can have upon their clients, RSVP linked with reputable immigration lawyers to help them obtain better representation. In addition to drawing out detailed experience to assist the solicitor in compiling

evidence, the support worker provided the court with expert evidence on the psychological impact sustained, based on their therapy. *"Often the solicitor would ring us and say this was the first time they had received this information. Clients would disclose a lot more information to us because they trusted us and the relationship was there."*



Food bags provided by RSVP

For those who had become undocumented, the need for psychological and practical support was often increased. *"What we found much to our horror was that when women are refused asylum, because of the way our policies stand. They are destitute until they reapply, and that can take from weeks to months. Once a woman becomes destitute they are just wandering around on the streets, sleeping at bus shelters. They are being picked up and sexually exploited, or ending up in violent relationships with men just praying on their vulnerability,"* said the support worker. In addition to linking the women with local support organisations, RSVP partnered with a local church congregation to provide food parcels with basic provisions. They provided female hygiene bags which contain sanitary towels, shampoo, toothpaste, washing up liquid, soap powder, and a flannel. *"It's the little things that make a huge difference,"* they explained. *"When these women become destitute they have nothing. So just to be able to hand over a food bag to a client that is struggling makes a huge difference to her life."*

108 At the time of print, this project funding had ended but the organisation were seeking additional funds to re-establish the one to one support and counselling services in 2012.

## Medical Professionals Providing Psychological Support

Medical professionals have also come together to provide counselling and therapy services to undocumented women. **Rosengrenska** is a network of over 800 volunteer medical professionals who have provided healthcare to undocumented migrants in Sweden since 1998. One evening a week, doctors, nurses, psychologists, physiotherapists, dentists and a range of other professionals offer services free of charge in a secret location in Gothenburg. The network also operates a telephone hotline. Since 2008, Rosengrenksa has cooperated with the Swedish Red Cross. Explaining the motivation of these volunteers, coordinator and nurse Anne Sjogren said, *“As medical professionals we are taught to treat everyone equally according to their needs. In Sweden, the laws serve as an obstacle to this, so as long as this is the case, Rosengrenska and the Red Cross are needed. Undocumented women come here for serious health problems, but when they start to talk about their situation it can become clear that they often need to speak with a therapist”*.

The free counselling and therapy provided at the clinic are often the first time that women recount experiences of sexual violence. *“Often they were raped, they have seen the worst imaginable things but it is rare that such stories have come to light in*



Consultation by Rosengrenska, Gothenburg, Sweden  
© Joan Roels - Pokitin Productions 2011

*the asylum process,”* explained volunteer psychiatrist Ingvar Karlsson. *“They often cannot share their story with those close to them and live by internalizing the trauma.”* Post-traumatic stress and problems surrounding disclosure of sexual abuse means that the centre receives many undocumented women who have been refused asylum. Once in an irregular situation, this trauma can be significantly compounded by the challenges of trying to survive and avoid detection.

Providing psychotherapy sessions every second Wednesday, Dr Ritva Holmstrom has met with many survivors of sexual violence from Kosovo, Afghanistan, Iran and Somalia at the clinic. *“To live in a foreign place, without any rights, without a home, women feel much more insecure”,* she explained. *“If some injustice is committed to them here in Sweden, they feel they cannot go to police so again, they have to just try to cope with it. It is very, very sad to see. They often feel frustrated and helpless because of their situation, but they say it helps to talk, that these sessions are saving their life.”*

Rosengrenska work to lessen this trauma but underlined the need for early recognition to treat survivors of violence. *“Everyone who comes here are strong people, they have succeeded in coming here, it’s just a shame they couldn’t get the help in the time that they needed to be strong and healthy again,”* said Dr Ritva. *“There is some good quality care but it is only a small drop in a big ocean because so many undocumented immigrants suffer from psychological problems,”* Dr Ingvar added.

Both Rosengrenksa and The Swedish Red Cross are now part of the “Rätt till vård-initiativet” (“Right to Health Initiative”), a coalition of over 62 health and humanitarian organisations in Sweden working to ensure that national legislation adheres with international human rights obligations.<sup>109</sup>

109 Vård för papperslösa, “Right to Health Care-Initiative: Common standpoint on asylum seekers and other undocumented persons”, available at: <http://www.vardforpapperslosa.se/english.asp>

### THERAPY PROGRAMMES FOR UNDOCUMENTED WOMEN IN BARCELONA

Organisations such as Associació d'Assistència a Dones Agredides Sexualment (AADS) working with migrant women with experiences of violence in Barcelona, often refer them to **Servicio de Atención Psicosocial y Psicopatológica a Inmigrantes y Refugiados** (Psychopathological and Psychosocial Assistance Service for Immigrants and Refugees) - SAPPIR).

Located in Sant Pere Claver Hospital in Barcelona, SAPPIR supports migrants and socially excluded groups with mental health issues. Established in 1994 by Dr Joseba Achotegui, the service seeks to diagnose and treat migrants whose needs are not served by the mainstream health service. Providing free psychological and social support to migrants, SAPPIR holds therapy sessions for migrant women to deal with trauma. In situations when therapists and clients do not speak the same language, art can be used to enable patients to express their experiences and explore their situation in a more comfortable way.<sup>110</sup>

SAPPIR supports irregular migrants to deal with the stress from the difficult and dangerous journey to Europe to the uncertainty of their current situation. The centre have highlighted how sexual violence in country of origin, en route to Europe, or since arrival can significantly compound this stress disorder. Also, that for undocumented migrant women, the process of pursuing legal action against an abuser can often be an emotionally charged and traumatic event in their lives. The displacement and trauma they already experience means that undergoing this process can be seen as further complication rather than liberation.<sup>111</sup>

## ROLE OF NGOS AND SOLIDARITY NETWORKS

NGOs play a vital role in helping undocumented women to *maintain* their existing housing, put them in touch with *alternative* housing, or run their *own shelters* to house women. Many undocumented women reported negative experiences with landlords; while single undocumented women often described sexual harassment, immigration status was also used against those within a family or couple to exert economic abuse. In addition to facilitating access to mainstream shelters or providing alternatives, NGOs help undocumented women to negotiate with landlords to prevent homelessness.

London-based **Latin American Women's Rights Service** (LAWRS) regularly contacts landlords to ensure receive fair treatment of undocumented tenants. *"We contact them via telephone and in writing to inform them of their tenants' rights and demand fair conditions"*, explained Frances Carlisle. *"Exploitative landlords are often subletting without permission, so we in the first instance give them an opportunity to do good by their tenants instead of instantly being reported."* LAWRS inform undocumented women of their rights and the applicable housing conditions, working to develop their negotiation skills so they can advocate on their own behalf. Such organisations dedicate a significant part of their time to deal with housing issues, and often operate noticeboards to advertise safe and affordable private rented accommodation within the community.

110 SAPPIR-GASIR, "The Benefits of Art Therapy in the Immigration Field", available at: <http://www.fhspereclaver.org/migra-salut-mental/catala/news/Art%20Therapy.htm>

111 Further information on the SAPPIR-GASIR Centre is available at: [http://www.fhspereclaver.org/migra-salut-mental/index\\_en.htm](http://www.fhspereclaver.org/migra-salut-mental/index_en.htm)

Finding accommodation for undocumented women is among the most problematic and resource intensive issues facing front-line NGOs. In Belgium, where the lack of subsidies for women's shelters to house undocumented women form a significant barrier in terms of access, migrant community organisations spend a significant amount of their time supporting survivors of violence to find accommodation. *"It's almost impossible to find a shelter specialised in domestic violence for an undocumented woman in Brussels, so they end up turning to homeless shelters which are not at all suited to help them or often, they find precarious accommodation with friends or acquaintances"*, explains Monica Pereira of Brazilian community organisation **Abraço**. To overcome the difficulty in finding shelters to accept undocumented women in Paris, **Femmes de la Terre** produced a small address book listing all the centres hosting survivors of violence, some of which do host undocumented women.<sup>112</sup>

The **Support Group for Undocumented Women** (*Steungroep voor Vrouwen zonder Verblijfsvergunning – SVZV*) in Amsterdam works to house undocumented women who come to their drop in centre. *"Housing is really a big issue"* said Federica Armandillo. While the situation has improved since 2009, when a national fund to reimburse women's shelters came into effect, frontline NGOs still spend a significant amount of time securing places as shelters are unfamiliar with the initiative, lack places, or claim there is not enough prospective of undocumented moving out. Operated solely by volunteers, SVZV is continually working to house undocumented women through its evolving informal network of churches and organisations. In addition to having one room available in a house shared with another organisation, they liaise with a several contacts ranging from the *Sisters of Charity*, who can house women and children up to six months, to the left-wing social movements and the Amsterdam squat-scene.

#### INDEPENDENT SHELTER FOR UNDOCUMENTED WOMEN IN THE NETHERLANDS

**Huize Agnes**, based in the Dutch city of Utrecht, was opened by retired nurse Henny van der Nagel. *"I never met an undocumented woman before opening this shelter,"* she explained. *"But I read my newspapers, so I knew the problems. And I could imagine how the life must be for them"*. While termed an "emergency shelter" in Dutch, it houses undocumented women and children for up to two years.<sup>113</sup> During PICUM's visit in 2011, women from Bangladesh, Nigeria, Suriname, Algeria, China, Guinea, and Cameroon were staying there.

Located in a secret address, the shelter originally offered food, a bed, and a small allowance, but soon realised that the extent of the issues facing these women would require a more holistic approach. *"We are trying to work on their future which means that the whole range of issues are addressed: health, education, legal, social and financial,"* highlighted Henny. *"We look at their legal situation; if they don't have a lawyer, or not a good one, we put them in touch with legal contacts here in Utrecht. The women learn Dutch and we help them to find work. We help them to address their future; if they want to stay in Holland irregularly then we help them to do that with dignity, or if they want to go back to their country we can find out about programmes."*

<sup>112</sup> The address book is available in print version at the association, contact details at: <http://femmesdelaterre.org/>

<sup>113</sup> Girls of any age can be housed, while for boys the cut off age is 12 years old.

As a volunteer-based initiative run by limited private donations, a key strength of Huize Agnes has been its mobilisation of other volunteers to provide support through donations or training. Residents have received training ranging from Dutch society, fire prevention, first aid, and contraception to biking lessons and road safety. The prolonged stay and personal nature of the shelter means that women are likely to disclose further details regarding violence, which can in turn improve their application for legal stay.

The shelter has been in high demand since doors opened 2006 with over 70 women housed. Established to accommodate to women without documents, a home, or income, *Huize Agnes* also receives requests to house those with temporary documents as well as women from “new” EU member states<sup>114</sup>. *“In the Netherlands, there are too many women who don’t have a safe place to stay”, explained Henny, “Shelters like this are badly needed, it’s just a little bit of help for a much larger problem - women are so much more in danger, especially those with children.”*

The **No-one is illegal Network** in Sweden and **Free Movement Network** in Finland have provided support and shelter to undocumented women for many years. With no resources apart from the solidarity and commitment of their network, local volunteers provide shelter to undocumented men, women, and children in their own homes.

On 8 March 2010, the 100<sup>th</sup> anniversary of international women’s rights day, the **“Ain’t I A Woman” Campaign** was launched by the *No-one is Illegal* network in Sweden.<sup>115</sup> Bringing far reaching public and political attention to the lack of support and justice afforded to undocumented women’s experiencing violence, the launch affirmed that this campaign was seeking to secure the rights that women had been fighting for all this time were also enjoyed by undocumented women.

As Trifa Shakey from the campaign explained *“It is a shock for those from other European countries when we talking about the situation facing undocumented women. It’s also a big shock for Swedish people and organisations; they are questioning “Is that true? Are we leaving women in the street? Forcing women into prostitution because they can’t work or have a*



Logo “No one is illegal”, Sweden

*shelter? Is that they country I am living in?” They don’t want to see it. Someone else will take care of it. It’s just a temporary problem”.*

In Sweden, mainstream organisations and support services for women experiencing violence are largely supported by the state. In these highly regulated systems, proof of entitlement is required and social security codes are methodically checked at first contact. Undocumented migrants generally avoid these services for fear of being reported, and those that do approach them are systematically turned away. It is therefore not uncommon for undocumented women’s existence and experience

114 Currently nine member states of the EU require Bulgarians and Romanians to acquire a permit to work. So although they joined the EU in 2007, these nationalities can face difficulty to access legal employment or state support.

115 Blog available at: <http://aintiawomankampanjen.wordpress.com/englishespanol/in-english/>



to be completely invisible in mainstream research and discussion on this issue.

The *No-one is Illegal* network in Sweden is made up of individuals who have provided support and shelter to undocumented women for many years. Local volunteers provide shelter to undocumented men, women, and children in their own homes as it was impossible to find housing in the mainstream system. Their first step in seeking a sustainable and supportable solution was to make undocumented women's experience of violence in Sweden more visible. Volunteers documented testimonies from the women they housed, while others conducted a telephone survey among women's shelters to gauge how many would accept an undocumented woman. This information was vital to engaging the media and political movements, but also, to clearly identified

the barriers which needed to be addressed within the women's movement.

As Trifa Shakey explained, *"Like non-citizens, in Sweden undocumented are non-humans and non-existing. We would call the women's shelters in town and they said they cannot accept these women because they are not citizens. That was the problem, they wouldn't take care of this woman, we couldn't guarantee their protection, we had a lot of evidence about crimes and we couldn't handle all the cases. This is a political issue. This question is one that nobody talked about; we made it a decision to talk about it right now"*. The campaign has managed to instigate agreements at the local level so that municipalities fund places for undocumented women in emergency shelters.

### **"PROVIDE SUPPORT AND PUSH FOR CHANGE"**

#### **THE DUAL ROLE OF SOLIDARITY NETWORKS IN SCANDINAVIA**

Movements working to mobilise change for undocumented women in Scandinavia often occupy the dual role of providing essential support to those fleeing violence, while also serving as the main social agitator to enable change. While their link to the realities of undocumented women and engagement of these women in the campaigning significantly strengthens their work, they are largely unfunded by the state and there are few other sources of financial support. In addition to challenging state policies, and effectuating changes at local level, these movements are also faced with challenging the status-quo within the women's shelter movement and work with them to find solutions for undocumented women.

The need for these services is immense, as an undocumented women interviewed in Stockholm shared, as they are often the only source of support. *"I had to leave this man. So I made some research on the internet and I found a hostel, I could pay the hostel for six nights. I went there and I was sending emails to everybody and I emailed this girl who was in the association "Nobody is Illegal", she called me and said I could stay with her in her apartment while we tried to find a solution."*

*"We have taken the biggest burden in our movements,"* explained Trifa Shakey of Sweden's **No-one is illegal network**. *"Not only taking on the authorities, but also providing a great deal of support to the women ourselves"*. Similar concerns were expressed in Finland, *"It is unfortunate; to put it frankly, almost no one is doing anything. This means we are the same people who have to be disobedient on the streets and then go to speak at the parliament. We occupy all levels of activity; our hands are full with different kinds of work,"* said Katja Tuominen of the **Free Movement Network**.



## FAITH-BASED SHELTERS

*"In Finland, you need a social security number before the shelters will take you in. The undocumented women don't have it, and they are in danger."* – International Christian Centre, Finland

Faith based communities can also provide a vital support to undocumented migrant women facing destitution or fleeing violence, particularly in countries where access to women's shelters is most restrictive for undocumented women. Churches may provide housing or financial support to undocumented women facing homelessness. Several organisations in the UK mentioned the role of the mosques in providing support such as one-off payments for a hostel, or setting up a bed in the floor of the mosque itself.

Swedish organisations also highlighted the role of churches in providing practical support such as food, clothes and shelter, specifically for women

with experience of violence, or those requiring support during their pregnancy. As one of the few sources of emergency accommodation accessible to undocumented migrants however, there are rarely free spaces available. *"Many women with a rejected residence permit that have experienced violence don't have a place to go,"* explained Ingrid Schiöler. *"In some cases, they have been rejected by their relatives and wider community and they quickly find themselves in a very bad situation."*

In Finland, **"The One Way Mission"** house undocumented women in the Helsinki area free of charge. They operate women-only houses just outside of the capital where voluntary teams create a secure and healing atmosphere for women in crisis situations, regardless of their status. *"They have really helped with this issue,"* explained a migrant solidarity network in Helsinki, *"Their apartments are in the outskirts and really safe. If the government-funded shelters don't want to receive the women, then "One Way Mission" is ready to support and accommodate them."*

### SHELTER AND SUPPORT PROVIDED BY GERMAN CHURCH ASYLUM MOVEMENT

**BAG Asyl in der Kirche** (*German Ecumenical Committee on Church Asylum*) is an umbrella network of German parishes providing church asylum. Compelled by their Christian faith, these parishes house undocumented migrants and asylum seekers to protect them from deportation when there is a reasonable doubt concerning their safety. Operated solely with donations, volunteer contributions and the support of its members, the network has intervened in hundreds of cases to bring about a re-examination by authorities and prevent the deportation. As a network, *BAG Asyl in der Kirche* supports its members via training, legal advice and theological counselling. Their figures show that 75% of church asylum cases ended with an alternative to deportation.



Verena Mittermaier explained the origins of the movement in Germany; *"In 1983, there was a big movement in solidarity with refugees from Lebanon. We were discussing how to deal with the issue when two families and a local solidarity group knocked at the church door and asked for shelter because they were*

*facing deportation and feared for their lives in Lebanon. The pastor just decided to open the door and to let them sleep inside the community rooms, so this was the first case to support to a particular family."*

In some regions, parishes have direct contact with local police and the *Ausländerbehörde* (foreigners' office), other churches employ a "refugee contact" to liaise with the authorities, but elsewhere the role is taken by the local pastor or a parish volunteer. In addition to shelter, the parishes provide legal support, and accompaniment. *"Once officials receive notification that the migrants will be housed in the church, they usually find another way to solve the case,"* said Verena, *"If they wish to remain here and fear deportation we try to support them, but we also provide advice for return if it's the last or the best possibility".*

Migrant women are housed within the Church or in the homes of parishioners. Those coming from particularly exploitative situations and require more specialist support, are generally referred to specialist shelters in Berlin such as those operated by Solwodi, Interkulturelle Initiative, or Ban Ying.

## CONCLUSION

This chapter has highlighted ways to improve undocumented women's access to emergency shelters and support services. Governments have responded to civil society campaigns by improving the legislative framework or developing a mechanism to fund shelters housing this group. In contexts where the national situation is more restrictive, opportunities at the local and regional level have been used to effectuate positive changes. Collaboration between the women's rights and migrants rights movements have been instrumental in bringing about these policy changes, and also provide a solid partnership

for developing improvements in practice. Faith-based communities and solidarity networks have been working on this issue for many decades, and are increasing their efforts to raise awareness and bring about change at the policy level.

The European women's shelter movement is a vital partner in bringing about change. They have recognised the inherent dangers of denying access to undocumented women fleeing violence, and are best placed to identify long-term, sustainable and effective means through which they can be guaranteed support and protection.

## VII. Improving undocumented women's access to justice

*"I told him to stop, but he laughed and said 'What will you do, call the police?'"*

- Undocumented Woman in United Kingdom

*"Undocumented women stay in their situation of violence until they're beaten to death because they don't dare going to the police or asking for help."*

- Centrum Algemeen Welzijnswerk (General Welfare Centre), Belgium

*"We cannot start to believe the myth that undocumented women have no rights. The police are obliged to protect them from violence, they have to give the same protection and follow the same procedure, not work as an agent of the foreign law department! Their obligation is to protect these women and we have to make sure this happens correctly."*

- Rosa Logar, Women Against Violence Europe (WAVE)

Undocumented migrant women experience numerous structural and practical barriers to reporting violence to the police or pursuing legal remedies. They may risk arrest and deportation if they seek assistance from the police as their irregular status frequently supersedes their right to justice and protection. Free legal assistance is often denied to them and they are prevented from being party to criminal proceedings as they are generally deported to their home countries before legal action has got under way. When justice systems discriminate, injustice tends to dominate.

Authorities are increasingly recognising the benefits of legislative measures that ensure access to justice and services for survivors of violence regardless of their immigration status. Improving the ability of law enforcement agencies, lawyers, public prosecutors,

and social services to effectively address gender-based violence, legislation sends a clear message to abusers that immigration law cannot be used to trap women in a cycle of abuse. In addition to outlining several legislative protections existing in both Europe and the United States, this chapter will highlight initiatives that overcome practical barriers by way of information provision, legal aid, and partnerships.

It is important to note that even when protections exist to enable undocumented women to report gender-based violence without fear of arrest and deportation, many women refrain from coming forward. There is always a disincentive for women to come forward and report partner abuse because of broader repercussions within their family, social network, as well as practical issues like loss of economic support if the abuser is also the main wage earner. Undocumented women not only risk their own security when reporting violence, but if they report an undocumented partner for violence he may be deported. This in addition to income loss and possible homelessness, the deportation of a spouse or father of their child was often mentioned as a disincentive for undocumented women.



## LEGISLATIVE FRAMEWORKS

### WHAT ARE THE INTERNATIONAL AND REGIONAL LEGAL STANDARDS?

#### INTERNATIONAL

The **Convention on the Elimination of All Forms of Discrimination Against Women** (CEDAW) was developed to enforce the provisions of human rights instruments by combating the particular discriminations facing women in areas such as political rights, marriage and the family, and employment. The Committee overseeing the implementation of the convention considers reports by states parties and seeks to engage in a constructive dialogue pointing out the state's shortcomings, or encouraging particular progress, through a series of questions and comments.

The *Committee on the Elimination of Discrimination Against Women* has raised several concerns about the restrictive immigration laws and policies which negatively impact upon undocumented women. In 2008, both France and UK were criticised for their family reunification and spouse-dependent visa regimes, with the UK urged to review its "no recourse to public funds" policy to ensure that undocumented women experiencing violence were provided with protection. The Committee adopted General Recommendation 26 on Women Migrant Workers, marking a powerful affirmation that every migrant woman, including those who are undocumented, must be protected from all forms of discrimination under the convention.

The Committee very much relies on country specific information from non-governmental organisations about the realities on the ground; NGOs are invited to submit country-specific information either orally or in writing. Full information on how to engage with CEDAW is available on the website of the Office of the High Commissioner for Human Rights.<sup>116</sup>

#### REGIONAL

The **Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence** is the first legally binding instrument which creates a comprehensive legal framework to prevent violence, to protect victims and to end with the impunity of perpetrators. The Convention affirms that its provisions apply to all women regardless of migrant status (*Article 4 – Non-discrimination*) and addresses the situation of women on spouse dependent visas regarding the issuance of renewable residence permits to victims (*Article 59 – "Residence Status"*).<sup>117</sup> The official guidance note makes specific reference to irregular migrant women, highlighting that while they have a different legal status to asylum seekers, they share an increased risk of experiencing violence against women and face similar difficulties and structural barriers in overcoming such violence. The text also foresees the establishment of an international group of independent experts to monitor its implementation at national level.

<sup>116</sup> CEDAW, "Information note for NGO participation prepared by OHCHR", available at: [http://www2.ohchr.org/english/bodies/cedaw/docs/NGO\\_Participation.final.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/NGO_Participation.final.pdf)

<sup>117</sup> Full text of the Convention (210) is available in 19 languages at: [http://conventions.coe.int/Default.asp?pg=Treaty/Translations/TranslationsChart\\_en.htm#210](http://conventions.coe.int/Default.asp?pg=Treaty/Translations/TranslationsChart_en.htm#210)

Now the Council of Europe Convention is adopted, member states can sign it so it passes to their national parliaments to decide whether or not to ratify it.<sup>118</sup> If approved, then the rules and regulations contained within this treaty become part of the national legislation. States that ratify a treaty are legally obliged to respect it and put it into practice; the Council of Europe can then monitor the states activities to ensure that the treaty requirements are being applied. To promote signing and ratification of the Convention, *Women Against Violence Europe (WAVE)* have suggested concrete ways in which organisations can use the convention as an awareness raising and lobbying tool.<sup>119</sup>

The **European Union** is currently working on a package of measures and minimum standards to protect the victims of crime and is currently developing a regulation on mutual recognition of civil law protection measures to help protect victims of violence from any further harm by their attacker. PICUM and other civil society networks are working to mainstream their concerns about need for specific legislation on gender violence in the package, and to ensure its measures apply to all victims – particularly those facing the most barriers to the access of justice.

There are a number of progressive mechanisms that address undocumented women's experience of violence at national level. Often the result of a long process of research, collective action, and strategic lobbying on the part of migrant-groups, women's organisations and state-actors, these measures seek to address gender-violence in a non-discriminatory and rights-based approach. In tracing the development of these protections and highlighting innovative tenets within the texts, we will also provide insight regarding the implementation of laws from those working on the ground.

## Spain's Legislative Framework Puts Women First, Irregular Migration Status Second

Spanish legislation on gender-based violence applies to all women on Spanish territory and establishes

the state's responsibility to guarantee women in special personal and social circumstances, such as migrant women, the use of the services provided by the law. The developments in Spain illustrate how states can ensure a non-discriminatory approach to addressing violence against women, and develop legal protections and rights for all women experiencing violence regardless of their immigration status. As public prosecutor Carmen de la Fuente explains, "*Spain's legal framework places prevention, protection, investigation and sanction of gender based violence above the administrative status. I think that is the right approach. On the other hand, every country signatory of CEDAW and the "Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence" is obliged to guarantee women's human rights above the administrative boundaries. Any other position violates human rights*".

118 The Convention on Violence was adopted in Istanbul on 11 May 2011, at the time of writing 18 countries had signed the Convention, including 11 European Union member states. Only Turkey has ratified it. Interactive map "Signature and Ratifications" available from Council of Europe at: [http://www.coe.int/t/dghl/standardsetting/convention-violence/source/flash/map/map\\_en.htm](http://www.coe.int/t/dghl/standardsetting/convention-violence/source/flash/map/map_en.htm)

119 Available on WAVE website at: [http://www.wave-network.org/images/doku/wave\\_lobbying\\_signatures\\_and\\_ratification\\_cahvio\\_convention.pdf](http://www.wave-network.org/images/doku/wave_lobbying_signatures_and_ratification_cahvio_convention.pdf)

## Phase I – Spain’s Gender-Violence Law Affirms Protection, Incoherent with Immigration Laws

### Organic Act 1/2004 of 28 December on Integrated Protection Measures Against Gender Violence<sup>120</sup>

#### Article 17(1)

All women suffering gender violence, regardless of their origin, religion or any other personal or social condition or particular, are guaranteed the rights recognised herein.

#### Article 32(4)

In implementing the actions prescribed herein, particular attention shall be given to the situation of women whose personal and/or social circumstances put them at greater risk of suffering gender violence, or may hinder their take-up of the services envisaged herein. This definition may extend to women belonging to minorities, immigrants and those suffering social exclusion or disability.

Spain’s 2004 *Gender based Violence Act* recognised the rights and protections of every victim of violence, no matter of her administrative status. However, the existing 2000 *Immigration Act* obliged the police to open a deportation file for every undocumented person, and contained no specific measures for women experiencing violence.

Civil society organisations in Spain were extremely vocal about the inherent contradiction existing in legislation, and several police bodies and regional administrations in Spain developed alternative measures to encourage women experiencing violence to come forward. For instance, the Basque Country issued police with an instruction *not* to open a deportation file for undocumented women coming forward to report violence.

However, other police forces fulfilled *Instruction 14/2005* issued by the Security Department of the Home Office which obliged them to protect and inform the undocumented victim of her rights when reporting gender based violence, but to simultaneously open a deportation file.<sup>121</sup> The order for deportation would be suspended for the period in which

a judicial protection order was adopted, and if the woman was unsuccessful in obtaining a protection order, the deportation file would be reinstated.

While justice to undocumented women was not explicitly denied, the inherent risk of deportation after the judicial process served as a significant deterrent against undocumented women to report violence. Carmen de la Fuente, a public prosecutor with the gender-based violence courts in Spain recalled, “*Undocumented women had two options; report the attack directly to a judge, who would never inform the police about the administrative status of a victim, or hope that the police forces put the women’s protection needs above her administrative status – this was happening in many regions.*”

In addition to risks irregular migrant women faced when contacting the police, they faced many practical barriers to access services such as refuges and economic assistance for survivors of violence. Due to the disproportionate levels of violence experienced by migrant women in Spain, the Ministry of Equality enacted a three-year violence prevention plan in 2009.

<sup>120</sup> Ley Orgánica 1/2004, de Medidas de Protección Integral contra la Violencia de Género, 28 de diciembre

<sup>121</sup> Guideline to be followed by the police in the application of legislation regulating the situation of the foreign women victims of domestic violence in irregular administrative situation.



### SPANISH GOVERNMENT STRATEGY TO ADDRESS GENDER-BASED VIOLENCE AMONG IMMIGRANTS

#### “Plan to Treat and Prevent Gender- Based Violence Among Spain’s Immigrant Population” (2009 – 2012)<sup>122</sup>

##### This plan contains five main stages:

1. *Information*: The Ministry aims to establish information channels for the foreign population by providing information leaflets as well as practical assistance in multiple languages.
2. *Training*: Those assisting migrants are offered training on issues related to gender-based violence provided by the Ministry.
3. *Awareness*: The Ministry is working to bring state institutions closer to the foreign population by organising awareness campaigns for migrants regarding the functions and means to access government services.
4. *Targeted Assistance*: Providing concrete assistance which is specifically adapted to the circumstances of foreign women subject to gender-violence, the Ministry is working to bring key resources to this group closer to Spain’s migrant population.
5. *Structural Measures*: The Ministry is working to develop resources to implement this plan by creating structured spaces for information exchange between migrant women and those national bodies and groups focusing on gender violence.

### Phase II – New Spanish Immigration Legislation Affirms Obligation to Open Deportation File

#### Organic Act 2/2009, of 11 December, on Rights and Freedoms of Foreigners in Spain<sup>123</sup>

##### Article 31 bis

1. Foreign women victims of gender violence, whatever their status, are guaranteed the rights recognised in the Organic Law 1 / 2004 of 28 December on Integral Protection Measures against Gender Violence.
2. If a foreign woman’s irregular status were to be discovered while reporting gender violence, the administrative record of penalties brought for infringement of Article 53.1.a (having an irregular status on Spanish territory) of this Act shall be suspended until the resolution of criminal proceedings.

<sup>122</sup> Plan de Atención y Prevención de la Violencia de Género en Población Extranjera Inmigrante 2009-2012.

<sup>123</sup> Ley Orgánica 2/2009, de 11 de diciembre, de reforma de la Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social.

In 2009, the Immigration Act was amended. *Article 31* was added, which included statement in favour of undocumented women's right to a provisional residence permit during judicial proceedings relating to gender-based violence. However, *Article 31bis* affirmed the opening up and suspension of a deportation file for each of them. So, the statement in favour of rights was not enough to guarantee the access to justice for all women experiencing violence.

*"This amendment coincided with an increase of deportations due to the changes in the immigration policy and the beginning of the economic crisis," explained Carmen de la Fuente, "Undocumented women living underground who experienced violence, feared deportation if they were unable to prove the veracity of their report. I remember being consulted by several women's organisations during this period because undocumented women did not feel confident anymore to report their case before the judge."*

### Phase III – Spanish Immigration Act Amended to Give Protection to Undocumented Women

#### Instruction DGI/SGRJ/3/2011, of 20 April amending Regulation of Organic Law 4/2000, and Act 2/2009<sup>124</sup>

##### *Article 31 bis*

**If an undocumented woman reports an attack or asks for a protection order, she is entitled to the following rights:**

- No deportation file will be opened;
- Any deportation file opened before the report will be temporarily suspended;
- She may apply for a residence permit for exceptional reasons as soon as the judicial protection order has been adopted or a public prosecutor's report stating evidence of gender based violence has been issued;
- She may apply for a residence permit for her children;
- While the application is resolved a temporary residence permit will be granted by the competent authorities for the woman and their children;
- If the aggressor is found guilty and the judicial process finds evidence of gender-based violence, the woman will receive a regular residence and labour permit;
- If the aggressor is not condemned, a deportation file will be opened or the suspended file will be reopened.

The 2011 amendment has removed the obligation for police to automatically open an expulsion file for undocumented women who contact them, and suspends any existing expulsion files. This has enabled a more concrete implementation of Article 31(a) of the 2009 Immigration Law which provided

rights to "Temporary residence and work of foreign women victims of gender violence".

Notably, statistics gathered by the Spanish government prove that undocumented women do not take advantage of the benefits recognised by the law

<sup>124</sup> Instrucción DGI/SGRJ/3/2011, sobre aplicación del Reglamento de la Ley Orgánica 4/2000, sobre derechos y libertades de los extranjeros en España y su integración social, en materia de informe de arraigo.

in order to gain a residence permit. Figures from October 2011 showed that residence permits for women subject to violence constituted only 0.11% of the total residence and labour permits granted.<sup>125</sup> Despite recent economic difficulties in Spain, the 2011 amendment received cross-party support.

*"I feel very proud that on this issue our parliament reached a consensus to pass the amendment proposed by the NGOs and civil organisations," said Carmen "We should be pleased about the lobbying of these organisations and the willingness of the parliamentarians to improve the protection of undocumented women subject to violence. This is the way we should go on working."*

In Catalonia, regional legislation on the "Right of Women for the Eradication of Gender Violence",<sup>126</sup> includes a legal definition of gender-violence which highlights the structural discrimination against women. The text defines male-violence in its physical, psychological, sexual, as well as economic forms, and contains a specific article regarding the applicability of legislation for all migrants living or working in Catalonia.<sup>127</sup> The Catalan Women's Institute have made full and summary translations of the legislation in six other languages.<sup>128</sup> The law clearly defines violence against women and affirms that it is not accepted in Catalan society. However, many frontline advocates noted problems regarding awareness within migrant communities and stated that undocumented women required more support to come forward and report violence.

### Catalonian Law 5/2008, of 24 April, on the Right of Women for the Eradication of Gender Violence

#### Article 1.1

The purpose of this Act is to combat the violence exercised against women by their present or former spouses or by men with whom they maintain or have maintained analogous affective relations, with or without cohabitation, as an expression of discrimination, the situation of inequality and the power relations prevailing between the sexes.

#### Article 2.1

All women who find themselves in situations of gender violence, along with their dependent children, who live or work in Catalonia, and independently of marital status, civil residence, nationality or administrative and personal situation, are guaranteed the rights that this law recognises for them, notwithstanding what is established by legislation concerning foreign nationals and the demand for certain requisites for different provisions and services.

125 Figures from October 2011 show that of the 2,667,662 residence and labour permits granted to migrants in Spain, only 3002 were awarded to migrant women on grounds on gender-based violence.

126 Ley 5/2008, de 24 de abril, del derecho de las mujeres a erradicar la violencia machista

127 Economic violence is defined as "the intentional and unjustified deprivation of resources and the restriction of the availability of individual or shared resources or resources".

128 Catalan Institute for Women, Regulations on Domestic Violence, available at: <http://www20.gencat.cat/portal/site/icdones/menuitem.6966c54b7e0f407539a72641b0c0e1a0/?vgnextoid=d72554f598c9b110VgnVCM1000000b0c1e0aRCRD&vgnnextchannel=d72554f598c9b110VgnVCM1000000b0c1e0aRCRD&vgnnextfmt=default>

## Protection Order for Undocumented Women Experiencing Gender Violence in France

### Phase I – French Law Provides Limited Protections for Spouse-dependent Visa Holders

French *Immigration Law* of 2003 (LOI n° 2003-1119 du 26 novembre 2003 relative à la maîtrise de l'immigration, au séjour des étrangers en France et à la nationalité) provided that undocumented women who separated from a violent spouse could have their residence card renewed, but this was at the full discretion of the Police Prefect in Paris or the Prefect representative of the Ministry of Interior in each department.<sup>129</sup> Due to specialist bilateral agreements with Algeria and France, Algerian migrants are not subject to the Foreigners Code and undocumented Algerian women were not protected this provision and prefectures routinely refused to lodge their complaints regarding violence.

Community-based, women's rights and migrant rights groups developed a common analysis about the issue and importantly, established the visibility of undocumented women as both political actors and campaigning partners. This coming together of migrant and feminist movements as **Action et Droits des Femmes Exilées et Migrantes** (Action and Rights of Foreign and Migrants Women -ADFEM) to address the double oppression facing foreign women was a key strength of the French civil society campaign to effectuate a change in the immigration law. (see below) The coalition continued to organise collective actions through advocacy interventions aimed at deputies and institutions. In June 2009, they were invited by deputies to attend the evaluation mission on measures preventing violence against women and in November 2009, met with the Ministry of Immigration to formulate their proposals and recommendations.

#### COALITION OF FRENCH FEMINIST AND MIGRANT RIGHTS ORGANISATIONS FOR CHANGE

**Action et Droits des Femmes Exilées et Migrantes** (*Action and Rights of Foreign and Migrants Women* -ADFEM) is a collaboration of migrant community organisations and national networks in France seeking to support undocumented women experiencing violence, to raise awareness, and to change policies.

It began in 2003 as the *Comité d'action Interassociatif - Droits des femmes, Droit au séjour, Contre la double violence* (Inter-associative Action Committee – Rights of Women, Right of Residence, Against the Double Violence), following an appeal from a Turkish women's group regarding the deportation of a woman on the grounds that she had left her abusive husband. The committee's first action was to send a joint letter requesting Interior Minister Nicolas Sarkozy to protect the rights of migrant women facing violence.

To add weight to their public and political challenge of the 2003 Immigration Bill, the coalition published stories of migrant women impacted by unjust policies and chronicled the work of migrant associations and solidarity groups in defending their rights. *Femmes et Étrangers: Contre la Double Violence* ("Women and Foreigners: Against Double Violence") featured testimonies and concrete examples of violence waged against undocumented women by spouses, employers, or family members.<sup>130</sup>

129 LOI n° 2003-1119 du 26 novembre 2003 relative à la maîtrise de l'immigration, au séjour des étrangers en France et à la nationalité, articles 17 et 42.

130 The information was gathered by La Cimade Isle-de-France, Collecif de solidarité aux mères des enfants enlevés, League of Iranian women for Democracy, Rajfire, and SOS Femmes Nantes.

## Phase II – “Year on Violence Against Women” in France and On-going Campaigning Brings Change

The French government declared 2010 as a year to “fight violence against women” allowing non-profit associations to benefit from a public fund to organise events and send messages on public television and radios. Increased pressure from civil society organisations addressing this issue, led Parisian police to appoint a specific officer trained to deal with domestic violence.

Campaigning by migrant-rights groups such as La Cimade raised awareness among police regarding the use of immigration control in perpetuating

violence against women. La Cimade’s “*Ni Une, Ni Deux*” (“Not even twice”) campaign illustrated an innovative use of media for this issue, including a high quality short film illustrating the various levels of violence experienced by undocumented women in France; administrative, judicial and social.<sup>131</sup> The campaign also helped develop cooperation between different structures and associations, creating informal partnerships and exchange of information between housing centres, psychologists in police stations and associations. La Cimade disseminated 12,000 practical handbooks through the city halls for social workers to raise awareness about the barriers preventing migrant women from accessing support services and justice.

### LA CIMADE - “VIRTUAL DEMONSTRATION” DECLARATION

*“I participate in this virtual and participative demonstration to demand real protection for foreign women experience violence”<sup>132</sup>*

A key action of La Cimade’s “*Ni Une, Ni Deux*” (“Not even twice”) campaign to end the double violence experienced by migrant women was an “online protest” which took place from 10 February to 14 April. Over 14,000 people participated in the virtual demonstration described as “*a new virtual form of mobilization to materialize support and enable participation in actions to hold the authorities accountable*”. The demonstration was an important moment in the campaign; participants were informed and invited to participate in activities targeting local representatives, parliamentarians, and public officials.

*“Thanks to our campaign, elected representatives at different levels started to integrate the issue of undocumented migrant women, whether it’s a mayor of a big commune, a deputy or a senator,”* shared Violaine Husson of La Cimade.

In lobbying deputies and senators, the initiative had a significant impact on highlighting the need for specific provisions for undocumented women. Inspired by the “*ordonnance de protection*” (protection order) available under Spanish law and

demanding a similar model in France, civil society organisations encouraged French deputies to initiate on-going discussion with their Spanish counterparts. The deputies even conducted a visit to Spain to explore the legislation in greater detail.

131 La Cimade, “*Ni Une Ni Deux – the Film*”, available online at: <http://www.cimade.org/nouvelles/2979-Ni-une-ni-deux--le-film>

132 La Cimade, “*Manifestation virtuelle (en ligne) contre la double violence*”, available online at: [http://www.cimade.org/minisites/niunenideux/rubriques/127-Les-actions-de-la-campagne?page\\_id=2193](http://www.cimade.org/minisites/niunenideux/rubriques/127-Les-actions-de-la-campagne?page_id=2193)

On 9<sup>th</sup> July 2010, the **Law on Violence Against Women** established a protection order (*ordonnance de protection*) which obliges the Prefect to provide a temporary resident card to undocumented women experiencing violence as soon as possible.<sup>133</sup> If the perpetrator is condemned, a permanent resident card should be delivered to the undocumented victim.

French associations working with undocumented women experiencing violence agreed that provisions had evolved quite positively, yet noted several problems in practice. Ongoing suspicion and arbitrary decisions by Prefectures (Administrations of the Ministry of Interior) and the police often prevented effective implementation of the protection order; resulting in long delays and discretionary demands upon women to provide proof. Although the law requires that the “ordonnance” be delivered as soon as possible, the organisation **Réseau pour l’Autonomie des Femmes Immigrées et Réfugiées** (*Network for the Autonomy of Female Migrants and Refugees - RAJFIRE*) in Paris reported that one woman was awaiting response to a request submitted more than two months previously.



Poster, RAJFIRE, Paris, France  
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Many women were reluctant to lodge a complaint to the police, or else lodged a complaint which failed to result in a condemnation of the perpetrator in court. However, some prefectures required condemnation of the spouse as proof of violence. Organisations were working to encourage acceptance of other evidence such as medical reports, testimonies of witnesses, psychological assessments and NGO testimonies.

#### **FRENCH CIVIL SOCIETY INITIATIVE TO MONITOR IMPLEMENTATION OF THE LAW**

Having lobbied for new legislation on violence against women since the presentation of the framework in November 2006, a group of French parliamentarians, magistrates, lawyers, and associations addressing violence against women, came together after the implementation of the law to establish a vigilance committee.

The “protection order” came into force on 1 October 2010, and by 24 November 2010 the *National Collective for the Rights of Women* (*Collectif national pour les droits des femmes*) was established to monitor the application of the law. The Collectif has identified significant barriers in practice. These range from the lack of training for justice personnel, to unawareness among migrant women, and varying implementation between regions.

133 LOI n° 2010-769 du 9 juillet 2010 relative aux violences faites spécifiquement aux femmes, aux violences au sein des couples et aux incidences de ces dernières sur les enfants.



## Mechanism for those with an Abusive Partner or Spouse to Apply for an Independent Status in the UK

Since 1983, **Southall Black Sisters** (SBS) has worked as a frontline service for abused women in Ealing, London. In addition to crisis intervention, long term support and casework, they also lobby for changes in legislation and policy. In 1989, they led a campaign around the case of Pakistani woman Rabia Janjua. Key media coverage, including a full interview with Rabia published in the Independent newspaper. Within four months, the Home Office granted her leave to remain in the UK on compassionate grounds. SBS realised that media attention could bring significant change on the issue, however they lacked the resources to campaign for all the migrant women who were seeking their support.<sup>134</sup>

In 1994, SBS began a campaign to abolish the one-year rule, using the slogan “*domestic violence or deportation*”.<sup>135</sup> Presenting evidence on the difficulties migrant women faced to prove violence, SBS raised awareness about the complex issues facing migrant women and raised their profile as the expert on the issue.

In 1999, a domestic violence provision was introduced into UK legislation. This gave those who experienced domestic violence during the first two years

of their “spouse-dependent visa” the right to apply for indefinite leave to remain. Migrants are granted a two year probationary period when first entering the UK on the basis of marriage or a relationship. During this “probationary period”, the migrant woman must remain in the relationship and has no entitlement to access public funds. Applications for permanent settlement, which gives the migrant their own independent right to remain in the UK, can be submitted towards the end of this two year probationary period. In 2002, the Government incorporated this concession into the Immigration Rules. This change gives applicants under the Rule the right to appeal if their initial application is refused.

Applicants under the domestic violence rule must provide “satisfactory evidence”, specifically; i) *an injunction, non-molestation order or other protection order against the sponsor* (other than an ex-parte or interim order); or ii) *a relevant court conviction against the sponsor*; or iii) *full details of a relevant police caution issued against the sponsor*.

Successful application of this rule requires a high evidential burden. Victims of domestic violence must obtain “approved sources” of evidence from the police, GP, social services or an official (state-run) refuge to bolster their case. Whilst collating this evidence, the applicant is still not allowed any recourse to public funds, and so must find alternative means to subsist.

134 Southall Black Sisters, “From Homebreakers to Jailbreakers”, p.138-139

135 The “one year rule” required migrant women on spouse to dependent visas to remain with their spouse for one year before a joint application for leave to remain could be made. In 2003 this was increased to the “two year rule”. Those who leave the relationship before this period, or whose spouse refuses to submit an application for permanent residence, automatically become irregular and subject to deportation.

### Evidence Requirement for Domestic Violence Concessions in UK

UK Border Agency, Immigration Rules, "Victims of Domestic Violence" 289A-289C

**If one of the official pieces of evidence is not available, two or more of the following are acceptable:**

- medical report from a hospital doctor confirming that the applicant has injuries consistent with domestic violence;
- letter from a GP who examined the applicant and is satisfied they have injuries consistent with domestic violence;
- undertaking given to a court that the perpetrator of the violence will not approach the applicant;
- police report confirming attendance at the home of the applicant as a result of domestic violence;
- letter from social services confirming its involvement in connection with domestic violence;
- letter of support or report from a women's refuge.

If granted leave to remain under the domestic violence provision, applicants do then have access to public funds. While these applicants are "fast-tracked," it can take some time to prepare legal submissions. Application fees can be waived for those with no income, but since the UK has cut legal budgets for immigration matters, obtaining effective legal representation has become increasingly difficult. Notably, the rule does not apply to "overstayers", asylum seekers, women who are dependents of students or workers, or women here temporarily in their own right.

### Protection Order and Independent Visa for Immigrant Victims of Domestic Violence in the USA

The "*Violence Against Women Act*" (VAWA) of 1994, which was reauthorised in 2000 and 2005, addresses the specific situation of immigrant survivors of domestic violence and seeks to improve protection and assistance.<sup>136</sup> The VAWA 1994 was the first federal

legislation in the U.S. to make provision to protect immigrant women from domestic violence; it allows immigrant women married to citizens or permanent residents to self-petition for immigrant status. The VAWA 1994 also allows legal service organisations to assist victims of domestic violence, sexual assault, and trafficking regardless of the victims' immigration status. The VAWA 2000 and its 2005 reauthorization eased requirements within the existing act and expanded services to include a broader category of immigrant women and children who previously did not qualify. The "U-Visa" was created by the VAW 2000 legislation. It is a non-immigrant visa for victims of certain crimes, including domestic violence. This visa allows victims to reside legally in the U.S. while cooperating with law enforcement to prosecute offenders and prevent these crimes.

While the VAWA has been recognised for improving the law enforcement response to violence against immigrant women, leading human rights and civil liberties groups in the US have identified the need to strengthen and expand its scope.<sup>137</sup>

<sup>136</sup> Violence Against Women Act of 1994 (VAWA) is a United States federal law. It was passed as Title IV, sec. 40001-40703 of the Violent Crime Control and Law Enforcement Act of 1994, H.R. 3355

<sup>137</sup> Human Rights Watch have outlined a number of concerns in "U-Visa Provisions in the Reauthorization of the Violence Against Women Act: Letter to Senate Judiciary Committee members Patrick J. Leahy and Charles E. Grassley", 2 February 2012, available at: <http://www.hrw.org/news/2012/02/02/us-u-visa-provisions-reauthorization-violence-against-women-act>

## COOPERATION WITH AUTHORITIES AND LAW ENFORCEMENT PERSONNEL

All organisations noted the double difficulty facing undocumented women to go to the police because of the fear of being arrested and deported. The institutionalised racism experienced by migrant communities is particularly compounded for undocumented women, many of whom reported instances of discrimination, negligence and even harassment by police when seeking assistance. However, a number of initiatives do exist to improve dialogue, cooperation and joint action with police, to share expertise, identify common concerns, limitations, and opportunities to effectively address gender-based crime against women.

Often, frontline organisations support undocumented women on a case-by-case basis; developing links with individual police officers who they contact if an undocumented woman wants to file a complaint and accompanying women to the police station. Due to the massive burden on grassroots service providers and the uncertainty of the outcome, many are also engaged with structural collaboration with police to improve outcomes for undocumented women reporting violence. Some police officials commented that victim support services located outside of the main police buildings were more likely

to be contacted by undocumented women, and some police even hold regular advice and information visits to build relationships with the group.

Law enforcement personnel can invite NGOs working with undocumented women to provide input in police training colleges; in Ireland, the organisation **Ruhama** attends the national police education and training college to raise awareness about women affected by prostitution and the various immigration issues they may experience. Independent law Center **Immigrant Council of Ireland (ICI)** has held meetings with senior-level police and other statutory bodies to encourage long-term policy change and remove barriers preventing migrant women from accessing justice.

As part of their cooperation with the police in Berlin, **Ban Ying** (House of Women) held trainings for police officers. Supported by the EQUAL community initiative, financed by the European Social Fund, the trainings aim to address discrimination in the labour market. Ban Ying co-facilitated a series of two-day courses for police officers to explore the different aspects of labour exploitation and the immigration concerns that may arise. An average of 15 police officers participated in each training. The project ended in 2007 but the German Institute for Human Rights continued the training in the same format and the police college later took over.

### COOPERATION BETWEEN MIGRANT ORGANISATIONS AND POLICE ON GENDER VIOLENCE

The anti-discrimination unit of the Amsterdam police have started an initiative called “**Veilige Aangifte**” (Safe Return) in which they inform undocumented migrants about their rights, and enable them to report crimes in secure way. “*We focus on the first article of our law which guarantees equal rights to all in this country, it is the same for documented and undocumented people*”, explained officer Hans Schipper “*We try to make a safe-haven for them to complain, we say “free in and free out”. A few police in Amsterdam give their number to NGOs so they can be contacted directly if an undocumented migrant wants to report a crime without the risk of arrest*”. The unit visit migrant support centre Wereldhuis every third Wednesday of the month to meet with a group of undocumented migrants, and answer queries on key thematic issues such as lodging a complaint, getting a protection order, and taking a case to court.<sup>138</sup>

In the Brussels municipality of Saint Josse, police participate in a “**Violence platform**” alongside migrant organisations, women’s groups and local authorities to enhance cooperation in addressing gender-violence. *La Voix des Femmes* who participate in the initiated noted the importance for migrant women groups to engage in dialogue with the law enforcement, “*Police have a repressive role but they need to play a preventive one as well. In practice, we have to work with the police, we cannot work without them*”. Like many other countries in Europe, police officers in Belgium have the obligation to report undocumented migrants to the Foreigners Office. When speaking about the problems this poses to enforcing legislation on violence against women, one police official stated “*The police can make suggestions and recommendations, but the action to bring the matter to the decision and policy-makers has to come from the civil society.*”

Police Station in Amsterdam  
© Joan Roels - Pokitin Productions 2011



Structural support services which adopt a confidential, non-discriminatory and holistic approach to supporting those experiencing sexual and gender-based violence can also be of great support to undocumented women. “Victim support services” and “sexual-assault referral centres” can prove a valuable source of advice and information and provide an accessible link to the criminal justice system. In the Netherlands, service points in towns and cities provide support to survivors, witnesses and perpetrators of violence against women. The

**Steunpunt Huiselijk Geweld** (Support Office for Domestic Violence) is staffed by experienced counsellors who provide confidential advice and act as a contact point with police and probation officials as well as social workers, women’s shelters, youth bureaus and mental health services. Callers to the free-phone 0900 number key in their postal code and are connected to their nearest support office. Those in major cities often have Turkish and Arabic speaking staff available. Councillors will only contact the authorities with the callers consent. Several

<sup>138</sup> Wereldhuis, “Learn more about your rights! You have rights concerning the police, like doing a complaint: “Veilige Aangifte””, available at: <http://www.wereldhuis.org/pdfs%20activiteiten/2011-01%20basisvoorlichting%20veilige%20aangifte.pdf>

organisations knew of undocumented women who had received support, information, and advice from the services particularly, in terms of assessing police response if they came forward to report a crime.

Some migrant-community organisations working to support undocumented women experiencing violence have developed links with their embassies in order to overcome the lack of help from local services. Monica Pereira of Brussels-based Brazilian community organisation **Abraço** is also a member of the “Representative Council for Brazilians abroad” which lobbies with the Brazilian government through its various consulates to raise the issue of Brazilian undocumented women experiencing violence and exploitation. Pilot-projects are currently in place in Spain, Portugal, and Italy to create networks of assistance. In Belgium, a project of trainings for civil servants from the consulate and the publication of information leaflets on violence are being developed.

## CONFIDENTIAL CARE AND EVIDENCE COLLECTION FOLLOWING SEXUAL ASSAULTS

**Havens** is a confidential and hospital-based service for survivors of sexual violence and assault based in London, UK. They are one stop centres for medical care, forensic examination and sexual health services for women, men and children who have experienced rape or assault.

The initiative came in 2000 when London police approached Kings College NHS Trust to for assistance in running a pilot programme in Camberwell. Following its success, two more “Havens” were established in 2004. 50% funded by the health services and 50% by the police, all staff in these hospital based services are employed and trained

by the hospital. Ensuring the availability of specialised female forensic doctors to treat victims of rape or sexual assault both day and night on every day of the year, once contacted either by police or a self-referred individual, the Havens have a specialist team in place to meet a client within one hour.

Upon entering the centre, clients meet a crisis worker and a specially trained doctor who register them and explain the process. To avoid reliance on family or friends, female interpreters are available free of charge. The option to undergo a forensic examination is completely voluntary, and clients can choose between police involvement or an anonymous sample gathering. Information on Havens is available in Arabic, Chinese, Greek, Hindi, Somali, Urdu, Bengali, French, Gujarati, Punjabi and Turkish.<sup>139</sup>

Receiving over 700 new clients annually to its forensic clinic and follow up support services, the Havens in Paddington noted a marked increase in self-referrals. “*We receive about 90% police referral and 10% self-referrals, in 2010 this increased to 13% self-referrals,*” said Marion Winterholler of the Havens Paddington. “*We don’t ask citizenship or legal status, we just ask ethnicity using the standard NHS categories.*”

Those who come to the centre without having contacted the police are offered a range of choices. As Marion highlighted, “*If they want police involvement we can facilitate that, or they can have an anonymous sample gathering. We collect all the evidence and if the client wishes, we can send them off anonymously. If the police agree to test them, which they usually do, we receive the results which we then feed back to the client. Police can sometimes identify the attacker from the DNA database, and this encourages people to come forward, because the attacker is known and has done it to other women.*”

139 Available from Haven’s Website at: <http://www.thehavens.org.uk/index.php>

Clients can also have a chat with specially trained police officers who provide anonymous and confidential advice. When visiting the centre, they are always plain-clothed and in unmarked cars. *“Officers are specially trained and selected for this line of work and we have a really good experience of working with them”,* explained Marion, *“Clients can come, without giving their name, and ask “What would happen if?” They can explain their whole situation to this specialist trained officer. Their query can include immigration status, and the officer can*

*advise them about the police response, provide them with anonymous advice and information.”*

The Havens enables users to store evidence for up to 30 years free of charge which can be useful for irregular women who fear contact with this authorities but regularise their situation at a later date.<sup>140</sup> *“It can be reassuring to know that the evidence is there if they wanted to make a decision in the future,”* said Marion, *“People have a little bit of time and space to consider their options”.*

#### HAVENS – Frequently Asked Questions<sup>141</sup>

##### **Do I need to report the assault to the police first?**

You do not need to report the assault to the police to be able to use the Havens’ services.

##### **Do I need to talk to the police when I visit the Havens?**

Not if you don’t want to. Our staff will guide you through the options available to you regarding police involvement.

**There are no police officers based at the Havens.** However, if at any time you decide to talk to the police, Haven staff can arrange this for you. The officer we contact for you will be a specially trained and experienced (SOIT) officer who will act as a single point of contact between you and the police.

**You decide the level of involvement of the police.** No contact at all, an informal chat, a full report, it’s up to you.

## VICTIMS’ COMPENSATION FUNDS

The family of a 24-year old undocumented woman murdered in a racially motivated attack was refused of the national Committee for Victim’s Help to pay compensation to her family. While working as an au pair in the city of Antwerp in 2006, pregnant **Oulematou Niangadou** from Mali was shot along with the Belgian child she was caring for. Despite

the fact Niangadou had a dependent daughter and parents in Mali, the Committee decided her family was not entitled to compensation as she was undocumented. However, in January 2009, public outcry compelled Minister for Justice Stefaan De Clerck to announce a change in the forthcoming “Mosaic law” to enable undocumented migrants’ access to the fund. De Clerck affirmed that Niangadou’s family could submit a new application.<sup>142</sup>

<sup>140</sup> However toxicology evidence, concerning the use of alcohol or drugs in an attack, lasts a shorter period.

<sup>141</sup> The Havens, “Frequently Asked Questions”, available at: <http://www.thehavens.co.uk/faq.php>

<sup>142</sup> Stefan DeClerck’s website, “Fonds victimes pour personnes en séjour illégal” available at: <http://www.stefaandeclerck.be/fr/fonds-victimes-pour-personnes-en-s%C3%A9jour-ill%C3%A9gal/209>



The United States “*victim compensation programme*” has existed since 1965.<sup>143</sup> Paying almost \$500 million annually to over 200,000 victims this compensation fund is entirely financed by offenders.<sup>144</sup> It seeks to lessen the financial impact of crime, including sexual assault, domestic violence, elder abuse and trafficking. Victims are not required to be in legal immigration status, but must be resident in the State, have

had no participation in the crime, and cooperate with law enforcement and victim compensation personnel. Undocumented women experiencing violence have received reimbursement of medical and counselling bills, as well as relocation from a dangerous home. Importantly, accessing the fund holds no bearings on eligibility for legalisation at a later stage.

### DIFFICULTY FOR UNDOCUMENTED WOMEN TO GATHER EVIDENCE

Many undocumented women and support organisations interviewed for this research noted the difficulty facing those living in situations of extreme violence and exploitation to provide evidence about their abuse. The isolation, high-levels of disorientation and difficulties to access medical services make it very hard to obtain evidence.

As one Mauritian woman who came to UK on a spouse-dependent visa and left her husband after several years of abuse stated, *“I didn’t come here to be “illegal”. The Home Office knew that I was here with my husband, why did they not pressurise him to legalize me? Now, I’m the one being asked to provide proof”*. Because her husband never allowed her to register with a doctor and would threaten to report her to the immigration police, she was unable to provide evidence and now lives with her daughter on £20 child benefit allowance per week.

The situation is similar in many countries across Europe. A lawyer working for the Swedish Red Cross highlighted how isolation was an issue, *“The problem is proof, you have to prove it. And if they don’t have any friends or contacts in Sweden, they cannot prove anything because in a civilian case it is her word against his. He proves I brought her here, I gave her good house, money, everything and she decides to go to hide because the real reasons for her to come to Sweden is just a permit. He wins, all the time - 99 per cent of the cases.”*

As the criminal codes in many parts of Europe enable women to report violence up to two years after the incident, it can be important to gather evidence so she may still have this option. Judges may consider evidence from sources other than the police. The more thoroughly and professionally it is documented, the better chance it has of holding up in court. Many organisations mentioned that they had begun to keep a written record of incidents and take high quality and well lit photographs of injuries against a ruler or tape measure. This can be useful if women decide to report the crime at a later stage. As Rosa Logar of Women Against Violence Europe (WAVE) explained *“You can ask her, “Is it ok if we take a photo of your injuries, you might not want to use it now, but things can change later on. We will keep it confidential”. WAVE has prepared guidelines on how to document or record injuries, including basic standards of injuries, as well as when and how to take pictures of them”*.

143 A detailed presentation on the Californian Victim Compensation Programme is available online at: [http://www.vcgcb.ca.gov/docs/resources/VCPOverview\\_CURRENT.pdf](http://www.vcgcb.ca.gov/docs/resources/VCPOverview_CURRENT.pdf)

144 The fund receives income from offender fines, including traffic fines, restitution fines and orders, fines under the Federal Victims of Crime Act (VOCA) and a portion of State penalty assessments.

## PROVIDING ADVICE AND ASSISTANCE ON APPLICABLE LAWS AND PROCEDURES

*“NGOs help to mediate; I had spent so much money for lawyers. In the Ukrainian Embassy, they just screamed at me when I asked for information, I could not do anything without the support of this NGO. These organisations give hope to people. It gives a normal life. If they did not exist, it would be very difficult to get fair and effective information. In half of a year with their help, I achieved more than with a lawyer, whom I paid for years. He had been lying to me for five years.” – Ukrainian woman in Poland*

**Fundacja Rozwoju “Oprócz Granic”** (Foundation for Development “Beyond Borders”) was established in 2009 by a group of migrant women in Poland. In the first 18 months of opening their doors in central Warsaw, the centre provided advice, legal information and support to over 800 clients. The quote above illustrates the huge role that the organisation has played in helping women to benefit from legislation and regularize their situation in Poland. In Krakow, the **Crisis Intervention Centre** provides legal and psychological assistance, their initiative “*Safe Krakow*” provided free advice, support and advocacy on behalf of migrants experiencing crime and initiated a support group for survivors of domestic violence.<sup>145</sup>

In addition to individual advice, information guides can assist migrant women and their advocates to better navigate the law. **Rights of Women** have produced comprehensive and accessible legal guides in the UK. “*From A to Z: A Woman’s Guide to the Law*” explains a broad range of legal topics, “from Abduction to Zero Tolerance”.<sup>146</sup> Seeking to inform readers about different areas of law including: immigration law; criminal law; discrimination and employment law; family law; housing; human rights law; and welfare and consumer rights.

As an NGO and independent law centre, **Immigrant Council of Ireland (ICI)** provides legal representation in addition to regular advice and support services. Their information service also serves as a referral to an internal legal service. “*We have a law reform agenda,*” explained Catherine Cosgrave, “*Whilst our assessment criteria is flexible; generally the strategic merits of the case and maybe the financial situation of the applicant*”. Undocumented women experiencing violence can receive more holistic support from a “specialist advocacy service” which helps them to access healthcare and housing, in addition to trying to resolve the long-term legal issues relating to their status. Responding to almost 10,000 queries annually, also take on approximately 80 legal cases in the law centre.

<sup>145</sup> Crisis Intervention Centre available at: <http://www.crisisintervention.free.ngo.pl/sojuszniczy.php>

<sup>146</sup> Rights of Women, “From A to Z: A Woman’s Guide to the Law”, available at: <http://www.rightsofwomen.org.uk/publications.php>

In Birmingham, UK, **Asylum Support and Immigration Resource Team** (ASIRT) are registered as a legal immigration advice service meaning they can represent clients independently of funding restrictions such as legal aid. In addition to dealing with over 60 people per-week in their drop in service, ASIRT have received referrals from organisations over 300km away. With only five paid staff, not all of whom are registered immigration advisors, manager Dave Stamp explains “*We simply don’t have the capacity to take on the case of every refused asylum seeker or undocumented migrant in the UK!*” In addition to the difficulties facing decent legal practitioners to adequately represent their immigrant clients with only five-hours of legal funding, ASIRT has seen an increasing number of poor quality submissions by paid lawyers in the region. While often, migrants with access to legal-aid or other funding to pay

solicitor seek legal support from ASIRT, the organisation only acts as a safety-net for those with no financial support.

**Groupe d’information et de soutien des immigrés** (Group of Information and Support of Migrants, GISTI) has a long history of providing legal support and assistance to undocumented migrants in France. In addition to publishing extensive information regarding the law and practice on issues affecting migrant women, a 2007 edition of their quarterly publication *Plein Droit* (Full Law) was dedicated to addressing the rights of undocumented women to live a life free of discrimination. Entitled “Women, foreigners: competing causes?” the journal included a selection on jurisprudence regarding the withdrawal and non-renewal of residence permits in domestic violence cases.<sup>147</sup>

### BARRIERS TO SEEK JUSTICE FOR VIOLENCE IN THE WORKPLACE

Undocumented women can also experience violence and gendered discrimination in the workplace. Working in low-wage sectors where violations are more likely to occur, their gender, foreign status, fears about immigration control and isolation can make them more exposed to violence and abuse by employers or supervisors.

However, very few women are willing to lodge a complaint against an employer because they fear losing their jobs and being arrested or deported. “*Although in practice, there seems to be some tolerance from the police, we don’t have enough information to ensure undocumented women won’t get in trouble if they denounce their employer,*” explained Maria Miguel Sierra of La Voix des Femmes.

Denouncing an employer is also difficult for undocumented women because of the need to provide proof and the informal economy rarely provides documentation. Although, undocumented women may access labour courts, very few want to engage due to the lengthy and complicated procedures and the lack of a secure outcome. The lack of controls and inspections in private homes, and remote nature of many agricultural or food production sites mean that there is little state intervention or policing of the main sectors in which migrant women are employed.

147 GISTI, *Plein Droit*, N° 75, décembre 2007 available online at: <http://www.gisti.org/spip.php?article1075>



**Kalayaan** and the community-based **North Kensington Law Centre** supported 53 members of the *Justice for Domestic Workers* group to enforce their rights by bringing work-related complaints to the employment tribunal. The majority brought multiple claims including of race discrimination, failure to pay the national minimum wage (NMW), breaches of working time regulations and failure to provide employment particulars such as written contracts. Many claims

were settled out of Court and only three that went to a hearing were unsuccessful. While important to enable justice for workers, such cases also act as a deterrent to unscrupulous employers who realise that they cannot act with impunity. However, the burden of proof can be extremely difficult in such cases and there are numerous legal and financial obstacles concerning enforcement of compensation.

In the United States, **National Employment Law Project** and the **American Civil Liberties Union** produced a guide for effective litigation for sexual harassment claims brought on behalf of undocumented women workers.<sup>148</sup>

*“No Free Pass To Harass”* provides insight from immigrant worker advocates and lawyers with expertise in sexual harassment and gender discrimination law on how to best ensure that an undocumented status is not used in court to excuse sexual harassment in the workplace.

### **Deportation Concerns When Reporting Violence<sup>149</sup>**

*Information provided by the US Department of Health and Human Services office on domestic violence.*

If you are undocumented (don't have legal papers to be in the U.S.) or are not sure about your immigration status, you should talk to an immigration lawyer. Your local domestic violence shelter can help you find an immigration lawyer. There are lawyers who will help you at no charge.

If you report domestic violence to the police, they usually will not report you to immigration authorities. Still, you should carry the name of an immigration lawyer in case you need it.

<sup>148</sup> ACLU and NELP, *No Free Pass to Harass*, available online at: [http://www.aclu.org/pdfs/womensrights/no\\_free\\_pass\\_20071119.pdf](http://www.aclu.org/pdfs/womensrights/no_free_pass_20071119.pdf)

<sup>149</sup> Women's health.gov, “Violence against Immigrant and Refugee Women”, available at: <http://www.womenshealth.gov/violence-against-women/types-of-violence/violence-against-immigrant-refugee-women.cfm#d>

## CONCLUSION

This chapter demonstrates the willingness that exists throughout Europe to put the protection needs of undocumented women ahead of their migration status. These examples show how this can be done practically, coherently and in accordance with the role of law enforcement personnel and the judiciary.

It is clear that civil society holds an essential role in monitoring the implementation of laws and practices, and pin pointing the gaps and failures which prevent undocumented women from accessing justice. In an absence of impartial laws, they encourage the development of initiatives that take account of the specific needs of undocumented women through partnerships, trainings, mediation, as well as practical support and guidance. To bring about long term change, civil society organisations show great ingenuity in harnessing broad political support, media attention and public awareness.

These initiatives are part of a broader movement to protect undocumented migrant women from violence and ensure equal access to justice. They have been detailed in an effort to inspire and corroborate efforts elsewhere.

## Looking Forward - Celebrating the Contribution of Women in Migration

### *Reflections from the United Kingdom*

Although we know of the inadequacies and failings of support and services, we see that the undocumented communities we work with are not dominated by victimhood. There is a huge capacity to fight back and change the environment that they are in. We must look at how we can help this struggle.

We will keep returning to this issue of violence against undocumented women in order to update and reset our target. We need to put the presence of women in global migration on the agenda. It is part of the fundamental development of the women's movement.

Women as migrants achieve a lot of good in terms of social agendas and social services. Recent research on remittances shows that female migrants are supporting an average of seven people back in their home countries, making a significantly bigger contribution to development than men in this area.

There is a greater presence of women in our migrant communities. We see that they are negotiating with schools, with hospitals and with health clinics to ensure standards for them and their families. The Somali and Bangladeshi communities in the UK have proven that the social mobility of girls, who have used opportunities to achieve education, drives wealth and prosperity for the rest of the community.

The reasons to celebrate the contribution of women in migration exist, but they are complicated. The reality is that within a global migration system where public authorities are squeezing out the social, cultural and physical spaces that people need to make a success of their migration, in its place are stringent government regulations

and borders policies that decide where people can live and work and which services they can access. These decisions trump the agency of migrants.

**In this circumstance, it is a miracle that we can see progress in migration – but we can. Women are pushing back, sharing examples and driving the issue forward. These processes are embedded in the structures of migrant communities and our job is to help and support them.**

What needs to be done? We need to improve networks, need to improve and bring together the women's movement and gain a sense of unity. The austerity debate is bringing women together across the different class divides. The trade unions have to be reminded of the realities facing undocumented women and to be part of their public messages. There is a whole programme of work that needs to involve public service professionals such as social workers, housing officials, educators, service providers, and from which we can see how to integrate our concerns with theirs. To be effective, leaders in the local community must work alongside migrant community leaders to battle against hardship.



**Mr Don Flynn**

*Founder and Director, Migrants' Rights Network, United Kingdom*  
Chair of PICUM



## Conclusion and Recommendations

If the double violence against migrant women is to be reduced, the policies and practices that push certain categories to the margins and constrain their agency need to be addressed. PICUM has highlighted a number of experiences and strategies used by migrant rights organisations, service providers and policy makers that have enabled undocumented women to access their innate rights, overcome violence, and make a valid contribution to the families, communities and societies in which they live.

From the concerns identified by those in the field and examples highlighted in this report, PICUM has identified the following overarching themes which can enable policy makers and other relevant actors from a variety of fields (migration, employment, social inclusion, health, gender equality, education or justice) to significantly address the vulnerability facing migrant women with an irregular or insecure migration status and thereby ensure that their policies are coherent with principles of equality, non-discrimination and international law.

### 1. Women first and foremost

First and foremost, undocumented women should be treated as women and thus be indiscriminately entitled to the same treatment and rights. The only concern of the state, service providers and those who fund such services should always be the best interest and protection of women without discrimination of any kind.

### 2. Respect human rights obligations

State parties should comply with their obligations under international and regional human rights law and therefore guarantee undocumented women equal access to services and protection as national women. As signatories to the Convention on the Elimination of Discrimination Against Women (CEDAW), all member states of the European Union have committed to abolish all discriminatory laws and acts of discrimination against women residing in their territory regardless of status. EU member states should speedily sign, ratify and implement the International Labour Organisation (ILO) Convention Concerning Decent Work for Domestic Workers (C189) and Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No. 210). Civil society organisations should increase their efforts to monitor and report on violations of undocumented migrant women's rights to the relevant treaty bodies.

### 3. Build a firewall between service provision and migration enforcement

Detection practices of immigration enforcement agencies must never undermine human dignity and fundamental rights, or put women at an increased risk of violence and abuse. Service providers should not be required to share personal data with immigration enforcement agents or to turn away women in need because they lack a residence permit. Support services for survivors of violence, whether provided by governmental or non-governmental organisations, should be made available to every woman regardless of her administrative status and in accordance with her needs.

#### **4. Remove legal, structural and practical barriers which prevent undocumented migrant women from accessing essential services to which they are entitled**

The current impunity for violence and human rights abuses against undocumented migrant women and girls is incoherent with the rule of law as well as state obligations under international human rights law. Violence against women with an irregular migration status is perpetuated by barriers that prevent their de jure or de facto access to support services.

#### **5. Delink the prosecution of violence against women from immigration control**

Prevention, protection, investigation and sanctioning of violence against women should take precedence over any proceedings concerning the immigration status of the victim. State parties must take steps to protect victims when they report violence and also, facilitate the prosecution of perpetrators regardless of the status of their victim. If the defendant is in control of the migration status of the victim, an independent residence permit or visa should be given. If the perpetrator is convicted, a permanent residence permit should be issued to the victim.

#### **6. Stop the criminalisation of organisations and individuals providing legal, humanitarian and social assistance to undocumented women**

International human rights law guarantees migrant women's entitlement to a comprehensive set of rights regardless of their administrative status. Yet a significant number of signatories to these conventions deny undocumented migrant women their most basic level of human rights. The burden has therefore fallen to civil society organisations to guarantee them a decent and humane standard of living. Instead of supporting these organisations, a growing number of governments have actively criminalised the provision of humanitarian, legal and social assistance to undocumented migrants including women residing on their territory.

#### **7. Provide funding avenues for organisations and initiatives focusing on undocumented migrant women**

There is an urgent need to support individuals and groups who are addressing the urgent needs of undocumented migrant women. The lack of funding is a major barrier in the realisation of their fundamental rights. Organisations receiving state or European funds are often subject to direct restrictions for working with irregular migrants, and there is often inaction or apprehension among private donors.

## **8. Promote the participation and empowerment of undocumented women by ensuring their inclusion in national fora and policies that affect their lives**

National action plans on social exclusion, gender inequality, and violence against women should identify undocumented migrant women as a target group as currently they are almost entirely absent from these strategies. There is a need to genuinely examine “who” is excluded from these policies and develop an intersectional approach to tackle the multiple discrimination facing women on grounds of their status, race, foreign origin, poverty etc. Sound, coherent, and effective public policies require that we acknowledge social realities, and not curtail innate rights and dignity for political ends.

## **9. Revise legal requirements that contribute to women falling into irregularity and prevent them from becoming irregular in the first place**

There is an urgent need to gender sensitise migration channels to ensure that migrant women are not disadvantaged by systems governing entry, residence, employment, or regularisation. State parties that fail to provide an independent status to migrant women experiencing violence risk fuelling physical, sexual and psychological abuse by those who take advantage of their limited options. Workers should be guaranteed the right to change employer and those with abusive sponsors should be able to obtain a visa independent of their relationship. Migrant women who have become undocumented due to violence or exploitation should be provided with a route back to regularity.

## **10. Remove barriers which hinder undocumented women’s social and political participation**

There is an urgent need to overcome the barriers which prevent undocumented migrant women’s social and political participation. Threats to their freedom and security significantly hinder their political engagement at national, regional and international levels. As undocumented women are disproportionately exposed to discrimination and violence on grounds of their gender, there is an urgent need to improve their representation within movements addressing these issues.



Violence against women is pervasive; it exists at all levels of society, in every country of the world. For this reason, Europe has recognised the need to challenge unequal power relations between men and women. In addition to raising awareness about society's rejection of violence against women, policies have been developed to address gender inequality and combine criminal measures for perpetrators with practical support for survivors.

To enforce the illegitimacy of violence against women and prevent further abuse, measures exist across Europe to guarantee their access to justice. Yet significant legal and structural barriers prevent undocumented migrant women from accessing essential services and justice in Europe. Those with an irregular status risk deportation if they contact the police, are unable to access women's refuges or obtain a work permit. Destitute and denied justice, this discrimination is fuelling an under-reported, under-recognised and under-valued form of gender based violence. Immigration control mechanisms are being used by perpetrators to abuse women in Europe with impunity. As violence against women is an

amalgamation of discriminations existing in society, the inferior valuing and treatment of undocumented women actually legitimates the abuse against them.

Undocumented women are joining together to make their voice heard. Speaking out about double violence they experience as women and then as undocumented, they are overcoming multiple discriminations and holding society to account. They have gained important allies in the women's rights, social justice and judicial lobbies who recognise the need to address impunity, injustice, and inequality against all women in Europe. An increasing number of service providers, policy makers, law enforcement personnel recognise that failing to support those experiencing violence because of their immigration status, effectively supports violence against them on those grounds.

Recognising the strength and capacity of undocumented women in Europe, this report offers a practical overview of the methods that address gender-based discrimination and violence against them.

**PICUM - Platform for International Cooperation  
on Undocumented Migrants**

[www.picum.org](http://www.picum.org)  
[info@picum.org](mailto:info@picum.org)



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