



WOMEN AGAINST VIOLENCE EUROPE

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Migrant Women affected by Domestic Violence

Migrant women face multiple discrimination, as women, as migrants, and sometimes also due to their ethnic origin. Discrimination can be found also in the immigration laws implemented by states. In most cases, when migrant women are affected by domestic violence, the immigration laws implemented do not offer enough protection. Therefore, it is essential to address this situation and to promote policies, which will lead to combating forms of multiple discrimination and domestic violence.

The Legal Framework

There are several things to consider when finding solutions for migrant women, who are victims of violence. First, European countries are being affected by immigration in different ways, some of them being destination countries and others countries of transit. Second, the problem of domestic violence is addressed variably by different EU member states. In 1999, the Treaty of Amsterdam conferred full competence for immigration matters to the European Union, therefore the subject of immigration in the European Union implies adherence to an inter-governmental perspective.

In 1999, the Council adopted the Tampere Program, and in 2004 the Hague Program set specific objectives to be implemented in the area of freedom, security and justice for the period 2005–2010. The goal is to develop a common European asylum system with a common asylum procedures and common measures for foreigners to legally work within the EU, a mutual framework for integration, and common policies to expel immigrants to their countries of origin, among others. The Hague Program also reaffirms the mandatory application of the European Convention of Human Rights and the Geneva Convention.

It is important to monitor the decision making processes (e.g. policy plan on legal migration/green paper by the European Commission) in order to bring in a gender perspective and the perspective of migrant women affected by domestic violence. There is a lack of emphasis about those aspects in the immigration policies impacting women.

Violence against women still represents a problem on the national level and the EU does not hold the same competences as the member states when it comes to violence against migrant women. Therefore migrant women affected by domestic violence often find themselves in a gap, where on the one hand there should be a common strategy for migration, but on the other hand, when they experience violence, this aspect is not addressed by migration strategies. It is crucial to include the subject of violence against women into migration laws, in order to have common laws Europe-wide.

Migrant Women in Different European Countries – the Status Quo

Migrant women affected by violence face multiple problems.

Structural discrimination by the state/law: The residence permit of migrant women often depends on their husband's residence permit; in consequence if they leave their violent husband, they will lose their residence permits. Also, often the women do not dare to report their situation. In most cases, the violent husband may take his wife's documents/papers away in order to put more pressure on her.

Lack of awareness: Women are often not aware of their rights or that they have certain agency in cases of assault. Immigration officers may not always be well trained, there are no offers of adequate services for traumatized migrant women, and the language problem represents an additional barrier. Women often find themselves not being understood because institutions do not always know how to deal with the problem of domestic violence properly.

Financial dependence: Many migrant women depend economically on their husbands. Often, women remain in violent relationships to avoid becoming undocumented. If women live in a country and have undocumented status, they may not dare to report the abuse they suffer to the authorities. Being affected by domestic violence usually does not represent a reason to get political asylum, and hence independent documentation to stay in a given country, and unfortunately not enough NGOs work with women who do not possess papers.

Trafficking in human beings: Some women may even be trafficked into a given country for the sole purpose of marriage. Such situations result in great power imbalances and may even leave the woman in a situation of slavery, where her documents are taken away from her and her life is controlled. In other situations of trafficking, women may be forced to travel to give birth abroad and sell their babies for the purpose of adoption.

WAVE Position and Recommendations

Domestic violence and other forms of violence against women also have an impact on women's migration status. Therefore, the EU, holding the competence to regulate migration, has to consider the effects of the migration law on migrant women affected by violence. Eliminating structural violence in the internal regulations represents an important step to tackle violence against migrant women.

- The residence permit should not depend on marriage, so that the women can leave their husband without the danger of being deported when experiencing violence.
- Migrant women should also be able to obtain a working permit more easily, so that they are not economically dependent on their husbands.
- Migrant women should be informed about their rights; in this regard help desks and information points should be established, so that women can get proper help and counseling. An international emergency number should be established in order to address this issue.

- Institutions and immigration officers should be trained to deal with domestic violence and also to work with traumatized migrant women (specially trained officers, knowledge of the expressions of trauma, use of a sensitive questionnaire).
- Transparent and fast procedures at institutions when assault is reported, should be ensured.
- Lawyers should also receive adequate training as they may not possess enough knowledge in this area. It is important for women to receive free legal assistance.
- Abuse should represent a reason to apply for a residence permit and protection should be provided to women.
- It is fundamental to differentiate between all forms of violence migrant women can experience, so that legislation can encompass all experiences of women, which may include trafficking for the purpose of marriage or child birth, among others.
- Help should be offered in the countries of origin, if the woman chooses to or has to return. Special services and relevant information should be provided.
- NGOs have to be able to work with women whose status in a given country is undocumented.

Strategies for the WAVE Network

It is fundamental to monitor the legislation process at a European level when it comes to immigration, and to raise awareness regarding the issue of migrant women affected by violence. International agreements: the Amsterdam Treaty, Tampere Program and the Hague Conference can be used as tools and basis for arguments on the issue of migrant women and domestic violence. Additionally, alliances with other NGOs should be sought.