

JOINT SUBMISSION TO CITIZENS' ASSEMBLY ON VIOLENCE AGAINST MIGRANT WOMEN

A barrier to achieving gender equality in Ireland

Prepared by the Immigrant Council of Ireland

in cooperation with

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sexual violence centre cork



Gender-based violence directed at migrant women

Full gender equality cannot be achieved, while gender-based violence persists to represent a major problem in society. Gender-based violence, in all its forms, affects primarily women. According to the United Nations violence against women is both a cause and a consequence of women's inequality and an obstacle to gender equality. Therefore, all countries including Ireland should strive to address, tackle and suppress gender-based violence.

The Victim's Rights Directive¹ defines gender-based violence in the European Union as including various forms of violence, some of these less-known and affecting mostly (or exclusively) migrant women:

The violence that is directed against a person because of that person's gender, gender identity or gender expression or that affects persons of a particular gender

¹ Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA

disproportionately, is understood as gender-based violence. It ...includes violence in close relationships, sexual violence (including rape, sexual assault and harassment), trafficking in human beings, slavery, and different forms of harmful practices, such as forced marriages, female genital mutilation and so-called 'honour crimes'.

Women victims of gender-based violence and their children often require special support and protection because of the high risk of secondary and repeat victimisation, of intimidation and of retaliation connected with such violence. (Recital 17, 2012/29/EU, p. 59)

What are the problems?

What could the Citizen's Assembly do to help?

PROBLEM 1. MIGRANT WOMEN-SPECIFIC VIOLENCE IS IGNORED AND NOT MAINSTREAMED

Overarching strategies directed at violence against women must demonstrate a holistic approach to tackling all forms of gender-based violence and ensure that there are a mutual acknowledgement, synchronicity and effectiveness in the planning of measures and allocation of resources across all forms. This is not the case in Ireland.

Apart from domestic sexual violence, the current National Strategy on Domestic, Sexual and Gender-Based violence 2016-2020 (National Strategy) does not address other forms of violence, as outlined in the standard definition. It is also of note that these omitted forms of violence affect migrant women, which adds a layer of gender inequality to their situation.

For instance, the response to human trafficking has been developed in complete isolation from the National Strategy. This has led to a series of gender-neutral policy decisions which do not recognise or address the needs of trafficked women recovering from sexual exploitation, which is most prevalent in human trafficking.

Context of problem 1

Migrant women today are an integral part and a sizeable minority among the Irish women. They are exposed to gender-based violence at the same rate as Irish women, in terms of domestic, sexual violence and sexual harassment, which are well-recognised problems with mainstreamed responses. Notably, there are additional complications when the victim of violence is a migrant woman.

However, there are specific forms of gender-based violence that affect overwhelmingly, often exclusively, migrant women. These are sex trafficking and prostitution, female genital mutilation, forced marriages, honour-based violence exploitative surrogacy, sale of babies, sale of eggs and others less known forms exploiting the sexual and reproductive rights of migrant women.

These forms are less understood, often ignored and away from the mainstream responses and national strategies on gender-based violence in Ireland. Until this is the case, there is a need for special attention to these migrant women-specific forms of violence. This is the only way to build competence, mainstream and designate resources to tackle these devastating forms of violence against women.

What could the Citizens' Assembly recommend regarding Problem 1?

- **Amend the National Strategy on Domestic, Sexual and Gender-based violence to explicitly include all forms of violence, including these affecting migrant women, such as forced marriages, FGM, honour-based violence, sex trafficking/prostitution, sale of babies, eggs and exploitative surrogacy.**
- **Develop and synchronise action plans on the various forms of violence, to mutually refer, complement and reinforce each other in clear terms.**
- **Develop clear indicators, benchmarks and timeframes for addressing all forms of violence, which can be monitored and evaluated from a gender perspective.**
- **Include the migrant women-specific forms of violence in the mapping the relevant services for affected women required under the Istanbul Convention.**

PROBLEM 2. TRAFFICKED WOMEN PUT IN DIRECT PROVISION

Trafficking of women for sexual exploitation is a serious violation of women (more than 95% are migrant women) with life-long consequences. Trafficking for domestic servitude and trafficking for forced marriage are often combined with sexual violence.

This is a crime often committed on the territory of Ireland, which makes it separate from seeking asylum in Ireland. It involves both migrant women third country nationals but also migrant EU citizen women. Yet, when such victims of crime are rescued they are brought to Direct Provision hostels for asylum seekers and left there for a considerable time. The specialised women shelters are off-limit for such trafficked victims.

Context of problem 2

Trafficking of migrant women for sexual exploitation is not recognised and addressed as a form of violence against women in Ireland. The State continues to accommodate trafficked victims in centres designated for asylum seekers, despite criticism from national organisations and other international monitoring bodies. The Direct provision centres are not gender-specific, lack privacy, and the level of care required for victims of trafficking is not provided. Early sexualised vulnerable women are often propositioned inside and outside the centre,

and they are preyed upon by buyers of sex in the vicinity of the centres and near the bus stops in town, with busses bringing them to the hostels.

These forms of violence involve multiple rapes, subjugation and lead to high rate of post-traumatic stress disorder. They are difficult to recover from and to resume normal relationships and a productive role in society. Many countries use the expertise of established violence against women services to respond to such victims. For example, in Northern Ireland, Women's Aid is tasked and resourced to accommodate trafficked women.

What could the Citizens' Assembly recommend regarding Problem 2?

- **Allow/resource the women's refuges to offer emergency accommodation for rescued trafficked women.**
- **Create a small specialised shelter (with a capacity of up to 20 women) for the recovery of trafficked sexually exploited women.**
- **Allow/resource privately rented small properties with geographical spread in areas around the country with available specialist support, e.g. Cork, Limerick, Athlone.**

PROBLEM 3. DEPENDENT MIGRANT WOMEN IN DOMESTIC VIOLENCE

Migrant women who do not have an autonomous immigration status (status in their own right) are especially vulnerable in situation of domestic violence. These women are dependent on their husbands/partners, who are viewed by the State as a 'primary migrant'.

Such dependent migrant women are inclined to endure domestic abuse longer than their non-migrant counterparts as they are threatened by the possibility to become undocumented, homeless, risking deportation and without means of support. It is totally unacceptable that such women find themselves in a situation whereby their rights are dependent on abusive husbands/husbands. Domestic abusers holding the primary immigration status in the State often use their privileged status to exert control over their victims and often threaten or impose on their wives separation from their children as means of will subjugation.

Context of problem 3

Dependent residence status is an unnatural family situation in itself, which affects primarily and disproportionately migrant women. This status has detrimental effects on women, in terms of their social inclusion, self-confidence and integration chances.

The family reunification approach taken in each country establishes whether to attach a family to one particular migrant. Many EU countries have already abolished this approach and the entailing 'dependent status', and now guarantee the autonomous status of spouses, such as the situation in Belgium, Norway, the UK and Sweden.

Unfortunately, Ireland is one of the few countries that has opted out the relevant EU directive (Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification) that limits the time of dependency between family members and offers clear rights to autonomous status in a situation of family violence. Instead, we have a policy Immigration Guidelines for Victims of Domestic Violence by the Irish Naturalisation and Immigration Service in 2012 on the government website that offers advice on how to apply for independent status. The decision is not bound by any timeline and once issued, it often grants an immigration stamp 3 that precludes women from entering employment and availing of any State supports, such as refuges for women. Dependent women on stamp 3 who are also mothers have no means to cater to their children and the overall separate status becomes meaningless. The alternative is to return to the abuser who is permitted to work in the State.

Maintaining dependent status in the family fuels imbalance and control and in families where violence is present, this status distorts the relationship to extreme levels of coercion and violence. In Ireland, the 'dependency' between family members is virtually unlimited in time. The only option for migrant women to break the cycle of dependency is to acquire citizenship, which is a lengthy and elaborate process.

What could the Citizens' Assembly recommend regarding Problem 3?

- **Limit the dependency between family members in line with the standards of the EU Directive on family reunification 2003/86/EC.**
- **Grant urgent autonomous status to migrant women that provides access to the relevant State services for domestic violence, and that allows them to work and support themselves and their children, on par with other Irish or resident women who flee this violence.**
- **Impose a reasonable short timeline on the authorities deciding on the matter of abused women seeking status separate from the abuser.**
- **Consider abolishing dependency between family members altogether, which is the best progressive practice adopted in some countries.**

Who are the organisations submitting to the Citizens' Assembly?

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