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SERIES OF WEBINARS

A thousand ways to solve our problems: Preventing and responding to violence against women from an intersectional perspective

*Ending violence against women in the Western Balkans and Turkey:
Implementing Norms, Changing Minds*

WEBINAR 3: Intersectional solutions to eliminate violence against migrant women and girls

On the occasion of the International Migrants Day

Date and time: 18th of December 2020, from 11:00 am to 12:30 pm CET (GMT+1)

Background paper

This document aims to provide a snapshot of the situation of migrant women and girls in the Western Balkans and Turkey, with an emphasis on issues related to violence against women and girls (VAWG) and domestic violence (DV) to inform and facilitate discussions to be held during the webinar “Intersectional solutions to eliminate violence against migrant women and girls” on the 18th of December on the occasion of the International Migrants Day. This webinar is the third in the series of webinars “[A thousand ways to solve our problems: Preventing and responding to violence against women from an intersectional perspective](#)” organized by the European Union, the Council of Europe and UN Women, and designed to provide a space for knowledge sharing and discussion on how to prevent and respond to VAWG from an intersectional perspective, acknowledging and addressing the specific issues faced by minority and marginalized women in the Western Balkans and Turkey.

This document’s main sources of information are the Committee on the Elimination of all Forms of Discrimination against Women (CEDAW) Concluding Observations; CEDAW General Recommendation No 26, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families Concluding Observations; Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) baseline reports, when available. The document also relies on the research work undertaken within the EU-UN Women regional programme “[Ending violence against women and girls in the Western Balkans and Turkey: Implementing Norms, Changing Minds](#)”.

The document also highlights many obstacles and issues that prevent migrant women and girls from benefiting from quality and accessible services, enjoying decent economic benefits, and participating in decision-making arenas.

What is intersectionality?

The concept of intersectionality was first coined in 1989 by Black feminist activist and academic Professor Kimberlé Crenshaw. Crenshaw offered intersectionality as a tool to contextualize the specific ways African-American women were being subjected to both sex and race discrimination and the barriers they faced when trying to seek redress for this. Since then, the term 'intersectionality' has been used to understand women's experiences at the intersection of a number of simultaneous oppressions.¹

Intersectionality recognizes that individuals can experience discrimination on the basis of multiple and intersecting identities. Specifically, CEDAW and the Council of Europe Convention on preventing and combating violence against women and domestic violence (also known as the Istanbul Convention) have observed that ethnic minority women, elderly women, women living in rural or remote areas, disabled women, migrant women, women in prisons and women and girls on the street are particularly vulnerable to disadvantage and discrimination. Discrimination and violence faced by these women is characterized by a unique simultaneous combination of several factors, and not by the simple addition of these factors. Accordingly, intersectional feminism centers the voices of those experiencing overlapping, concurrent forms of oppression in order to understand the depths of the inequalities and the relationships among them in any given context. Intersectional feminism offers a lens through which we can better understand and address disparate impacts of the COVID-19 crisis in communities around the globe, but also international protests against racism and discrimination. Taking an intersectional feminist approach to the crises of today helps to seize the opportunity to rebuild better, stronger, more resilient, and more equal societies, by not only turning the tables on gender injustices, but rooting out all forms of oppression. It serves as a framework through which to build inclusive, robust movements that work to solve overlapping forms of discrimination, simultaneously.²

At an international level, CEDAW is committed to eliminating all forms of discrimination and achieving gender equality so that all women can exercise and enjoy their human rights. This implicitly includes a commitment to understanding and addressing intersectional discrimination. Under CEDAW, if sex and gender is one of the bases for discrimination, it is necessary to examine how other identities and factors contribute to discrimination. At a regional level, the legally-binding Istanbul Convention, which came into force on 1 August 2014, is considered a milestone in the fight against VAWG in Council of Europe countries. The Istanbul Convention likewise incorporates a theoretical framing of "intersectionality," as it recognizes the specific problems of women and girls exposed to multiple or intersectional discrimination and specifically urges parties to "take into account and address the specific needs of persons made vulnerable by particular circumstances" (Istanbul Convention, Article 12, part 3).

SITUATION OF MIGRANT WOMEN IN THE WESTERN BALKANS AND TURKEY: AN INTRODUCTION

Globally, there are 272 million international migrants, making 3.5 per cent of the world's population, nearly half of whom are women³. The factors behind women's decisions to migrate are numerous (globalization, poverty, discriminatory gender cultural practices and gender-based violence in countries of origin, natural disaster, wars), and although both men and women migrate, migration is never gender-neutral.⁴ Indeed, migrant women and girls are subject to multiple discriminations given

¹ [The value of intersectionality in understanding VAWG, UN Women, 2019](#), page 3

² [Intersectional feminism: what it means and why it matters right now, UN Women, 2020](#)

³ [World Immigration Report 2020, IOM](#), page 3-4

⁴ [CEDAW General Recommendation No 26 on women migrant workers](#), paragraph 8, 2008

intersectional forms of discriminations against them as a result of a combination of specific and overlapping factors including disability, gender, place of residence, age, ethnicity, etc.

While the Western Balkans are mostly a region of transit for migrants hoping to reach the European Union, some countries in the region have seen an unprecedented number of migrants arriving, notably in Serbia, posing new challenges. The situation is different in Turkey which hosts the largest number of international migrants in the world for the fifth consecutive year: 3.7 million, since the outbreak of the Syrian war in 2011, and an increased number of individually arriving migrants of other nationalities, most notably from Iraq, Afghanistan, Iran and Somalia. In 2018, there were 1 632 508 registered Syrian women residents, but it is presumed that this number is higher when non-registered women are considered.⁵

Despite a lack of sex-disaggregated data on women migrants in the Western Balkans and Turkey, and the prevalence of VAWG among them, CEDAW and GREVIO highlight the heightened risk of violence and discrimination that migrant women are exposed to before, during, and after the migration process.

MIGRANT WOMEN ARE EXPOSED TO HIGH LEVELS OF DISCRIMINATION AND VIOLENCE, BOTH OUTSIDE AND INSIDE REFUGEE CAMPS

Despite the ratification of the Istanbul Convention in the Western Balkans and Turkey (with the exception of Kosovo*, which recently amended its Constitution to include the Istanbul Convention in the list of directly applicable legal instruments for the protection of human rights), migrant women in the Western Balkans and Turkey are exposed to higher level of discrimination and violence, particularly women migrants fleeing from a war zone.⁶ Findings of interviews conducted among migrant women who reached Serbia through the “Balkans route” inform that 67 per cent of migrant women experienced some form of physical/sexual violence perpetrated by male relatives, law-enforcement officers and smugglers.⁷

In such circumstances, migrant girls are at a heightened risk of child early and forced marriage, as it is the case in Turkey and more particularly within temporary centres⁸, where Syrian girls are married to Syrian and Turkish men, often in polygamous marriages⁹, exacerbated by an increased poverty levels and the need to reduce household expenditures, and a misguided attempt to protect a girl’s ‘honour’ in the face of situations that carry a higher risk of sexual violence. In 2015, the average age of marriage for Syrian girls in Turkey was between 13 and 20 years, with many respondents saying that they would not have opted for this choice if they had more financial resources.¹⁰ In addition to child early and forced marriages, a significant increase of women prostitutions in areas with high concentration of Syrian refugees, particularly among young women, is observed.¹¹ Despite a high prevalence of violence against migrant women and girls in camps, this issue is often not dealt directly with the Turkish authorities but with the leaders of the Syrian communities themselves.¹²

⁵ [GREVIO report on Turkey, paragraph 326](#), 2018

* For the European Union, this designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence. For UN Women, references to Kosovo shall be understood to be in the context of UN Security Council Resolution 1244 (1999).

⁶ [GREVIO report on Turkey, 2018](#), paragraph 332

⁷ [GREVIO report on Serbia, 2020](#), paragraph 257

⁸ [Report of the fact-finding mission to Turkey by Ambassador Tomáš Boček, Special Representative of the Secretary General on migration and refugees, 30 May – 4 June 2016, Council of Europe, 2016](#), page 19

⁹ [CEDAW Concluding Observations on the seventh periodic report of Turkey, 2016](#), paragraph 14

¹⁰ [Evaluation of the UNHCR'S emergency response to the influx of Syrian Refugees into Turkey](#), June 2015

¹¹ [CEDAW Concluding Observations on the seventh periodic report of Turkey, 2016](#), paragraph 14

¹² [GREVIO report on Turkey, 2018](#), paragraph 331

The recognition of gender-based violence and persecution as a valid reason to submit a protection or an asylum claim is unequally recognized and considered across the Western Balkans and Turkey. In the case of Albania, gender-based violence is not mentioned as a form of persecution,¹³ while in North Macedonia, there is a lack of a specific legal framework providing for women migrants' protection, including during the process of their transfer to neighbouring countries.¹⁴ In the case of Serbia, although the amended Law on Asylum and Temporary Protection grants protection from the risk of gender-based violence and persecution, not all notions of gender-based persecutions seem to be adequately recognized, and the absence of gender guidelines fail to ensure the prompt identification of women victims of violence and persecution.¹⁵

Regarding the specific situation of women migrant workers, CEDAW General Recommendation No 26 highlights a heightened vulnerability to sexual abuse, sexual harassment and physical violence from their employers especially in sectors when women predominate, such as the domestic, farms and industrial work.¹⁶ Among migrant workers, undocumented migrants are more prone to exploitation and abuse with a limited access to legal aid by fear of expulsion. Furthermore, migrant women who lose their immigration status are at a higher risk to be abused by the employer, while if detained, they may be subject to violence perpetrated by officials in detention centres.¹⁷

INSUFFICIENT AND INACCESSIBLE SERVICES FOR MIGRANT WOMEN COMPOUNDED BY A LACK OF INFORMATION ON THEIR RIGHTS

Migrant women and girls' limited access to adequate general and specialist services fail to break the cycle of violence and contribute to a low reporting rate of violence. Linguistic and cultural barriers, and the concentration of services in town centre are significant barriers that prevent migrant women and girls from reporting violence, especially sexual violence.

In Albania, standardized procedures were adopted by the authorities in order to identify persons in need of assistance, however, procedures aiming to identify potential victims of VAWG from culturally diverse backgrounds are lacking,¹⁸ as is information on the provision of legal humanitarian assistance to asylum seekers.¹⁹ In Montenegro, a new reception centre for asylum seekers was opened in 2014 and follows a gender-sensitive reception procedures; however, specific-gender sensitive guidelines intended to enhance awareness among asylum managers of women migrants' special needs are nonetheless missing.²⁰ Furthermore, it was observed that women and girls living in refugee camps in Konik and Podgorica are exposed to a lack of basic services and infrastructure.²¹ In North Macedonia, migrant women cannot access referral centres for victims of sexual violence.²² In Serbia, information related to the asylum determination procedure and the procedure for reporting violence are insufficiently available in other languages, and the presence of women's support NGOs permitted to offer information and legal counselling in asylum and reception centres is not always ensured.²³ In Turkey, it was reported that Syrian women are often unaware of available services they can seek, and

¹³ [GREVIO report on Albania, 2017](#), paragraph 210

¹⁴ [CEDAW, Concluding Observations on the sixth periodic report of the former Yugoslav Republic of Macedonia, 2018](#), paragraph 45

¹⁵ GREVIO report on Serbia, 2020, paragraph 262

¹⁶ [CEDAW General Recommendation No 26 on women migrant workers](#), paragraph 20, 2008

¹⁷ *Ibid*, paragraph 19

¹⁸ [GREVIO report on Albania, 2017](#), paragraph 210

¹⁹ [Committee on the Elimination of Racial Discrimination, Concluding Observations on the combined ninth to twelfth period reports of Albania, 2019](#), paragraph 31

²⁰ [GREVIO Report on Montenegro, 2018](#), paragraph 258

²¹ [CEDAW, Concluding Observations on the second period report of Montenegro, 2017](#), paragraph 42

²² [CEDAW, Concluding Observations on the sixth periodic report of the former Yugoslav Republic of Macedonia, 2018](#), paragraph 23

²³ [GREVIO report on Serbia, 2020](#), paragraph 260

when trying to seek the services of violence prevention and monitoring centres (Sönim) and shelters, they are often redirected to other services. Moreover, there is a global lack of training for the staff dealing with women asylum seekers and refugees, including case workers and interpreters, is usually not sufficiently trained, undermining the quality of services delivered to this population.²⁴ Moreover, migrant women and girls have to face persisting barriers in access to global services such as education, employment and social assistance. In refugee communities in Turkey for instance, there is a high dropout rate and underrepresentation among girls and women in vocational training and higher education²⁵

PERSISTING BARRIERS TO ACCESS LEGAL AID

While simultaneously highly exposed to gender-based discrimination and violence and having to face different complex asylum and protection systems, migrant women face disproportionate difficulties in accessing legal aid, due to formal barriers inherent to gaps in the laws, or due to practical barriers inherent to language. In Bosnia and Herzegovina, migrant women have limited access to free legal aid during the birth registration process and lack information on the coverage of social protection schemes,²⁶ while in North Macedonia, the unavailability in practice of legal aid for women seeking asylum, owing to the administrative requirements in place is pointed out.²⁷

Exposed to a high risk of discrimination and violence perpetrated by their employers, women migrant workers have also in practice a limited access to justice. CEDAW, through its General Recommendation No 26, expresses concerns regarding the imposed restrictions on the use of the legal system by women migrant workers to obtain remedies for discriminatory labour standards and VAWG, as well as regarding the fact that women migrant workers might not be eligible for free government legal aid.²⁸ For instance, CEDAW points out the specific cases of migrant women suffered from discrimination and sexual abuse perpetrated by diplomats benefiting from diplomatic immunity.²⁹

The Committee on the Protection of the Rights of All Migrant Workers and Members of their Families observed in Albania and Montenegro a lack of general legal provision prohibiting intersecting forms of discriminations faces by women migrant and workers and that would ensure special protection, while Montenegro, North Macedonia and Serbia did not ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

²⁴ Ibid, paragraph 121

²⁵ [CEDAW Concluding Observations on the seventh periodic report of Turkey, 2016](#), paragraph 26

²⁶ [CEDAW, Concluding observations on the sixth periodic report of Bosnia and Herzegovina, 2019](#), paragraph 31 and 43

²⁷ [CEDAW, Concluding Observations on the sixth periodic report of the former Yugoslav Republic of Macedonia, 2018](#), paragraph 45

²⁸ [CEDAW, General Recommendation No 26, 2009](#), paragraph 21

²⁹ Ibid

AREAS OF RECOMMENDATIONS BY CEDAW AND GREVIO

To address and prevent gender-based discrimination and violence against migrant women and girls:

- Step up the efforts made to identify women asylum seekers who have experienced or are at risk of gender-based violence by developing and disseminating gender guidelines for refugee status determination.
- Develop comprehensive policies and measures to prevent and combat child and forced marriages among the refugee population. Such policies should address the underlying social, economic and cultural drivers of child and forced marriages and include information campaigns among parents, in schools and communities, centred on the right to freely choose one's partner and the unlawfulness of child and forced marriages.
- Develop, in co-operation with specialist women's NGOs, gender-sensitive procedures, guidelines and support services to allow all women asylum seekers, including applicants under administrative detention, to disclose instances of violence against women.
- Ensure that migrant women victims of gender-based violence have the right to be granted an autonomous residence permit in the event of expulsion of the abusive spouse or partner.
- Ensure that refugees and asylum seekers, in particular women, are informed about the national referral mechanisms for victims of sexual and gender-based violence and how to gain access to the formal justice mechanism.

To ensure that legal frameworks are non-discriminatory and guarantee access to justice to migrant women:

- Adopt regulations and design monitoring systems to ensure that recruiting agents and employers respect the rights of all women migrant workers. States parties should closely monitor recruiting agencies and prosecute them for acts of violence, coercion, deception or exploitation;
- Review, eliminate or reforms laws, regulations, or policies that result in a disproportionate number of women migrant workers being detained for migration-related reasons

To guarantee migrant women's access to services, including legal aid

- Introduce systematic and mandatory in-service training on all forms of violence covered by the Istanbul Convention for case workers, decision makers and interpreters dealing with asylum seekers, migrants and refugees, including temporary refugees.
- Ensure that linguistically and culturally appropriate gender-sensitive services for women migrant workers are available, including language and skills training programmes, emergency shelters, health-care services, police services, recreational programmes and programmes designed especially for isolated women migrant workers, such as domestic workers and others secluded in the home, in addition to victims of domestic violence. Victims of abuse must be provided with relevant emergency and social services, regardless of their immigration status
- Ensure the de facto access of all residents of asylum and reception/transit centres to legal and other counselling offered by specialist lawyers and non-governmental organizations.
- ensure the practical implementation of the right to an interpreter of the same sex and trained in the nature of gender-based violence, related trauma, stigma and shame.
- Ensure that women migrant workers who are in detention do not suffer discrimination or VAW, and that pregnant and breastfeeding mothers as well as women in ill health have access to appropriate services.