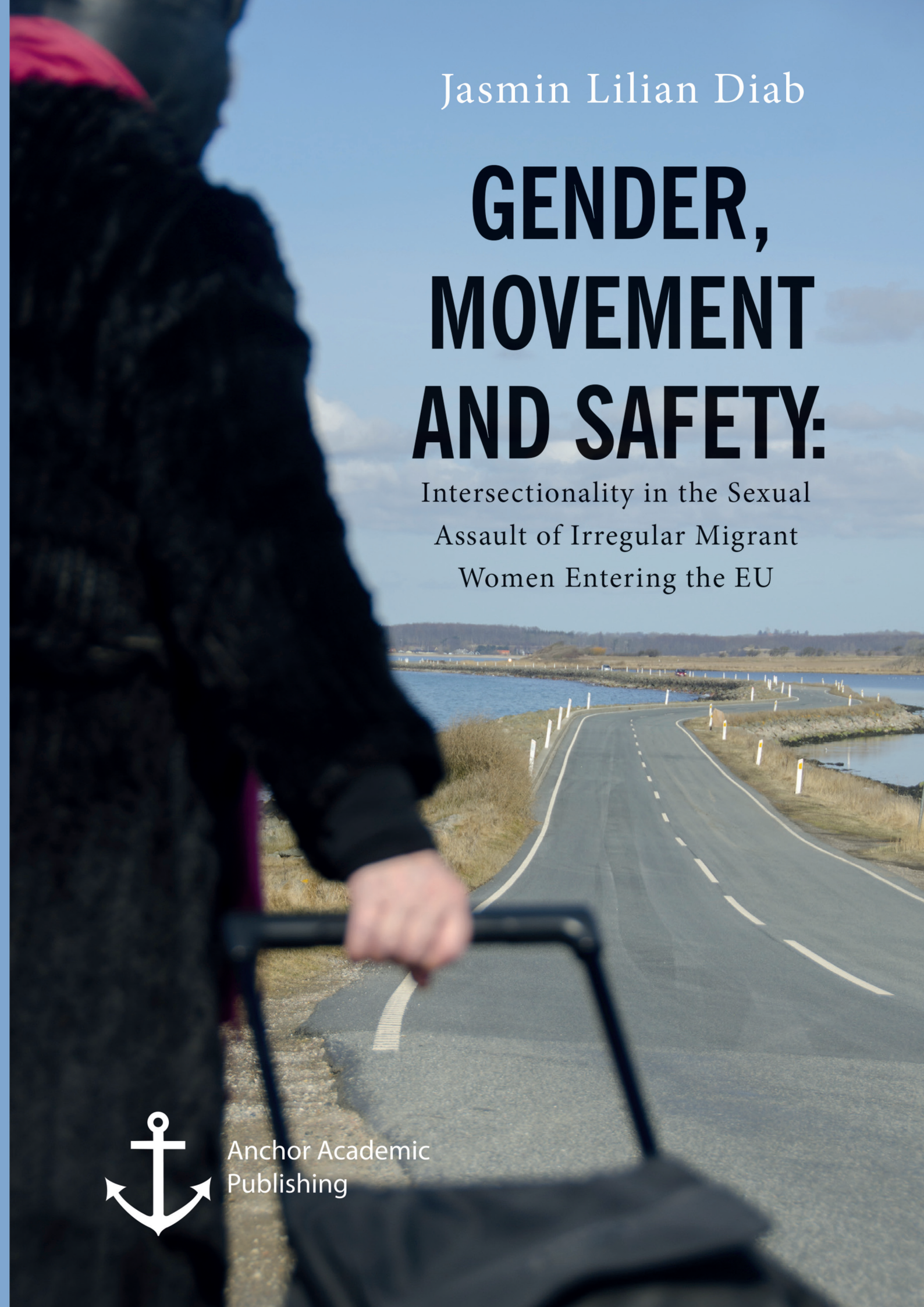


A person wearing a dark, textured jacket is seen from the side, pulling a black suitcase. They are walking on a paved road that curves along a body of water. The background shows a clear blue sky and distant land with some buildings and trees.

Jasmin Lilian Diab

GENDER, MOVEMENT AND SAFETY:

Intersectionality in the Sexual
Assault of Irregular Migrant
Women Entering the EU



Anchor Academic
Publishing

Diab, Jasmin Lilian: Gender, Movement and Safety. Intersectionality in the Sexual Assault of Irregular Migrant Women Entering the EU, Hamburg, Anchor Academic Publishing 2019

Buch-ISBN: 978-3-96067-222-7

PDF-eBook-ISBN: 978-3-96067-722-2

Druck/Herstellung: Anchor Academic Publishing, Hamburg, 2019

Covermotiv: © bettysphotos / Fotolia

Bibliografische Information der Deutschen Nationalbibliothek:

Die Deutsche Nationalbibliothek verzeichnet diese Publikation in der Deutschen Nationalbibliografie; detaillierte bibliografische Daten sind im Internet über <http://dnb.d-nb.de> abrufbar.

Bibliographical Information of the German National Library:

The German National Library lists this publication in the German National Bibliography. Detailed bibliographic data can be found at: <http://dnb.d-nb.de>

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Hermannstal 119k, 22119 Hamburg
<https://www.anchor-publishing.com>, Hamburg 2019
Printed in Germany

*To every woman who has made us
And every woman who continues to make us*

Acknowledgments

This book began as a research project which developed into a thesis for my second Master's Degree in Democracy and Human Rights from the Saint Joseph University of Beirut (USJ) in Lebanon. The original research looked into the correlations between "Gender, Migration and Human Rights" through the lens of Intersectionality by taking the migration experiences of migrant women, namely from developing countries into the European Union as a case study. It was later expanded into this book and now encompasses additional chapters, opinion pieces, articles, an expanded bibliography and an annotated bibliography on the "Founding Works and Efforts in the Areas of Global Migration, Gender and Security".

I would like to take this opportunity to thank the Institute of Political Science at the Saint Joseph University of Beirut (USJ) for the generous scholarship I was awarded in order to complete my degree as well as to utilize resources and conduct expert interviews between USJ in Lebanon and the International University for Rabat (UIR) in Morocco. I would also like to thank my thesis advisor, Prof. Jeremy Gunn from UIR for guiding the research in its initial stages – his comments and feedback acted as a major component in improving the quality of this book.

I would also like to thank Notre Dame University-Louaize (NDU) and particularly the Lebanese Research Center for Migration and Diaspora Studies (LERC) at the Faculty of Law and Political Science, for their institutional support, as well as for allowing me the privilege to consistently develop my craft, my education, as well as my research skills. Their belief in their staff's development makes everything possible.

Last but not least, I would like to take a moment to thank the late Dr. Rita Sabat, former Assistant Professor of Gender Studies at the Faculty of Law and Political Science at NDU, and a pioneer in the areas of Gender, Violence Against Women and Women's Rights in Lebanon for inspiring my initial interest in Gender Studies, and Intersectionality Theory. I also wish to acknowledge the consistent support of Dr. Guita Hourani, allowing me to steadily develop my interest, fascination and grasp of Migration and Refugee Studies.

None of this would be possible without the support of my friends and family. You make me want to be a better person every day.

Abstract

This book looks into the sexual assault of irregular/illegal immigrant women and girls throughout their arrival to the European Union borders and borderlands between the period of 2011 and 2018, through an Intersectional lens. It intends to analyze this sensitive human rights issue through grasping the cultural obstacles and procedures at European borders which have fueled the violation of this fragile migrant group's human rights, while also supporting this argument with academic research, statistical data and reports on irregular migration from international and regional organizations, security mechanisms at borders, and statistics on sexual abuse and exploitation during the aforementioned period.

It intends to explore the manner in which several factors and developments at European borders and in the borderlands have resulted in a more dangerous migration journey for these women and girls, as well as the manner in which these developments further perpetuate the likelihood of sexual violence of migrants, and female migrants in particular.

This book aims to comprehend the linkages between academic research and the supporting statistical information through the lens of Intersectionality Theory – a theory which will allow for the issue to be tackled across its different layers and across all the intersections and overlaps these layers create. This book highlights multiple instances of sexual violence throughout the journey, and upon arrival of these migrant women and girls to the European borders and borderlands, and subsequently emphasizes that these events further perpetuate the vulnerability to sexual assault for irregular migrant women due to the very “illegal” nature of their journeys.

Through this lens, this process is examined across: power dynamics, security, legal status, and gender. Through examining these realities and power systems, it becomes evident that this particularly vulnerable group of women and girls from developing countries escaping war, economic burdens and conflict, are ostracized and subordinated in a number of interconnected patterns.

This book will highlight a need for more gender-sensitive policies because the group of women in question has close to no viable resource for justice within a system that currently acts against them and views them as criminal or “illegal”.

Key words: women, feminism, intersectionality, migration, European Union, borders

List of Acronyms

APD:	Asylum Procedures Directive
ASRH:	Adolescent Sexual and Reproductive Health
CCA:	Christian Conference of Asia
CEAS:	Common European Asylum System
CHRF:	Canadian Human Rights Foundation
CHS:	Commission on Human Security
CIS:	Commonwealth of Independent States
CMAS:	Center for Mexican-American Studies
EU:	European Union
EUNAVFOR MED:	European Union Naval Force Mediterranean
EURODAC:	European Dactyloscopy
FLFP:	Female Labour Force Participation
GBV:	Gender Based Violence
HIV:	Human Immunodeficiency Virus
HUGG:	Human Security and Global Governance
ICMPD:	International Centre for Migration Policy Development
IHRLG:	International Human Rights Law Group
ILO:	International Labor Organization
IMF:	International Monetary Fund
IOM:	International Organization for Migration or United Nations Migration Agency
LGBTQI+:	Lesbian, Gay, Bisexual, Trans, Queer, Intersex and other spectrums of sexuality, orientation and gender
MEDMIG:	Mediterranean Migration Crisis (project)
MPI:	Migration Policy Institute
NGO:	Non-governmental Organization
OSCE:	Organization for Security and Cooperation in Europe
PMRW:	Philippine Migrants Rights Watch
PPPs:	Public-private Partnerships
QD:	Qualification Directive
RCD:	Reception Conditions Directive

RPF: Rwandan Patriotic Front

TFEU: Treaty on the Functioning of the European Union

TPD: Temporary Protection Directive

UNDP: United Nations Development Program

UNFPA: United Nations Population Fund

UNHCR: United Nations High Commissioner for Refugees or United Nations Refugee Agency

UNICEF: United Nations Children's Fund

UNODC: United Nations Office on Drugs and Crime

VAW: Violence against Women

WRC: Women's Refugee Commission

WTO: World Trade Organization

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Definition of Terms

Sexual Assault/Violence: Illegal sexual contact that involves physical, psychological or social force upon a person without consent or is inflicted upon a person who is incapable of giving consent (due to age or physical or mental incapacity) or that places the assailant in a position of trust or authority.

Feminism: The advocacy of women's rights on the ground of the equality of the sexes.

This book will not delve into the different branches of Feminism, but will rather touch upon the notions of Intersectional Feminism through the application of the “Intersectionality Theory”.

Intersectionality: The interconnected nature of social categorizations such as race, class, and gender as they apply to a given individual or group, regarded as creating overlapping and interdependent systems of discrimination or disadvantage.

Illegal/Irregular migrant: Illegal immigration is the illegal entry of a person or a group of persons across a state border, in a way that violates the immigration laws of the destination country, with the intention to remain or transit through the country. Prior to being granted “asylum” and entering into the asylum process which eventually leads to the granting of refugee status, immigrants are temporarily or indefinitely illegal or irregular.

****** In the EU, Irregular immigrants are third-country nationals who do not fulfil, or no longer fulfil the conditions of entry as set out in Article 5 of the Schengen Borders Code or other conditions for entry, stay or residence in that Member State. The EU’s legal framework for irregular immigration is scattered over many legal instruments. Those which apply at the point of a migrant’s arrival focus on border management, and prevention of irregular immigration through cooperation with countries of origin and transit.¹

¹ European Parliament (2015), Briefing on Irregular immigration in the EU: Facts and Figures, Retrieve at: [http://www.europarl.europa.eu/RegData/etudes/BRIE/2015/554202/EPRS_BRI\(2015\)554202_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2015/554202/EPRS_BRI(2015)554202_EN.pdf)

1

Understanding Women in Migration: An Overview

“Migration can be both a cause and a consequence of female empowerment.”

Graeme Hugo

Migration plays a substantial role in the dynamics of the international community today. Comprehending the complexities of gender and migration may lead to programs and policies which augment the benefits and reduce the costs for female migrants. In order for such a comprehension to be attained, analysts and experts require reliable and accurate information and in-depth gender analysis in migration studies. An emergent and consistently developing body of research zeros in on migration and gender as well as the interplay between these two variables, and this book applies this dynamic across the case study in question.

In recent decades, as well as throughout history, women continue to migrate on their own frequently, in order to enhance economic opportunities through seeking jobs or looking to develop their levels of expertise and education. Research indicates that the rate of female migration is escalating at higher rates than male migrants in several countries which continue to witness elevated rates of migrants, asylum seekers and refugees. This trend is recently and most commonly referred to as the “feminization of migration”, a concept developed and coined by multiple scholars and international organizations, including Caritas,² the Migration Policy Institute³ and the Cornell Policy Review.⁴

The International Labour Organization (ILO) approximates that women constitute half of the entire global migrant population, and in some countries, that they account for anywhere between seventy and eighty percent of the total migrant population.⁵ The ILO credits these statistics to women’s changing roles, whereby migration is a major factor in the improvement of women’s independence, human capital, self-worth, as well as women’s power and importance in the eyes of their families as well as in their respective communities. Migration is a major catalyst in the evolution and shifts in traditional norms, as women continue to gain access to opportunities in the areas of education and the workplace. In turn, the introduction to more *fair* social norms may also advance women’s rights as well as their access to resources. When migrant women return to

² Caritas (n.d.), The Female Face of Migration, Retrieve at:

<http://www.caritas.org/includes/pdf/backgroundmigration.pdf>

³ Donato, K. M. & Gabaccia, D. (2016), The Global Feminization of Migration: Past, Present, and Future, Migration Policy Institute, Retrieve at: <https://www.migrationpolicy.org/article/global-feminization-migration-past-present-and-future>

⁴ Maymon, P. L. (2017), The Feminization of Migration: Why are Women Moving More?, Cornell Policy Review, Retrieve at: <http://www.cornellpolicyreview.com/the-feminization-of-migration-why-are-women-moving-more/>

⁵ Ibid

their respective home countries, they habitually maintain their newborn independent attitude and are further able to break new grounds in the areas of the introduction of new norms, technical skills, and various levels of expertise. With these new skills in hand, returning migrant women, often referred to as “returnees” are likely to have gained the necessary set of skills and knowledge in order to enter the labor force in senior positions, and even, to start their own businesses and enterprises.

On another note, even when women aren’t migrating themselves, migration may have positive consequences for them in other multiple indirect and direct areas. Migration may effect and amend notions such as gender norms within the household by establishing more gender-equality, gender-understanding as well as autonomy and agency. When women care for their homes and their husbands are the ones who are migrating, they are often placed within a context where they gain more control and authority within their households and in their roles as caregivers and decision makers consequently. Acting as the decision maker for her family’s lifestyle, managing the family in the areas of finances, as well as playing the role of both parents at times, allows a woman to not only challenge the gender paradigm in which she was brought up, but also establish herself as a worthy component within her household and a valuable counterpart to her spouse in the long run.

Migration regularly results in a significant boom in local economies, namely in the form of remittances being sent home to the families and friends of those who are “making it” abroad. Statistically, women are more likely to be the recipients of these remittances regardless of the sex of the remitter or the remitter’s relationship with the recipient.⁶ Subsequently, these remittances have been the main catalyst towards the increase in women both running and owning their own businesses, as well as in women acting as breadwinners within their own households. When women receive remittances, their nuclear family’s lives and well-being improve, moreover, the health and education of young adults and children within these families improve. On the other

⁶ IOM (2010), Gender, Migration and Remittances, Retrieve at: <https://www.iom.int/sites/default/files/about-iom/Gender-migration-remittances-infosheet.pdf>

hand, when men are the recipients of remittances the nuclear family's assets are more likely to increase.⁷

It is worthy to note, that migrant women also send home a significant part of the remittances being sent to their families in their countries of origin. Generally, women remit at a higher rate as well as a higher proportion of their monthly salaries male migrants do, though the total remittances may be less in monetary value due to the fact that they are paid lower wages.⁸ Statistically, IOM reports that women are also more consistent and frequent in their sending home of remittances to their families, and are also more likely to send in money to “help” in the cases of family or financial emergencies, serving as their family's “insurance.”⁹ Migrant women's remittances furthermore improve the family's overall well-being, with women directing the remittances they send towards health care and education for their families.¹⁰

On another note, multiple consequences of migration may be seen in a less positive light. At times, returning migrants are encouraged (and at times forced) to revert to the very traditional norms and gender roles they struggled to escape throughout their migration journeys. Often enough, they are faced with finding that their newly open and “liberal” attitudes severely clash with the cultural, social, political, and economic preferences of their home countries – making re-integration almost impossible. Migration has also been credited with straining and generating tensions among families, and causing potentially damaging effects on children as a consequence.

Despite the fact that migration is generally regarded as beneficial on a financial level once the hurdles of the journey itself are over, constraints such as constricting social norms, laws, gender or racial discrimination, or gender-specific vulnerabilities act as major hindrances to the benefits and opportunities for growth that migration creates. Furthermore, migrants might fight to have their professional accolades and skills recognized abroad, and further face language, race, barriers and discrimination. Legal restrictions impede migration and make it more of a rigorous journey for women more than for men. In many states, women's employment and mobility

⁷ Ibid

⁸ Ibid

⁹ Ibid

¹⁰ Ibid