Gender-Based Violence in Migration

Interdisciplinary, Feminist and Intersectional Approaches

Edited by
Jane Freedman
Nina Sahraoui
Evangelia Tastsoglou

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"Timely and thought provoking! Critiquing narrow compartmentalized classifications, and false universalization, the authors carefully consider key theoretical frameworks and use important collaborative research to show the salience of contextualization in addressing migration and gender-based violence. This volume—with its feminist, interdisciplinary, intersectional approaches—sheds light on the problematics and possibilities of policies and practices in tackling the causes and consequences of migration and gender-based violence at the micro and macro levels. Important concepts of intersectionality, precarity, precariousness, vulnerability are well discussed. This is a must-read book, especially for those interested in research and action in addressing gender-based violence and migration."

—Margaret Abraham, P*rofessor of Sociology & Harry H. Wachtel Distinguished Professor for the Study of Nonviolent Social Change, Hofstra University, USA*

"This anthology looks at the impact of GBV on migrant women in Europe and Canada from new feminist perspectives: the authors not only use situated intersectionality to analyze the multiple facets of GBV, but they convincingly show that the Istanbul Convention on Preventing and Combating Violence against Women and Domestic Violence, which was adopted by the Council of Europe in 2014, has by no means led to the expected successes. Many migrant/refugee women who have managed to flee their country from violence and rape face new harassments not only during their journey; they also endure the administrative exclusions of nation-state asylum laws and many new forms of discrimination in the host countries. The authors convincingly show the continuation of violence in which asylum seekers are - in the words of Achille Mbembé – 'kept alive but in state of injury'. This book is a 'must read' for migration scholars, students and activists and belongs in the curriculum of human rights and international law education."

—Helma Lutz, *Goethe Universität Frankfurt, Germany*

"This unique and timely volume demonstrates the significance of intersectionality, vulnerability, and precarity in research and policy on gender-based violence. Case studies of migrant, trafficking victims, and asylum seekers point to the policy frameworks and media discourses and their consequences on addressing gender-based violence. A must read for scholars and students concerned with violence against women migrants and refugees."

—Mary Romero, *author of Introducing Intersectionality*

"This excellent book presents the links between violence inherent in different types of migration, precarity, and racialized violence against women. It is a unique presentation of neoliberal regimes of violence, relative prospects of resistance, and analyses of policies that foster and/or interrupt the tapestry of violence. A must read for all those who are interested in migration and violence studies."

—Bandana Purkayastha, *Professor, Sociology, University of Connecticut, USA*

"A comprehensive analysis of gender-based violence (GBV) in migration contexts across Europe, Canada and Israel, this volume challenges essentialized notions of both gender and migration. The contributors propose a feminist intersectional approach to theorizing precarity and vulnerability, providing a robust and nuanced framework to analyze empirically rich case studies and offer important policy and practical insights. This book is an important contribution to migration studies—a must read for researchers, students, and policy makers."

—Christina Clark-Kazak, *Associate Professor, Graduate School of Public and International Affairs, University of Ottawa, Canada*

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Editors

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The three editors have contributed equally to this volume. Their names are listed in alphabetical order.

About the Book

With contributions from a diverse array of international scholars, this edited volume offers a renewed understanding of gender-based violence (GBV) by examining its social and political dimensions in migration contexts. This book engages micro, meso, and macro levels of analysis by foregrounding a conceptualization of GBV that addresses both its interpersonal and structural causes. The chapters explore how GBV frameworks and migration management intersect and bring to the forefront the specific inequalities these intersections produce for migrant women. This volume will be of interest to scholars/researchers and policymakers in Gender Studies, Migration and Refugee Studies, Sociology, Political Science, Trauma Studies, Human Rights and Socio-Legal Studies.

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PART I

Against Essentialism and Beyond Abstract Universalism: Theorising Gender-Based Violence in Migration Contexts

CHAPTER 1

Thinking about Gender and Violence in Migration: An Introduction

Jane Freedman, Nina Sahraoui, and Evangelia Tastsoglou

Migration is increasingly politicised and contested at a national, regional and global level. We see regular images in the media of migrants being beaten and pushed back at borders, attempting to cross the sea in small boats, and in various other situations of risk and violence. Yet at the same time, migrants are portrayed as a threat to host societies, whether as a drain on the economy, a potential terrorist threat, a threat to national

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cultures, gender equality and women's rights, or more recently a threat to health through their alleged potential to spread Covid-19 (for a contextualisation of the role of privileged mobilities in disease transmission against the background of these discourses, see Mayblin 2022). There are clear gendered and racialised tropes and stereotypes underlying these images and representations, and yet despite an acknowledgment both in research and in policy-making of the increased presence of women amongst international migrants, there is still little research exploring the structures and systems which create specific gender-related insecurities for these women.

This volume, which stems from ongoing conversations and reflections from a group of researchers involved in an international research project[1], aims to contribute to knowledge and debates to fill this gap. We present here research and analysis from our project on gender-based violence in the context of migration, research which is drawn from seven participant countries, and which aims to examine the complex, interacting causal factors behind GBV in migration. We ask how legal and policy frameworks, actions (and omissions) of international organisations, states and state agents at various levels, as well as media and political discourses, contribute to risks of GBV. What actions might be taken to reduce or prevent these risks? What services are available for migrant survivors of GBV? And what is the role of human agency, that is the agency of individuals and communities in addressing and possibly preventing this major violation of human rights? How can we theorise the vulnerability to and experiences of GBV by migrant and refugee women in a way that takes into account their multiple identities and the many social divisions impacting them without resulting in essentialism and political fragmentation?

To put our various studies in context and to explain the theoretical and conceptual framework we have adopted, we present in the following sections of this chapter some of the key concepts used throughout the volume, and the ways in which these have been discussed and contested in research and policy. We conclude with a discussion of the structure of the book.

[1] For more details of the project, see https://gbvmigration.cnrs.fr/. We would like to acknowledge the support of the EU GenderNet Plus Programme and of all our national funding agencies for the research presented here.

Gender-Based Violence

In this volume, we understand gender-based violence (GBV) as all forms of violence—physical, sexual, psychological, economic—directed against a person because of that person's sex, gender, sexual orientation or gender identity. This understanding is in line with that of international organisations such as UNHCR (2021) which defines sexual and gender-based violence as:

> any act that is perpetrated against a person's will and is based on gender norms and unequal power relationships. It encompasses threats of violence and coercion. It can be physical, emotional, psychological, or sexual in nature, and can take the form of a denial of resources or access to services. It inflicts harm on women, girls, men and boys. GBV is a violation of human rights. It denies the human dignity of the individual and hurts human development.

Whilst as this definition shows, both women/girls and men/boys can be victims of gender-based violence, we are focusing in our analysis on gender-based violence against women and girls, not to dismiss the experiences of men/boys, but because statistics show that globally women/girls are by a large proportion the principal victims of such forms of violence (e.g., UNHCR 2003).

Our analysis will concentrate on forms of violence against women/girls, however, we refer to gender-based violence (rather than violence against women) to denote the ways in which the forms of violence which we are researching are rooted in gendered social norms and structures and unequal relations of power. This understanding of GBV helps to link individual acts of violence to wider social constructions and structures. This usage is thus important in reminding us of the origins and causes of GBV and in moving away from individualistic explanations of such violence. By linking individual acts of violence to social norms, values and structures, the issue of GBV becomes politicised, suggesting that the means of prevention do not just lie in treatment of individual cases and that wider social, political, and economic reforms and transformations are needed in order to prevent such violence. Jakobsen (2014) suggests the importance of seeing gender both as a practice and as the result of a practice (Martin 2003) whereby practices of gendering create and reinforce the gender norms and values upon which they are based. If we understand gender in

this way, then it can be linked to violence both in the way that unequal gender structures underlie and cause violence, and in so far as violence against women/girls creates and reinforces gender inequalities. Thus, talking about the links between gender and violence requires 'attention to multiple aspects of gender and how these levels interact' (Anderson 2009, 1452).

GBV and Migration

There is a complex, intersectional and multi-level causality between GBV and migration. Our volume examines specifically the various forms and occurrences of GBV as well as gendered aspects of violence in the context of migration, and the ways that migration is both a result and an aggravating or precipitating factor of GBV (Tastsoglou and Nourpanah 2019), rendering individuals, in the absence or limited enforcement of protection mechanisms for migrants with reduced or no status, more likely to experience GBV or other violence with gendered consequences and less able to gain protection from this violence or support. There is a tendency to compartmentalise in research on GBV and migration, for example, to focus specifically on GBV as cause of forced migration, linked to refugees or to consider other specific forms of violence such as domestic violence, or female genital mutilation (FGM). This leads to overlooking some of the many other forms of GBV against migrants or linked to migration and also failing to make the links between different forms of GBV against migrants in different stages of the migration journey, as well as the structural and systemic inequalities which may underlie them. This volume will attempt to break down these compartmentalised understandings to analyse GBV across the spectrum of different forms and experiences of migration. We will emphasise the fact that GBV occurs at all stages of migration in countries of origin, transit and destination. We will also attempt to break down rigid classifications of different forms of migration which exist in both policy and research—economic migrants, refugees, family reunification and so forth—in order to understand the fluidity of migration experiences and the ways that processes of exclusion, marginalisation and violence cut across all of these.

GBV is present as a cause of migration, both through violence during conflicts, which has forced women to flee or through gender-related forms of persecution such as forced marriage, FGM or domestic violence for which women migrate to claim asylum. However, GBV experiences

continue upon arriving to 'safety' (Tastsoglou and Nourpanah 2019). There is a body of legal research which explores the integration of gender into asylum and refugee status determination and the barriers for women who wish to claim asylum on this basis. Findings across various national asylum systems show that even when gender is formally integrated into asylum law (e.g., through the EU Asylum Directives), there are barriers to women making claims on these grounds. The reluctance to consider women's experiences of violence or persecution as 'political' and sufficient grounds for Convention protection persists, particularly with regard to issues such as mundane and not culturally 'exotic' domestic violence (Chantler 2010). And women face serious obstacles and problems in making their claims such as the difficulties in talking about GBV during status determination processes, especially asylum interviews. Perhaps the most difficult problem is the burden of proof and the difficulty of providing evidence to support women's claims of violence during the refugee status determination process (Singer 2014).

In terms of GBV during migration, there is a recent body of research emerging on the impacts of the securitisation of borders, showing how increased border controls and harsher visa regimes act to increase the insecurities of those trying to cross them, making journeys longer, more dangerous and more expensive. Much of this research is not gendered, although there are now some specific studies of women's experiences of crossing borders and the violence that they face. Some research, for example, has shown how women are proportionally more likely to die crossing borders than men are, and it has started to explore the reasons for this (Pickering and Cochrane 2013). Other research focuses on experiences of women crossing or attempting to cross borders into the EU or into the US and the violence they face from various sources including border security forces, police, smugglers/traffickers, and also in some cases other migrants or humanitarian actors who are there to 'rescue' or 'save' these migrants (Freedman 2019; Sahraoui and Tyszler 2021). It is important to consider the ways in which gendered and racialised representations of migrants and refugees support this securitisation of borders and increase the violence and control which impacts the experiences of women and men in different ways (Allsopp 2017; Ibrahim 2005; Kengerlinksy 2007). Men are more likely, for example, to be linked to threats of 'terrorism', whilst women may be considered more 'vulnerable', especially if they are traveling alone or are pregnant. Selected forms of GBV are also rendered hypervisible (Boesten 2018; Chantler 2018).

These gendered and racialised representations constitute in themselves forms of symbolic violence and also create specific situations of repression and control. This links to the critique of attempts to address GBV against migrants through approaches which essentialise 'culture' and 'cultural difference', focusing for example on the ways in which 'other' cultures do not respect gender equality and so may be a threat to women's rights. These representations and discourses which link GBV to these 'other' cultures not only discriminate against and stigmatise migrants to whom these 'cultures' are attributed, feeding into an anti-immigration discourse, but also serve to distract attention from fundamental causes of GBV rooted in unequal, racialised and gendered structures of domination and control in host countries (Freedman, Sahraoui and Tyszler; Standke-Erdmann, Pieper and Rosenberger, in this volume).

Transactional sexual relations are commonplace around migrant and refugee routes and camps, and on arrival in host countries, and may become part of a strategy of survival for migrant women and girls who receive little or no support from the State or other sources (Formson and Hilhorst 2016; Gerard and Pickering 2012; McGinnis 2016). The frequency of transactional sex as an income generating or survival strategy for women migrants links to debates on trafficking and migrant sex work. Trafficking has received a lot of attention in both research and policy-making. The debates on trafficking as a form of GBV against women are highly contested and often polemic, caught up as they are in the opposition between an abolitionist stand on prostitution, and a position that sex work is a legitimate form of employment for women (including migrant women) which should be legally recognised to offer better protection for these women. Research and statistical data on trafficking may be biased towards an over-representation of trafficking of women for sexual exploitation, as this is often the most 'visible' form of trafficking, with its victims accessible in locations where sex work is widespread. Other forms of trafficking and exploitation are under-reported such as forced or bonded labour, domestic servitude and forced marriage. It is important to recognise that migrant sex workers are not just 'victims' but have agency and that for many this may be a strategic choice within the bounds of choices available to women because of their sex and immigration status (Tastsoglou et al. 2021). However, it is also important to address the global inequalities which mean that sex work is in fact a strategic means of making money for these women migrants. And the repression of 'illegal' migration may mean that women who are victims of trafficking may feel that they are

unable to go to the police in their country of destination for fear of being deported because of their lack of legal residence status.

Research on trafficking and migrant women's sex work can be linked more broadly to issues of exploitation and violence in the labour market and employment. For many migrant women the types of jobs into which they are recruited are largely unskilled, low-paid and insecure in terms of having little social or legal protection. Incidents of violence against women in these types of employment are frequent with migration being a factor facilitating violence in the absence of adequate protection. Violence against migrant women workers can thus be seen as a consequence of state violence in that the strict application of immigration laws renders women increasingly vulnerable and at risk. The fact that many of these women are working 'illegally' because they do not have the requisite work permits makes their conditions of work even more insecure which, in turn, makes it harder for them to mobilise because they may be afraid to make themselves visible in the public space. Even when migrant women work legally in destination countries, they are often pushed to feminised, little paying and insecure occupations, driven by neoliberal restructuring (Sassen 2000). Informality and low salaries often heavily constrain migrant women's chances for regularisation. In addition, the type of work in which migrant women are involved may mean that they remain isolated and cannot access any support either from other migrant women or help from outside sources such as trade unions, for example. Women migrant workers are thus treated as workers not worthy of protection. Lewis et al. (2015) provide an interesting discussion of precarity for migrant workers although they do not provide an explicitly gendered approach to this. There is also a range of research on migrant domestic workers, some of which also focuses on migrant women's strategies of resistance through political mobilisation (Schwenken 2017).

Another body of research has focused on migrant and refugee reception conditions and the ways in which this might contribute to women's vulnerability to GBV. Inadequate reception conditions for migrants have been shown to pose problems of insecurity for women, with a lack of safe and sanitary accommodation, access to health services or psychological support. One survey of EU reception centres for asylum seekers, for example, showed that as well as sexual and physical violence, women are victims of emotional, psychological and socio-economic forms of violence concluding that these migrants and refugees face combined forms of victimisation resulting from the conditions of reception/detention (Keygnaert

et al. 2014). There is also some research on migrant women's access/lack of access to services which can render them vulnerable to violence or mean that they cannot get services necessary to violence survivors (Tastsoglou et al. 2021; Abraham and Tastsoglou 2016). Some research has been done, for example, on the links between migrant women's homelessness and domestic violence (Mayock et al. 2016; McGinnis 2016). Finally, there is research on lack of mental health and psychological supports for migrant women survivors of violence (Canning 2015). Lack of access can also be considered in itself a form of violence in some circumstances and a form of violence on the part of the state, that is, structural violence (Tastsoglou et al. in this volume) which is not just neglect, but in fact intentional 'slow' violence and necropolitical control aimed at racialised and gendered people on the move (Sahraoui and Freedman in this volume).

Various pieces of research have pointed to increased levels of domestic/IPV (Interpersonal Violence) against migrant and refugee women (Menjívar and Salcido 2002). There are varying explanations for this, and it is important to avoid the trap of essentialising this violence construed as a result of 'cultural differences', and of the ways in which the 'new' cultures of receiving countries interact with the more 'traditional' cultures of countries of origin (Razack 2003). Other research points to the ways in which the poor reception conditions and ineffective integration policies, resulting in downward mobility and consequent loss of status with migration in countries of destination, may put strain on family relations and lead to increasing incidences of domestic violence amongst migrant and refugee families (Cottrell et al. 2009). But it has been shown that women who are victims of domestic violence in these circumstances have little chance of any legal or social support, in part because of the ways in which they are culturally 'othered'. The prevailing models and representations of family migration still often recognise a man as a head of family who will protect his wife, so that it is assumed that women migrating with their husbands or another male companion will be protected by this male partner (Tastsoglou et al. 2021). Incidence of violence and domination within family groups are thus often overlooked. Further, immigration laws and policies are often still predicated on these family models and women may thus continue to be dependent on husbands/partners for legal status—or, in the absence of information, think and act as if they were (Tastsoglou et al. in this volume)—which exposes them to risks of GBV and makes it more difficult for them to leave a violent partner.

Problems of cultural understandings of GBV against migrant women are evident in the focus by some research on specific forms of violence such as FGM and forced marriage, and these culturalist understandings are also very present in policies and political discourse on gender and migration as shown by several chapters in this volume. Whilst these are forms of violence which are present against migrant women, it is important not to see them as somehow a product of 'other' cultures, and to place them in a wider continuum of GBV. Anthias (2014) has a strong critique of the 'culturalist' turn in sociology in discussing these issues/forms of violence and argues for a renewed focus on political economy as a way of responding to this and avoiding the trap of 'othering' migrant women in these debates. Generally, one of the issues across research seems to be a need to look at deeper structural causes of marginalisation of women migrants and of vulnerabilities to GBV (Abraham and Tastsoglou 2016) which will draw all of these different cases together and illustrate the ways in which women (and men) can become vulnerable to violence through intersecting identities and the ways in which they are socially, institutionally and legally located. All the case studies in our volume interrogate the ways in which GBV is understood in the context of migration, and the ways in which intersecting and situated (Yuval-Davis 2015) social inequalities and power hierarchies, including those of gender, but also of race, class, nationality, age, ability, for example, interact with migration status to produce situations of vulnerability to various forms of GBV.

We will turn next to a theoretical and historical genealogy of the concept and theory of intersectionality with a special focus on its implications when applied to GBV in a migration context.

A Feminist Intersectional Approach to Gender-Based Violence and Migration

In this volume, we consider GBV and migration through a feminist intersectional perspective. The latter assumes, broadly speaking, that women and men do not form essentialised, hermetically sealed, homogenous categories, groups with 'natural' shared identities, similar experiences and in polarised opposition from each other. Instead, in particular historical societies, they are differentiated by diverse power relations, unequal social positions, and identifications built thereupon. This diversity includes interweaving gender power relations with other social divisions that define

social positions which confer greater advantage or disadvantage to the groups occupying them and often identifying themselves accordingly. An intersectional *feminist* perspective entails a recognition that different women experience gender-based disadvantage, inequality or oppression differently. These interweaving axes of social inequalities are structural, context specific and variable, over time and in different places, within an overarching, global capitalist context. Hill Collins conceptualises this as a dynamic and shifting 'matrix of domination' (1990). It is important to understand the ever-shifting character of the intersecting axes of inequalities and oppressions and the consequent variable disadvantage they confer to group positions, if we want to avoid abstract, static, a-historical, one-dimensional and reductionist understandings of the experiences of social groups. Finally, the disadvantage is a multiplicative one and not simply cumulative (Crenshaw 1991; Nagel 2003; Hancock 2007).

As Chap. 2 illustrates, the idea of intersectionality has precursors in US black feminist thought (Davis 1983; Hill Collins 1986; hooks 1984) and 'women of color' writings (Hull et al. 1982; Smith 1983; Moraga and Anzaldúa 1983; Lorde 1984), but also black British feminism (e.g., Amos and Parmar 1984). From the 'race, class and gender' analyses of the 1980s, the paradigm-shifting concept of intersectionality was coined by Kimberlé Crenshaw (1989, 1991) and prevailed in the 1990s giving rise to a rich and ever-growing feminist and anti-racist intersectional scholarship, with branches in critical race theory and critical legal studies (Crenshaw et al. 1995). This scholarship has understood and theorised intersectionality in more than one way. The present book aims at deploying intersectional analyses of GBV in a diverse and shifting migration context, consisting of not only global migration and geo-political regimes but also the social, institutional and legal/policy structures and practices of countries of reception focused on by each, country-specific project. Last but not least, the complex, contextual, multi-causal, multi-level intersectional analyses featured in this volume unfold in a rapidly changing global social landscape that is being discussed as the 'great reset' for capitalism precipitated by the COVID-19 pandemic (Schwab and Malleret 2020).

What is exactly intersectionality? First, we conceptualise it as a theoretical perspective on social phenomena, social processes, social groups and social action. It is 'a multi-level, historical co-determination of interactive racialization, gendering and class forming processes' (Choo and Ferree 2010). These interacting and co-determining processes are based on the conceptual and categorical 'axes of domination', consisting of race, gender