






YOUTH PERSPECTIVES ON MIGRATION: REVISITING THE ISTANBUL CONVENTION

SPOTLIGHT DOSSIER

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INTRODUCTION



Gender-based violence (GBV) is often a cause for migration. Women and girls, as well as LGBTQIA+ and gender diverse persons leave their countries of origin to escape GBV and other related harmful practices. GBV, however, also occurs along migratory routes and in destination countries - not least in Europe, where protection gaps in GBV prevention, mitigation, and response persist.

Keygnaert et al. (2015), for instance, found that more than half of all refugees, asylum-seekers, and migrants (of varied statuses) in eight European countries (Belgium, Greece, Hungary, Ireland, Malta, The Netherlands, Portugal, Spain) reported experiences of GBV. Freedman (2018) further showed that in Greece, Serbia and France, GBV against women seeking protection is often perpetrated by smugglers and traffickers, other persons seeking protection, as well as family members. Relatedly, the Group of Experts on Action against Violence Against Women and Domestic Violence (GREVIO) (2021) identified that there is a lack of safe spaces for GBV survivors in reception facilities across Europe.

INTRODUCTION



As a legislative proposal was recently put forward by the European Parliament to include GBV as a crime under the Treaty on the Functioning of the European Union (TFEU) and as the Istanbul Convention, a legally binding framework aimed at preventing and combating violence against women and girls in Europe, commemorates its 10th anniversary, discussions around GBV and migration are imminent.

In this context, youth advocates in the “Gender Justice Beyond Borders” Leadership Program of the Center for Migration, Gender, and Justice (CMGJ) facilitated a multi-stakeholder dialogue on the Istanbul Convention on December 13, 2021. The event brought together key actors in addressing GBV in migration as a means of envisioning collaborations across institutional levels.

Speakers included:

Diana Riba I Giner (Member of European Parliament - Greens/EFA)

Noura Bittar Søborg (Center for Power Analysis)

Simona Lanzoni (GREVIO)

Sandra Pertek (University of Birmingham)

Aude Mulliez (ESDGlobal)

Youth Advocates from the “Gender Justice Beyond Borders” Leadership Program:
Jeran Bernabela, Isha Mandal, Sitara Nath, Ange-Vanessa Nsanzineza, and Great Udochi

INTRODUCTION



The event addressed several guiding questions that inform this Spotlight Dossier:

- Why are youth perspectives on migration important? What do they offer to migration discourse and politics?
- What's the significance of revisiting the Istanbul Convention in the context of migration? What are some remaining gaps in GBV prevention, mitigation, and response?
- How can these remaining gaps be addressed? What are some good practices that can be implemented in the context of migration?

This Spotlight Dossier features research conducted by the youth advocates. Youth advocates identified gaps in the Istanbul Convention as it pertains to experiences of GBV by women, girl, LGBTQIA+, and gender diverse migrants, and made recommendations to address these gaps in a targeted manner. In the following sections, we present these research findings and situate them within dynamics and patterns of migration and GBV in Europe more broadly. This Dossier is part of our ongoing Spotlight Project “Migration and the EU Gender Equality Strategy (2020-2025),” which was selected as a SDG Good Practice by the UN Department of Economic and Social Affairs.

In this Spotlight Dossier, we employ a working definition of migrant as a person who moves away from their place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons (voluntary and/or forced). The term includes a number of legal categories of persons, such as refugees, stateless and undocumented. We identify the specific legal categories when necessary and/or to amplify particular experiences.

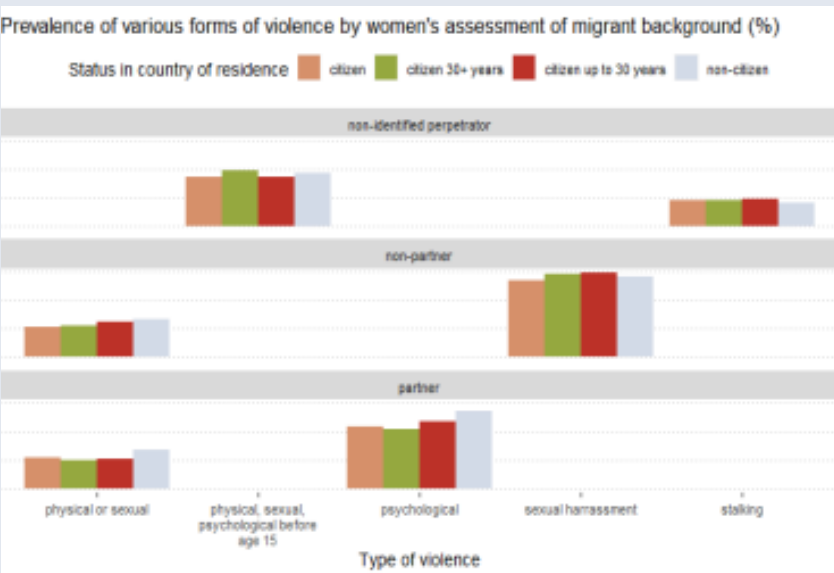
MIGRATION AND GENDER-BASED VIOLENCE IN EUROPE

CONTEXT



In the context of migration, experiences of GBV occur along a continuum (origin-, passing-, and destination country). As a study on GBV experienced by refugees, asylum seekers and undocumented migrants in Belgium and the Netherlands found, younger migrant women (under 30) made up more than half of all survivors of GBV. The most common form of violence was emotional and psychological violence, followed by sexual violence, physical violence, socio-economic violence, and other harmful practices. While in most cases, the perpetrator remained unidentified, in some cases, the perpetrator was an authority or professional in contact with migrant groups (Keygnaert et al. 2012).

In regards to EU-wide data, results from a survey on violence against women show that women who are not citizens of their current country of residence experience significant physical and/or sexual violence starting at the age of 15 (Fundamental Rights Agency, 2014). Drawing on this survey, Scheer et al. (2020) found that migrant women are at a higher risk of intimate partner violence (IPV) than non-migrant women. In this specific context, Mayock et al. (2012) revealed that a consequence of this higher risk of IPV concerns homelessness, especially if the survivors are undocumented.



MIGRATION AND GENDER-BASED VIOLENCE IN EUROPE



CONTEXT

According to an EU-wide survey on minorities and discrimination, first- and second-generation migrants from North Africa reported the highest rates of harassment. Findings from the study suggest that migrant women's experiences of violence and harassment were frequently perpetrated by someone they know, making reporting difficult. This is evidenced in the limited number of women that reported incidents to the police as they feared further violence or retaliation (Fundamental Rights Agency 2016).

These varied forms of GBV also occur in reception facilities. For instance, Oliveira et al. (2018) found that across European asylum reception facilities (EARF) in eight countries (Belgium, Ireland, Malta, Greece, Hungary, Portugal, Netherlands and Spain), female residents (asylum-seekers) are at risk of GBV. Female residents reported cases of physical violence, psychological violence, as well as socio-economic and sexual violence.

As part of the study, respondents were also asked about the assumed causes of the reported violence. For female residents the main causes included:

- Coping (frustration & stress management)
- Different cultural/ethnic backgrounds and practices
- Communication problems
- Bad accommodation
- Asylum procedures

Asked if this violence could have been prevented, around 74% of all respondents (including professionals working the facilities) believed so. Respondents offered suggestions to prevent GBV in the future, including improvements in asylum procedures, amendments to existing GBV intervention measures, increased staff and communication training as well as intercultural awareness.

MIGRATION AND GENDER-BASED VIOLENCE IN EUROPE

CONTEXT



The COVID-19 pandemic has exacerbated risks of GBV in the context of migration. As Phillimore et al. (2021) established, interacting forms of structural violence have been heightened. Survivors of GBV have faced increased precarity due to state abandonment (based on migration status, for example), thereby intensifying survivors' psychological distress alongside increased physical harm. Indeed, emerging research shows that quarantine orders have led to increased GBV, especially domestic violence (UN Women, 2021). Also, the United Nations (UN) has warned of the disproportionate representation of migrant women in essential, though low-paid, precarious labor. Employment in these sectors has placed migrant women at risk of intersecting forms of discrimination as well as violence and harassment (UN Women, 2020).

This pervasiveness of GBV in the context of migration in Europe operates within various regional and international legal-institutional frameworks.

MIGRATION AND GENDER-BASED VIOLENCE IN EUROPE

LEGAL-INSTITUTIONAL FRAMEWORK



Various legal-institutional frameworks have been established over time that address GBV in the context of migration. While this Spotlight Dossier focuses on the Istanbul Convention, several international and regional frameworks on GBV are important to outline, notably the 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

CEDAW is a legally-binding international law that requires State parties (ratification) to guarantee basic human rights and fundamental freedoms for women by declaring intent to enshrine gender equality into their domestic legislation, by repealing all discriminatory provisions in their laws, and by enacting new provisions to address discrimination against women (Articles 2 & 3).

CEDAW defines discrimination against women as

“any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field” (Article 1).

MIGRATION AND GENDER-BASED VIOLENCE IN EUROPE

LEGAL-INSTITUTIONAL FRAMEWORK



In regards to experiences of GBV in the context of migration, CEDAW's Executive Committee issued non-binding guidance in General Recommendation No.32 which clarifies gender-related dimensions of refugee status, asylum, nationality and statelessness of women. It supplements the 1951 Refugee Convention by recommending that:

“States parties apply a gender perspective when interpreting all five grounds [determining the reasons for persecution according to the Refugee Convention], use gender as a factor in recognizing membership of a particular social group for purposes of granting refugee status under the 1951 Convention and further introduce other grounds of persecution, namely sex and/or gender, into national legislation and policies relating to refugees and asylum seekers.”

All European countries have ratified CEDAW.

Additional international frameworks that address GBV in the context of migration, particularly forced migration, include:

- UNHCR “Guidelines on International Protection Concerning Gender-Related Persecution” (2002)
- UNHCR “Handbook for the Protection of Women and Girls” (2008)
- UNHCR Policy “Prevention of Risk, Mitigation, and Response to Gender-Based Violence” (2020)

Similarly, at the regional level, namely in Europe, several legal-institutional frameworks have been established that address GBV in addition to the Istanbul Convention.

MIGRATION AND GENDER-BASED VIOLENCE IN EUROPE

LEGAL-INSTITUTIONAL FRAMEWORK



The Victims' Rights Directive (2012), for instance, establishes obligations for EU Member States to protect survivors' rights. The Directive ensures that victims of crimes "receive appropriate information, support and protection and are able to participate in criminal proceedings" and that they are "recognised and treated in a respectful, sensitive, tailored, professional and non-discriminatory manners." This non-discriminatory provision includes discrimination on the basis of gender, gender expression, gender identity, residence status or sexual orientation (Paragraph 9). The Directive defines victims of crimes as

"a natural person who has suffered harm, including physical, mental or emotional harm or economic loss, which was directly caused by a criminal offence" (Article 2(1) (a) of the Victims' Rights Directive)

and GBV as

"violence that is directed against a person because of their gender, gender identity or gender expression, or that disproportionately affects persons of a particular gender" (Paragraph 18).

GBV and violence in close, family relationships as well as sexual violence, trafficking, slavery and other practices related to gender (genital mutilation, for example) are included in this definition. Important to note in the context of migration is that the Directive requires that Member States guarantee that victims (including of GBV) who cannot understand the criminal proceedings linguistically can receive free interpretation. Furthermore, victims of GBV or violence in close relationships have the right to be questioned by a person of the same sex if the victim so wishes (not including questioning by the prosecutor and judge).

MIGRATION AND GENDER-BASED VIOLENCE IN EUROPE

LEGAL-INSTITUTIONAL FRAMEWORK



The recently established EU Gender Equality Strategy (2020-2025) also addresses various forms of violence against women. The Strategy aims to achieve significant progress towards a gender-equal Europe by addressing six themes: being free from violence and stereotypes; thriving in a gender-equal economy; leading equally throughout society; gender mainstreaming and intersectional perspectives in EU policies; funding actions to make progress in gender equality in the EU; and, gender equality and women's empowerment across the world. More concretely, the Strategy seeks to end GBV, including domestic violence, female genital mutilation, human trafficking, harassment at work, and digital discrimination against women.

In the context of migration, the Strategy stresses the Asylum, Migration, and Integration Fund (AMIF) as a key mechanism in GBV prevention, mitigation, and response by “stepping up protection of vulnerable groups, including women victims of gender-based violence in asylum and migration contexts,” as well as by “encouraging Member States to target actions that support the specific needs of women in the asylum procedure, as well as actions that support the integration of women in the new society” (p. 16).

Additional regional frameworks that address GBV in Europe include:

- Victims' Rights Strategy
- European Parliament Resolution: The EU Strategy for Gender Equality
- European Parliament Resolution: Identifying gender-based violence as a new area of crime listed in Article 83(1) TFEU

ISTANBUL CONVENTION

OVERVIEW



The Council of Europe Convention on Preventing and Combating Violence against Women, or the Istanbul Convention, was signed in 2011. The Convention recognizes violence against women as a violation of human rights and a form of discrimination against women. It covers various forms of GBV across four areas of action, ***the four “Ps”***:

- ***preventing violence against women***
- ***protecting victims***
- ***prosecuting perpetrators***
- ***implementing related comprehensive and coordinated policies***

To date, 34 Member States of the Council of Europe have ratified the Istanbul Convention. In addition, 12 Member States have signed the Convention, along with the EU. Once a government has ratified the Istanbul Convention, it must take measures to prevent and combat GBV. A monitoring mechanism is in place to assess how these measures are put into practice and to provide guidance to national authorities.

An important monitoring body of the Istanbul Convention is the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) which conducts national evaluation procedures that involve on-site visits and publishes reports on legislative and other measures taken to comply with the Convention. Simona Lanzoni, the 1st Vice President of GREVIO, was a speaker at our multi-stakeholder dialogue event.

ISTANBUL CONVENTION

OVERVIEW



In the context of migration, Articles 60 and 61 contain important measures regarding GBV.

According to Article 60, GBV constitutes a legitimate basis for legal protection (seeking asylum). The Convention notes that gender-sensitive reception and asylum application procedures are to be provided.

According to Article 61, the principle of non-refoulement must be upheld by Member States. This principle guarantees that survivors of GBV are not returned back to a country of persecution.

Although Articles 60 and 61 of the Istanbul Convention contain measures that address migration and gender, protection gaps in regards to GBV prevail - not least with regards to research, specific spaces in which GBV is particularly prevalent (i.e. Reception and Identification Centers (RICs), as well as monitoring and reporting along migratory routes.

These protection gaps were identified by youth advocates in the “Gender Justice Beyond Borders” Leadership Program and are featured in the following sections:

FEATURED YOUTH PERSPECTIVES

RESEARCH



Although Articles 60 and 61 of the Istanbul Convention contain measures that address migration and gender, protection gaps in regards to GBV prevail, especially with regards to research. The Convention emphasizes the importance of data collection (Article 11), yet mismatches between lived experiences and policies on GBV prevention, mitigation, and responses remain.

Research is crucial to better understand the causes and consequences of GBV, as well as the experiences of those who have faced it. Such understanding is vital for designing actions and policies to end all forms of GBV in a targeted and sensitive manner. But researching GBV is not without risks.

Recalling experiences of GBV may lead to the re-victimization and re-traumatization of survivors. Furthermore, it can also put survivors at risk, if the perpetrators of violence are still close to them. Participation in research endeavors may also lead to stigmatization and exclusion of survivors within their communities, if their involvement becomes known (University of Birmingham, 2021).

FEATURED YOUTH PERSPECTIVES

KEY FINDINGS:

JERAN BERNABELA AND ANGE-VANESSA NSANZINEZA



Research Methods:

One of the many purposes of research is to explore what goes on in people's everyday lives and what needs to be done in order to improve their circumstances. In the context of migration, the manner in which research methods are used to capture what it means to be a migrant often don't align and respond to the quickly changing frameworks that govern migrants' lives. Additionally, intersectional experiences in this context are often categorized as singular experiences, rather than complexities thereof.

Over the span of the last 17 years, there have been three times more published articles in Migration Studies (Pisarevskaya & Scholten, 2020). Yet one essential question remains as it concerns research on GBV in migration: How many more migrants need to be interviewed, fill out surveys or participate in focus groups, for policy to actually result in tangible changes, considering that talking about one's experiences of GBV can cause great distress and anxiety? More so, experiences of GBV by those who don't ascribe to gender binary conceptions are often overlooked. This is why it is important to deconstruct existing research methods in order to more fully reflect the complexities of migrants' lived experiences. This also means changing the way in which researchers and policy-makers interact with one another in order to ensure that the efforts made on 'both sides' truly represent the lives of all migrants.

FEATURED YOUTH PERSPECTIVES

KEY FINDINGS:

JERAN BERNABELA AND ANGE-VANESSA NSANZINEZA



Implementation of Research Results:

In the Spring of 2020, a group of researchers from across Europe wrote an open letter to the European Commission, stating their concerns about research funding and subsequent policy implications (or the lack thereof) (Horizon 2020, ERC, MSC, etc., 2020). Evidence-based policies can present effective ways to directly speak to established needs and challenges of migrants, especially as it concerns GBV. The ‘evidence to policy’ pipeline, however, also comes with challenges itself, namely that relations between researchers and policy-makers are often strained. The values and beliefs of decision-makers play an important role in the uptake of evidence in policy; same goes for researchers (Strydom et al., 2010).

Research Funding:

At the EU level, nearly 440 million Euros were allotted for the Rights, Equality and Citizenship (REC) Program, which includes actions against discrimination and violence against women for the period of 2014 to 2020 (European Commission). For the Asylum, Migration and Integration Fund (AMIF) more than 3 billion Euros were designated for the past couple of years, which has tripled to 9.9 billions for the period of 2021 to 2027 (Ibid.). Interestingly, in comparison, the REC included significantly more programming concerning GBV within the context of migration, mostly in regards to supporting migrant survivors of GBV, as well as combating discrimination against LGBTQIA+ individuals. However, the REC received less funding than the AMIF in 2014 to 2020 and future funding is still unclear. Looking into which programs are granted funds gives somewhat of an insight into which topics are deemed important, however what the exact funding streams are remains uncertain. Additionally, it often also stays unclear or unknown to the public how and for what funds are being spent (Ibid.).

RECOMMENDATIONS



JERAN BERNABELA AND ANGE-VANESSA NSANZINEZA

Create strong communication channels between researchers and policy-makers

Liaising between policy-makers and researchers in sustainable and equitable ways is a key aspect in ensuring policy is evidenced based and hereby more fully informed by lived experiences.

Ensure safe data collection on GBV

In providing safe data collection mechanisms on GBV, risks of retraumatization and other harmful consequences of revisiting experiences can be mitigated.

Make EU funding streams more transparent

Transparency is imperative in funding streams; not only with regards to research on GBV in migrations, but also with regards to programs on GBV in migration.



UniSAFE - Ending Gender-Based Violence

UniSAFE is a multi-disciplinary consortium of nine European partners (European Science Foundation, Örebro University, GESIS Germany, Yellow Window, Institute of Sociology of the Czech Academy of Sciences, Universidad Complutense de Madrid, Lithuanian Centre for Social Sciences, Jagiellonian University, Oxford Brookes University) that provides data collection guidance in developing policy recommendations for universities and research organizations.

SEREDA - Sexual and gender based violence in the refugee crisis: from displacement to arrival

SEREDA is a research initiative by the University of Birmingham, Melbourne University, Uppsala University, and Bilkent University in the UK, Australia, Sweden and Turkey, as well as international and national NGOs that seeks to better understand experiences of GBV by refugees in order to identify and strengthen countermeasures. Sandra Pertek, a Researcher at the University of Birmingham and the SEREDA project was a speaker at our multi-stakeholder dialogue event.

SARAH - Safe, Aware, Resilient, Able and Heard: protecting and supporting migrant women victims of gender-based violence

SARAH, coordinated by the European Institute for Crime Prevention and Control (HEUNI) and various partners, is a project that aims to raise awareness on GBV and victim's rights in the context of migration, including informing policy-makers in four EU Member States (Germany, Finland, Greece and Italy) about the specific challenges that migrant populations face in accessing victim support services.

FEATURED YOUTH PERSPECTIVES

RECEPTION AND IDENTIFICATION CENTERS (RICS)



Although Articles 60 and 61 of the Istanbul Convention contain measures that address migration and gender, protection gaps in regards to GBV prevail, especially with regards to Reception and Identification Centers (RICS). The Convention emphasizes that gender-sensitive reception and asylum application procedures are to be provided (Article 60).

Asylum-seekers who arrive in Europe via the Greek islands are often placed in Reception and Identification Centers (or RICS) while their asylum applications are reviewed. Detainment on the Aegean Island RICS heightens risks for GBV: common bathroom, food, and sleeping facilities create unsafe conditions and may increase risks for GBV. Limited translators and spaces for confidential reporting further inhibit survivors from accessing available services. Staff and officials are also often inadequately trained in responding to experiences of GBV and identifying GBV risks.

FEATURED YOUTH PERSPECTIVES

KEY FINDINGS: GREAT UDOCHI



Lack of safe spaces:

Research findings from Germany reveal that women, girls, and LGBTQ asylum applicants who live in initial reception facilities with several hundred to more than a thousand people for up to 18 months, are at high risk of experiencing GBV (Elle & Kothen, 2021; GREVIO, 2020). In cases of domestic violence in these centers, measures to address perpetrators are insufficiently defined by law, which often leads to different handling of the situation in practice. Similarly in Italy, research has shown that reception centers are characterized by large collective facilities with no guarantee that women will have safe spaces or separate sanitary facilities (GREVIO, 2020). Also, there have been reports of missing locks to bedroom doors in some centers and insufficient reporting mechanisms for survivors of GBV. Similarly, research findings from Sweden, Spain, France, and Greece, have exposed inadequacies in accommodation and living conditions of asylum seekers, particularly survivors of GBV (GREVIO, 2019 & 2020).

FEATURED YOUTH PERSPECTIVES

KEY FINDINGS: GREAT UDOCHI



Lack of sufficient knowledge on GBV:

The earlier mentioned study by Oliveira et. al. (2018), which examined reception centers in eight EU countries (Belgium, Greece, Hungary, Ireland, Malta, Netherlands, Portugal and Spain), revealed variations in conceptualizations around GBV among residents (asylum-seekers) and professionals working in the centers. For instance, male residents disagreed that honor killings and maiming are forms of GBV while male professionals disagreed that female genital mutilation constitutes GBV (Ibid.). Professionals, on average, also disagreed that marital rape, denial of education of girls and women, discrimination, and denial of access to exercise civil, social, economic rights constitute forms of GBV. On the other hand, residents did not conceive of denudement, physical assault, confinement, and relational violence as forms of GBV (Ibid.). This lack of sufficient knowledge on GBV across reception centers not only heightens the risk of violence for women, girls, and LGBTQIA+ persons, but also exposes the lack of adequate screening and training on GBV by professionals in reception centers.

FEATURED YOUTH PERSPECTIVES

KEY FINDINGS: GREAT UDOCHI



Lack of identification mechanisms and limited access to support systems:

As stipulated in Article 22 of the EU Reception Conditions Directive, facilities of reception centers are supposed to identify and support ‘vulnerable persons’ (EU, 2013); however, this has not been the case. In Germany, identification of survivors of GBV usually depends, among other things, on responses by officials, which means there are incidents of GBV that remain unreported (Elle & Kothen, 2021). And even in cases that are reported, adequate psychological and standard care is often missing. The situation across Italy, Spain, France, and Sweden, also shows patterns of inconsistently applying vulnerability screening mechanisms (GREVIO, 2019 & 2020). This lack of systematic identification means that survivors of GBV who do not report also do not get appropriate psychosocial support and medical care. It also means that they are not protected under asylum law which may result in a risk of refoulement.

RECOMMENDATIONS

GREAT UDOCHI



Identify alternative housing options:

By limiting residence in initial reception centers, where risks of GBV are high, and by identifying alternative housing options, experiences of GBV can potentially be prevented and mitigated.

Protection policies in Reception Centers:

Implementing binding-policies on GBV prevention, mitigation, and response, such as the 2020 United Nations High Commissioner on Refugees (UNHCR) “Policy on the Prevention of, Risk Mitigation, and Response to Gender-Based Violence,” provides an important framework in addressing remaining protection gaps in reception centers when staffed by UNHCR personnel.

Provide adequate care for survivors:

Training personnel for gender-sensitive approaches in GBV prevention, mitigation, and response in reception centers is a key step in providing adequate care for survivors.

FEATURED YOUTH PERSPECTIVES

KEY FINDINGS: SITARA NATH



Lack of Identification Mechanisms for Heightened Risk:

Greek law mandates that asylum seekers who legally qualify as ‘vulnerable persons’ and whose first point of arrival in the EU is via the Aegean Islands must be transferred to the mainland (Mijatović, 2020). Vulnerable persons include, among others, “victims of torture, rape, or other serious forms of psychological, physical or sexual violence or exploitation... and victims of human trafficking” (Pottakis et al., 2017). However, asylum seekers requiring specific protection often remain unidentified due to a lack of assessment resources and trained, specialized staff (UNHCR, 2015).

For instance, a 2018 Council of Europe report found that there are extremely long delays in vulnerability assessment processes, with some asylum seekers having to wait eight months for an interview. An independent report by the Greek Ombudsman also noted that the initial screening process at RICs is significantly flawed. It typically begins with interviews, followed by medical follow-ups to ensure that all at-risk cases are accounted for. However, the medical and psychological required procedures are not followed in practice for all new arrivals (Ibid.). This indicates that at-risk asylum seekers who are not identified during the initial assessment remain unaccounted for. A further challenge lies in the fact that there is a lack of uniformly applicable vulnerability criteria. Likewise, there are no standard operating procedures or referral mechanisms across borders (Ibid.). This lack of coordinated processes and knowledge poses risks of retraumatization for survivors being forced to recount their experiences with GBV multiple times.

FEATURED YOUTH PERSPECTIVES

KEY FINDINGS: SITARA NATH



Lacking Safe Spaces and Inaccessible Social Services:

Significant overcrowding on RICs typically leads to all living and bathroom facilities to be shared between men and women (including single women, unaccompanied girls, and female-headed households), which in turn heightens risks for GBV (Asylum Information Database, 2021). Similarly, RICs often lack (sufficient) confidential spaces for interviews with service providers, thereby hindering the reporting process. Available confidential spaces are also often inaccessible due to a lack of female personnel and translators in Farsi and Arabic, among other languages (UNHCR, 2015). In fact, GBV survivors often do not access medical services because they are unable to communicate with or identify personnel who can connect them to these services.

FEATURED YOUTH PERSPECTIVES

KEY FINDINGS: SITARA NATH



Negligence by and Lack of Training for Relevant Authorities:

Negligence by law enforcement and other relevant authorities in regards to GBV is pervasive on Aegean Island RICs. Women frequently do not report GBV because police staff are unwilling to examine their cases, considering it a ‘family matter’ (Human Rights Council, 2020). Law enforcement officers in Greece also tend to suggest mediation for survivors, despite the fact that the Istanbul Convention prohibits mandatory mediation. Distrust towards authorities is worsened by the fact that the requirement of confidentiality, designed to protect survivors, is often breached, making the survivor an easily identifiable target (Ibid.). Together, these negligent practices create a major barrier for migrants reporting GBV.

On the training front, interviews conducted in RICs between 2017 to 2018 indicate that officers and medical staff in the camps do not always have the skills or time needed to identify those who should be sent to mainland Greece (UNHCR, 2015). Similarly, following a 2019 visit to Greece, the Working Group on discrimination against women and girls reported that there is “a lack of awareness by police officers of the need for a gender-sensitive response.” For example, during a visit to a Greek island RIC, it was found that the police did not record the specific tent to which each person had been allocated (Human Rights Council, 2020). In one particular case, this resulted in a husband, wife, and their three children sharing the same tent with multiple adult men, exemplifying the high risk conditions for GBV and demonstrating that inadequate training significantly weakens GBV protection frameworks.

RECOMMENDATIONS

SITARA NATH



Amend risk assessment procedures: Drawing on the 2020 UNHCR “Policy on the Prevention of, Risk Mitigation, and Response to Gender-Based Violence” and its emphasis on survivors having “safe and meaningful access to adequate [and] timely GBV services,” risk assessment procedures in RICs can be amended such that ‘vulnerability’ assessments are conducted in a timely and consistent manner.

Improve access to social services and gender-sensitive safe spaces:

In aligning access to social services and gender-safe spaces in accordance with the 1991 UNHCR Guidelines on the Protection of Refugee Women, all living accommodations and distribution lines in RICs should take GBV risk factors into account through gender-sensitive organization and physical design.

Establish GBV prevention, mitigation, and response frameworks for RICs:

Training all relevant authorities in RICs on GBV response and risk identification is imperative in preventing GBV in these high risk spaces.



PROTECT - Preventing sexual and gender-based violence against migrants and strengthening support to victims

PROTECT is a project funded by the EU and carried out in twelve European countries in partnership with eight local NGOs that aims to strengthen national support services for survivors of GBV, including awareness-raising activities on GBV prevention in the context of migration.

SURVIVOR - Enhancing services for migrants and survivors of gender-based violence

SURVIVOR is a Greece-based project, organized and developed by European NGOs and partners, that seeks to enhance the quality and access of services for refugee and migrant GBV survivors such as by sharing resources and tools in GBV prevention, mitigation, and response.

Empowerment through Self-Defense (ESD.Global) - People on the Move Program

The People on the Move Program is a project by ESD Global that provides training for employees of humanitarian organizations in Greece, France, and Bosnia and Herzegovina to facilitate self-defense classes for refugees and asylum-seekers. Aude Mulliez, the Program Manager for the People on the Move Program, was a speaker at our multi-stakeholder dialogue event.

FEATURED YOUTH PERSPECTIVES

MIGRATORY ROUTES



Although Articles 60 and 61 of the Istanbul Convention contain measures that address migration and gender, protection gaps in regards to GBV prevail, especially with regards to migratory routes. The Convention establishes jurisdiction over criminal offences, however certain spaces along migratory routes are not included and are also often not monitored (Article 44).

According to Article 44 of the Convention, jurisdiction over criminal offences are limited to a State's territory, on board of a ship flying a national flag, on board an aircraft registered under national laws, by a nationals, or by a person who has their habitual residence in the territory. This strong emphasis on nationality and legal residence excludes those falling outside of these categories. Also, the focus on State territories leaves borderlands and other informal/outer territorial spaces along migratory routes beyond jurisdiction.

Restricted jurisdiction as per the Istanbul Convention fails to adequately address GBV experienced by those on the move. Additionally, lack of monitoring on GBV in these spaces have hindered targeted approaches in ensuring justice for survivors of GBV.

FEATURED YOUTH PERSPECTIVES

KEY FINDINGS: ISHA MANDAL



Nationality and Legal Residency:

Article 44 of the Istanbul Convention places strong emphasis on ‘nationality’ and ‘legal residence’ as it pertains to jurisdiction. This emphasis thus may exclude those falling outside of these categories. In legal terms this raises questions about access to justice for survivors of GBV in that perpetrators may not be identified.

Jurisdiction on International Waters:

While Article 44 of the Istanbul Convention outlines provisions on jurisdiction in international waters by mentioning ‘on board a ship flying a national flag,’ this excludes ships without flags in addition to other forms of water transportation such as rafts, ferries, and tugboats, modes of transportation often used in the context of irregular and forced migration. In excluding these modes of transportation, the jurisdiction oversees Article 98 of the United Nations Convention on the Law of the Sea (UNCLOS) that

“imposes an obligation to render assistance to persons and ships in distress at sea, which must be provided regardless of the persons’ nationality or status or the circumstances in which they are found. Rules that have to be applied without prejudice to the obligations deriving from international humanitarian law and international human rights law, including in particular the prohibition of refoulement.”

FEATURED YOUTH PERSPECTIVES

KEY FINDINGS: ISHA MANDAL



Monitoring of GBV Incidents:

Monitoring of GBV incidents along migratory routes comes with challenges. Data collection on GBV in the context of migration often takes place in the country of origin (reasons for migration) or the country of destination. Along migratory routes, data collection, and with it monitoring of GBV incidents, reflects gaps in research methods more broadly. Women migrating alone or with children often experience violence along migratory routes. For instance, data from UNHCR and health organizations have shown that refugee women and asylum seekers have experienced GBV while in transit (UNHCR, 2016).

RECOMMENDATIONS

ISHA MANDAL



Conduct gender-sensitive approaches in monitoring:

By implementing gender-sensitive approaches in monitoring of GBV incidents along migratory routes, knowledge gaps in this particular context can be closed.

Establish regular monitoring mechanisms:

Not only must there be gender-sensitive approaches in monitoring, but there also must be regular monitoring mechanisms put in place as with institutions like GREVIO and civil society organizations working along migratory routes.

Provide mobile data collection:

In line with the Women's Refugee Commission's toolkit for "Monitoring and Evaluation of Gender-Based Violence Programming in Restricted Environments," providing mobile data collection and methods for remote monitoring management present key aspects to address experiences of GBV along migratory routes.



BRIDGE: Building Relationships through Innovative Development of Gender-Based Violence Awareness in Europe

Through the BRIDGE project, Terre de Hommes and its partners aim to strengthen capacities in EU countries (Belgium, Greece, Hungary, Malta, Romania) in regards to GBV prevention, mitigation, and response as it pertains to child and adolescent migrants by addressing data collection and monitoring of GBV along migratory routes.

Women's Refugee Commission "A toolkit for Monitoring and Evaluation of Gender-Based Violence Programming in Restricted Environments"

The Women's Refugee Commission, together with WAR-Child-Canada, has developed a Toolkit for Monitoring and Evaluation of GBV to provide practical steps and guidance as well as guidelines for planning and implementing monitoring and evaluation in the context of restricted environments, including mobile data collection and methods for remote monitoring management.

Global Women's Institute "Gender-Based Violence Research, Monitoring, and Evaluation with Refugee and Conflict-Affected Populations"

This manual provides a toolkit for both, researchers and practitioners, in regards to technical and methodological support for data collection as well as monitoring and evaluation of GBV experienced by refugee or conflict-affected groups, including a template feedback questionnaire with pre-developed questions.

OUTLOOKS



European Commission:

In September 2021, the European Parliament adopted a Resolution calling for GBV to be added to the list of serious crimes under Article 83(1) of the Treaty on the Functioning of the European Union (TFEU) as a legal basis for a comprehensive EU Directive. The Resolution identifies elements that the Parliament would like to see included in a Directive to meet the standards set out in the Istanbul Convention. The Resolution is based on an own-initiative legislative report from Parliament's Women's Rights and Gender Equality Committee (FEMM) and the Civil Liberties, Justice and Home Affairs Committee (LIBE) to which Diana Riba I Giner (Spain, Greens/EFA), who delivered the opening remarks at our event, is a Rapporteur.

The Resolution explicitly notes that

“the Commission must address the particular situation of migrant women's protection against gender-based violence, in particular cases of intimate-partner violence where the victim's residence status depends on co-habitation or marital status, and recalls that under Directive 2012/29/EU (Victim's Rights Directive) access to appropriate protection, support services and effective remedies must be available to all victims of gender-based violence, including the right to receive information and to be able to participate in criminal proceedings, and that all rights must apply in a non-discriminatory manner, including with respect to their residence status.”

At the time of writing, the proposed Directive has not been established. **We call on the European Commission to consider this Directive as a means of ensuring that GBV is addressed as the serious crime that it is!**

OUTLOOKS



Based on our analysis on GBV and migration in Europe, including the featured research by youth advocates in the “Gender Justice Beyond Borders” Leadership Program, we provide the following outlooks as a Calls for Action that align with the multi-stakeholder approach emphasized at our event.

European Parliament:

The Committee on Women’s Rights and Gender Equality (FEMM) and the Committee on Civil Liberties, Justice, and Home Affairs (LIBE) at the European Parliament have put forward a legislative initiative on combating GBV as it pertains to cyberviolence. This initiative seeks to establish minimum rules concerning the definition of the crime of GBV cyberviolence and related sanctions as well as measures to protect, support and ensure reparations for victims.

The corresponding report to this legislative initiative issued by the two committees explicitly recognizes “intersectional forms of discrimination and victims participating in public life, which include women and girls in all their diversity; and LGBTIQ people on the grounds of gender identity, gender expression or sex characteristics.” Furthermore, the report frequently stresses the heightened risks of migrant women of varied statuses.

At the time of writing, the initiative is awaiting a vote by the European Parliament. **We call on Members of the European Parliament to consider this initiative as a means of expanding the scope of GBV prevention, mitigation, and response.**

OUTLOOKS



Member States:

In 2020, the United Nations High Commissioner on Refugees (UNHCR) issued a “Policy on the Prevention of, Risk Mitigation, and Response to Gender-Based Violence.” The Policy consolidates efforts made in GBV prevention, mitigation, and response, and institutionalizes UNHCR’s measures on GBV. The Policy applies to the work of all members of UNHCR’s workforce at country, regional, and headquarters levels, across the full range of operational and advocacy presence.

As part of this cross-institutional approach, the Policy notes that:

“UNHCR advocates for States to assume their responsibility to prevent violence, mitigate risks, and respond to survivors’ rights and needs in accordance with international standards.”

As a more robust legal-institutional framework on GBV prevention, mitigation, and response is emerging at the EU level, **we call on Member States to consider the newly established UNHCR Policy as a means of ensuring that asylum-seekers, refugees, stateless persons, internally displaced persons, and returnees are protected from GBV.**

OUTLOOKS



Civil Society:

The European Commission regularly encourages civil society engagement through the “Have your Say” portal. The portal provides a platform for civil society members to share their views on new EU policies and existing laws, and to contribute to the EU’s consultations on planned initiatives. One currently “open” initiative and one “upcoming” initiative for feedback directly address GBV prevention, mitigation, and response:

1. EU rules on Victims’ Rights:

“Many victims of crime in the EU still have problems accessing justice. They are not always aware of their rights nor sufficiently supported or protected, especially in cases involving another EU country.

In line with the EU strategy on Victims’ Rights, the Commission will look for the best ways to improve the situation of crime victims. If necessary, the Commission may propose to update the EU rules.”

Type of act: Proposal for a directive

Engagement Period: 13 December 2021 - 10 January 2022

OUTLOOKS



Civil Society (cont.):

2. Prevention of harmful practices against women and girls:

“Harmful practices are forms of violence committed primarily against women and girls. They are forms of gender-based violence and serious violations of women and children’s rights. The most common forms of harmful practices include female genital mutilation or cutting, forced or early marriage and 'honour' based violence.

This initiative aims to tackle harmful practices by addressing prevention, support, training of professionals and victim-centred access to justice.”

Type of act: Recommendation

Engagement Period: Fourth quarter 2022

We invite civil society members to consider engaging with these two initiatives and corresponding consultations - independently or in collaboration with us.

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