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MASTER THESIS in:

VIOLENCE, DISCRIMINATION AND INTERSECTIONALITY:
A CASE-STUDY ON MIGRANT WOMEN
IN POLAND AND ITALY

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VIOLENCE, DISCRIMINATION AND INTERSECTIONALITY:

A CASE-STUDY ON MIGRANT WOMEN IN POLAND AND ITALY

Abstract (English)

This master thesis, as part of the research on women's human rights, examines the widespread issue of violence against women, discrimination and intersectionality, strongly interconnected elements. The written focuses on a particular category of women, migrant women, who everyday experience such problems, and in particular way are exposed to trafficking in human beings and exploitation in the workplace due to their vulnerability. Thanks to the seminar on Migrant Women at the Margin and the conferences on the situation of these women, as well as a result of the interaction with local NGOs and experts in this field, the paper comprehends further study of, and research into, this subject. Moreover, it focuses on a case study covering two European countries, namely Poland and Italy, in an effort to find similarities and divergences surrounding the political, economic and social sphere. These two country have similar scenarios with respect to the role of the government and the media respectively in the take charge and representation of these women in the public arena, however, they are mainly characterised by different types of immigration; indeed, Poland has to deal with migrants coming from the East, while Italy mainly from the South.

In conclusion, some good examples of practices for the inclusion, protection of migrant women and prevention of violence are discussed, shedding light on projects and initiatives implemented by the two States.

Key words

Intersectionality, violence against women, discrimination, migrant women, trafficking, prevention, protection, feminism, women's human rights.

Abstract (Polish)

Niniejsza praca dyplomowa, zawierająca badania dotyczące praw kobiet w kontekście praw człowieka, ma na celu zbadanie powszechnego problemu przemocy wobec kobiet, dyskryminacji i intersekcjonalności silnie ze sobą powiązanych elementów. Skupia się na szczególnej kategorii kobiet, imigrantek, które codziennie borykają się z tymi problemami, a w szczególności są narażone na handel ludźmi i wykorzystywanie w miejscu pracy z powodu swojej wrażliwości. Dzięki seminarium na temat "Migrant Women at the Margin" ("Migracja kobiet na marginesie") oraz konferencjom na temat sytuacji tych kobiet, a także po interakcji z niektórymi lokalnymi organizacjami pozarządowymi i ekspertami w tej dziedzinie, praca zawiera dalsze studia i badania na ten temat. Ponadto skupia się na przypadkach obejmujących dwa kraje europejskie, Polskę i Włochy, w celu zindywidualizowania podobieństw oraz rozbieżności dotyczących sfery politycznej, gospodarczej i społecznej. Te dwa kraje prezentują

podobne scenariusze dotyczące roli rządu i mediów odpowiednio w przyjmowaniu i reprezentowaniu tych kobiet na arenie publicznej, ale charakteryzują się różnymi rodzajami imigracji - w rzeczywistości Polska ma do czynienia z migrantami ze wschodu, podczas gdy imigranci we Włoszech pochodzą głównie z południa.

Podsumowując, uwzględniono kilka przykładów dobrych praktyk w zakresie integracji, ochrony migrujących kobiet i zapobiegania przemocy, aby podkreślić niektóre projekty i inicjatywy realizowane przez oba państwa.

Abstract (Italian)

Questa tesi di laurea, inserita nell'ambito della ricerca sui diritti umani delle donne, si propone di esaminare il problema diffuso della violenza contro le donne, la discriminazione e l'intersezionalità, elementi fortemente interconnessi. Questo saggio si concentra su una particolare categoria di donne, le donne migranti, che ogni giorno affrontano tali problemi, e in particolar modo sono esposte al traffico di esseri umani e allo sfruttamento sul posto di lavoro a causa della loro vulnerabilità. Grazie al seminario su Migrant Women at the Margin e alle conferenze sulla situazione di queste donne, nonché a seguito dell'interazione con alcune ONG locali e di esperti in questo campo, il saggio comprende ulteriori studi e ricerche su questo argomento. Inoltre, si concentra su un caso di studio che copre due paesi europei, la Polonia e l'Italia, nel tentativo di individualizzare somiglianze e divergenze riguardanti la sfera politica, economica e sociale. Questi due paesi si presentano con scenari simili per quanto riguarda il ruolo del governo e dei media rispettivamente nella presa in carico e nella rappresentazione di queste donne nella pubblica arena, ma sono principalmente caratterizzati da diversi tipi di immigrazione; infatti, la Polonia deve fare i conti con migranti provenienti dall'est, mentre l'Italia principalmente dal sud.

In conclusione, alcuni buoni esempi di pratiche per l'inclusione, la protezione delle donne migranti e la prevenzione della violenza sono presi in considerazione, con l'obiettivo di far luce su alcuni progetti ed iniziative messe in atto dai due Stati.

Table of contents

Table of acronyms

CEDAW → Convention on the Elimination of all Forms of Discrimination Against Women

CERD → International Convention on the Elimination of All Forms of Racial Discrimination

CRC → Convention on the Rights of the Children

CRPD → Convention on the Rights of Persons with Disabilities

CSW → Commission on the Status of Women

DEDAW → Declaration on the Elimination of Discrimination Against Women

DEVAW → Declaration on the Elimination of Violence Against Women

EIGE → European Institute for Gender Equality

EU → European Union

FGM → Female Genital Mutilation

GBV → Gender-Based Violence

GR → General Recommendation

ICCPR → International Covenant on Civil and Political Rights

ICESCR → International Covenant on Economic, Social and Cultural Rights

ICPMW → International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

ILO → International Labour Organisation

IOM → International Organisation for Migration

MWM → Migrant Women at the Margin

NAP → National Action Plan

OHCHR → Office of the United Nations High Commissioner for Human Rights

SDG → Sustainable Development Goals

TUI → Testo Unico sull'Immigrazione

VAW → Violence against Women

UDHR → Universal Declaration of Human Rights

UN → United Nations

UNGA → United Nations General Assembly

WHO → World Health Organisation

WHR → Women's Human Rights

WPS → Women, Peace and Security

WRVH → World Report on Violence and Health

1. Introduction

We are living in an era in which human rights are increasingly interdependent and interrelated, in which the intensification of migration flows, the globalization and the mobility are raising new challenges. In this era, women have finally achieved their human rights, however, they are still discriminated and undervalued, and violence against them has been increasing.

This master thesis would analyse more in-depth the data of two European countries, Italy and Poland, with particular regard to migrant women. In particular, part of the fourth chapter is based on the project that the University of Padua in collaboration with the Uniwersytet Wrocławski held on April 2019 under the title: MIGRANT WOMEN AT THE MARGIN. ADDRESSING VULNERABILITIES IN INTERSECTIONALITY: BETWEEN VIOLENCE AND EXPLOITATION – MWM.

1.1 Structure, methodology and goals

The written is divided into six chapters and it is part of the broader field of studies on women's human rights (WHR). The second part of this general introduction will deal with the history of women's human rights and will take into account the major international instruments in action.

In the second chapter, an analysis of the nature of violence has been done in order to give a general overview of this field. Different types of violence are taken into consideration, with a deepening on exploitation and trafficking. Some reports and conventions have been taken into exam and have been analysed in order to provide a clear framework on this dramatic and widespread phenomenon, still largely overwhelmed.

The third chapter, in the continuity with the first one, addresses multiple forms of discrimination against women, especially against migrant women. Then, it would introduce one of the key themes of the seminar on MWM: intersectionality.

The fourth chapter aims to report a practical case-study: Italy and Poland are taken as models for comparing different protection measures and types of discrimination on the category of migrants and women. This part examines the project mentioned above that has been achieved by the two universities: the blueprint is particularly dedicated at the phenomenon of intersectionality, and it focuses on the situation of migrant women and the violence they face in Poland and in Italy.

In the fifth chapter, some initiatives and remarkable projects of the two countries have been analysed, focusing on the inclusion and reception of migrant women in order to promote the growth of human rights, especially women's human rights.

At the end of the thesis, conclusions will sum up the core of the dissertation, reviewing the major risks migrant women face every day, concentrating on the intersectionality of borders and proposing some solutions to these threats.

This master thesis will be particularly focused on one category of women: migrant women. Migration is a global issue: migrants who arrive irregularly in a host country may become victims of trafficking or may be stopped by the police, detained in centres or prisons. Tolerance and acceptance are difficult words in nowadays climate of fear and terror. The raising of populistic and right-wing or extreme right-wing governments does not help to look properly at the increasing phenomenon of immigration, nay, they fuel anti-migrant sentiments and discriminatory practices with their slogan and policies. Xenophobia against non-national, in particular migrants, and especially migrant women, is one of the main sources of contemporary racism, as the Durban Declaration (2001) points out[1]. Forms of discrimination include limited or denied access to housing, education, health, work or social security. Migrant women face these and other forms of discrimination; they flee from situations of persecution, war, and conflict in order to seek better lives and opportunities, but they can become victims of trafficking during their travel as well. Indeed, due to their vulnerability, they are exposed to multiple rights violations[2].

This written would try to take stock of the situation of migrant women in two European countries, Italy and Poland, which are increasingly becoming intransigent and drifting to right movements, and it would address the negative perceptions of migrants, trying to propose positive elements for their integration and development in the host countries.

1.2 The theory: feminism

The aim of this thesis is to take into account different types of violence for making comparisons in different fields, applying the feminist theory of international relations. Feminist theories of international relations differ from other theories for their ethical commitments to inclusivity, self-reflexivity, and attention to power relations; they share a normative commitment to global social change and celebrate internal diversities and multidimensional identities. Feminist perspectives on international relations try to understand existing gender relations which are concentrated on the masculine dominance over femininities and aim to transform how they

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[1] Cfr. OHCHR (n.d), *Combating Discrimination against Migrants.* [Online] Available from: https://www.ohchr.org/EN/Issues/Discrimination/Pages/discrimination _migrants.aspx [Accessed 22nd February 2019]

[2] Cfr. Mixed Migration Centre (n.d), *What is mixed migration?* [Online] Available from: http://www.mixedmigration.org/about/ [Accessed 2nd December 2018]

work at all level of global social, political and economic life. Feminist theories take into consideration the experiences of marginalized and oppressed people, seeking to break gender bias in international relations[3]. We are living in a constructed world, in which women in a position of power are very few; for this reason, the purpose of the feminist school is to make their voice heard and enable them to give their contribution to the society.

Historically, there have been four waves of feminism: the first one, also known as proto-feminism, and dating from the 1830s to the early 1900s, is mostly associated with the Western world and the US. It was devoted to the reaching of women's political rights. Women fought for equal contracts, property rights, equal access to education and the right to vote. Their political agenda expanded also to other issues, such as sexual, reproductive and economic matters. Similarly, the second wave from the 60s to the 80s of the 20th century is conceived as a Western movement, especially coming from the US. Feminists focused on the workplace, family, sexuality and reproductive rights. There were the first protests for gender equality, with a specific focus on the payment gap, sexual rights and domestic violence. The third wave from the 90s to the 2000s continued the fight against disparities in male and female pay and the conquest for reproductive rights. During this decade, the focus was put on the individual instead of mass protests[4]. The fourth wave started in 2012 and it is that one we are living now.

We owe to make the point about some key issues which will be relevant during the dissertation. The first aspect to clarify is the distinction between *sex* and *gender*. Even if these two terms have been used interchangeably, they have distinct meanings. On the one hand, sex is something biological; indeed, women and men have biological differences, such as genitalia. On the other hand, gender refers to the roles that femininities and masculinities are supposed to have in the society (gender role). Thus, gender denotes the social and cultural role of each sex in a given society, a specific environment, in family interactions, in the media and education. Nonetheless, gender identity is the individual's concept of her/himself; indeed, a person who is genetically assigned to a certain sex may be not line up with her/his gender identity, such as a transgender person. The World Health Organisation (WHO) defines gender as «the socially constructed characteristics of women and men, such as norms, roles,

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[3] Cfr. True J. (2017), *Feminism and Gender Studies in International Relations Theory*, Oxford Research Encyclopedias, International Studies. [Online] Available from: http://oxfordre.com/internationalstudies/view/10.1093/acrefore/9780190846626.001.0001/acrefore-9780190846626-e-46?print=pdf [Accessed 1st December 2018]

[4] Cfr. Dorey-Stein C. (2018), *A Brief History: the Four Waves of Feminism*, Progressive Women's Leadership. [Online] Available from: https://www.progressivewomensleadership.com/a-brief-history-the-four-waves-of-feminism/ [Accessed 13th March 2019]

and relationships of and between groups of women and men. It varies from society to society and can be changed»[5].

Another key issue is the difference between *protection* and *exploitation*. They are two sides of the same coin, a manifestation of male dominance. This type of subordination and domination of women by men is the most basic form of oppression, and much of the society is structured to reinforce this condition. Even if not physically, we are all equal in our status, but institutions are deeply influenced by patriarchal views. Patriarchy is a social organisation or a society «marked by the supremacy of the father in the clan or family, the legal dependence of wives and children, and the reckoning of descent and inheritance in the male line»: it is about the control by men of a disproportionately large share of power[6]. *Power* is another controversial point: even if it is a simple world, it is very difficult to find it in the international conventions. An exception is the preamble of the UN Declaration on Violence against Women (DEVAW) of 1993: in this Declaration, there is an explicit reference of the term power between men and women which aims to frame violence in the widespread abusive relationships within the society. Power relations are racialized, classed and sexualised; they reproduce gender norms and biases against women. The political discourse of human rights in the international law system is characterised by the fact that today many instruments directly involve rules and public policies that touch private issues, like family, reproductive rights or violence. This point has a huge meaning because family matters have been starting to be a political issue represented in the political agenda as a problem that has the capacity to interrupt the division between the public and the private dimension. At the same time, it represents a challenge for the development of human rights. Thus, the public sphere is just as important as the private sphere, it is not possible to divide them when we analyse women's issues. One of the first scholars to assume that was John Stuart Mill in his book *The Subjection of Women* (1869). Mill intended to argue for the justice and utility of the emancipation of women. He analysed the relations between men and women in the private dimension as well as in the political/public sphere, using the word *despotism*, associating it both to the absolute subjection of one person to the arbitrary will of someone else, the despot, and for condemning the abusive natural-conceived power relations. Mill anticipated the second wave and radical feminist motto "the personal is political" or "the private is political", pressing politicians to create laws forbidding the subjection of

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[5] Cfr., cit. Newman T. (2018), *Sex and Gender: What is the Difference?*, MedicalNewsToday. [Online] Available from: https://www.medicalnewstoday.com/articles/232363.php [Accessed 13th March 2019]

[6] Cfr., cit. Merriam-Webster (n.d.), *Patriarchy.* [Online] Available from: https://www.merriam-webster.com/dictionary/patriarchy [Accessed 13th March 2019]

women in the household, stressing the connection between personal experience and social-political dimension[7].

By denying women the same opportunities as men, society will impede the development of half of the population and will be unaware of the possible benefits this population could ensure. This subordination is possible because it is established by the law of the strongest: men. Indeed, the masculine physical strength leads to the presumption that men are superior to women in all areas[8].

1.3 Women's Human Rights (WHR)

Who are *women*? The connotative meaning is the result of cultural thinking, while the denotative meaning is the dictionary-neutral meaning. According to the Cambridge dictionary, a woman is as an adult female human being[9]. A woman is a member of the female sex or gender but, depending on the culture, the word *woman* can be associated with a variety of other meaning and stereotypes. Some cultures in the world still prefer boys rather than girls, insofar they consider women inferior to men[10]. Women are defined weak, too emotional, they should do easier jobs, take care of their children and husbands, earn less, cook and do housework. Indeed, it is the culture that decides if women are a good or a bad "thing".

These stereotypes are part of our world, they damage the figure of women and yield negative impacts on the enjoyment of their human rights. Gender stereotypes are a «generalised view or preconception about attributes, or characteristics that are or ought to be possessed by women and men or the roles that are or should be performed by men and women». They refer to the practice of ascribing to an individual specific attributes, characteristics, or roles only for her/his membership in the social group of women or men[11].

Before starting our dissertation, it is fundamental to quickly review the path of human rights with regard to women, and especially women's human rights in the contemporary history,

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[7] Cfr. Hessmann Dalaqua G. (2018), *John Stuart Mill's Republican Feminism*, Kalagatos Philosophical Journal, vol. 15, n. 2, pp. 2-3. [Online] Available from: https://www.academia.edu/37211484/John_Stuart_Mills_Republican_Feminism [Accessed 21st February 2019]
[8] Cfr. Shipka T. (2009), *John Stuart Mill on Women's Rights.* [Online] Available from: https://wysu.org/content/commentary/john-stuart-mill-womens-rights [Accessed 21st February 2019]
[9] Cfr. Cambridge English Dictionary (n.d.), *Woman.* [Online] Available from: https://dictionary.cambridge.org/dictionary/english/woman [Accessed 21st October 2018]
[10] Cfr. Answers (n.d), *What is the connotative and the denotative meaning of woman?* [Online] Available from: http://www.answers.com/Q/What_is_the_connotative_and_denotative_meaning_of_woman [Accessed 21st October 2018]
[11] Cit. OHCHR (2014), *Gender Stereotypes and Stereotyping on Women's Rights.* [Online] Available from: https://www.ohchr.org/Documents/Issues/Women/WRGS/OnePagers/Gender_stereotyping.pdf [Accessed 21st October 2018]

considering the major steps within the international framework. When we talk about human rights, we refer to the basic rights and freedom belonging to every person, on the base of shared values like dignity, equality, respect. They are interrelated, interdependent and universal. They cannot be taken away, except for a few cases.

Equality between men and women has been one of the most important guarantees of human rights, enough to be included in the Preamble of the Charter of the United Nations (1945), which states that one of the purposes of the United Nations (UN) is «to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small»[12]. Moreover, article 1 aims to promote and encourage the «respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion»[13]. The prohibition of discrimination based on sex is repeated in articles 13 and 55, which respectively state the role of the United Nations' General Assembly (UNGA) in «Promoting international co-operation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion», and the international economic and social co-operation with «universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion»[14].

Three years later, with the adoption of the Universal Declaration of Human Rights (UDHR) in 1948, there was another occasion for reiterating this concept. Article 2 explains that «everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status»[15]. In addition, the two binding treaties of 1966, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) use the same words to prohibit discrimination based on sex (article 2), as well as to ensure the equal right of men and women to the enjoyment of all rights contained in them (article 3)[16].

In 1967, it was adopted a specific document regarding discrimination against women: the Declaration on the Elimination of Discrimination against Women (DEDAW). Even if not

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[12] Cit. UN (1945), *Charter of the United Nations*, Preamble. [Online] Available from: http://www.un.org/en/sections/un-charter/preamble/index.html [Accessed 8th November 2018]
[13] Cit. art. 1.3, *idem*.
[14] Cit. art. 13. 1b, 55.3, *idem*.
[15] Cit. UN (1948), *Universal Declaration of Human Rights*, Article 2. [Online] Available from: http://www.un.org/en/universal-declaration-human-rights/ [Accessed 8th November 2018]
[16] Cfr. OHCHR (2014), *Women's Rights are Human Rights*, HR/PUB/14/2 UNITED NATIONS PUBLICATION, p. 4. [Online] Available from: https://www.ohchr.org/Documents/Events/WHRD/WomenRightsAreHR.pdf [Accessed 9th November 2018]

binding, it asserts that «discrimination against women […] is fundamentally unjust and constitutes an offence against human dignity» and that «all appropriate measures shall be taken to abolish existing laws, customs, regulations and practices which are discriminatory against women, and to establish adequate legal protection for equal rights of men and women», and again «all appropriate measures shall be taken to educate public opinion and to direct national aspirations towards the eradication of prejudice and the abolition of customary and all other practices which are based on the idea of the inferiority of women»[17]. But a shift was made in 1979, with the adoption of the most famous UN human rights instrument on women: the Convention of the Elimination of All Forms of Discrimination against Women (CEDAW).

But, why did the international community need that specific treaty on women's rights?

All the conventions and declarations adopted before 1979 had normally formulated the principle of non-discrimination considering the discrimination on sex, but after the drafting of the DEDAW, the international community started to think about the adoption of a specific document on women's rights since women still did not enjoy equal rights with men. The legally binding CEDAW has introduced the obligations of the State to eliminate discrimination for achieving substantive equality. The implementation of its articles is assured by the Committee on the Elimination of Discrimination against Women (CEDAW Committee), a treaty body made by independent experts, which elaborates the provisions of the Convention through General Recommendations (GRs), concluding observations and decisions on communications. The first aim of this treaty was to combat all forms of discrimination against women, but it still did not give support or reinforce women's rights. Notwithstanding, this Convention has been continuing to provide an example and it still remains a model of treaty for the important work of the Committee in updating its content through the adoption of the GRs. Through its political work, the Committee brings up to date the Convention improving its quality, refreshing it, and covering some particular phenomena, such as trafficking and discrimination related to marriage and discrimination in the family. Today, the CEDAW is conceived as the international bill of rights for women.

Its first article is similar to article 1 of the Convention on the Elimination of All Form of Racial Discrimination (CERD) of 1965. Discrimination against women is defined 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

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[17] Cit. UN (1993), *Declaration on the Elimination of Discrimination against Women*, Art. 1,2,3. [Online] Available from: http://www.un-documents.net/a22r2263.htm [Accessed 8th November 2018]

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[18].

"Any distinction, exclusion or restriction" means that not all the differences can be considered discrimination, but only the differences that have the capacity to nullifying or deny the rights of women. The lawmakers in defying the content of article 1 decided that the principle of non-discrimination can be applied not only making reference to the political, economic, social, cultural and civil dimension but also in any other fields: the open structure of this article enables to include progressively an evolving perspective of non-discrimination. Another added value of this text is represented by the fact that this Convention considers for the first time the reproductive rights of women and it is linked to the conception that culture and religion play an important role in subjugating and influencing gender role in society.

Article 2 together with article 3 enlists the duties that State Parties are obliged to consider in ratifying this text: States have to embody the principle of equality between men and women, trying to integrate it in their legislation. Indeed, States have to adopt appropriate measures to prohibit and criminalise discrimination against women, and to establish legal protection of the rights of women through competent national tribunals.

However, a weak point in this text is that no reference to violence against women or gender violence is present. Another mark against the CEDAW is that, together with the Convention on the Rights of the Child (CRC, 1989), it is the UN Convention with the greatest number of ratifications but at the same time the greatest number of reservations.

Moving forward, article 2 of the CRC and article 7 of the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICPMW, 1990) point out again the prohibition of discrimination based on sex; in addition, article 6 of the Convention of the Rights of Persons with Disabilities (CRPD, 2006) recognises the multiple discrimination that women with disabilities are subjected to[19].

Noteworthy is the work of the CEDAW Committee in the drafting of its GRs, especially No. 19 (1992) on violence against women, which is considered one of the highest point of political solution offered by a treaty body of the UN system to such a relevant matter in terms of human rights, and No. 35 (2017) on Gender-Based Violence (GBV) against women, which updates

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[18] Cit. UN (1979), *Convention on the Elimination of all Discrimination against Women*, Article 1. [Online] Available from: http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm [Accessed 9th November 2018]

[19] Cfr. OHCHR (2014), *Women's Rights are Human Rights*, HR/PUB/14/2 UNITED NATIONS PUBLICATION, p. 7. [Online] Available from: https://www.ohchr.org/Documents/Events/WHRD/WomenRightsAreHR.pdf [Accessed 9th November 2018]

GR No. 19. Nevertheless, we must remember that other documents on women's rights have been adopted, such as the Declaration on the Elimination of Violence against Women (DEVAW) of 1993, a non-binding document which covers many of the aspects not included in the CEDAW; but there are also other extra-UN documents. These ones have been developed by different regional entities. As examples, the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women – Convention of Belem Do Para of 1994; the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa of 2003, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence – Istanbul Convention of 2011, and others.

To sum up, almost the totality of documents, signed within the UN framework or outdoors, has provisions which prohibit discrimination on any grounds, including sex, and recognise the equality between men and women. However, even if there is a huge amount of binding and not binding documents which have stressed the concept of equality and non-discrimination in terms of sex, nowadays women continue to be discriminated, to suffer violations of their human rights, and to be considered inferiors because of the fact they are women.

Women's human rights are not a priority in the agenda of governments and all around the world there are still dramatic situations of persistent discrimination, denied equality and violence. Some groups of women face additional forms of discrimination as a result of their age, ethnicity, nationality, religion, health status, marital status, education, disability, and socioeconomic status[20]. We refer here to multiple forms of discrimination.

Women's human rights are, in a manner of speaking, a relatively new achievement in the history of human rights. Even if there were some provisions in the first declarations, as we have previously mentioned, human rights had been conceptualised in a way that did not take account of women, their discrimination, oppression, and violence. «Effectively ensuring women's human rights requires a comprehensive understanding of the underlying societal structures and power relations that define and influence women's ability to enjoy their human rights. These power structures have an impact on all aspects of life, from law and politics, to economic and social policy, family and community life»[21], and since women are half of the world's population, they should not be considered only a social group but a component of the humanity who should be entitled to all human rights, without discrimination and on the basis of equality with men.

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[20] Cfr. *idem*, p. 1.
[21] Cit. *idem,* p. 25.

«Applying a human rights perspective to violence has created a momentum for breaking the silence around violence and for connecting the diverse struggles across the globe thanks to many transnational advocacy feminist and women's networks as well as a common global political commitment in the struggle against violence»: the right to a life free from violence is not a mere humanitarian concern, but a real entitlement, and the prohibition of GBV against women is today a principle of customary international law. However, there is still an important gap to be filled in international human rights law: a concrete translation of the principle of substantive equality on the ground of sex[22]. This is why a gender analysis is needed in order to let us re-think human rights considering their authentic nature and political framework; we have to keep in mind that women's human rights are different from women rights or human rights. Women's human rights are historically a very recent category, first-time recognised during the UN Conference on Human Rights, held in Vienna on 1993.

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[22] Cfr., cit. Degani P., Pividori C. (2018), "Ending Violence against Women as Testing Ground for Women's Human Rights Discourse: Practices, Limits and Challenges", in: *PHRG Peace Human Rights Governance*, Volume 2, Issue 2, Human Rights Centre, University of Padua, p. 178.

2. Violence against women

Today, violence against women is recognised as a public health problem and a human right violation: it is a risk factor for women's health, both physical and mental[23]. So, it is absolutely important to define this concept: what does violence against women mean?

It behoves to start from the first word: *violence*. The Violence Prevention Alliance of the WHO in writing the World Report on Violence and Health (WRVH), defines violence as «the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either result in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation». The WRVH distinguishes four types of violence: physical, sexual, psychological attack and deprivation[24].

Violence against women has attracted much attention in the human rights discourse since the beginning of the 1990s and after the initiatives towards women's rights and the adoption of DEVAW in 1993. Worthy of mention is the Preamble of this Declaration, which states that:

> Violence against women constitutes a violation of the rights and fundamental freedoms of women and impairs or nullifies their enjoyment of those rights and freedoms, and concerned about the long-standing failure to protect and promote those rights and freedoms in the case of violence against women, […] violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men.

Moreover, it recognises that «some groups of women, such as women belonging to minority groups, indigenous women, refugee women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, female children, women with disabilities, elderly women and women in situations of armed conflict, are especially vulnerable to violence», and identifies «that opportunities for women to achieve legal, social, political and economic equality in society are limited, inter alia, by continuing and endemic violence»[25].

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[23] Cfr. Krantz G., Garcia-Moreno C. (2005), *Violence against Women*, J Epidemiol Community Health. [Online] Available from: https://jech.bmj.com/content/jech/59/10/818.full.pdf [Accessed 10th November 2018]

[24] Cit., cfr. Violence Prevention Alliance (n.d.), *Definition and typology of violence.* [Online] Available from: http://www.who.int/violenceprevention/approach/definition/en/ [Accessed 21st October 2018]

[25] UNGA (1993), *Declaration on the Elimination of Violence against Women Proclaimed by General Assembly resolution 48/104 of 20 December 1993.* [Online] Available from:

Nonetheless, the path for the recognition of violence against women and of GBV as serious violations of human rights had been taking a long time. Women's rights movements have tried to persuade the international community about the global importance that these two phenomena pose in terms of threats to human development as well as obstacles to international peace and security. During the 1993 World Conference on Human Rights held in Vienna, women's right movements drew attention to the issue of violence against women, even if it was not comprised in the official agenda. The resulting Vienna Declaration and Programme of Action (VDPA) is famous for having upheld that all human rights are universal, indivisible, interdependent and interrelated[26], moreover it has recognised the elimination of violence against women in public and private life as a human rights obligation. Thanks to the VDPA, the General Assembly was incentivised to sign the DEVAW, finally adopted in the December of the same year. DEVAW recognises that violence against women «constitutes a violation of the rights and fundamental freedoms of women and a manifestation of historically unequal power relations between men and women»[27]. Further, the Beijing Platform of Action, adopted at the UN's Fourth World Conference on Women in 1995, lists violence against women as one of the 12 critical areas of concern[28]. Women experience violence every day in all spheres of their life, at home, at work, on the street, in government institutions, in times of conflict or crisis, in all countries, irrespectively of their status, class, age, caste or religion. Violence affects both girls and old women; however, specific groups of women, such as women with disabilities, migrant women, lesbian, bisexual and transgender women, are more targeted and face different forms of discrimination insofar as they are particularly vulnerable to violence[29].

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https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.21_declaration%20elimination%20vaw.pdf [Accessed 15th May 2019]

[26] Part I, paragraph 5 «All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms», in OHCHR (1993), *Vienna Declaration and Programme of Action*, Adopted by the World Conference on Human Rights in Vienna on 25 June 1993. [Online] Available from: https://www.ohchr.org/en/professionalinterest/pages/vienna.aspx [Accessed 23rd January 2019]

[27] Cit. OHCHR (2014), *Women's Rights are Human Rights*, HR/PUB/14/2 UNITED NATIONS PUBLICATION, p. 74. [Online] Available from: https://www.ohchr.org/Documents/Events/WHRD/WomenRightsAreHR.pdf [Accessed 23rd January 2019]

[28] 1. Women and the environment; 2. Women in power and decision-making; 3. The girl child; 4. Women and the economy; 5. Women and poverty; 6. Violence against women; 7. Human rights of women; 8. Education and training of women; 9. Institutional mechanisms for the advancement of women; 10. Women and health; 11. Women and the media; 12. Women and armed conflict.

[29] Cfr. OHCHR (2014), *Women's Rights are Human Rights*, HR/PUB/14/2 UNITED NATIONS PUBLICATION, pp. 73-78. [Online] Available from: https://www.ohchr.org/Documents/Events/WHRD/WomenRightsAreHR.pdf [Accessed 23rd January 2019]

Violence against women, especially intimate partner violence and sexual violence, is considered a major public health problem, besides being a violation of women's human rights. Gender inequality and norms on the acceptability of violence against women are a root cause of the problem itself. WHO's global statistics report that roughly 1 out of 3 women worldwide have experienced once in their lives either physical and/or sexual intimate partner violence or non-partner sexual violence. Femicides continue to be a widespread issue, counting that 38% of murders of women are committed by a male intimate partner[30]. However, violence has many other forms and affects women in many ways; it also depends on the status of both the victim and the perpetrator. This chapter means to analyse the nature and the different kinds of violence that women suffer; then, it would clarify the role of human rights with regard to violence against women and, finally, it would take into consideration one major form of violence, which especially targets migrant women: trafficking and exploitation.

2.1 The nature and types of violence

Scholars have different views about the interpretation of the concept *violence against women*. On the one hand, it may be used in a narrow and more operational definition, preferred in fields like sociology and criminology. In this case, violence is conceived as something intentional, that inflicts physical harm, but it excludes verbal abuse, harassment or humiliation. On the other hand, fields such as psychology, social work, and mental health refer to violence in a broader context, comprehending all aggressive behaviours that affect women in a disproportionate way[31]. Sometimes, psychological abuse is seen as more harmful than actual physical abuse; indeed, wider definitions are preferred because they fully represent the victims' experiences.

The World Report on Violence and Health (WRVH), launched by the WHO in 2002, is the first comprehensive review concerning the issue of violence on a global scale, insofar as it analyses the meaning of violence, the persons it affects and the possible solutions to it. It divides violence into three categories making a distinction between who commits the violent act: 1. self-directed violence, 2. interpersonal violence, and 3. collective violence. Moreover, it defines the possible nature of the violent act: violence can be physical, sexual, or psychological, including deprivation and neglect[32]. Violence is experienced by both women and men all around

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[30] Cfr. WHO (2017), *Violence against women*. [Online] Available from: https://www.who.int/news-room/fact-sheets/detail/violence-against-women [Accessed 12th January 2019]

[31] Cfr. National Research Council (1996), *Understanding violence against women*, Science Engineering Medicine. [Online] Available from: https://www.nap.edu/read/5127/chapter/3#9 [Accessed 16th January 2019]

[32] Cfr. WHO (2002), *World report on violence and health*, p. 6. [Online] Available from: http://www.who.int/violence_injury_prevention/violence/world_report/en/ [Accessed 12th January 2019]

the world; however, without a doubt, women suffer mostly interpersonal violence, the one which is inflicted by another person. The specificity of the violence they face lies in the fact that it is committed because they are women. Interpersonal violence is itself divided into family/intimate partner violence and community violence. While the former describes violence between family members and in the home, the latter outlines violence between unrelated people outside the home[33].

Thanks to the DEVAW, violence is now considered an act which causes or potentially causes harm. In its first article, it defines violence against women as «any act of gender-based violence that results in, or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life»[34]. Moreover, the DEVAW introduces the term *gender-based*, meaning at the inequalities between women and men. This term has been defined in the GR No. 35 on gender-based violence against women, updating GR No. 19, as « 'violence which is directed against a woman because she is a woman or that affects women disproportionately', and, as such, is a violation of their human rights»[35].

Consequently, article 2 of DEVAW specifies that violence against women should be understood to encompass, but not be limited to:

> «(a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation; (b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution; (c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs[36].

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[33] Cfr. Krantz G., Garcia-Moreno C. (2005), *Violence against Women*, J Epidemiol Community Health. [Online] Available from: https://jech.bmj.com/content/jech/59/10/818.full.pdf [Accessed 12th January 2019]

[34] Cit. UN (1993), *UN Declaration on the Elimination of Violence against Women*, A/RES/48/104, 85th plenary meeting. [Online] Available from: http://www.un.org/documents/ga/res/48/a48r104.htm [Accessed 12th January 2019]

[35] Cit. Committee on the Elimination of Discrimination against Women (2017), *General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19*, CEDAW/C/GC/35. [Online] Available from: https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_35_8267_E.pdf [Accessed 12th January 2019]

[36] Cit. UN (1993), *Declaration on the Elimination of Violence against Women,* art. 1-2, A/RES/48/104, 85th plenary meeting. [Online] Available from: http://www.un.org/documents/ga/res/48/a48r104.htm [Accessed 12th January 2019]

Already in this definition, we can find examples of what we mean for violence, even if it does not cover all the fields.

Physical harm is a non-accidental act which requires bodily contact with the victim causing suffering, trauma or injury. It can take forms such as hitting, pushing, slapping, pulling hair or clothes, shaking, locking someone in a room, tying, restricting freedom, giving food or medication forcibly and so on[37].

Sexual violence is «any sexual act, attempt to obtain a sexual act, or other act directed against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting. It includes rape, defined as the physically forced or otherwise coerced penetration of the vulva or anus with a penis, other body part or object»[38]. Any sexual act that a person does not fully want or understand constitutes sexual harm, and this includes being forced to have sex with someone, be sexually photographed, be forced to watch sexual films or look at sexual pictures, be sexual harassed and so on[39]. Violence affects women's physical, mental, sexual, and reproductive health; moreover, it may increase the risk of acquiring HIV, or other sexually transmitted diseases.

Mental or psychological harm refers to an abusive act that is able to damage the mind of the other person. It levers on the emotions and takes many forms: «threats of harm, being left alone, humiliation, intimidation, causing distress, verbal abuse, bullying, blaming, constant criticism, controlling, depriving contact with others». People who are anxious, afraid, upset, overly confused, subject to behaviour change may be more susceptible to being harmed[40].

The WHO defines violence as «the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either result in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation», linking the act of violence with its intentionality and the outcome it produces. Through the word *power*, the definition of the WHO has contributed to a broadening of the nature of the violent act and the expansion of the conventional understanding of violence. The use of power includes not only violent acts but also neglect and acts of omission. Indeed, this definition covers a wide range of outcomes, reflecting a growing recognition of the need to

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[37] Cfr. Adult Protection Committee (n.d.), *Emotional harm or psychological harm*. [Online] Available from: http://www.adultprotectionsouthlanarkshire.org.uk/adultprotection/info/80/emotional_abuse_or_psychological_h arm [Accessed 12th January 2019]

[38] Cit. WHO (2017), *Violence against women*. [Online] Available from: https://www.who.int/news-room/fact-sheets/detail/violence-against-women [Accessed 12th January 2019]

[39] Cfr. Adult Protection Committee (n.d.), *Emotional harm or psychological harm*. [Online] Available from: http://www.adultprotectionsouthlanarkshire.org.uk/adultprotection/info/80/emotional_abuse_or_psychological_h arm [Accessed 12th January 2019]

[40] Cit., cfr. *ivi*.

include the violence which causes a substantial burden on individuals, families, communities and health care systems. It is important to understand that expected outcomes of violence are not categorised just in terms of injury or death, but extend in physical, psychological and social problems that do not necessarily lead to injury, disability or death[41].

The WHO has identified that in the majority of cases there are some factors associated with intimate partner and sexual violence: some of them are associated with being a perpetrator of violence, some other are associated with experiencing violence; finally, some are associated with both. Thus, there may be some correlations between the social background/status of the perpetrators and why they act violently, as well as the status of people more affected by violence. Risk factors include:

> Lower levels of education (perpetration of sexual violence and experience of sexual violence); a history of exposure to child maltreatment (perpetration and experience); witnessing family violence (perpetration and experience); antisocial personality disorder (perpetration); harmful use of alcohol (perpetration and experience); having multiple partners or suspected by their partners of infidelity (perpetration); attitudes that condone violence (perpetration); community norms that privilege or ascribe higher status to men and lower status to women; and low levels of women's access to paid employment[42].

While factors associated with intimate partner violence include «past history of violence; marital discord and dissatisfaction; difficulties in communicating between partners; male controlling behaviours towards their partners», factors associated with sexual violence perpetration cover «beliefs in family honour and sexual purity; ideologies of male sexual entitlement; weak legal sanctions for sexual violence»[43].

Intimate partner violence is considered one of the most common types of violence: it happens when it is the women's spouse, partner or ex, who causes physical, sexual or psychological harm, including physical aggression, sexual coercion, psychological abuse and controlling behaviours[44]. Both intimate partner and sexual violence cause serious consequences in the short- and long-term on the physical, mental, sexual and reproductive health of women. Moreover, violence does not only affect women but their children too, leading to high social and economic costs for women, families and societies. This type of violence can lead to fatal

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[41] Cit., cfr. WHO (2002), *World Report on Violence and Health,* p. 5. [Online] Available from: http://www.who.int/violence_injury_prevention/violence/world_report/en/ [Accessed 12th January 2019]
[42] Cit. WHO (2017), *Violence against women*. [Online] Available from: https://www.who.int/news-room/fact-sheets/detail/violence-against-women [Accessed 12th January 2019]
[43] Cit. *ivi*.
[44] Cfr. *ivi*.

outcomes, like homicide or suicide; cause injuries, as the 42% of the women who have experienced intimate partner violence report; lead to unwanted pregnancies, induced abortions, other sexually diseases and infections, including HIV; compromise the gestation of pregnant women, leading to miscarriage or pre-term birth; induce depression, post-traumatic stress and anxiety disorders, drinking and eating problems, suicide attempts, sleep difficulties and other diseases; affect the overall health of the victim; lead to an increased use of smoking, drug, alcohol; generate more violence in the future. In addition, violence against women has repercussions on their children who may suffer a series of emotional and behavioural disturbances and are more likely to be affected by other violence during their lives. Intimate partner violence can also be linked to higher rates of infant and child mortality and morbidity. The social and economic costs of intimate partner and sexual violence have enormous impacts on the society, provoking women's isolation, leading to inability to work, loss of wages, lack of participation and limited ability to care for themselves and their children[45].

Nonetheless, violence against women comprehends a broad range of acts other than those already mentioned. The following paragraphs would focus on: forced marriage, dowry-related violence, female genital mutilation, intimidation and harassment at work, in education or in public, battering, bullying, stalking and violence condoned by the State.

A forced marriage is a situation in which one or both the spouses do not consent to the marriage. Abuse and oppression are used: the victims are pressed to marry against their will by physical (as threats, physical or sexual violence), emotional or psychological (as shaming practices) means. This type of violence includes also financial abuse, conceived as the appropriation of the money and the wage of the partner[46].

Dowry-related violence includes all the goods, gifts, money or property given from the bride's family to the groom, before, during or after the marriage. Dowry is «a response to explicit or implicit demands or expectations of the groom or his family». It can constitute domestic violence if associated with violence and death, as it includes physical, emotional and economic violence, but also harassment and stalking. Nonetheless, this type of violence is different from common domestic violence insofar as the partner may not be the only perpetrator, but also in-laws, former spouses, fiancés can commit the act. The forms of dowry-related violence are marital rape, battering, acid throwing, wife burning and others; perpetrators may

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[45] Cfr. *ivi*.
[46] Cfr. AVA (n.d.), *Forced Marriage*. [Online] Available from: http://www.preventionplatform.co.uk/?page_id=2350 [Accessed 22nd January 2019]

also use other methods, such as starvation, deprivation of clothing, false imprisonment, evictions[47].

Female Genital Mutilation (FGM) comprehends the range of procedures which partially or completely remove the external female genitalia or other injuries to the female genital organs carried out for cultural or other non-therapeutic reasons. FGM is usually justified by religious and cultural beliefs by people who practice it: the practice constitutes an "opportunity" for women to be accepted by the community and find a husband. Other than tradition and social acceptance, this dangerous and irreversible practice is justified for the following reasons: hygiene and aesthetics, maintenance of the honour and virginity, cultural identity and heritage, repression of the sexual desire, prevention of rape, insurance of marriage, increase in the sexual pleasure for men, religious reasons and purification. We can distinguish four main typologies of FGMs with regard to the type of procedure: «Type 1 – the clitoris or the clitoral hood is removed; Type 2 – The clitoris and inner lips are removed; Type 3 – The clitoris, inner lips and outer lips are removed and the skin is sewn to leave only a small opening (infibulation); Type 4 – all other harmful procedures (pricking, piercing, burning, scraping etc)». FGM can be performed also on babies, but it affects mostly girls from 4 to 14 years old[48]. Estimations reveal that the number of women who live with an FGM are around 125 million in the world, and every year, roughly 3 million girls are still subjected to this practice. While most of them are located in 29 African countries (indeed, 44 per cent of the girls with FGM comes from Eritrea, and 29 per cent from Mali), another relatively important quota lives in the Asian States with Islamic religion predominance[49].

Harassment is an unwelcome verbal or physical behaviour that may happen in the workplace, in the school or in public life. It is based on race, religion, sex, gender identity, nationality, age or disabilities. Pervasive and severe intimidation and harassment make the environment where the person works, studies or lives, intimidating, hostile or abusive[50].

Battering refers to abusive acts of violence in an intimate relationship, and it often coincides with sexual or psychological abuse. Battering is not a one-time event and the level of violence tends to increase as the battering continues, and it might result in death. Children witnesses of

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[47] Cfr., cit. The Advocated for Human Rights (n.d.), *Dowry-related Violence*. [Online] Available from: http://www.stopvaw.org/dowry-related_violence [Accessed 27nd January 2019]

[48] Cfr., cit. AVA (n.d.), *Female Genital Mutilation*. [Online] Available from: http://www.preventionplatform.co.uk/?page_id=2352 [Accessed 22nd January 2019]

[49] Cfr. UNICEF (n.d), *Mutilazioni Genitali Femminili*. [Online] Available from: https://www.unicef.it/doc/371/mutilazioni-genitali-femminili.htm [Accessed 23rd January 2019]

[50] Cfr. Doyle A. (2018), *The Different Types of Harassment in the Workplace*, The Balance Careers. [Online] Available from: https://www.thebalancecareers.com/types-of-harassment-in-the-workplace-2060886 [Accessed 23rd January 2019]

battering may be at great risk of it in the future: girls who witness battering are more likely to be in battering relationships, while boys are more likely to become batterers. This practice puts victims at a major risk of homelessness, insofar as battering victims find they have nowhere to go. Battering results in more risk for women between 16-24-year-old and women with a great difference in age with their husband. Also, pregnant women may be affected by an increase in this type of behaviour, insofar as the partner feels displaced in importance; this may result in pregnancy complications[51].

Bullying behaviours are based on a person's sexuality, sexual orientation or gender; they can be physical or not, and these behaviours commonly make use of technology as a weapon (cyberbullying)[52].

Stalking is conceived as any unwanted and repeated contacts that make feel unsafe; it may be made by strangers, or known people, like an intimate partner, leading to an abusive relationship. It may get worse and lead to violence over time. Technology plays an increasing role in this practice (cyberstalking), in that the abuser makes use of the new media, like the Internet, other electronic communications and social networks. Examples of stalking include following, controlling, spying the victim; sending unwanted letters, messages, emails; calling repeatedly and insistently; showing up uninvited at the victim house, school or at her workplace; leaving unwanted gifts; damaging the victim's properties; threatening the victim, her family or pets with violence[53].

Violence against women may be also perpetrated or condoned by the State. According to the Report of the Special Rapporteur on violence against women, its causes and consequences (A/66/215 of 2011), typologies of this kind of violence include GBV during conflict, disappearance or extrajudicial killings, custodial violence, violence against refugees and internally displaced women, or women from indigenous or minority groups. In its GR No. 19 (1992), the CEDAW Committee clarifies that State parties may be held responsible for private acts of violence if they fail to prevent violations of rights, to investigate and punish acts of violence, and to provide compensation[54]. This clause is known as the due diligence standard,

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[51] Cfr. Tracy N. (n.d.), *What is Battering?,* Healthy Place. [Online] Available from: https://www.healthyplace.com/abuse/domestic-violence/what-is-batteringhttps://www.healthyplace.com/abuse/domestic-violence/what-is-battering [Accessed 23rd January 2019]

[52] Cfr. AVA (n.d.), *Sexual Harassment and Bullying*. [Online] Available from: http://www.preventionplatform.co.uk/?page_id=2354 [Accessed 22nd January 2019]

[53] Cfr. ONH (n.d.), *Stalking*, U.S. Department of Health and Human Services. https://www.womenshealth.gov/relationships-and-safety/other-types/stalking [Accessed 23rd January 2019]

[54] Cfr. OHCHR (2014), *Women's Rights are Human Rights*, HR/PUB/14/2 UNITED NATIONS PUBLICATION, pp. 73-78. [Online] Available from: https://www.ohchr.org/Documents/Events/WHRD/WomenRightsAreHR.pdf [Accessed 23rd January 2019]

an obligation of States to prevent, prosecute, punish and compensate for acts of violence against women. However, the due diligence standard is not without criticism. Indeed, 1. it works with two separate regimes of responsibility: the private opposed to the public, and this distinction creates an unequal treatment of women under international law. 2. This standard is not so appropriate to combat gender stereotypes; thus, it focuses on violence against women as an isolated act, failing to take into consideration the structural inequalities and the intersecting relations of power. 3. It uses a victim subject perception, responding to violence rather than preventing it. For correcting these trends, Rashida Manjoo, the Special Rapporteur on violence against women, its causes and consequences (Report A/HRC/23/49), expressed the need to challenge the due diligence standard by separating the individual and the systemic categories: individual refers to the State's obligations to prevent, protect, punish and provide effective remedies to individuals or groups; systemic refers to the State's obligations to ensure a holistic model of prevention, protection, punishment and reparation for acts of violence[55].

Women usually deal with interrelated forms of violence, which targets different aspects of their beings. These multiple and intersecting discriminations are explained in the next chapter.

2.2 The role of human rights concerning violence against women

The reason why women face violence, discrimination and oppression in their everyday life is attributable to the historical conceptualisation of human rights in a way that did not consider their lives. Today, thanks to the work of activists and the implementation of different international and regional treaties, that shed light on the role of women and recognise the obstacles they experience, much progress has been done; however, ensuring women's human rights in an effective way is harder than it looks: it requires «a comprehensive understanding of the underlying societal structures and power relations that define and influence women's ability to enjoy their human rights. These power structures have an impact on all aspects of life»[56].

Nonetheless, there is still scepticism about the capacity of law and human rights to produce a transformation of the society. In a certain way, human rights remain «blind to structural inequalities and to the complex and intersecting power relations in the public and private life that lie at the heart of diverse manifestations of discrimination on the ground of sex». In fact,

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[55] Cfr. Edwards, 2010; Pividori, 2016; Degani and Pividori, 2018 in: Degani P., Pividori C. (2018), "Ending Violence against Women as Testing Ground for Women's Human Rights Discourse: Practices, Limits and Challenges", in: *PHRG Peace Human Rights Governance*, Volume 2, Issue 2, Human Rights Centre, University of Padua, p. 170.
[56] Cfr., cit. OHCHR (2014), *Women's Rights are Human Rights*, HR/PUB/14/2 UNITED NATIONS PUBLICATION, p. 25. [Online] Available from: https://www.ohchr.org/Documents/Events/WHRD/WomenRightsAreHR.pdf [Accessed 23rd January 2019]

feminists recognise that the «social and historical reality has been organised according to a "gender-sex" system that informs and structures the symbolic and institutional contexts in which persons work out their destinies creating and reproducing different forms and manifestations of male violence towards women»[57]. According to Degani and Pividori, human rights may tend to perpetuate inequality based on sex and gender rather than dismantle it[58].

As we previously mentioned, the recognition of violence against women as a human rights issue has expanded the human rights traditional paradigm in several ways. First of all, «the recognition of the gendered nature of international human rights law initiated a process of *multiplication* and *specification* of protected rights» which has contributed to the inclusion of women's aspirations and peculiarities. This happened thanks to the acknowledge that human rights had been ignoring the specific concerns of women for many years. Moreover, due to the recognition of violence against women as a human rights issue, there has been a

> Process of *institutionalization* of the phenomenon of male violence against women, improving a multi-level perspective of political agenda and public policies on the matter. A human rights-based approach of violence against women has implied the transformation of conventional understandings of human rights beyond violations perpetrated mainly by State actors in the public sphere, thus demystifying the public/private dichotomy[59].

Feminists have demonstrated how human rights violations in the public sphere are also today tolerated or excused when committed in the private domain. The due diligence standard, according to that States have responsibility for private acts, has been influenced by this growing understanding of the importance of addressing human rights violations by non-State actors too. Finally, there has been a progressive relevance of criminal law solutions, both at the international and domestic level, on the issue of male violence against women[60]. These transformative trajectories have shaped the attitude towards this field.

According to Degani and Pividori, the reason why the human rights framework faces difficulties in initiating a process of real change is due to the fact that human rights standards have established rules for the protection of individuals from specific types of discrimination but

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[57] Cfr., cit. Charlesworth, 1994; Cook, 1994; Rike, 1992; Degani and Pividori, 2018 in: Degani P., Pividori C. (2018), "Ending Violence against Women as Testing Ground for Women's Human Rights Discourse: Practices, Limits and Challenges", in: *PHRG Peace Human Rights Governance*, Volume 2, Issue 2, Human Rights Centre, University of Padua, pp. 164-165.
[58] Cfr. *idem*, p. 166.
[59] Cit. Otto, 2015; Bunch, 2013; Manjoo, 2013; Romany, 1994; Degani and Pividori, 2018 in: *idem*, pp. 167-168, *italics added*.
[60] Cfr. *ivi*.

have not provided a real promotion of measures able to eliminate structural inequalities between sexes and to dismantle the patriarchal social dimension of sex/gender-based relationships. The inability to eradicate these inequalities has meant that the interconnection between violence against women and sex/gender-based discrimination «has allowed violence to be framed as a matter of social justice rather than considering it as a phenomenon related to private dimensions and individual abuses», generating a risky need to recognise discrimination to identify violence as something relevant in the judicial dimension[61].

What it is fundamental is to cleverly use the relatively-universal language of human rights as a powerful force for change for women; indeed, «human rights represent a discourse that can be used against their own manipulation and, in this respect, the promotion and protection of women's rights and the fight against violence represent one of the most significant challenges in these years»[62].

2.3 Exploitation and trafficking

A very common type of violence, which mainly affects migrant women and refugees, is trafficking in human being.

It is, therefore, necessary to make a point and clarify what migrants and refugees are. According to article 1 of the Convention and Protocol relating to the Status of Refugees (1951), the term *refugee* shall apply to any person, who owns a:

> Wellfounded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it[63].

So, a refugee is a person outside her/his country of origin for reasons of «feared persecution, conflict, generalized violence, or other circumstances that have seriously disturbed public order and, as a result, require international protection»[64]. States have a duty to protect the fundamental human rights of their citizens, but in case they are unable or unwilling to do so, individuals may

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[61] Cit. *idem*, pp. 178-179.
[62] Cfr., cit. *idem*, p. 181.
[63] UNHCR (1951), *Convention and Protocol relating to the Status of Refugees*, Art. 1A (2). [Online] Available from: https://www.unhcr.org/3b66c2aa10 [Accessed 13th March 2019]
[64] Cit. UN (n.d), *Refugees and migrants*. [Online] Available from: https://refugeesmigrants.un.org/definitions [Accessed 12th March 2019]

suffer serious violations of their human rights, being forced to leave their homes, their families and their communities to find rescue in another country. Refugees are not protected by their own governments, so it is the international community that should ensure their safety and protection. The most important right in the Convention is the principle of non-refoulement (article 33): according to this, a refugee should not be returned to a country where she/he faces serious threats to her/his life or freedom[65].

So, while refugees are forced to flee because of a threat of persecution and loss of the protection of their own country, migrants may leave their country for reasons not related to persecution, such as for the purposes of employment, family reunification or study. In this case, a migrant continues to enjoy the protection of her/his own government, even if she/he is abroad[66].

Persons who leave their countries for all the previous reasons are more likely to experience situations of trafficking or exploitation, as a result of their particular condition of vulnerability and instability. Migrant women face double difficulties because of their status of migrants/refugees and because they are women. Some international instruments have been adopted in order to combat trafficking. Starting from the beginning, the first binding treaty to mention is the Slavery Convention of 1926, where the first definition of slavery was produced. According to that, slavery is:

> (1) The status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised. (2) The slave trade includes all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged, and, in general, every act of trade or transport in slaves[67].

Even more important, it is its Supplementary Convention that describes which practices similar to slavery should be included and prohibited. Such practices are debt bondage and institutions and practices that discriminate against women in the context of marriage. Then, the ICCPR (1966) introduces the prohibition of a number of other practices related to trafficking, including slavery, slave trade, servitude and forced labour. In addition, the International Labour Organisation (ILO) has provided two different and specific conventions concerning forced

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[65] Cfr. UNHCR (2011), *The 1951 Convention relating to the Status of Refugees and its 1967 Protocol*, pp. 2, 4. [Online] Available from: https://www.unhcr.org/4ec262df9.pdf [Accessed 11th March 2019]
[66] Cfr. *idem*, p. 3.
[67] UNGA (1926), *Slavery Convention*, Art. 1. [Online] Available from: https://www.ohchr.org/en/professionalinterest/pages/slaveryconvention.aspx [Accessed 9th March 2019]

labour or services: the ILO Forced Labour Convention (Convention No. 29 of 1930) with its Protocol defining forced or compulsory labour, and the ILO Abolition of Forced Labour Convention (Convention No. 105 of 1957). Another important treaty is the UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949); due to this, States have an obligation to punish any person who exploits the prostitution of another[68]. Nonetheless, already in the CEDAW, there was a requirement for States to take all appropriate measures to suppress all forms of trafficking in women and exploitation of the prostitution of women. Moreover, with the GR No. 19, trafficking was recognised as a form of violence against women in that it puts women at special risk of violence and abuse: «trafficking is incompatible with the equal enjoyment of rights by women and with the respect for their rights and dignity»[69].

Finally, the most important treaty to mention is the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by the General Assembly Resolution No. 55/25 of November 2000. Article 3 of the Protocol, also known as Palermo Protocol, defines what trafficking in persons covers:

> (a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs; (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used[70].

Trafficking in person is a process of enslaving, coercing and exploiting people in many different forms, as forced prostitution, forced labour, forced begging, forced criminality, domestic

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[68] Cfr. OHCHR (2014), *International Instruments Concerning Trafficking in Persons*. [Online] Available from: https://www.ohchr.org/Documents/Issues/Women/WRGS/OnePagers/IntInstrumentsconcerning Traffickingpersons_Aug2014.pdf [Accessed 10th March 2019]
[69] Cfr., cit. *ivi*.
[70] UNGA (2001), *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*, art. 3 (a), (b), OHCHR. [Online] Available from: https://www.ohchr.org/en/professionalinterest/ pages/protocoltraffickinginpersons.aspx [Accessed 13th March 2019]

servitude, forced organ removal, forced marriage and others[71]. Moreover, its article 5 allocates that States should criminalise trafficking, attempted trafficking and any other intentional participation/organisation in such a practice[72]. In its articles 7 and 8, there are specific provisions for addressing the needs of foreign victims: due to the former, States should adopt appropriate measure in order to enable victims of trafficking to remain in the territory of the host State; due to the latter, it is possible to think to a possible repatriation of trafficking victims, which should preferably be voluntary and always opt for the safety of the person[73].

According to the Palermo Protocol, for defining trafficking in persons, three elements are required: the act (recruitment, transport, transfer, harbouring or receipt of persons), the means (threat or use of force, deception, coercion, abduction, fraud, abuse of power) and the purpose (exploitation itself which includes sexual exploitation, forced labour and removal of organs). Each member State may define it and consider other forms of trafficking as well. The Protocol highlights three important policy dimensions: the prosecution and criminalisation of traffickers, the protection of victims and the prevention of such a crime. Other than the Palermo Protocol, there are also other conventions which shed light on trafficking on the regional level, such as the Council of Europe Convention on Action against Trafficking in Human Beings (2008). According to statistics, this crime is one of the most serious transnational crimes in our century. Trafficking for sexual exploitation was registered as the main form of trafficking in Europe, which especially target women and girls. However, women are not only victims of trafficking but also offenders, even if male offenders still exceed[74].

Many women and girls migrate for escaping wars, poverty, hunger and violence, but they end up entrapped in an endless cycle of violence, becoming easy prey for traffickers who force them to prostitute themselves. As an example, in Italy, Nigerian women are the most represented group subjected to smuggling, human trafficking, forced prostitution, abuse and violence. Their integration remains an illusion, in that they lack protection, assistance, medical care, legal employment and housing. The trafficking of Nigerian women and girls who arrive

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[71] Cfr. Anti-Slavery (n.d.), *What is Human Trafficking?* [Online] Available from: https://www.antislavery.org/slavery-today/human-trafficking/ [Accessed 13th March 2019]

[72] Cfr. OHCHR (2014), *International Instruments Concerning Trafficking in Persons*. [Online] Available from: https://www.ohchr.org/Documents/Issues/Women/WRGS/OnePagers/IntInstrumentsconcerning Traffickingpersons_Aug2014.pdf [Accessed 10th March 2019]

[73] UNGA (2001), *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*, OHCHR, artt. 7-8. [Online] Available from: https://www.ohchr.org/en/professionalinterest/pages/ protocoltraffickinginpersons.aspx [Accessed 13th March 2019]

[74] Cfr. Montenegro C. (2018), "Trapped in a Cycle of Abuse and Violence: A Case Study of Nigerian Women in Italy", pp. 115-116, in: Shewhawat S., Del Re E. C. (eds.) (2018), *Women and Borders – Refugees, Migrants and Communities*, London & New York, I.B. Tauris

from Libya to Italy through the Mediterranean by boats is considered a real crisis in that it is increasing and worsening. For being free, these women first must repay their debts; for such a reason, they fall into an endless cycle of violence and exploitation. Indeed, they are not informed about the risks they would face during their travel and in Europe. They flee from poverty, corruption, illiteracy and unemployment, so, they choose to trust their smugglers and undertake a difficult journey towards the unknown. The social, cultural and religious practices of Nigerian people, the weak institutions, the widespread corruption, the unequal access to education, the lack of employment opportunities, the negative consequences of globalisation, the devaluation of women, the cultural tradition practices and the lack of information facilitate the trafficking of these women. Even if prohibited by law, practices of FGMs and forced marriage are still practised in the country; moreover, despite the legal local and regional mechanisms for preventing trafficking in persons, customs and religions still restrict women's rights. The huge disparity between sexes is reinforced by the low levels of participation of women in politics and their limited rights in accessing resources and education[75].

Even if there are programmes for countering trafficking, these plans, as well as the attention of the media and fundraising, shed light on specific cases of violence,

> Not dealing with the bigger picture or the reasons behind the trafficking, as for example the lack of migration opportunities for working-class women. The use of radicalized women in Western anti-trafficking public awareness campaigns also provides a socially acceptable way to sustain ideas about women's vulnerability, by defining a certain type of women in need of assistance from women in wealthier countries, e.g. female victims from the "third world" needing rescue[76].

A human rights-based approach may help to adopt a more holistic attitude towards human needs, empowering trafficked persons, encouraging them to testimony, improving assistance, education and awareness on the issue, finding able mediators, offering job opportunities and perspectives for victims[77].

For this purpose, some noteworthy projects will be addressed in the fifth chapter. Special attention will be paid to initiatives carried out by Italian and Polish NGOs and associations,

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[75] Cfr. Montenegro C. (2018), "Trapped in a Cycle of Abuse and Violence: A Case Study of Nigerian Women in Italy", pp. 113-120, in: Shewhawat S., Del Re E. C. (eds.) (2018), *Women and Borders – Refugees, Migrants and Communities*, London & New York, I.B. Tauris

[76] Cit. Montenegro C. (2018), "Trapped in a Cycle of Abuse and Violence: A Case Study of Nigerian Women in Italy", p. 126, in: Shewhawat S., Del Re E. C. (eds.) (2018), *Women and Borders – Refugees, Migrants and Communities*, London & New York, I.B. Tauris

[77] Cfr. Montenegro C. (2018), "Trapped in a Cycle of Abuse and Violence: A Case Study of Nigerian Women in Italy", pp. 126-127, in: Shewhawat S., Del Re E. C. (eds.) (2018), *Women and Borders – Refugees, Migrants and Communities*, London & New York, I.B. Tauris

with particular regard to the city of Wrocław and the Region of Veneto. Finally, in the conclusions, some proposals for better addressing the rights and needs of migrant women will be taken into account.

3. Multiple forms of discrimination

3.1 Discrimination

Discrimination is a situation in which a person is treated unfairly because of who she/he is or because she/he possesses certain characteristics. The Equality Act 2010 has identified 9 protected characteristics: age, gender, race, disability, religion, pregnancy and maternity, sexual orientation, gender reassignment, marriage and civil partnership[78]. Moreover, discrimination can be direct, when a person with one or more of these protected characteristics is treated less favourably than others, or indirect, when it exists a policy, rule or law that puts the person in a disadvantaged position compared to others. Discrimination may also be by association (when a person is treated unfairly due to the fact that she/he knows or is associated with another person who has a protected characteristic), by perception (when someone thinks that another person belongs to a group with protected characteristics and treats her/him unfairly), harassment (all the unwanted behaviours that make another person fell offended, intimidated or humiliated), victimisation (when a person is treated in a bad way or subjected to detriment due to the fact that she/he complains about discrimination or is in support of another victim of discrimination)[79]. The European Union (EU) has adopted some key directives in the area of equality: the Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin; the Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation; the Directive 2006/54/EC of the European Parliament and of the Council on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast); the Council Directive 2004/113/EC implementing the principle of equal treatment between men and women in the access to and supply of goods and services; and finally the Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation (COM/2008/462)[80]. These four directives and the proposal have

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[78] The Equality Act is a document made by the Parliament of UK that groups over 116 pieces of legislations in one act, proving a legal framework in order to protect the rights of individuals and advance equality of opportunity for everybody. For more information: Equality and Human Rights Commission (2018), *Equality Act 2010*, [Online] Available from: https://www.equalityhumanrights.com/en/equality-act/equality-act-2010 [Accessed 20th February 2019]

[79] Cfr. EOC (n.d.), *What is discrimination?* [Online] Available from: https://www.eoc.org.uk/what-is-discrimination/ [Accessed 20th February 2019]

[80] European Commission (n.d.), *Non-discrimination*. [Online] Available from: https://ec.europa.eu/info/aid-development-cooperation-fundamental-rights/your-rights-eu/know-your-rights/equality/non-discrimination_en [Accessed 20th February 2019]

created a framework that each Member State has to respect by formulating policies and laws at the national level for achieving the dictated results.

Moreover, the third title of the Charter of fundamental rights of the European Union (2000) concerns equality, and articles from 20 to 26 respectively refer to: equality before law; non-discrimination; cultural, religious and linguistic diversity; equality between women and men; the rights of the child; the rights of the elderly; integration of persons with disabilities. In particular, article 23, which focuses on the equality between sexes, upholds that «equality between women and men must be ensured in all areas, including employment, work and pay. The principle of equality shall not prevent the maintenance or adoption of measures providing for specific advantages in favour of the under-represented sex»[81].

Nonetheless, these above are only a few examples of documents and initiatives adopted over the years; many others have been implemented insofar as non-discrimination and equality between women and men are pivotal principles of human rights law. As we have mentioned in the introduction, at the international level, both the two Covenants of 1966 prohibit discrimination on the basis of sex, guaranteeing women and men equality in the enjoyment of the rights they cover[82]. Moreover, CEDAW defines discrimination against women in its first article, which maintains an open structure, namely it provides the opportunity to progressively include an evolving perspective of discrimination. The Convention goes further aiming to achieve equality of opportunities and equality of results; article 1 should be read in conjunction with articles 2, 3 and 4, insofar as the CEDAW describes the obligations and actions for achieving gender equality *in practice* that States should put in place[83]. Indeed, States have the

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[81] EUR-Lex (2000), *Charter of fundamental rights of the European Union*, 2012/C 326/02 art. 20-26. [Online] Available from: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT [Accessed 20th February 2019]

[82] Cfr. OHCHR (2014), *Women's Rights are Human Rights*, HR/PUB/14/2 UNITED NATIONS PUBLICATION, p. 29. [Online] Available from: https://www.ohchr.org/Documents/Events/ WHRD/WomenRightsAreHR.pdf [Accessed 23rd February 2019]

[83] UN (1979), *Convention on the Elimination of all Discrimination against Women*, artt. 1-4.
Article 1: «For the purposes of the present Convention, the term "discrimination against women" shall mean 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 2: «States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake: (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle; (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women; (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination; (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with

obligation to respect, protect and fulfil human rights, comprising women's rights, and the duty to protect women from violations by third parties, reducing discrimination and enhancing equality. Thus, the CEDAW considers both public and private acts: in its article 2 (e), it expressly establishes the State's obligation to address discrimination against women perpetrated by any other person, organisation or enterprise, and moreover, the abolition of discriminatory laws, regulation customs and practices (due diligence standard)[84]; article 5 upholds that:

> States Parties shall take all appropriate measures: (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women; (b) [...][85].

At this point, it is better to clarify what equality *in practice* means. This term takes into consideration both equality between women and men, and prohibition of practices that perpetuate women's inequality; indeed, «substantive gender equality and formal gender equality, as well as de facto discrimination and de jure discrimination, are central concepts in the Convention's quality framework». While de jure discrimination refers to direct discriminatory provisions, de facto discrimination relates to laws, policies and programmes that have detrimental effects on women even if they appear gender-neutral, in that they do not seem at a first glance to be discriminatory but they have discriminatory effects if implemented[86], or

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this obligation; (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise; (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women; (g) To repeal all national penal provisions which constitute discrimination against women».

Article 3: «States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Article 4: «1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved. 2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory». [Online] Available from: http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm [Accessed 23rd February 2019]

[84] Cfr. OHCHR (2014), *Women's Rights are Human Rights*, HR/PUB/14/2 UNITED NATIONS PUBLICATION, p. 26. [Online] Available from: https://www.ohchr.org/Documents/Events/WHRD/ WomenRightsAreHR.pdf [Accessed 23rd February 2019]

[85] UN (1979), *Convention on the Elimination of all Discrimination against Women,* art.5. [Online] Available from: http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm [Accessed 23rd February 2019]

[86] Cfr., cit. OHCHR (2014), *Women's Rights are Human Rights*, HR/PUB/14/2 United Nations Publication, p. 30. [Online] Available from: https://www.ohchr.org/Documents/Events/WHRD/WomenRightsAreHR.pdf [Accessed 23rd February 2019]

as simply, it refers to those laws, policies and programmes that provide an indirect discrimination. On the other hand, while formal equality (that stems from the law) preaches that people must be treated equally, substantive equality (that stems from practice) takes into account both historical inequalities and present conditions of women going beyond formal equality and providing equal opportunities for disadvantaged groups.

3.1.1 Discrimination against women

Insofar as gender equality is fundamental for the enjoyment of women's human rights, any discriminatory laws against women, or any provisions that disadvantage women should be illegal. However, all over the world, discriminatory laws, policies and rules continue to be operative, and even, some new ones are adopted, hampering women's empowerment. Actually, «in all legal traditions many laws continue to institutionalize second class status for women and girls with regard to nationality and citizenship, health, education, marital rights, employment rights, parental rights, inheritance and property rights»[87]. Perhaps we should remember the situation of women all around the world analysing some data.

Unpaid household among women is at least two and a half times more than that carried out by men. Every day women have to combine both paid and unpaid labour: they cook, clean, take care of children and elderly, and as a result, their time to engage in paid labour diminishes. Their unpaid household is generally not recognised as work, even if it counts 10-39 per cent of the Gross Domestic Product (GDP) and it can contribute to the economy in a bigger way than the manufacturing, commerce or transportation sectors![88] Globalisation has been contributing to provide paid labour to women, but gender inequalities remain and are reproduced in the global dimension in terms of quality: the first reason of this trend may be intended as a result of subcontracted labour or service labour.

Global estimations report that for every dollar a man earns, a woman receives 77 cents. This gap is the result of an unequal distribution between sexes: income inequalities in wages are present in all countries among all sectors, insofar as women's work is undervalued. This gap accelerates and favours poverty among women, leading to the so-called "motherhood penalty" which pushes women into the informal economy, casual or part-time work[89]. Moreover, women

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[87] Cit. OHCHR (n.d.), *Combating Discrimination against women*. [Online] Available from: https://www.ohchr.org/en/issues/discrimination/pages/discrimination_women.aspx [Accessed 21st February 2019]

[88] UN Women (n.d.), *Redistribute Unpaid Work*. [Online] Available from: http://www.unwomen.org/en/news/in-focus/csw61/redistribute-unpaid-work [Accessed 21st February 2019]

[89] UN Women (n.d.), *Equal Paid for Work of Equal Value*. [Online] Available from: http://www.unwomen.org/en/news/in-focus/csw61/equal-pay [Accessed 21st February 2019]

have the responsibility to raise a family; pregnancy and maternity are a vulnerable time for working women. For this reason, they require social and economic protection, because they may lose their job and so, their vital income[90].

Older women are much less likely to have a pension, enjoy income security and economic independence, and pension systems fail to produce equal outcomes[91]. In the European Union, the pension gap between women and men is more than twice the gap between their earnings. Eurostat data report that the EU gender pension gap was 40 per cent, compared to a gender pay gap of 16 per cent: in fact, on the average, women receive 40 per cent less than men, leading to an increase in the risk of poverty in retirement. Even if there are variations among countries, half of the Member States report a gap of 30 per cent[92]. Women constitute the majority of the world's poorest people, and those who live in rural poverty have increased by 50 per cent since 1975.

In some Middle East countries, women are still not allowed to drive, and in some African and Asian countries, women have to wear complete body burqa. Moreover, in some extreme cases, they are not allowed to leave their country without the consent of their husbands or fathers[93]. In other countries, discriminatory laws are in force and concern the family life, limiting women's right to marry, divorce or remarry, allowing sex discriminatory marital practices, such as wife obedience or polygamy[94].

These are only a few examples of discrimination towards women. Also, violence against women and domestic violence are considered forms of discrimination, because they are human rights violations that cause inequality and discrimination against women, reproducing a hardly-to-escape cycle relation. Violence against women is a common phenomenon in all cultures throughout the world, but accessing justice is not without barriers. Women are subjected to multiple forms of discrimination based on sex and on other factors, including race, ethnicity,

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[90] ILO (n.d.), *International Labour Standards on Maternity Protection*. [Online] Available from: https://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/maternity-protection/lang--en/index.htm [Accessed 21st February 2019]

[91] Staab S. (2015), *Protecting women's income security in old age: Toward gender-responsive pension systems*, ILO. [Online] Available from: http://www.unwomen.org/en/digital-library/publications/2015/12/women-income-security-in-old-age [Accessed 21st February 2019]

[92] Gordon S. (2017), *EU Gender Gap on pensions twice as big as paw divide*, Financial Times. [Online] Available from: https://www.ft.com/content/9aecde2a-49f6-11e7-a3f4-c742b9791d43 [Accessed 21st February 2019]

[93] Ekkanath S. (2017), *8 Examples of Gender Discrimination*, TheBorgenProject.com. [Online] Available from: https://borgenproject.org/examples-of-gender-discrimination/ [Accessed 22nd February 2019]

[94] OHCHR (n.d.), *Combating Discrimination against women*. [Online] Available from: https://www.ohchr.org/en/issues/discrimination/pages/discrimination_women.aspx [Accessed 22nd February 2019]

cast, HIV/AIDS, disability, sexual orientation, gender identity; these factors fuel the risk of exclusion, economic distress and marginalisation.

Even after 40 years since the adoption of the CEDAW, the recognition and the enjoyment of equal rights between women and men have not been reached fully, nay the situation for many women around the world has not changed. To this day, CEDAW has been ratified by 189 States, but it remains one of the Conventions with the highest number of reservations to core articles, such as articles 2, concerning the responsibility of States to take all appropriate measures, and 6, concerning the family life. States still maintain their discriminatory laws despite being part of the Convention. In order to solve this issue, the Office of the High Commissioner for Human Rights (OHCHR) has been taking some activities in support of the Committee on the Elimination of Discrimination against Women, of the Special Rapporteur on Violence against Women and of the Independent Expert on Trafficking[95].

3.1.2 Discrimination against migrant women

It is now time to deal with discrimination against migrants, in particular women. Nationality, as well as sex, may lead to discriminatory practices, which constitute a worldwide and widespread issue. The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban (South Africa, 2001), which produced the so-called Durban Declaration, recognised xenophobia against non-nationals and migrants an important source of contemporary racism. The Declaration not only addressed the treatment of migrant workers but also gave particular attention to migrant women. Discrimination against migrants targets some basic rights as housing, education, health, work and social security; migrants are often detained in overcrowded centres, with poor access to healthcare, inadequate sanitation and food, going against their rights. The situation of these people has further aggravated due to the global economic crisis and rising unemployment[96]. Latest data as at 2015, collected by the International Organisation for Migration (IOM), report that persons who live in a country different from the country of origin are roughly 244 million in the world, representing the 3.3 per cent of the global population and meaning that a person every 30 has changed her/his country[97].

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[95] Cfr. *ivi*.

[96] Cfr. OHCHR (n.d.), *Combating Discrimination against Migrants.* [Online] Available from: https://www.ohchr.org/EN/Issues/Discrimination/Pages/discrimination_migrants.aspx [Accessed 22nd February 2019]

[97] Cfr. Magliocco P. (2018), *Quanti sono i Migranti nel Mondo?,* La Stampa. . [Online] Available from: https://www.lastampa.it/2018/05/17/italia/quanti-sono-i-migranti-nel-mondo-J7lg6rhklOEMVoJjwD2MiI/pagina.html [Accessed 21st February 2019]

Some international treaties have been adopted during the years. The most important is definitely the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICPMW, 1990), which addresses the issue of discrimination against migrants and protects their rights. Even if this Convention does not have an optional protocol (which would have created a special treaty body), there are some external committees that work on this field, as the Committee on Migrants Workers, the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child. Furthermore, there are other special offices and procedures that combat discrimination against migrants, such as the Special Rapporteur on the human rights of migrants, the Working Group on Arbitrary Detention, the Special Procedures working to protect human rights while countering terrorism, the Special Procedure working on trafficking in persons, especially women and children; on freedom of religion or belief; on violence against women, its causes and consequences; on extreme poverty; on the right to education; on contemporary forms of slavery and on contemporary forms of racism, racial discrimination, xenophobia and related intolerance[98]. Other important human rights instruments, adopted by the UN, that want to ensure equality and may be applied in regard to migrants are the Universal Declaration of Human Rights (UDHR, 1948); the International Convention on the Elimination of All Forms of Racial Discrimination (CERD, 1965); the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW, 1979); the Convention on the Rights of the Child (CRC, 1989) and the Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography; the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the UN Convention Against Transnational Organized Crime (2000); and the Protocol Against the Smuggling of Migrants by Land, Sea and Air, Supplementing the UN Convention Against Transnational Organised Crime (2000)[99].

According to the principle of universality, every State of origin, transit and destination is responsible for protecting the rights of migrants in their territories: due diligence standard applies also in these circumstances. States have the duty to respect, protect and fulfil the human rights of all individuals, without regard to their nationality, origin, gender, age or immigration status. However, migration has been traditionally analysed from an economic point of view and

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[98] Cfr. OHCHR (n.d.), *Combating Discrimination against Migrants.* [Online] Available from: https://www.ohchr.org/EN/Issues/Discrimination/Pages/discrimination_migrants.aspx [Accessed 22nd February 2019]

[99] Cfr. Kawar M. (n.d), *Gender and Discrimination: Why Women are more Vulnerable?,* p. 77. [Online] Available from: http://graduateinstitute.ch/files/live/sites/iheid/files/sites/genre/shared/Genre_docs/2865_Actes2004/10-m.kawar.pdf [Accessed 22nd February 2019]

seen as a by-product of globalisation, thus, there is a tendency to treat migrants as commodities, failing to understand their precious impact on the society and recognise them as individuals owning their human rights. People flee from their country for seeking economic opportunities or for escaping persecution; migrant women are half of this phenomenon and contribute both to the economy of the State of origin and to the social, cultural, demographic and economic situation of the host State. In this context, female migration represents a good step towards gender equality by empowering migrant women insofar as many of them migrate independently and sometimes become the main breadwinners for their families. On the other hand, they face more difficulties in that migration can increase their vulnerability to a situation of discrimination, violence and exploitation, especially for those in a situation of irregularity[100].

It is important not to forget that the CEDAW was one of the first international documents to include migrant women in the protection against all forms of discrimination: many women face discriminatory restrictions because of their migrant status, leading to irregular or informal forms of migration, and condemning them to abuse and violence. Migrant women often lack access to reliable information and education, and they face other great obstacles consisting of learning the local language, finding employment and accessing the health service. Migrant women workers receive lower salaries, suffer regrettable working conditions and lack access to justice, and those with irregular status are more vulnerable to isolation and abuse[101]. Thanks to the ICPMW, all the rights included in the major human rights treaties have been even extended to migrants. According to article 33, States have a duty to provide information to migrants and their family members, especially for migrant women. In addition, during the International Conference on Population and Development, held in Cairo on 1994, there was a discussion on the need to address the root causes of migration, in particular those linked to poverty[102].

Then, during the Beijing Declaration in 1995 and General Assembly resolution 58/143 on violence against women migrant workers, there was another attempt to claim for better protection of the rights of migrant women. States shall:

> Ensure the full realization of the human rights of all women migrants, including women migrant workers, and their protection against violence and exploitation; introduce measures for the empowerment of documented women migrants, including women migrant workers; facilitate the productive employment of documented

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[100] Cfr. OHCHR (2014), *Women's Rights are Human Rights*, HR/PUB/14/2 UNITED NATIONS PUBLICATION, pp. 86-87. [Online] Available from: https://www.ohchr.org/Documents/Events/WHRD/ WomenRightsAreHR.pdf [Accessed 23rd February 2019]
[101] Cfr. *idem*, pp. 88-89.
[102] Cfr. *idem*, pp. 87-88.

migrant women through greater recognition of their skills, foreign education and credentials, and facilitate their full integration into the labour force[103].

Moreover, GR No. 26 on women migrant workers (2008) of the CEDAW Committee further highlights the discrimination and violence that affect this category. The GR deals with the violations that occur before the departure, during the travel and in the place of destination: too often, migrant women are employed in low-paid jobs, facing a higher risk of abuse and discrimination; they seldom acquire eligibility for citizenship or permanent stay. The Committee points out that «female migration and the impact of migration on women has to be understood through a gendered analysis, taking into account gender inequality, traditional roles of women, a gendered labour market, the global prevalence of gender-based violence, feminization of poverty and labour migration». For these reasons, States should adopt some measures in order to improve the legal protection of female migrants and ensure them access to remedies and services[104].

According to the Special Rapporteur on contemporary forms of slavery, including its causes and consequences (A/HRC/15/20, 2010), combating domestic servitude and protecting domestic workers' rights are two sides of the same coin. States should adopt specific provisions to criminalize servitude and punish perpetrators with due diligence; furthermore, States should «extend the equal protection of their labour laws to domestic workers, including migrant domestic workers, putting an end to any discriminatory practice regarding working hours, rest days, vacation, health care, maternity leave and protection from unfair dismissal»[105]. Finally, the Special Rapporteur on the human rights of migrants (A/HRC/20/24, 2012) highlighted the vulnerability to sexual violence committed by male detainees or guards towards migrant women. Women migrant detainees should be separated from men and supervised only by women officers for protecting them and preventing any forms of sexual violence. Pregnant and breastfeeding women should not be detained[106].

This new era of migration involves the entire world, but it is especially in Europe where migration has been characterised by four trends: *acceleration*, *diversification*, *globalisation* and *feminisation*. Even if labour migration has been considered the primary form of migration, nowadays we are in front of a new type of migration, in which the major group consists of refugees and asylum-seekers. There is a wide variety of migrant types, a real diversification,

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[103] Cfr., cit. *idem*, pp. 88-90.
[104] Cfr., cit. *ivi*.
[105] Cit. *idem*, p. 91.
[106] Cfr. *idem*, pp. 86-87.

which includes highly skilled workers as well as unskilled workers, students, clandestine migrants and so on. Migration is not only the result of conflicts, wars and persecutions, but is also the response to accelerated globalisation processes, such as the growing importance of multi-national companies, the elimination of national barriers to trade and investment, developments in transportation, communication and technologies[107].

The feminisation of migration is a completely new aspect: «women migrants have often entered Europe as part of family re-unification schemes, but more and more women migrate on their own to work outside their home countries»[108]. The significance of this tendency is not only linked to a growth in the number of migrant women, but also to their increasing contributions to economic and social life in both countries. Many women flee from their countries of origin for reasons which differ from those chosen by men, such as sexual violence, female genital mutilations, forced marriage and others. The experience of emigration affects the woman herself and her role in the society. As we have previously mentioned, migrant women contribute both to the economy of the host country and to the maintenance of their families in their home country by sending remittances; however, women are more vulnerable to informal, exploitative or illegal jobs, often due to their low levels of education[109].

Migrant women face many disadvantages and risks compared to men during their decision to migrate, their travel and their job in the host country. Women leave their countries with unrealistic expectations as a result of their lack of know-how and of information on the migration process, and employment opportunities in the host country. They tend to cover a limited number of occupations which do not provide a perspective of career advancement or skill acquisition. Some of them have qualifications, which are not recognised, and higher skills compared to the type of job they do; they have limited opportunities, information and social support; they tend to occupy jobs in the informal sector, without any labour legislation or social protection but only being at the mercy of their employers. Migrants women lack knowledge of their rights, and in most cases, they fear authorities and do not report any abuse or exploitative situation, even because police treat them with limited or no legal rights[110]. Migrant women flee

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[107] Cfr. Al-Ali N. (2003), *Women, Gender and Migration in Europe*, pp. 1-2. [Online] Available from: https://eprints.soas.ac.uk/4890/2/Women_and_Migration_in_Europe_Report.pdf [Accessed 5th February 2019]
[108] Cit. *idem*, p. 2-3.
[109] Cfr. Mastrangelo A. (2018), *L'immigrazione in Italia: il Ruolo delle Donne Migranti*, SuperAbile Inail. [Online] Available from: https://www.superabile.it/cs/superabile/normativa-e-diritti/persone-straniere/approfondimenti/limmigrazione-in-italia-il-ruolo-delle-donne-migranti.html [Accessed 22nd February 2019]
[110] Cfr. Kawar M. (n.d), *Gender and Discrimination: Why Women are more Vulnerable?*, pp. 73-75. [Online] Available from: http://graduateinstitute.ch/files/live/sites/iheid/files/sites/genre/shared/Genre_docs/2865_ Actes2004/10-m.kawar.pdf [Accessed 22nd February 2019]

from abuse and poverty for finding themselves in a new situation of abuse: it is a cycle that is hard to escape. They think that with their jobs they will be able to achieve personal growth, pay debts and sustain their families; however, they will incur in problems, such as «debt bondage, withholding of wages, receiving less wages than original contract, lack of knowledge on money management and savings»[111]. To sum up, migrant women are concentrated in the informal sector, which constitutes their primary resource of employment; one of the most vulnerable migrant worker groups is that one of domestic workers, an overrepresented category in our Western society. The lack of protection in labour expose them to unsafe working and economic conditions, without social benefits and health insurance, frequently leading to labour discrimination, sexism, racism and xenophobia.

Women today represent almost half of the international migration: emigrating can be empowering but also risky for them. They will contribute to change, innovation, integration and wellbeing, meeting social and economic needs of the host countries; however, on the other hand, they will face more risk of exploitation and be more likely hired in low skilled jobs and unregular jobs in agriculture, domestic work, services and in the sex industry. In such a way, women face a "triple discrimination", namely discrimination of gender, class and nationality, because they are respectively women, unprotected workers and migrants[112]. Because of their gender, cultural, legal and socioeconomic position, «women refugees and internally displaced women have specific protection needs, including because of their increased vulnerability to sexual and gender-based violence. Factors such as displacement amplify the discrimination women and girls already endure in "normal conditions" or during peacetime». Compared to men, they have still limited access to basic rights[113].

3.2 Intersectionality

In the analysis of our case study in the following chapter, we will come across one recurrent word: intersectionality. Without a doubt, women and migrant are "categories" more

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[111] Cfr., cit. *idem*, p. 75.
[112] Cfr. Taran P. (2016), *Migrant Women, Women Migrant Workers Crucial challenges for Rights-based Action and Advocacy*, Presentation by Patrick Taran, President Global Migration Policy Associates (GMPA) at the OHCHR-UNWOMEN side event to 64th Session of the UN Committee on the Elimination of Discrimination Against Women (CEDAW): "Promoting and Protecting Women Migrant Workers' Labour and Human Rights through CEDAW and CMW" 21 July, 2016 Palais des Nations, Geneva. [Online] Available from: https://www.ohchr.org/Documents/HRBodies/CMW/SideEvent2016 /PatrickTaran.pdf [Accessed 22nd February 2019]
[113] Cfr., cit. OHCHR (2014), *Women's Rights are Human Rights*, HR/PUB/14/2 UNITED NATIONS PUBLICATION, p. 91. [Online] Available from: https://www.ohchr.org/Documents/Events/WHRD/ WomenRightsAreHR.pdf [Accessed 23rd February 2019]

discriminated than others, and if someone is both a woman and a migrant, we incur indeed in what we are used to calling intersectionality.

Intersectionality is a research methodology and a theoretical framework. It is about the creation of different forms of disadvantage, overlapping and interdependent systems of discrimination. It is a large way to define intersected discrimination, taking into consideration all the potential factors and social categorisations. In literature and academic studies, it is possible to find synonymous for it, like multiple, additive or intersectional discrimination.

This concept is used to describe the ways in which oppressive institutions are linked and cannot be examined separately[114]. Intersecting forms of discrimination have always existed, at different levels -local, regional, national, global-, in such a multi-level perspective; examples of factors that may exacerbate the nature of discrimination faced by women include «age, socioeconomic status, racial or ethnic background, religion, national origin, citizenship, status, health, particularly HIV/AIDS and disability, as well as poverty and sexual orientation», and many others as well. As upheld during the Beijing Conference, «States recognized that "many women face additional barriers to the enjoyment of their human rights because of such factors as their race, language, ethnicity, culture, religion, disability or socioeconomic class or because they are indigenous people, migrants, including women migrant workers, displaced women or refugees" »[115]. Moreover, the Durban Declaration and Programme of Action, adopted at the 2001 World Conference against Racism, proposes concrete measures in order to combat racism, racist discrimination, xenophobia, related intolerance in a holistic and multi-level way[116]. In the Declaration,

> States declared that they were "convinced that racism, racial discrimination, xenophobia and related intolerance reveal themselves in a differentiated manner for women and girls, and can be among the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination, and the limitation or denial of their human rights." They further recognized "the need to integrate a gender perspective into relevant policies, strategies and programmes of action against racism, racial discrimination, xenophobia and related intolerance in order to address multiple forms of discrimination"[117].

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[114] Cfr. Fandom (n.d.), *Intersectionality*. [Online] Available from: http://geekfeminism.wikia.com/wiki/Intersectionality [Accessed 20th February 2019]
[115] Cit. OHCHR (2014), *Women's Rights are Human Rights*, HR/PUB/14/2 UNITED NATIONS PUBLICATION, pp. 37-38. [Online] Available from: https://www.ohchr.org/Documents/Events/WHRD/ WomenRightsAreHR.pdf [Accessed 23rd February 2019]
[116] UN (2009), *The Durban Review Conference*. [Online] Available from: http://www.un.org/en/durbanreview2009/ddpa.shtml [Accessed 20th February 2019]
[117] Cit. OHCHR (2014), *Women's Rights are Human Rights*, HR/PUB/14/2 UNITED NATIONS PUBLICATION, p. 38. [Online] Available from: https://www.ohchr.org/Documents/Events/WHRD/ WomenRightsAreHR.pdf [Accessed 23rd February 2019]

Other documents and treaty bodies which refer to intersecting forms of discriminations are the following. First of all, the CERD Committee with its GR No. 25 (2000) on gender-related dimensions of racial discrimination highlights how racial discrimination affects women and men differently because there are situations in which racial discrimination affects women in a different or higher degree than men. In addition, the CEDAW Committee in its GR No. 25 (2004) referred to the adoption of temporary special measures by the State parties in order to address multiple discrimination against women. Finally, the CRPD may be considered «the first binding human rights treaty to explicitly address multiple discrimination against women and girls, requiring State parties to take measures to ensure the equal enjoyment of all human rights and fundamental freedoms for women and girls with disabilities»[118].

Furthermore, the Special Rapporteur on violence against women has upheld «the need to apply an intersectional analysis when researching gender-based violence to demonstrate different categories of discrimination against women». In her recent report on multiple and intersecting forms of violence against women (A/HRC/17/26), the Special Rapporteur sustained the need to adopt holistic measures for addressing inter- and intra-gender inequality, discrimination and GBV, taking into account factors which increase women's and girls' vulnerability, «such as geographic location, level of education, employment situation, household size, marital relationships, access to political and civic participation, race, skin colour, intellectual and physical abilities, age, language skills and fluency, ethnic identity and sexual orientation»[119].

In substance, the principle of multiple discrimination improves the principle of equality, better analyses the real importance of discrimination, and identifies in a different perspective the gender dimension. Intersecting substantive equality lets us give evidence to the experience of people who suffer oppression and it makes possible to identify the pervasive character of power at all levels. Thus, interlocking discrimination refers to macro level connections which link systems of oppression.

The concept of intersectionality reflects well the complexity of our social world. Moreover, for better understanding it, it is necessary to consider GR No. 35 produced by the CEDAW Committee, which fills some gaps, stressing «the importance of monitoring violence in relation to the development and effectiveness of policies, the systems of protection for victims and the treatment of perpetrator, the relevance of risk assessment and of the empowerment approach as a basis for the work with women involved in situations of violence». Thanks to GR No. 35, the

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[118] Cfr., cit. *idem*, p. 38-39
[119] Cfr., cit. *idem*, p. 39

prohibition of violence has become international customary law: indeed, it focuses on the explanation of an extended notion of State responsibility and it gives increasing attention to issues related to intersectionality, as the multiplicity of factors affecting women's lives. The intersectional dimension of conditions and belonging contributes to shaping female identities but, at the same time, to shaping situations of social disadvantage. Thus,

> Intersectionality refers to the need to carry out a proper evaluation of the connection between sexism and male violence in consideration of the fact that sexism cannot be dissociated from other lines of differentiation. It is about recognising the fluidity of women's roles by highlighting the relational dimension and the historical character of social power relationships. Intersectionality, therefore, is an essential analytical tool to understand the realities of women's lives. Yet, it also poses several challenging questions about the actual meaning of treating the phenomenon of violence against women as something different or peculiar from other forms of structural discrimination or human rights violations[120].

Alongside CEDAW Committee, even the CERD Committee has been referring for years to the concept of multiple discrimination. GR No. 32 (2009) applies to article 1.1 of the CERD establishing that the discriminatory factors shall be extended in practice due to the principle of intersectionality: the CERD Committee deals with any situations of multiple or double discrimination if it emerges that it exists a discrimination on one or more factors enunciated in its article 1.

Another important tool, specifically adopted for the protection of migrant women, is the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) of 2011. The Istanbul Convention was ratified by both Italy and Poland. Italy adopted it with Law no. 77 of 27th June 2013, which specifically focuses on serious forms of violence, including domestic violence, sexual harassment, rape, forced marriage, honour killing and FGMs. In addition, in order to reinforce the protection system for all migrant women victims of serious forms of violence, article 4 of Law no. 119/2013 added a new article (article 18*bis*) to the Single Text on Immigration (Testo Unico sull'Immigrazione - TUI)[121]. While article 18 of TUI allows the stay for reasons of social protection, article 18*bis* introduces a new type of residence permit: when, during police operations, investigations or prosecutions, situations of violence or abuse towards a foreigner have been detected, and a real

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[120] Cfr., cit. Degani P., Pividori C. (2018), "Ending Violence against Women as Testing Ground for Women's Human Rights Discourse: Practices, Limits and Challenges", in: *PHRG Peace Human Rights Governance*, Volume 2, Issue 2, Human Rights Centre, University of Padua, pp. 173-175.

[121] Cfr. Mastrangelo A. (2018), *L'immigrazione in Italia: il ruolo delle donne migranti*, SuperAbile Inail. [Online] Available from: https://www.superabile.it/cs/superabile/normativa-e-diritti/persone-straniere/approfondimenti/limmigrazione-in-italia-il-ruolo-delle-donne-migranti.html [Accessed 2nd March 2019]

and actual danger lies for the safety of this person, as a consequence of her choice of avoiding that violence the commissioner may release a special residence permit in order to allow the victim to escape that violence. The article includes any types of domestic violence which comprehends physical, sexual, psychological or economic violence within the family or between intimate partners. In this way, this article strengthens the protection of victims without a regular permit: now, foreign victims of domestic violence can have access to their residence permit for humanitarian reasons[122]. However, this article is not without controversial aspects: it had already raised numerous objections at the time of the entry into force of the law and today it is rarely used. So, it is therefore important to understand what is involved in the lack of use of this special residence permit for victims of domestic violence, and to check whether this failure to apply depends on an insufficiency of the permit or slowness in the concrete discovery of the beneficiaries. For these reasons, the law has been strongly contested by associations and anti-violence centres due to the fact that it does not fully respect the Istanbul Convention. Indeed, article 18*bis* has such a reduced content compared to the requirements of article 59 of the Istanbul Convention; article 18*bis* does not refer to the mere status of the victim, but it is bound to the requirement of a severe and actual danger for the safety of the victim. In case of absence of this severe and actual danger, the foreign woman does not have a right to this special resident permit even if she is a victim of domestic violence. It would have been more consistent with the Convention if the Italian law had assured to the foreign woman, for reasons linked to her particular vulnerability, the possibility to obtain a legal residence for the only reason of being a victim and for all the necessary period for overcoming the difficulties stemming from the violence inflicted. The additional requisite of a severe and actual danger for her safety expected for foreign victims leads to an irrational disparity of treatment in comparison with the Italian victims[123]. As a consequence, for obtaining effective recognition of the protection it is required to present a denunciation, ignoring the fact that migrant women are afraid to refer and to contact the authorities because they fear to be expelled. The access to this special permit is still too difficult, and the structure of this rule does not help. Even if migrant women present a complaint, those without a regular permit are left to live in a situation of instability and waiting

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[122] Testo unico sull'immigrazione (n.d.), *Permesso di soggiorno per le vittime di violenza domestica, articolo 18bis* (D.lgs. 25 luglio 1998, n.286). [Online] Available from: https://www.superabile.it/cs/superabile/normativa-e-diritti/persone-straniere/approfondimenti/limmigrazione-in-italia-il-ruolo-delle-donne-migranti.html [Accessed 22nd February 2019]

[123] Cfr. Garisto F. (2015), *Il permesso di soggiorno per le vittime di violenza domestica previsto dall'art. 18 bis, d.lgs 286/1998, inserito dalla l. 119/2013*, D.*i*.R*e*. [Online] Available from: https://www.direcontrolaviolenza.it/permesso-di-soggiorno-per-le-vittime-di-violenza-domestica/ [Accessed 3rd March 2019]

which exacerbates their vulnerability and exposes them to further forms of violence, jeopardising their path toward an exit from violence[124].

In the case of Poland, the Istanbul Convention was signed in 2012 and, after a big political battle, ratified in 2015. As the Polish Ombudsman, Adam Bodnar, said for the occasion, the entry into force of the Convention represented a milestone in that it provides the protection of fundamental rights and freedoms of women who experience violence on the base of gender. The Istanbul Convention aims to minimise harmful practises while counteracting the promotion of traditional gender roles, of which the right-wing is charged with. Indeed, the Ordo Iuris, a right-wing legal organisation, states that the differentiation between men and women, masculinities and femininities cannot be prohibited, insofar as the Polish Constitution itself emphasises the connection to the previous national traditions, and in some cases the so-called "natural feminine roles". For such a reason, the conservative parties are afraid that this «Convention is going to destroy the Polish culture and its attachment to the role model of a woman, whose main mission is taking care of the family home. Moreover, the sceptics believe that "promoting non-stereotypical gender roles" is closely related to promotion of homo- and transsexuality, which is perceived as one of the dangers of European modern culture». Moreover, they claim that the Convention focuses only on women's problems and in doing so, it discriminates men who suffer domestic violence or the elderly. Conservatories uphold that the Convention is unnecessary insofar as, according to the EU statistics (but, as far as we know, the survey presents some weak points), Poland has the lowest rate of such harm and the highest rate of its reporting, and they say that the Polish law already prevents domestic violence, in a more general way, in the Constitution, in the Penal Code, and in the Family and Guardianship Code. However, the legislation is only theoretical: the issue of domestic violence still exists in practice, because of gender inequality, but also for other reasons, such as alcoholism (indeed, there is a strict connection between alcohol/use of drugs and violence). Moreover, there is a tendency of treating women in a degrading manner and of falling in the so-called secondary victimisation. Even if some acts prohibited in the Convention are also forbidden in the Polish law, «putting pressure on that area might affect the consciousness of the people and make them consider concrete acts as expression of violence»[125].

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[124] Cfr. Manente T. (2015), *Problematiche di applicazione dell'art.18 bis sul permesso di soggiorno per donne straniere vittime di violenza domestica,* D.i.R*e.* [Online] Available from: https://www.direcontrolaviolenza.it/permesso-di-soggiorno-per-le-vittime-di-violenza-domestica/ [Accessed 3rd March 2019]

[125] Cfr., cit. Toporowska A. (2017), *The Istanbul Convention in Poland*, Central EU Law Blog. [Online] Available from: http://centraleulawblog.eu/istanbul-convention-poland/ [Accessed 3rd March 2019]

To sum up, women experience violence in all spheres of life, but specific groups of women suffer from various forms of discrimination. The most important point is to understand that this violence is a manifestation of historically unequal power relations between masculinities and femininities, and it is grounded in the broader context of systemic gender-based discrimination against women and other forms of subordination[126]. In order to better clarify this issue, it is necessary to review what the word *gender* refers to.

According to Degani and Pividori, gender-based identity has constituted a significant barrier with particular regard to male violence against women and in combating sex-based discriminations[127]. It concerns socially constructed identities, attributes and roles for women and men. Gender-based discrimination is based on society's social and cultural meanings for these biological differences which lead to hierarchical relationships and to unequal distributions of power and rights in favour of men; this disproportion is affected «by political, economic, cultural, social, religious, ideological and environmental factors, and can be changed by culture, society and community. Gender constructions are dynamic and fluid; they change over time and can be different in different cultures»[128]. On the other hand, a process of assessing the implications for women and men of any planned action, in all areas and at all levels, has been developing, taking the name of "gender mainstreaming" or "gender integration". «It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated»: its aim is to achieve equality between men and women. Even if the term *gender* is not interchangeable with women and does not emphasise only women's experiences, it sheds light more on women insofar as they are mostly unfavourably affected by gender inequalities[129].

The concept of intersectionality examines all the levels, from the micro level of lived experiences, through the meso level of organisation and social structure, to the macro level; it can be used in quantitative and qualitative work. According to Winker and Degele,

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[126] Cfr. OHCHR (2014), *Women's Rights are Human Rights*, HR/PUB/14/2 UNITED NATIONS PUBLICATION, p. 75. [Online] Available from: https://www.ohchr.org/Documents/Events/WHRD/ WomenRightsAreHR.pdf [Accessed 3rd March 2019]

[127] Cfr. Degani P., Pividori C. (2018), "Ending Violence against Women as Testing Ground for Women's Human Rights Discourse: Practices, Limits and Challenges", in: *PHRG Peace Human Rights Governance*, Volume 2, Issue 2, Human Rights Centre, University of Padua, p. 164.

[128] Cfr., cit. OHCHR (2014), *Women's Rights are Human Rights*, HR/PUB/14/2 UNITED NATIONS PUBLICATION, pp. 35-36. [Online] Available from: https://www.ohchr.org/Documents/Events/WHRD/ WomenRightsAreHR.pdf [Accessed 3rd March 2019]

[129] Cfr., cit. *idem*, p. 37.

We can distinguish anticategorial, intracategorial and intercategorial complexity as forms of intersectionality. *Anticategorial* complexity is seen as a deconstruction of analytical categories such as gender and race, and focuses attention on the ways in which concepts, terms and categories are constructed. […] *Intracategorial* complexity focuses on 'particular social groups at neglected points of intersection'. […] *Intercategorial* complexity makes a *strategic* use of categories and analyses relations of multiple inequalities between socially constructed groups.

In their point of view, intersectionality is «a system of interactions between inequality-creating social structures (i.e. of power relations), symbolic representations and identity constructions that are context-specific, topic-orientated and inextricably linked to social praxis»[130].

Moreover, intersectionality is useful when talking about identity constructions, symbolic representations and social structures. Concerning identity constructions, the logic of "us" – "them" is perpetuated every time we face a new reality. We constitute our identities in delineation from others. We create a sense of belonging with whom share our values, with whom has in common with us gender, class or ethnicity. The interrelation of these categories builds our identity. The second point makes us think about such norms, ideologies and representations based on «naturalizing and/or hierarchy-creating assessments on the grounds of numerous categories of difference». Symbolic representations support and generate structural power relations. Finally, regarding social structures, it is possible to distinguish between categories of class, gender, race and body, which are respectively connected to the power relations of classism, heteronormativism, racism and bodyism. *Class* is something linked to the social origin and relations, education and profession of a person; so, *classism* is something that perpetuates income and wealth inequalities on the basis of social origin, education and profession, and it affects all areas of society. *Gender* is connected to the sexual orientation of a person; thus, *heteronormativism* reflects those power relations based on hierarchical gender relations and assumptions about naturalised heterosexuality. *Race* indicates human groups who share some common classifications; so, *racism* is a relation of power which lies on a structural asymmetry of power between races or human groups. And last, *body* is nowadays «perceived less and less as a fact of nature, and more a product of culture, due to the fact that it can be manipulated mechanically, genetically, mentally and physiologically»; thus, *bodyism* denotes

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[130] Cfr., Cit. Winker G., Degele N. (2011), *Intersectionality as multi-level analysis: Dealing with social inequality*, European Journal of Women's Studies – EJWS, SAGE Publications, pp. 52-54. [Online] Available from: https://journals.sagepub.com [Accessed 8th April 2019]

power relations between human groups which generates other structural inequalities and connect to physical characteristics[131].

Worthy of mention is the intersectional approach used by the Working Group on Women and Human Rights of the Centre for Women's Global Leadership of the Rutgers University in the US. According to them, the analysis of the disempowerment of marginalised women

> Attempts to capture the consequences of the interaction between two or more forms of subordination. It addresses the manner in which racism, patriarchy, class oppression and other discriminatory systems create inequalities that structure the relative positions of women, races, ethnicities, classes and the like. Moreover, intersectionality addresses the way the specific acts and policies operate together to create further empowerment (Center for Women's Global Leadership, 2001: 1)[132].

In the words of Yuval-Davis, social divisions continue to exist due to the fact that people experience subjectively their lives «in terms of inclusion and exclusion, discrimination and disadvantage, specific aspirations and specific identities». Enriching the human rights discourse with an intersectional analysis may help to foster gender mainstreaming, recognise the diversity of women's experiences and enhance women's empowerment[133].

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[131] Cfr., cit. *idem*, pp. 54-56.
[132] Nira Yuval-Davis (2006). *Intersectionality and Feminist Politics*. European Journal of Women's Studies, SAGE Publications (UK and US), 2006, 13 (3), p. 196. [Online] Available from: https://hal.archives-ouvertes.fr/hal-00571274/document [Accessed 8th April 2019]
[133] Cit. *idem*, pp. 198, 204.

4. A case-study: Italy and Poland

This section would like to examine the specific situation of two European countries, Italy and Poland, concerning violence against women and, more specifically, discrimination and intersectionality focused on migrant women. Half of this chapter presents a summary and an analysis of the one-week workshop which took place the first week of April (1st-5th April) in Padua, Italy.

The second part of this chapter takes into consideration the contributions of professor Magdalena Ratajczak during the 1st, 2nd and 3rd of April. The themes discussed are the following:

1. MIGRATION IN POLAND. NUMBERS OF MIGRANTS AND REFUGEES IN POLAND. MIGRATION POLICIES IN POLAND. HISTORY OF MIGRATION. THE WOMEN IN POLISH HUMANITARIAN DIPLOMACY. DIASPORA IN POLAND.

2. MIGRANT WOMEN IN POLAND: WORK, ACTIVITIES, STEREOTYPES. PRESENTATION OF THE RESULTS OF A RESEARCH IN AREA OF DISCRIMINATION AND VIOLENCE IN POLAND.

3. MIGRANT WOMEN AND THE MEDIA. THE ROLE OF MEDIA IN SETTING THE IMAGE OF MIGRANT WOMEN AND THE FRAMING THE PUBLIC DISCOURSE ON DISCRIMINATION AND VIOLENCE (HUMAN RIGHTS AND COMMUNICATION).

Moreover, the third part focuses on the seminar organised by professor Paola Degani on MIGRANT WOMEN AT THE MARGIN: ADDRESSING VULNERABILITIES IN INTERSECTIONALITY BETWEEN VIOLENCE AND EXPLOITATION – MWM. This last initiative was held on the 4th of April and it involved the Department of Political Sciences, Judicial and International Studies (Dipartimento di Scienze Politiche, Giuridiche e Studi Internazionali), the Human Rights Centre of the University of Padua (Centro di Ateneo per i Diritti Umani dell'Università degli Studi di Padova), and the Institute of International Studies of the University of Wrocław (Stosunki Międzynarodowe -Uniwersytet Wrocławski). The seminar intended to think beyond the operational barriers that have characterised for years the issues linked to violence and severe exploitation towards migrant women in order to understand how to better protect their human rights. The project focused on the link among GBV perpetrated by males against women, women's vulnerability, and women's exploitation. GBV

was conceived as one of the root causes of women's vulnerability due to the fact that it directly contributes to it, while male violence was reported as a crucial mechanism through which women's vulnerability and subjugation are maintained, reproduced and reinforced.

The use of power and control by both perpetrators and exploiters is capable to dominate the victims and subjugate them into trafficking and exploitation. As an example, Nigerian young women and girls who apply for international protection are forced to migrate by their family members or intimate partners, risking exposing themselves to harmful situations. Many times, intimate partner violence or family violence generates itself situations of exploitation for these women.

The workshop gave life to a discussion about the correlation between GBV, migration, the status of women in the host countries, and women's exploitation, trying to categorise violence and discrimination affecting migrant women and to improve strategies of support, rehabilitation, protection and prevention for abused women. Indeed, «while gender inequality is at the root of gender based violence (GBV), conflict, disaster and displacement create stressors and risk factors that can exacerbate or increase the incidence of existing forms of GBV and trigger the appearance of new forms of GBV in a given population»: migrant women experience separation from their families, traumas and face new risks, including the loss of legal status, discrimination, violence, oppression and exclusion; moreover, they come to terms with the negative stereotypes of the host country in their regards. Today, gender equality is a global goal. Both the UN and the SDGs include it in their conventions and programmes for action, but it continues to be a very difficult topic to be addressed in that it still jeopardises the lives of both women and children[134].

4.1 Positions on migration and violence against women

Before starting to analyse more in depth the issues tackled during the workshop, it is fundamental to briefly introduce the Italian and Polish political situation, examining some national policies, data and documents.

Both these two countries have been experiencing a wave of new populism. In Italy, the political elections of 4th of March 2018 declared the winning of the League and the Five Star Movement which have formed a coalition government. The League levers on Italian anxieties

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[134] Cit, cfr. Wells M., Abualsameed S., Prosser S. (2018), "Acknowledging and Addressing the Risks of Gender-Based Violence that Follow Refugees Across Borders: Escalation of Domestic Violence in Refugee Populations", pp. 87-88, 90, in: Shewhawat S., Del Re E. C. (eds.) (2018), *Women and Borders – Refugees, Migrants and Communities*, London & New York, I.B. Tauris

and insecurities, as economic stagnation and migration. Actually, Italy is one of the biggest receiving countries, together with Greece and Spain, thus it was easy for the original Northern League and its coalition partner, the Five Star Movement, to attract support from both the right and the left. Since June 2018, Salvini, using his power as minister of the interior, has raised international indignation after having closed Italian ports to NGO-operated ships which were carrying migrants and refugees[135]. His politics promotes the interest of Italians -"Prima gli italiani!"- even if this means stepping on the rights of the others. A climate of xenophobia, fear and hatred towards foreigners and ignorance has been spreading from the North to the South. Doing so, Italy is moving away from European obligations, and it is breaching international human rights standards; indeed, both the League and the Five Star Movement are claiming for an exit from the EU and the Eurozone. Even if it is easy to

> Accuse Matteo Salvini of "isms" and "phobias" -ranging from racism, sexism, classism, and populism, to xenophobia, transphobia, islamophobia, homophobia- Italy's geographical location does make it extremely vulnerable in times of humanitarian crisis. […] the lack of a unified European policy beyond the Dublin accord that disproportionally burdens Greece, Italy and Spain […] with the responsibilities for accepting immigrants does not help[136].

On the other hand, a similar situation is happening in Poland, where the Law and Justice (PiS) party and its premier Duda have fuelled a nationalistic and Eurosceptic wave. The right-wing populist movement has frequently clashed with Brussels, because of its last controversial judicial reforms and its rejection of the European Commission's quota system for migrants[137].

Indeed, nowadays, this persistent anti-migrant sentiments and discriminatory practices reinforced by laws, regulations and policies in both the States do not make it easier to recognise the right protection to these persons, leading to the risk of denying their human rights and instilling hatred and fear in the nationals. Politicians promise to restrict migratory flows and criminalize irregular migration, but the phenomenon is highly complicated: restricting migration means to deprive people of their rights and expose them to danger, while

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[135] Cfr. Coman J. (2018), *'Italians first': how the populist right became Italy's dominant force*, The Guardian. [Online] Available from: https://www.theguardian.com/world/2018/dec/01/italians-first-matteo-salvini-the-league-rise-rightwing-populism [Accessed 27th February 2019]
[136] Cit. Khrebtan-Hörhager J. (2019), *Italians First: The New Borders of European Humanity*, Academia. [Online] Available from: https://www.academia.edu/38437457/Italians_First_The_New_Borders_of_European_Humanity?email_work_card=view-paper [Accessed 28th February 2019]
[137] Cfr. Kalan D. (2018), *Poland's New Populism*, FP. [Online] Available from: https://foreignpolicy.com/2018/10/05/polands-new-populism-pis/ [Accessed 27th February 2019]

criminalizing irregular migrants may require technical and specific evaluations, that need time and not solve the situation.

It is required a strategic change in the mentality of people in order to address the negative perception they have of migrants, promote their integration and enhance their important contribution to development; indeed, migrants contribute to the social and economic wellbeing of the host country. As an example, just look at the Italian labour market. Its critical situation is due to structural and conjunctural factors. One of them is the consolidated process of demographic ageing which is reducing the proportion of Italians in their working age while retired people are increasing. This will lead to an increase of the old-age dependency rate, an aggravation of the pension burden, and likely a negative effect on GDP pro-capita. Moreover, Italian activity rates are ones of the lowest of the whole of Europe, especially among women and old people[138]. The 8th Annual Report *Foreigners in the Italian Labour Market,* by the Ministry of Labour and Social Policies, is a consolidated tool of collection, analysis and dissemination of data relating to foreign presences in Italy. According to that, the foreign population resident in Italy on 1st January 2017 amounted to 5,047 million people, equal to 8.3% of the total population. The main communities of non-EU origin resident came from Morocco, Albania, China, Ukraine, the Philippines and India. Actually, this number of non-EU nationals who entered Italy was fewer compared to the previous 12 months. Through the analysis of all these data, it is not difficult to understand the big impact the foreign component has in the labour market in the last few years. Foreign workers are important not only because they perform specific tasks, but also by virtue of the compensatory effect they have determined. Indeed, they do not worsen the condition of the host country, but nay, they may solve or ease some problems of the host labour market, improving the economy and social wellbeing. Just think about the effect of "rejuvenation" on the local population: thanks to the higher migrants' fertility the number of people in the working age may increase. Moreover, immigrants accept jobs which are rejected by natives, because they are dangerous, socially poorly accepted or considered inadequate for the education received by most young people, but these jobs are still needed in Italy! In addition, if immigrants settle definitively in the host territory, there will also be a beneficial consequence on public finance and pension system, thanks to an increase of population in those years in which they are net contributors[139]. So, according to the so-called

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[138] Cfr. Pappacena E. (n.d.), *La teoria del mercato duale del lavoro: Autoctoni e Immigrati*, TesiOnline. [Online] Available from: https://economia.tesionline.it/economia/article.jsp?id=13569 [Accessed 2nd March 2019]

[139] Cfr. Ministero del Lavoro e delle Politiche Sociali (2018), *Eighth Annual Report Foreigners in the Italian Labour market*, Directorate General of Immigration and Integration Policies. [Online] Available from: http://www.lavoro.gov.it/documenti-e-norme/studi-e-statistiche/Documents/Ottavo%   20Rapporto%

theory of dualism of the labour market, there is no competition between immigrants and natives, but rather a structural complementarity, which results in the indispensability of the immigrants to the national economy[140]. Many of those nationals who focus only on the negative consequences of the migrants' arrival are mostly unaware of these benefits.

Strict immigration policies do not help and force many migrant workers to be in an irregular situation, without access and protection of the law, vulnerable and dependent on their employer. Many factors contribute to gaps in the protection, such as the nature of the work, language barriers, isolation and dependence[141]. Conservative parties have made migration issues a pivotal point in their political agendas, trying to respond to popular sentiments which perceive migrants in a bad light, as people who exploit social welfare of the host country creating unemployment. Right-wing nationalist movements target new migrants, especially asylum seekers, levering on the fear and hanger of the local population; in this way, migrants face not only racism and discrimination, but also exclusion and isolation[142].

On the other hand, concerning women, both Italy and Poland make a few efforts for combating feminicides and violence against women, nay women's human rights are often violated. During 2017 in Italy, 49,152 women went to anti-violence centres, but only 29,227 of them have started a way out from violence. 26.9 per cent of women who went to anti-violence centres were foreigners and the 63.7 per cent have children. However, it is extremely difficult to measure violence, because it is still a submerged and silent phenomenon. Since January 2017 till October 2017, more than 70 were the women killed by those who claimed to "love them", and since January 2017 till July 2017, 1,646 Italians and 595 foreigners had reported rape. The National Institute for Statistics – Istat upholds that more than 1 million and a half women have been subjected to physical and sexual violence in the workplace. Episodes of sexism are common and affect women's lives every day[143].

Surprisingly, even if in Poland the issue of violence against women is not given as important, this country has a European average rate concerning violence against women of 27.5 points out

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20Annuale%20-%20Gli%20stranieri%20nel%20mercato%20del%20lavoro%20in%20Italia %20(2018)/Sintesi-Ottavo-Rapporto-Annuale-ENG.pdf [Accessed 2nd March 2019]

[140] Pappacena E. (n.d.), *La teoria del mercato duale del lavoro: Autoctoni e Immigrati*, TesiOnline. [Online] Available from: https://economia.tesionline.it/economia/article.jsp?id=13569 [Accessed 2nd March 2019]

[141] Cfr. OHCHR (2014), *Women's Rights are Human Rights*, HR/PUB/14/2 UNITED NATIONS PUBLICATION, p. 90. [Online] Available from: https://www.ohchr.org/Documents/Events/WHRD/ WomenRightsAreHR.pdf [Accessed 2nd March 2019]

[142] Cfr. Al-Ali N. (2003), *Women, Gender and Migration in Europe*, p. 3. [Online] Available from: https://eprints.soas.ac.uk/4890/2/Women_and_Migration_in_Europe_Report.pdf [Accessed 5th February 2019]

[143] Cfr. R.it (2018), *Violenza sulle donne, i dati Istat: "In 49mila si sono rivolte a Centri"*. [Online] Available from: https://www.repubblica.it/cronaca/2018/11/23/news/accuse_dall_europa_l_italia_fa_troppo_poco_per_evitare_i_ femminicidi-212392247/?refresh_ce [Accessed 27th February 2019]

of 100 (the higher the score, the worse the situation), meaning that it has the smallest rate of violence against women in all Europe. However, these data, realised by the Equality Institute for Gender Equality (EIGE) which has analysed the statistics of 2014, include only reported violence and not real violence[144]. Indeed, victims are less likely to report violence if they do not trust police: that is the case of Poland and the reason why the index is so low. EU statistics report that 1 in 3 women have experienced physical or sexual violence, or both, in their life, but measuring violence is too difficult because it continues to be underreported, silent, stigmatised and underestimated; thus, what was reported is only a fraction of this reality. Actually, in Poland, only half of the population tend to trust the police, a definitely low rate compared to the European overall of 70 per cent. Indeed, in EIGE Gender Equality Index 2015, it has been found a correlation between trust in police and level of reported violence: when people have more trust in police, rates of violence are higher. In conclusion, violence against women in Poland is not lower but unreported. Poland has no violence against women law, however, it takes into consideration and criminalises some forms of violence, such as rape. Domestic violence is not recognised as a specific criminal offence, but it is punishable under other types of offences. Furthermore, Poland has no specific law on FGMs, even if cases of FGMs can be prosecuted under the general criminal law. Women who experience domestic and sexual violence do not have access to emergency barring orders; they can access restraining orders only once their criminal case is undertaken[145].

According to the Report of the Special Rapporteur on violence against women, its causes and consequences (2012) analysing the situation in Italy, gender stereotypes are deeply rooted in the peninsula: women are responsible for the household care and the contribution of men is one of the lowest in the world. Another example of their underestimation is visible in their representation in the media: in 2006, only the 47 per cent of them appearing on television spoke; 46 per cent were associated with sex, fashion and beauty, while only a 2 per cent for issues as social commitment and professionalism. Even if the Italian Constitution provides for the principle of gender equality (article 51), women are still underrepresented in the workforce, both in the public and private employment spheres, and at the national, regional and local level. Moreover, significant disparities divide North and South of the country. The Rapporteur,

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[144] Cfr, Piotrowska J. (2018), *Polska z najlepszym w Europie wskaźnikiem w obszarze przemocy*, Feminoteca. [Online] Available from: http://feminoteka.pl/polska-z-najlepszym-w-europie-wskaznikiem-dotyczacym-przemocy/ [Accessed 2nd March 2019]

[145] EIGE (2016), *Combating Violence against Women in Poland*, Paper MH-04-16-663-EN-C 978-92-9493-557-110.2839/589162. [Online] Available from: file:///C:/Users/elena/Downloads/2016.5489 _mh0416663enn_pdfweb_20170215100609.pdf [Accessed 2nd March 2019]

Rashida Manjoo, has denounced that migrant women are eight times more likely to be employed in low-skilled employment than Italian women[146].

Domestic violence against women remains the most pervasive form of violence across the country. A national survey (2006) revealed that 31.9 per cent of women between the ages of 16 and 70 face physical or sexual violence during their lives, while the 14.3 per cent of them experience at least one episode of this violence by their partner. The result of domestic violence is particularly serious, and despite the consequences, only 18.2 per cent of these women consider the violence they experience as a crime, while 36 per cent accept it as a common occurrence. That is the reason why domestic violence in the private sphere still remains invisible and underreported. In the majority of times, women do not notify cases to the police, and even if they do, too many lengthy delays hinder the finalisation of the cases. Furthermore, the continuum of domestic violence marks an increase of victims of femicide. According to a report on femicide based on media information, 127 women were murdered by men in 2010: 70 per cent of the victims were Italian and 76 per cent of the perpetrators were also Italian. This result shows how far from the reality is the common view that such crimes are committed by foreign men, an idea reinforced by the media and by extremist politicians. In more than half of the cases, the perpetrator was either a partner or a former partner[147].

Moreover, migrant women in irregular situations are victims of multiple forms of discrimination. Continuous revictimization and exploitation of migrant women occur every day, insofar as they do not report to authorities because their fear arrest and deportation acts. Furthermore, the so-called security package laws impact migrant women who are in the country following family reunification; indeed, the legal residency period of two years forces women to live with their abusers in order to acquire citizenship, as they lack other options. Absence of information about assistance, lack of knowledge of the Italian immigration system and the language further exacerbate their situation[148].

To sum up, «violence against women remains a significant problem in Italy. […] Most manifestations of violence are underreported in the context of a patriarchal society where domestic violence is not always perceived as a crime; where victims are largely economically

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[146] Cfr. UNGA (2012), *Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo*, *Mission to Italy*, A/HRC/20/16/Add.2, Human Rights Council Twentieth Session Agenda item 3, Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development, pp. 6-7. [Online] Available from: https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-16-Add2_en.pdf [Accessed 7th March 2019]
[147] Cfr. *idem*, pp. 7-8.
[148] Cfr. *idem*, pp. 9-10.

dependent on the perpetrators of violence; and perceptions persist that the state responses will not be appropriate or helpful»: even if a legal framework exists and provides sufficient protection for victims, it is characterised by fragmentation, inadequate punishment, serious delays and lack of effective redress of victims[149].

4.2 Polish immigration policies and the role of the media

These two countries have lots of similarities, as previously mentioned, but of course even divergencies. Just think about the type of migration.

While Italy is located in Southern Europe, Poland is in the hinterland of the continent. Italy together with Spain, Portugal and Greece forms the so-called "soft underbelly" of the EU, an easy pathway from the global South because highly accessible through the Mediterranean basin; moreover, its large informal economy continues to provide employment opportunities for migrants and attract them in unofficial or illegal work[150]. The practice of clientelism fuels the informal sector, making labour migrants highly dependent and vulnerable, in particular women who experience gendered labour market, exploitation and abuse during their work as cleaners, entertainers, nurses and sex workers[151]. Indeed, natives draw up, they choose a voluntary unemployment situation preferring to wait for better employment rather than work in low-prestige, low-skilled and low-paying jobs, which are filled by the non-native population. However, every country, even the most advanced, needs low-skilled workers, which are covered by the migrant population. For this reason, immigrants should be considered indispensable individuals to the national economy as much as the native citizens, due to their structural complementarity with the native population[152]. In the current situation of crisis both natives and immigrants are at risk of poverty; as a consequence, dealing with migration is particularly challenging: «the harsh measures taken to deal austerity have contributed to a fading economic and social solidarity with immigrants, a rise in xenophobia, racism and even racist violence». On the reverse, in this unpleasant situation, it shall be important to guarantee

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[149] Cfr., cit. *idem*, p.17.

[150] Cfr. Triandafyllidou A. (n.d), *Migration Policy in Southern Europe: Challenges, Constraints and Prospects,* pp. 54-55. [Online] Available from: *http://irma.eliamep.gr/wp-content/uploads/2013/10/Migration-policy-in-Southern-Europe.pdf* [Accessed 9th April 2019]

[151] Cfr. Al-Ali N. (2003), *Women, Gender and Migration in Europe*, p. 4. [Online] Available from: https://eprints.soas.ac.uk/4890/2/Women_and_Migration_in_Europe_Report.pdf [Accessed 5th February 2019]

[152] Cfr. Pappacena E. (2005), *La teoria del mercato duale del lavoro: Autoctoni e Immigrati*, TesiOnline Economia. [Online] Available from: https://economia.tesionline.it/economia/article.jsp?id=13569 [Accessed 9th April 2019]

to migrants some services (as normal welfare and unemployment services) and anchor social solidarity to residence and tax compliance rather than citizenship[153].

Italy is not untouched when we talk about the human rights of refugees. Indeed, since 2003 it has been collaborating with Libya and it has violated many times the principle of non-refoulement in accordance with article 31 of the Geneva Convention relating on the Status of Refugees (1951). The principle of non-refoulement

> Forms an essential protection under international human rights, refugee, humanitarian and customary law. It prohibits States from transferring or removing individuals from their jurisdiction or effective control when there are substantial grounds for believing that the person would be at risk of irreparable harm upon return, including persecution, torture, illtreatment or other serious human rights violations[154].

Despite the debatable practices of Italy, the path from Libya to Italy is the most preferred by migrant smuggling route from sub-Saharan Africa. Italy has been criticised by UNHCR and in February 2012, the European Court of Human Rights condemned it for its "push back" operation in 2009 (Hirsi et al. vs Italy)[155].

However, managing irregular migration is not easy:

> Irregular migrants are unlikely to disappear and they can become easy targets for unscrupulous employers and migrant smugglers, especially at times of economic crisis. It is important to register and protect these vulnerable populations. Legalising and registering them allows for better policy planning in all domains (such as employment, health and education), and at the same times safeguards the rights of citizens and legal migrants[156].

Media do not help: irregular migrants are the object of negative attention in public discourse. Criminality and violent crimes committed by migrants are the first to be announced in the Italian TV news or in the newspapers. Indeed, a survey of 2011 reports that Italian television broadcasts dedicate a 6 per cent to immigration (but now the data are higher and higher), while

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[153] Cit., Cfr. Triandafyllidou A. (n.d), *Migration Policy in Southern Europe: Challenges, Constraints and Prospects*, p. 57. [Online] Available from: *http://irma.eliamep.gr/wp-content/uploads/2013/10/Migration-policy-in-Southern-Europe.pdf* [Accessed 9th April 2019]

[154] Cit. OHCHR (n.d.), *The principle of non-refoulement under international human rights law.* [Online] Available from: https://www.ohchr.org/Documents/Issues/Migration/GlobalCompactMigration/ThePrincipleNon-RefoulementUnderInternationalHumanRightsLaw.pdf [Accessed 9th April 2019]

[155] Cfr. Triandafyllidou A. (n.d), *Migration Policy in Southern Europe: Challenges, Constraints and Prospects,* p. 59. [Online] Available from: *http://irma.eliamep.gr/wp-content/uploads/2013/10/Migration-policy-in-Southern-Europe.pdf* [Accessed 9th April 2019]

[156] Cit. *idem*, p. 61.

the European average is only a 2 per cent. Actually, Italians linked immigration with security[157]; they blame migrants for being violent, for having brought in Italy unshared values, for being Muslim, for instilling hatred, while the first ones who are becoming more and more xenophobic and racist are the Italians themselves, who sometimes use physical violence against foreigners too.

On the other hand, Poland has always been against refugees, and it has the highest number of rejections of the refugee status in the European Union. It is considered as a homogeneous country, predominantly Roman Catholic; indeed, according to a survey of 2011, the ethnic and religious composition of the territory is respectively made up of 92 per cent of Polish and 88.5 per cent of Catholics. Obviously, there are some national minorities in the territory (Ukrainians, Byelorussians, Russians, Czechs, Lithuanians, Germans, Armenians, Slovaks, Jews) and four ethnic minorities, among those a very special group of Muslims survives: Polish Tatars. Nonetheless, the most consistent group of migrants come from Russia, Byelorussia, but especially Ukraine. Ukrainians flee from their country to start working in the nearby Poland, however, this new generation of immigrants has been specialising not only in agriculture and in construction, but also in the sector of production[158].

In 2009 there were 36 million refugees in the world, 300 thousand in the European Union, and 6,534 in Poland. According to an inquiry conducted by CEBOS (2010), Poles prefer migrants from Ireland, England, Czech Republic, France, Italy and US, but they dislike migrants from Chechnya, Vietnam, Turkey, Romania, and people belonging to the Roma community; according to EU-MIDIS statistics made by the EU agency for fundamental rights, in 2009 the 59 per cent of Roma people felt discriminated by Poles. Migrants in Poland are discriminated both in the workplace and in the society in general, for example when they want to start an activity on their own or when they apply for council houses; moreover, they face many problems in receiving their PESEL and family benefits. However, only 13 per cent of migrants who experienced discrimination and 34 per cent of migrant victims of crimes have reported their situation to the police[159].

Refugees and migrants have two different connotations in the Polish way of thinking. Poles associate refugees to people coming from Africa, Syria and the Middle East, especially Muslim

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[157] Cfr. *idem*, p. 62.
[158] Notes taken during the conferences held in April (1st, 2nd and 3rd) by Professor Magdalena Ratajczak (see beginning of chapter 4).
[159] Cfr. Urban E., Piotrowicz M. (2012), *Cudzoziemcy w Polsce – dyskryminacja i przestępczość. Foreigners in Poland – discrimination and crime,* Probl Hig Epidemiol, pp. 195-198. [Online] Available from: http://phie.pl/pdf/phe-2012/phe-2012-1-195.pdf [Accessed 15th April 2019]

people, while they give a more positive meaning to migrants, who are perceived as people from Europe who come for working in the country. Polish rhetoric is actually quite similar to the Italian rhetoric: the slogan "Prima gli Italiani!" or "Aiutiamoli a casa loro" is in the line of thought with the average Polish person who upholds it is better to help refugees at their home because Polish come first. Actually, Poles, much more than Italians, have a very strong connection with their country, a reality that has a match to the history. In the Polish opinion, it is unthinkable to leave your country and your family for fleeing abroad without fighting: this is the reason why they dislike refugee men who escape from their country leaving their wives and children for a better life. Because they would never do this.

It is quite clear that Poland is strongly opposed to Muslims and Muslims refugees: Poles are afraid of these people because they associate them to terrorism. Moreover, their anxiety toward an only imagined mass invasion of Muslims, which foments their platonic Islamophobia, makes them overestimate the effective number of Muslims in the Polish territory. The lack of knowledge boosts the negative attitudes towards Arabs and Islam; one-sided media messages and politicians' statements continue to exacerbate and reproduce stereotypes and prejudices against them (Gazeta Wyborcza, 2016)[160].

However, it is important to remember that the history of Poland, as well as Italy, has not always been a history of immigration, but on the contrary, both these two States have been countries of strong emigration. The entry in the European Union in May 2004 changed the situation of Poland; free movement of capital and labour has resulted in the dismantling of previously existing barriers. The scenario of migration was transformed in 2008: if before the Polish accession, Poles emigrated to Germany, US and Italy, after 2008 they chose the UK, Germany and Ireland. This process of emigration has a strong impact on the economy and demography of the country. The National Bank of Poland has tried to persuade emigrants to come back, but they ask higher wages, a minimum regular net income of 5,000 PLN (ca. 1,200 EUR); nevertheless, according to Eurostat, the average salary in Poland in 2014 reached 678 EUR net, while in 2018, 784 EUR net. Thus, even if the Polish economy is good now, the difference in incomes still pushes people to leave their country[161].

On the side of immigration, Polish people did not use to consider their country as a popular immigration destination. While in the 90s it attracted a limited number of Ukrainian,

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[160] *Idem.*

[161] Cfr. Babakova O. (2018), "Socio-economic aspects of migrations in Poland (1989 – 2018)", pp. 150-152, in: Kucharczyk J., Mesežnikov G. (eds.) (2008), *Phantom Menace - The Politics and Policies of Migration in Central Europe,* Institute for Public Affairs, Heinrich-Böll-Stiftung.

Belorussian, Vietnamese short-time workers, in the 2000s this type of immigration became more intensive and immigrant communities started to grow; finally, in the 2010s, the situation changed again due to the liberalisation of migration laws, new tools of employment legalisation and the economic decline of the Eastern Partnership which resulted in a wave of immigrants in Poland. 2014 represented the year of an increasing record number of short-term migrants but, despite the common thought that migrants steal the job of the natives, the Polish economy needs working hands, even 5 million by 2030. Poland's economic transition from central planning to a capitalist market economy was considered as one of the most ambitious and radical reforms happened in the 80s-90s in Central-East Europe, and nowadays, the country has one of the highest GDP growths in the European Union (5 per cent in the second quarter of 2018). Moreover, if we consider GDP per capita, this economic success is even more impressive (6,876 USD in 1989, 29,521 USD in 2017). However, Poland, as well as Italy, suffers from demographic problems due to its low birth rates and population ageing. It is in the UN list of countries the most affected by population reduction, and since the 2000s, the number of people in productive age has constantly been decreasing. This crisis affects the sectors of the economy, which is demanding both high and low skilled workers; as a result, the lack of human resources is the most critical problem. The governments have tried to solve the problem by offering support for families with children. Some initiatives have been taken into account: the Civic Platform Party in 2015 prolonged maternity leave (from 6 to 12 months) and offered more opportunities for fathers too; furthermore, Law and Justice Party in 2016 started the so-called programme Family 500+: it guaranteed 500 PLN/per month for every family with two children or more. However, these initiatives have proved to be inefficient, because after a few years of implementation, they pushed women to stay at home rather than to have one more child[162].

In the last years (2015-2017), an intense inflow of Ukrainians has changed again the structure of immigration in Poland including both mid and long-term groups. Ukrainian migration was boosted in 2014 after the deterioration of the economic situation triggered by the military conflict: the geographically close Poland was the best option, because less affected by the global economic crisis and with a good reputation in terms of accessibility for legal migration. Immigrants are now an irreplaceable part of the mainstream workforce. «The high number of foreigners living in Poland which was seen as a threat by the officials 20 years ago, today becomes a goal of Polish migration policy. And based on prognosis by Polish economists, even intensive Ukrainian migration is not enough to cover the needs of the labour market».

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[162] Cfr. *idem*, pp. 148-154, 156.

Nonetheless, the attitude towards immigrants has not changed. Since 2015 and together with Hungary, Poland has been considered as a State with the most restrictive asylum policy in the European Union. According to some statistical data (Mapy i dane statystyczne imigrantów i służb migracyjnych Polski, 2018), «in Poland as of November 2018 only 1,365 foreigners had refugee status. 288 more obtained tolerated residence permit, 2,000 – residence permit for humanitarian reasons and 2,020 had subsidiary protection status»; nonetheless, this is not the only fault of the actual PiS party since Poland has always positively reviewed only 1 per cent of foreigners' applications for refugee status. Moreover, it is important to know that the harmonisation of Polish asylum law with Western European practices started at the beginning of the 1990s; Poland ratified in 1991 both the Geneva Convention of 1951 and the New York Protocol Relating to the Status of Refugees of 1967, incorporating their principles in the Foreigners Act of 1997 and then, in its newest version in 2013. While in the 90s asylum seekers mostly used Poland as a transit country, with the beginning of Chechnya war everything changed. The number of applicants for international protection has been continuing to rise after the EU entry, and during the decade 2007-2017, «almost 106 thousand foreigners applied for international protection when crossing Polish border. The largest groups were Russian citizens, including Chechens», the second group were Georgian citizens, and the third were Ukrainians. The profile of applicants was similar: they were political -people who disagreed with the policy of their country, who escaped after Russian annexation, or who wanted to avoid military service- and economic refugees. Nevertheless, only 1,850 applicants received the permit in that decade; «4.8 thousand received subsidiary protection, almost 6 thousand – a tolerated residence permit. This means that 9 of 10 applications were refused– one of the highest rate of rejection in the EU»[163].

If before 2015 the situation of refugees was not considered relevant, after the beginning of the EU immigration crisis, Poland has taken a specific harsh policy towards refugees. PiS rejected the European relocation programme of 2015, justifying its choice by saying that «people coming to Europe are not refugees, but economic immigrants, and that this Muslim immigration will sweep away Polish traditional values». This type of propaganda spread resentment and hanger among Poles: «if in spring of 2015 72% of Poles were willing to accept refugees from countries affected by military conflicts, in February 2016 this figure fell to 39%». Despite the sanction procedure initiated by the European Commission, the government still refuses to take part in the refugee relocation programme, justifying its refuse by the story about

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[163] Cfr., cit. *idem*, pp. 156, 160.

"Ukrainian refugees". But Polish leaders are deliberately blurring the terms of immigrant and refugee, and moreover, since 2014, Ukrainians who have received refugee status in Poland are less than one hundred. The Polish racial purity makes a "West-European style multi-ethnic society" very hard to be achieved. Confusing refugee and immigrant terms damages and devalues the role of labour migrants who are an active part of the society insofar as they pay taxes and contribute to its economic development; in addition, «it prevents Poles from being able to assess adequately who the foreigners living next to them are. […] taking officially an anti-immigration position and at the same time inviting foreign workers to the country, Law and Justice flames far right xenophobic sentiments»[164].

To sum up, Poland has a huge problem with migration policies. During the years it has not been able to manage emigration and immigration flows in a proper way if not in 2012 with the adoption of a migration policy doctrine, then called off in 2016: «this means that the Polish state has no clear vision of how to build cooperation with emigrants, how many and what kind of immigrants to host, and how to integrate the newcomers, including repatriates and refugees. Furthermore, the lack of official migration policy hinders public debate and civil society activities». Its conservative and restrictive attitude towards migrations divided migrants into two groups: those coming from EU and US, who were considered as leading to positive results, and those from former USSR countries, Bulgaria and Romania, who were seen as leading to negative results due to security reasons and risk of illegal employment. In 2015, as a result of the immigration crisis in the European Union, the topic of migration switched from marginal to mainstream; in 2018 a new Migration Policy Concept was proposed, but it did not have a long life due to the establishment of the Law and Justice controversial government, which is both Eurosceptic and anti-immigrant, but at the same time, eager to invite more migrants: «the main problem seen today is that Poland's ruling party cannot communicate its migration initiatives to the electorate without the risk of losing it to the far right»[165].

Thus, the demographic problem of Poland is not emigration but low birth rates: immigration may be a solution. The government is now trying to attract more immigrants, but while a decade ago the focus was on short-term migrants from neighbouring countries, today Warsaw promotes mid and long-term migration from Ukraine and EaP countries, as well as from Asia. The need for immigrants is not limited to a source of cheap labour, but these permanent workers may be able to solve the problem of ageing of the local population. According to the Polish Entrepreneurs and Employers Union in 2016, «the country needs 5 million workers by 2030 if

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[164] Cfr., cit. *idem*, p. 161.
[165] Cfr., cit. *idem*, pp. 163-164.

it wants to keep the current pace of development. Inviting immigrants becomes not an act of mercy […], but the fulfillment of vital economic needs. In this case Poland faces two main challenges: integration of migrants who have already arrived, and migration policy of other countries». Polish authorities often confuse terms: they do not comprehend the meaning of integration, and they replace it with assimilation, treating multiculturalism as a treat. The State is not proactive, it does not offer free courses of Polish language, it cuts NGO programmes for migrants and it does not provide enough information[166].

There are still a few statistical data on the number of refugees and migrants in Poland, while migrant women are not visible at all. Migrant women who come here and want to work legally should receive a residence permit, but a huge proportion of them who have applied for it is still without. Like in Italy, most migrant women work as domestic helpers, because migrants are cheaper than native women, so they hold the humblest, most low-skilled and low-payed jobs, even if they have higher skills and formation; as an example, Ukrainian teachers come to Poland for working as housekeepers insofar as they earn more than in their country of origin. Moreover, migrant women are not on the agenda of the government and not a favourite topic of public discourse in the country. It is a very complicated issue, because their community is highly variegated. The public discourse tends to consider them as one unique group without differences, and a lot of stereotypes appears when referring to them. Acts of violence against migrant women are not often given recognition, and they continue to face exploitation and domestic violence without knowing how to protect themselves. The lack of knowledge of their rights, the fear of being expelled, the obstacle of speaking a new language, increase their vulnerability. Migrant women face a double form of discrimination, because they are migrant and women, and the lack of legality makes difficult to call on the official mechanisms of protection, insofar as there are no special institutions called for protecting their rights[167].

The end of communism brought many benefits to Poland but, at the same time, posed serious challenges in the context of women's rights; however, while the communist system provided for an extensive network of childcare and child assistance, nowadays most of these care centres are closed and women are persuaded to stay at home to bring up the family, becoming dependent on male income. The lack of support for family services disempowers women in public life contributing to their marginalization. Unemployment affects especially females, inasmuch as dramatic differences in job opportunities make it harder for them to have a

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[166] Cfr., cit. *idem*, pp. 164-165.
[167] Notes taken during the conferences held in April (1st, 2nd and 3rd) by Professor Magdalena Ratajczak (see beginning of chapter 4).

professional job [168]. In addition, it exists a correlation between low levels of education, high unemployment, trafficking and forced prostitution: statistics reveal that the areas with a high incidence of trafficking and forced prostitution are those with a large number of unemployed women with a low level of education[169].

Professor Ratajczak, speaking about Poland at the conferences held in Padua on the beginning of April, showed how violence against migrant women by their male partners is a very frequent phenomenon and, in many cases, for the victims it is not clear that the use of physical and psychological violence against them is forbidden by law. A reason for the spreading of this violence may be attributable to migration itself: migration changes the roles and creates new conditions! Women who used to take care of husband and children and used to stay at home start to go out for working. This situation may be strange for their male partners, who used to be the breadwinner of the house. Indeed, in some cases, migration causes itself an increase in violence against women, due to the fact that refugee men can no longer reproduce their traditional role as heads of the household; this new situation where they are now dependent on income support or engaged in low-paid wage work leads to a feeling of loss of manhood and identity. Migrant women face even a loss of identity; however they tend to be less conscious of their status of deprivation due to their responsibility to maintain household routines[170]. At this point, two groups of migrant women can be identified: «those who have gained in status and importance within the family due to new economic and social responsibilities and those whose role in the family has been undermined»; indeed, during the process of migration, gender relations and family dynamics may change in better or in worse, leading to empowerment and increasing the opportunities as well as the risks for women[171]. Another common form of violence is the exclusion of migrant women from their own community, which happens when the woman behaves in a way that is not shared by the culture of her community. Insofar as the

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[168] Cfr. ECOSOC (1996), *Report of the Special Rapporteur on Violence against Women, its causes and consequences, Ms. Radhika Coomeraswamy, Addendum Report on the mission of the Special Rapporteur to Poland on the issue of trafficking and forced prostitution of women*, E/CN.4/1997/47/Add.1, Further Promotion and Encouragement of Human Rights and Fundamental Freedoms, including the Question of the Programme and Methods of Work of the Commission Alternative Approaches and Ways and Means within the United Nations System for Improving the Effective Enjoyment of Human Rights and Fundamental Freedoms, Commission on Human Rights, Fifty-third session Item 9 (a) of the provisional agenda (24 May to 1 June 1996), pp. 8-9. [Online] Available from: http://evaw-global-database.unwomen.org/-/media/files/un%20women/vaw/country% 20report/europe/poland/ poland%20srvaw.pdf?vs=2054 [Accessed 7th March 2019]
[169] Cfr. *idem*, p.9.
[170] Cfr. Al-Ali N. (2003), *Women, Gender and Migration in Europe*, p. 11. [Online] Available from: https://eprints.soas.ac.uk/4890/2/Women_and_Migration_in_Europe_Report.pdf [Accessed 5th February 2019]
[171] Cfr. *idem*, p. 12.

woman is identified by honour, if she commits something not supported by the others, the reaction of the community may be fatal.

In addition, Poland is a country of transit, exit but also destination of trafficked people, especially women. Smugglers make false promises to their targeted victims, who then experience rape, are forced to take drugs, are subtracted from their documents, are beaten, and become prostitutes in Poland. There are even a few cases, but real, of domestic slavery, especially with regard to migrants coming from East Europe and Africa. Nevertheless, it is worthy to remember that the country ratified the Palermo Protocol in 2003, and then, in 2010, it reformulated the part of the Penal Code concerning trafficking in human beings[172].

In too many cases, Polish authorities ignore violence against women. Prejudice is a common fact, not only among the population but also among officials and policemen who label migrants as criminals. Violence against migrants is often an invisible phenomenon, and police officers with little knowledge prefer not to deal with this fact. Indeed, as we have highlighted many times, reported acts of violence and domestic violence against migrant women are at a very low level, both because women do not trust the police and officers themselves do not care about the problem[173]. Indeed, both in Italy and in Poland, media play a crucial role on how migrants are perceived. We have briefly mentioned their role in the Italian country, and now we spend some words to quickly explain the present perception of migration in Polish media. In this country, media are still the main form of information among the population. While migrants had remained a marginal topic until 2015, today there is a tendency to talk about them but not *with* them. New media, and especially social media, are reinforcing the so-called phenomenon of mediatisation of ethnicity: the dichotomy "us" vs "them" is reproduced many times, and migrants are represented as a social problem of the entire society. However, even if migrants are essentially a small minority, they are evidenced as if they were only Muslims, using impressing bold headings in the main newspapers as "They are not refugees, they are invaders", "Islamic rapes Europe" and so on. This pattern is fostering the negative view of immigrants in the eyes of public opinion[174]. Polish television broadcasts much news on refugees. In describing them as violent terrorists, it influences the way of thinking of people, especially the elderly. Nowadays, in Poland, there are three main broadcasters: the public television is TVP

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[172] Cfr. Urban E., Piotrowicz M. (2012), *Cudzoziemcy w Polsce – dyskryminacja i przestępczość. Foreigners in Poland – discrimination and crime*, Probl Hig Epidemiol, pp. 198-199. [Online] Available from: http://phie.pl/pdf/phe-2012/phe-2012-1-195.pdf [Accessed 15th April 2019]

[173] Notes taken during the conferences held in April (1st, 2nd and 3rd) by Professor Magdalena Ratajczak (see beginning of chapter 4).

[174] *Idem*.

(Telewizjia Polska), then the major private channels are TVN and POLSAT. The public TVP is a supporter of PiS and usually speaks ill of refugees; the same happens in Italy with RAI (Radiotelevisione Italiana S.p.A), a public broadcaster, sided with the right or the left wing, depending on the current government. On the other hand, the private TVN is against the actual Polish government and is less negative with regards to refugees. Moreover, newspapers and magazines are usually against refugees too. Polish media refer to some metaphors when talking about them: wave, invasion of refugees (predominantly Muslim), multicultural ideology, "breeding ground of jihab", and clash of civilisations. Indeed, migrants continue to be linked to terrorism, jihad and war; Syrians are represented as terrorists and Muslim men as rapists and disrespectful of women.[175]

A very peculiar thing to note is that media are practically free of migrant women issues. They appear very rarely, and if they do, they are accompanied by stereotypes, myths or half-truths; those who come from Africa or are Muslims are represented as a treat for Polish women. There is no honest debate on this subject and these people are not given a voice.

The public media, which is completely subordinated to the ruling party, is contributing to the atmosphere of hostility, increasing Islamophobia, hate speech and hate crime. In addition, the government's hostility towards migrants and refugees is shared by the population: «only 22% of Poles are in favour of accepting refugees from the Middle East and Africa, and only 55% would like to accept refugees from Eastern Ukraine (see Gumowska 2017). In 2016, almost 80% of young Poles claim they encountered islamophobic, 75% anti-Semitic and 71% anti-Ukrainian hate speech in the Internet (see Winiewski et al 2017) ». The Ombudsman, namely the Commissioner for Human Rights, is right now the only state office in Poland which calls for and defends the human rights of migrants, refugees and asylum seekers[176].

To sum up, Polish authorities have never taken into serious consideration migration policies, and the State has not integrated with a specific refugee support system the third-countries nationals in the Polish society, rather, «since the Parliamentarian election in autumn 2015, when the traditionalist and authoritarian political turn took place, the State's policies towards refugees and migrants have been harshly subjugated to the nationalistic and xenophobic rhetoric which encourages hate-speech and racist behaviour. The Polish government does not confine its

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[175] *Idem*.
[176] Cit., cfr. Solik A. (2018), "Poland's Dual Approach to Migration", in: Erasmus+Programme of the European Union (2018), *The Europe we want? Feminist approaches to gender, migration and democracy*, WIDE, Vienna, pp. 56-57. [Online] Available from: http://www.wide-netzwerk.at/images/publikationen/2018/TheEuropeWeWant-FeministApproaches-Migration.pdf [Accessed 24th April 2019]

actions to rhetoric». Warsaw has refused the document *Poland's Policy on Migration* (in force since 2012), and even refused access to the European Funds, depriving NGOs of their resources. Indeed, Poland did not even comply with EU obligations on accepting Syrian refugees, and the number of the people who received the refugee status is extremely low compared to the number of applications, just think that for 12,321 persons applying in 2016, 108 received it[177].

Even if Poland is part of the Istanbul Convention, the government has declared that it will not be respected. This clearly shows that:

> In practice the gender dimension of migration and seeking international protection as well as the multiple discrimination that women face in such situation, will never be taken into account. The refugee women, in particular, are vulnerable to additional layers of discrimination connected with the conditions accompanying the process of escaping the home country and with the intersection of sexism, racism and xenophobia in Poland. Moreover, very few organizations addressing xenophobia and intolerance pay attention to the gender aspect of these phenomena. Unfortunately, migrant and refugee women are not allied in any network, neither do they cooperate with women's organisations in Poland […][178].

To conclude, it is necessary to point out that the largest group of Ukrainian immigrants in Poland is mainly due to the political and economic situation in Ukraine, but even to the need of the Polish labour market for foreign workers. However, Ukrainian women are not helped to deal with their vulnerable position as women and migrants; the anti-feminist stance of the Polish government and the lack of feminist values in their country of origin represent an obstacle for their empowerment and the recognition of their rights. Nay, «traditional roles preserved in their homes (dealing with home issues, being providers for food, clothes, cleaning, taking care of family) are now reinforced by usual jobs performed while in Poland – home care and cleaning although the vast majority of Ukrainian women have higher education»[179].

It is difficult to be optimistic for the future: improvements in Polish migration policies are hampered or unsuccessful. As an example, in many cases, the organisations which receive grants are those closer to the government (like Caritas), performing a risk to exclude human rights and gender equality NGOs. Moreover, there is a clear risk of dismantlement of democracy, just think about the recent subordination of courts to the government which may lead to a controlled access to justice of immigrants[180].

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[177] Cfr. *ivi*.
[178] Cit. *ivi*.
[179] Cfr., cit. *ivi*.
[180] Cfr. *idem*, p. 58.

4.3 Migrant Women at the Margin – MWM: the Italian scenario

In this section, I would like to elaborate on some useful elements that came to light during the one-day workshop held in Padua on 4th of April on Migrant Women at the Margin. The seminar was conceived as a peer discussion on the theme of violence against migrant women and it was divided into three sessions. The first one was focused on the male violence against migrant women in the key of intersectionality, namely in relations to different dimensions which characterise the position of these women, and which are added to the fact of being migrant. This session highlighted the situation of vulnerability, the forced migration and the trafficking of human beings with the aim of exploitation, especially in the phases of taking charge by institutions. During this part, it was clarified if and how male violence and intimate partner violence accompany and shape the condition of women, victims or close to become victims of trafficking, and when the institutions are equipped for taking charge of them. The second session was dedicated to the contributions of some women and men who have been working in the field of anti-trafficking centres. In that part, a discussion on a more advanced phase of integration and assistance had been developing: it was made clear that the "stabilisation" of the migrant women in the host territory does not sign a caesura to the risk of violence that can raise in the family, in the ethnic community or in the social local sphere. Participants tried to find answers to some key questions: Do integrated women know their rights? Are they adequately protected by male violence? Can they exert their rights without being subjected to blackmail?

The last part of the seminar was devoted to the sphere of labour, focusing on the systemic male violence against migrant women in the workplace, and in the labour, whether regular, unregular, informal or recognised. Indeed, the exploitation is fostered not only by the economic marginality but also, and especially, by male violence. At the end of the workshop, it was clear that the exploitation of female workers has a strong connection to male violence against women.

Professor Paola Degani, the coordinator and organiser of this project, pointed out that in the Italian territory, but also in the whole of Europe, there has been a change in the composition of migrant women. Actually, in Italy, also due to the Salvini Decree of 24th September 2018 on Immigration and Security, the features of migration have been changing and arrivals have been diminishing. Professor Degani sustained that globalisation is mixing the management of exploitation, and that behind the women migration processes, conditions of gender are always present. GBV -as well as intimate partner violence, communitarian stigma, other situations which require the attention of the international protection- is not only a material and concrete manifestation, but it continues to exist due to the circumstances which give economical responsibility to the woman who is in charge of the entire family. Indeed, what associates the

situations of exploitation altogether and links them to violence is the economic datum: economic violence is recognised as a form of violence, but it is not fully and correctly declined when we take into consideration women's projects[181].

Worthy of mention is the contribution of Simona Lanzoni, Italian representative of GREVIO (Group of Experts on Action against Violence against Women and Domestic Violence), an independent monitoring body for the application of the Istanbul Convention of the Council of Europe. This body tries to harmonise the dispositions of the Convention, writing reports and suggesting recommendations. Lanzoni referred to some key articles of the treaty: article 59 upholds that migrant women who experience a situation of violence with their partner can apply for a residence permit detached from that one of their persecutor, in order to enable them to rebuild their life (this article has been transposed and translated into article 18*bis* of TUI); article 60 for the first time recognises the possibility to ask asylum on the basis of gender violence; and article 61 remarks the principle of non-refoulement. The importance of this Convention lies on the recognition of the specificity of the migrant woman as an intersectional aspect of her life. Indeed, lots of migrant women before landing in Italy get through transit violence. This violence is often not perceived as such, but rather as a debt they must pay; insofar as they neither have money nor perception of themselves as people with dignity and rights, they "become the money" and start to use their body as a bargaining tool. The economic dimension behind this decision turns into violence when they do not have any option to choose[182].

Another relevant participation during the seminar was that one of Helena Behr, Head of Refugee Status Determination Unit in the United Nations High Commissioner for Refugees (UNHCR) in Italy. She reported how the UNHCR takes into account the gender dimension in the management of refugees and how it considers forms of GBV as forms of persecution pursuant to the Geneva Convention, such as in the case of FGMs. The UNHCR – Italy has tried to link the territorial protection to the anti-trafficking systems in the Italian territory with the aim of putting together the expertise of both these sectors. In analysing some data, Behr compared the number of people arrived in Italy through the Mediterranean Sea in the first three months of the last three years. The statistic shows that more than 20 thousand people entered in 2017, while 8 thousand in 2018 and only 550 people in 2019[183]. As Degani had previously upheld, the diminishing of landings is due to a change in the process of migration itself, as well

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[181] Notes taken during the conference held on April 4th on Migrant Women at the Borders (see beginning of chapter 4).

[182] *Idem*.

[183] For more information see: Operational Portal Refugee Situation – Italy https://data2.unhcr.org/en/situations/mediterranean/location/5205

as due to some Italian new provisions. According to Behr, in Italy, more than 90 thousand people are still waiting for the examination of their demand for international protection. Statistics reveal that the recognition of international protection is given to women and girls in 20 per cent, divided especially between Nigerians, Ukrainians, Somalians and Eritreans. Concerning the 95 thousand requests examined in 2018, 7 per cent of them were about the recognition of the status of refugee, another 25 per cent the humanitarian protection and a 5 per cent the subsidiary protection. The rates are completely different between women and men: among people who received the status of refugee, 20 per cent are women while only 5 per cent are men. However, these differences need to be analysed under a gender and securitarian point of view: in this specific case, the securitarian rhetoric has been making men pay a much higher price than the victimisation rhetoric which, for once, has been playing a more "positive" role[184].

Another relevant problem in Italy is the lack of a specific penal norm concerning violence in the workplace. Alessandra Stivali, member of CGIL, the oldest trade union in Italy, upheld how exploitation, sexual violence and harassment in this field are still not visible issues in the political agenda. This normative and social gap enlarges the difficulty to take charge of the female victim, indeed, there is no political and social recognition of her situation. It is possible to summarise the reasons why violence in the workplace is still not visible in two points. First of all, because there is a tendency to culturally minimalize the role of the employer and his/her civil and penal responsibility in situations of violence: violence is not a private fact if it happens in the workplace, but a direct responsibility of the employer, who has to avoid these situations. If people do not know the code of conduct and the code of equal opportunities, it is difficult to protect and prevent violence; as a consequence, women are often forced to leave their work if they want to avoid this type of violence and exploitation. The second reason is linked to the concept of work as a tool of emancipation, even in the case of violence. While in many other European countries, like UK, there is a network system for these situations, in Italy, if a woman loses her workplace or she does not have a job while being a victim of violence, she is in serious troubles: if she is a domestic worker, she does not have the autonomy, and if she is a private/public worker, she will remain hostage of her perpetrator. Women who report cases of violence and exploitation do it because their willingness to flee from an unsustainable situation; in this way, they decide to renounce to their jobs even if they have a right to be protected. Moreover, many times women are addressed to not prepared personnel, insofar as security

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[184] *Idem*

forces and even socio-sanitarian institutions are not always capable and prepared to deal with these problems[185].

As Tiziana Bianchini, operator in the Cooperativa Lotta Milano, Progetto Derive e Approdi, reminded, there is a complete lack of networks and collaboration in the Italian territory regarding severe exploitation of migrant women and forms of violence against them. This is the result of too little attention, from the cultural and political point of view, by the government, which does not integrate and internalise the experiences of these women in national policies and measures. For these reasons, it is necessary to better define forms of exploitation and abuse, approaching to victims and trying to work with them. Proximity and emersion of their experiences are key points; thus, it is important to work on reciprocity, trying to catch up with them and to understand how to prevent the abuses[186].

Another real and grave phenomenon which affects especially migrant women because of their economic vulnerability is forced prostitution, namely the purchase of sexual services from women to men, which clearly identifies the social context of unequal power relations between sexes. Because of the lack of better options, migrant women are forced to sell their body if they want to make money and survive. Nonetheless, as we have mentioned above, trafficking in women does not refer only to sexual exploitation but also to trafficking for precarious workplaces, such as housework, home care and food service. Migrant women, and boys as well, who experience conditions of uncertainty and indebtedness, are more exposed to these kinds of abuse. Indeed, before undertaking their travel, they are falsely informed about what they will incur. Women who end up in sexual recruitment are barely able to escape from this situation, in that, very often, they do not have the possibility to cooperate with the police[187].

Trafficking with the purpose of forced prostitution should be perceived as a specific form of sexual and economic exploitation that affects mainly women, and especially migrants: «Although efforts are made by EU Member States to enforce the law to tackle trafficking for sexual exploitation, there has been no substantial decrease of the phenomenon. […] Italy is one of the most targeted countries by human traffickers due to the high demand for cheap sex and labour services. This trend is currently also exacerbated the economic crisis and by the arrival of thousands of migrants from south Mediterranean». Nonetheless, identifying victims of trafficking during asylum processes is really complex. Consequently, UNHCR – Italy tries to

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[185] *Idem.*
[186] *Idem.*
[187] Cfr. Degani P., Perini L. (2019), "The Italian Public Policies Frame on Prostitution and the Practical Overlapping with Trafficking: an Inevitable Condition?", pp. 37-43, in: PHRG – Peace Human Rights Governance, Volume 3, Issue 1.

train staff in reception centres on trafficking against human being; moreover, it lobbies for improving the existing procedures and legislations in order to create a more effective referral system of protection. For such a reason, it is necessary to work with people involved in forced prostitution in a very high professional way, giving evidence to the potential role of human rights paradigm in protecting and empowering victims of trafficking and sexual workers. In addition, over the time, there has been an affirmation of the principle of social cohesion as a key objective of European social policy in the process of integration, transposition and harmonisation of the laws of member States. [188].

Summing up, GBV perpetrated by males against women, women's vulnerability, and women's exploitation are inextricably linked phenomena. The correlation between GBV, the status of being migrant and being women, and their severe exploitation is nowadays largely reported by many agencies dealing with victims of trafficking in human beings. However, as the seminar set out to analyse, the quantitative and qualitative determination of such factors have not been carefully and consistently investigated. The workshop represented a moment for extending the description and categorization of the violence affecting migrant women, including those who are victims of trafficking in human beings, aiming to improve strategies of healing, support, rehabilitation, access to justice for abused women and preventing re-victimisation.

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[188] Cit., cfr. *idem*, pp. 57, 60-61.

5. Strengthening women's human rights

Migrant women and girls have been exposed to various forms of GBV, in their country of origin, during their journey, or upon arrival. It is fundamental to take into consideration their needs; gender-responsive measures are necessary in order to prevent further discrimination and violence, but also harassment, trafficking and other forms of exploitation and abuse. These women should «have access to their human and social rights in relation to individual freedom, employment, housing, health, education, social protection and welfare where applicable; and access to information about their rights and the services available»[189].

What can be done for reducing and eradicating the severe issue of violence against women? What can we do for protecting the rights of migrant women and women in general? Two are the keywords in the field of violence against women: prevention and protection. On equal terms, two are the keywords in the field of migration: inclusion and reception.

5.1 Prevention and protection

In developing and least developed countries, examples of prevention strategies include empowering women economically and socially through a combination of microfinance and skills training related to gender equality; promoting communication and relationship skills within couples and communities; reducing access and harmful use of alcohol; transforming harmful gender and social norms through community mobilization and group-based participatory education with women and men in order to generate critical reflections about unequal gender and power relationships. Furthermore, in order to achieve real change, it is necessary to implement policies that promote gender equality by: «ending discrimination against women in marriage, divorce and custody laws; ending discrimination in inheritance laws and ownership of assets; improving women's access to paid employment; developing and resourcing national plans and policies to address violence against women»[190].

But what about developed countries? Some of these measures may be valid as well, but also, in dealing with the prevention and response to violence against women, it needs a multi-sectoral approach. The health sector plays a crucial role in it; it can:

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[189] Council of Europe (n.d.), *Protecting the rights of migrant, refugee and asylum-seeking women and girls is a new strategic objective for the Council of Europe's work to promote gender equality and women's rights under the Gender Equality Strategy 2018-2023*, Gender Equality. [Online] Available from: https://www.coe.int/en/web/genderequality/migrant-and-refugee-women-and-girls [Accessed 26th April 2019]
[190] Cfr., cit. WHO (2017), *Violence against women*. [Online] Available from: https://www.who.int/news-room/fact-sheets/detail/violence-against-women [Accessed 5th February 2019]

Advocate to make violence against women unacceptable and for such violence to be addressed as a public health problem; provide comprehensive services, sensitize and train health care providers in responding to the needs of survivors holistically and empathetically; prevent recurrence of violence through early identification of women and children who are experiencing violence and providing appropriate referral and support; promote egalitarian gender norms as part of life skills and comprehensive sexuality education curricula taught to young people; generate evidence on what works and on the magnitude of the problem by carrying out population-based surveys, or including violence against women in population-based demographic and health surveys, as well as in surveillance and health information systems[191].

The WHO has developed a programme, the so-called "Global Plan of Action to Strengthen the Role of the Health System within a National Multisectoral Response to Address Interpersonal Violence, in particular against Women and Girls, and against Children", which is monitoring violence and its consequences and, at the same time, trying to improve the methods for measuring it in the context of the Sustainable Development Goals (SDGs). The SDGs are fundamental for fully understanding the nature and the size of the problem and developing an appropriate action locally and globally; strengthening research to address partner violence; developing guidelines and other implementation tools for strengthening the health sector response and working to prevent such violence; supporting countries to implement the global plan of action on violence; collaborating with international agencies and organizations to eradicate violence globally through initiatives (i.e. the Sexual Violence Research Initiative, Together for Girls, the Violence Against Women Working Group of the International Federation of Obstetrician-Gynecologists (FIGO), the UN Joint Programme on Essential Services Package for Women Subject to Violence)[192].

Protection and prevention are the keys sectors on which we must work for combating and reducing violence against women. Protecting from violence means to counter its cultural roots and its causes; indeed, clear political strategies aimed at education, sensitisation, recognition and realisation of equal opportunities are needed in every field of public and private life. It is necessary to eradicate discrimination and stereotypes linked to gender roles and sexism, which create favourable conditions for perpetuating male violence against women. According to the Italian National Institute of Statistics - Istat, it is fundamental to work with the new generations, trying to invest in their education. Moreover, for preventing violence, some steps are required. Through the National Strategic Reference Framework, the Department of the Equal Opportunities of the Presidency of the Italian Council of Minister strives to increase the level

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[191] Cfr. WHO (2017), *Violence against women*. [Online] Available from: https://www.who.int/news-room/fact-sheets/detail/violence-against-women [Accessed 12th January 2019]
[192] Cfr. *ivi*.

of awareness in the public opinion on the structural roots, causes and consequences of male violence against women; to enhance the scholastic system, especially regarding how to intercept, prevent, bring out and manage situation of violence (even witnessed violence); to promote the parity of sexes at school in order to overcome roles and stereotypes on gender; to train specific personal in the private and public social sphere about the interception, emersion, taking-over and management of situations of violence against women, also those regarding migrant women, refugees or asylum seekers; to create re-education paths for men who have perpetrated violence and acts against women; to raise awareness in the private sector and in the mass media world on the influence of communication and advertising on themes, such as gender stereotypes, sexism, and their possible effects on male violence against women[193].

In Italy, there are lots of valuable initiatives and programmes for countering male violence against women. The National Institute of Statistics and the Department of Equal Opportunities of the Presidency of the Council provides information in order to raise awareness, contrast violence, spread prevention among the society by utilising data which came from Istat, Department of Equal Opportunities, Ministries, Regions, anti-violence Centres, shelters, and other services. The National Plan against violence against women is a precious observatory for monitoring and combating violence with adequate means in order to reach the purposes of the Istanbul Convention[194]. Moreover, the Department of Equal Opportunities sustains some communication campaigns for sensitising the public opinion, raising awareness and promoting a correct culture of the relationship between women and men[195].

At the European level and since the 90s, the Council of Europe has been developing some initiatives with the aim of promoting the protection of women in situations of violence. Among the measures, noteworthy is the adoption of the Recommendation No. 5 and documents concerning violence against women (2002), and the European Campaign to combat violence against women, including domestic violence (2006-2008). Through these instruments, the Council has established juridically binding norms in terms of prevention and protection. The peak has been reached in 2011 with the Istanbul Convention on preventing and combating violence against women and domestic violence, an internationally binding instrument which finally acknowledges that violence against women is a violation of human rights and a form of

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[193] Translation of: Istat (n.d.), *La Prevenzione*. [Online] Available from: https://www4.istat.it/it/violenza-sulle-donne/la-prevenzione [Accessed 8th April 2019]

[194] Translation of: *ibidem*, *Violenza sulle donne*. [Online] Available from: https://www4.istat.it/it/violenza-sulle-donne [Accessed 8th April 2019]

[195] Translation of: *ibidem, Campagne di sensibilizzazione*. [Online] Available from: https://www4.istat.it/it/violenza-sulle-donne/la-prevenzione/campagne-di-sensibilizzazione [Accessed 8th April 2019]

discrimination; in addition, it includes the protection of children witnesses of domestic violence and it penalises FGMs. As a consequence, States members of the Convention should adopt in their legislation and penal codes some offences linked to violence against women, such as psychological violence (according to article 33 of the Convention), stalking (article 34), physical violence (article 35), sexual violence and rape (article 36), forced marriage (article 37), FGMs (article 38), forced abortion and sterilisation (article 29), sexual harassment (article 30) and honour crimes (article 42)[196].

Furthermore, both the Council of Europe and the European Union have been producing some extra resolutions. Some examples are: the Resolutions of the European Parliament of 6th February 2013 on the 57th session on United Nations' Commission on the Status of Women: Elimination and Prevention of all forms of violence against women and girls (2012/2922(RSP)); of 25th February 2014 with recommendations to the Commission on Combating Violence against women (2013/2004(INL)); of 9th June 2015 on the EU Strategy for equality between women and men post 2015 (2014/2152(INI)); of 24th November 2016 on the EU accession to the Istanbul Convention on preventing and combating violence against women (2016/2966(RSP)); of 14th March 2017 on equality between women and men in the EU in 2014-2015 (2016/2249(INI)); of 26th October 2017 on combating sexual harassment and abuse in the EU (2017/2897(RSP)). Other examples are: Decision no. 293/2000/EC of the European Parliament and of the Council of 24th January 2000 adopting a programme of Community action (the Daphne Programme, 2000-2003) on preventive measures to fight violence against children, young persons and women; the Recommendation Rec 5 (2002) of the Committee of Ministers on the Protection of Women against Violence; the Commission Recommendation of 27th November 1991 on the protection of the dignity of women and men at work (92/131/EEC); the Council Directive 97/80/EC of 15th December 1997 on the burden of proof in cases of discrimination based on sex; and the Council Directive 2000/43/EC of 29th June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin[197].

Italy has adopted, translated and added these international recommendations in its national laws. As an example, in the Istat website we can find reference to the following laws: Law no. 66 of 15th February 1996 on "Norms against sexual violence" (cp art. 609*bis-octies*); Directive

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[196] Translation of: *ibidem, Normativa Internazionale*. [Online] Available from: https://www4.istat.it/it/violenza-sulle-donne/il-contesto/normativa-internazionale [Accessed 8th April 2019]

[197] Translation of: *ibidem, Normativa internationale*. [Online] Available from: https://www4.istat.it/it/violenza-sulle-donne/il-contesto/normativa-internazionale [Accessed 8th April 2019]

of the Presidency of Council "Actions for promoting the attribution of powers and responsibilities to women, for recognising and guaranteeing freedom of choice and social equality for women and men" (G.U. 21st May 1997); Law no. 269 of 3rd August 1998 on "Norms against the exploitation of prostitution, pornography, sexual tourism to the detriment of minors as new forms of slavery"; Law no. 154 of 5th April 2001 on "Measure against violence in the family relations"; Law no. 7 of 9th January 2006 on "Disposition relating the prevention and prohibition of practices of female genital mutilation" (D.P.R. 30th May 2002, no. 115 "Testo unico in materia di spese di giustizia"); penal code article 583*bis* about practices of FGMs; Law no. 38th of 23 April 2009 on "Urgent measures on public security and contrasting sexual violence, as well as in the area of persecutory acts"; Law no. 77 of 27th June 2013 on the ratification and execution of the Convention of Istanbul; the so-called "Law on femicides" (D.L. no. 93 of 14th August 2013, signed into law no. 119 of 15th October 2013 on contrasting gender violence); article 1, comma 16 of Law no. 107 of 13th July 2015 on "Reform of the national system of instruction and formation and delegation for the reorganisation of current legislative dispositions"; article 24 of Decree-Law no. 80 of 15th June 2014 on "Retirement for women victims of gender violence"; Decree-Law no. 212 of 15th December 2015; Draft Legislation no. 2719 on "Amendments to the civil code, penal code, code of criminal procedure and other dispositions in favour of orphans for domestic crimes"[198].

In Poland, a crucial and recent document regarding women is the National Action Plan (NAP) on Women, Peace and Security (WPS) for the period spanning 2018 to 2021. This project is devoted to the implementation of the eight UN Security Council resolutions on WPS[199], and sheds light on:

> The need to increase women's participation in peace processes, peacekeeping missions and operations; the need to strengthen their role in decision-making processes related to ensuring peace, and the need to protect and support women and children in conflict and in post-conflict settings. […] The NAP sets out four major outcomes. The first one involves the meaningful participation of women in conflict prevention and peacekeeping. The second is about the implementation of the WPS agenda through Polish humanitarian and development aid. The next two outcomes include the protection and support of victims of gender-based and sexual violence in conflict; and the promotion and development of the WPS agenda in Poland and in the framework of international cooperation[200].

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[198] Translation of: *ibidem, Normativa italiana*. [Online] Available from: https://www4.istat.it/it/violenza-sulle-donne/il-contesto/normativa-italiana [Accessed 8th April 2019]

[199] These resolutions are: 1325 (2000); 1820 (2009); 1888 (2009); 1889 (2010); 1960 (2011); 2106 (2013); 2122 (2013); 2242 (2015). In 2019, a new resolution has been approved: 2467 (2019).

[200] Cit. PeaceWomen (n.d.), *National Action Plan: Poland*. [Online] Available from: https://www.peacewomen.org/action-plan/national-action-plan-poland [Accessed 10th April 2019]

However, Poland makes a mistake in considering and limiting violence against women and gender violence as family violence. Indeed, the Polish State Agency for Prevention of Alcohol-Related Problems, which is the body responsible for supervising policies on violence against women, generally recognises it as a problem of families suffering from alcohol abuse. Domestic violence is punished by article 207 of the Polish Penal Code of 1997; however, taking charge of the prosecutions is not without problems, but contrary to popular belief, even if the complaint of the victim is the most common reason to start a procedure, it is not a necessary element. Too often, women who feel under pressure by their partners withdraw their complaints, leading to the cancellation of the sentencing. Poland continues not to sufficiently protect these victims; as an example, article 14 of the Act on Counteracting Domestic Violence allows the Court to condemn a perpetrator on probation rather than put him in jail. Nevertheless, it should be remembered that this Act was then amended, and in 2010 the Polish Parliament included new regulations for strengthening the protection of victims of violence, requiring to all municipalities to establish interdisciplinary units of experts working on eradication of domestic violence[201].

Moreover, in 2006, the Polish Ministry of Labour and Social Policy, the Ministry of Internal Affairs, the Ministry of Justice, the Ministry of Health, and the Ministry of Education to decrease domestic violence in Poland established the National Programme on Counteracting Domestic Violence, aiming to increase assistance to victims and develop appropriate initiatives in dealing with perpetrators, including education and public information. Two years later, the government allocated more than 20 million zloty in the implementation of the programme, and funds for the creation of «specialized centers; education and correction programs for offenders; and training for social workers, police officers, and specialists who are the first contact for victims». In addition, Poland disposes of other national, provincial and municipal initiatives to address violence, especially domestic ones. When speaking with victims, particularly children, the police make use of "Blue Interview Rooms" in order to avoid re-victimization during interviews and minimise any negative psychological effect. There are also other initiatives, such as the "Blu Card Procedure" and the national "Blue Line". Further, Poland provides different centres for domestic violence victims. Despite the programmes, which are mostly focused on domestic violence, Poland continues to do little for victims: indeed, «Poland lacks places where women can seek refuge or assistance. Access to legal and psychological assistance is very

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[201] Cfr. Immigration and Refugee Board of Canada (2010), *Poland: Domestic violence, including protection, services and recourse available to victims (2007 - October 2010)*, UNHCR refworld. [Online] Available from: https://www.refworld.org/docid/4e4391cf2.html [Accessed 06th May 2019]

limited and the number of shelters for battered women is far too low to meet the needs. In some regions of Poland, there are no shelters at all. Often, neither the shelter nor the crisis centers are devoted exclusively to battered women and victims of domestic violence»[202].

Both Poland and Italy should develop new strategies, comply with the international provisions on women's human rights, and take into account the recommendations produced by the treaty bodies, especially the CEDAW Committee.

On the international scene, in order to spread and develop international women's human rights, there has been a desire to adopt an ad hoc international treaty on male violence against women. This project may represent a positive initiative in countering violence and in developing new provisions for protecting victims, preventing further violence. Such a treaty may strengthen women's human rights at the political level, as well as address some issues, such as the State responsibility regarding violence, the need for an inclusive approach, or the empowerment of women through adequate material and economic support:

> The recognition that violence is rooted in social inequalities between men and women, the acknowledgement of the complexity of the situations of violence, especially where there are complicated vulnerabilities, the development of complementary strategies in the employment and health sector, the need to examine the 'ordinary' dimension of violence, and the recognition of the potential contribution that women's organisations engaged in the fight against violence have expressed and continue to express in the work with women and in raising awareness at social level. Certainly, once again, the multi-level character of these instruments can only increase their legitimacy[203].

However, at the same time, an international treaty on male violence against women may constitute a risk: it may produce a less protective treaty than those existing at the regional level. The solution lies in the need for a comprehensive definition of violence, in a deep reflection on some crucial issues, in «the need to empower women on a social level, to develop an inclusive approach, to develop complementary strategies in the employment and health sector, as well as to develop an authentically participated and bottom-up process»[204].

Worthy of mention is the 48th session (2004) of the Commission on the Status of Women (CSW) on "The Role of Men and Boys in Achieving Gender Equality", which focuses on socialisation, education, and inclusion of men and boys in key areas in order to take active part

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[202] Cit. *ivi*.
[203] Cfr., cit. Degani P., Pividori C. (2018), "Ending Violence against Women as Testing Ground for Women's Human Rights Discourse: Practices, Limits and Challenges", pp. 175-178, in: *PHRG Peace Human Rights Governance*, Volume 2, Issue 2, Human Rights Centre, University of Padua
[204] Cfr., cit. *ivi*.

in the prevention and elimination of all forms of violence, especially GBV. The CSW asks for better promotion of gender consciousness through training and education: «as gender is about relations of social power, and social structures and institutions are still largely dominated by men, including in refugee/asylum contexts, "it is clear that men have a critical role to play alongside women and women's rights organizations in advancing equality and women's rights, and in dismantling the gender status quo […]"»[205].

5.2 Inclusion and reception

While referring to the migration phenomena, there are some Polish and Italian remarkable practices. Two examples of Polish good plans are the Declaration on Cities and Migrants Integration, and the Strategy for Intercultural Dialogue. The former was launched in 2017 when 12 largest Polish cities signed this declaration in an attempt to strengthen the services provided to migrants and to stronger the cooperation between local administration, international governmental and non-governmental organisations in the management of migration. The 12 cities:

> Underline their common interests to manage local migration in a responsible and safe manner so as to create cities that are as socially cohesive as possible, at the same time minimizing the risks of ghettoization, disintegration, separation, poverty and exclusion of the new citizens, particularly foreigners who are especially threatened by these processes[206].

The latter was another initiative adopted by the government of Wrocław in 2017, which focuses on: education for raising knowledge and reinforcing intercultural competences; integration for building a sense of social belonging; security for strengthening the safety of citizens; collaboration for creating collaboration platforms; and communication for reinforcing communication processes[207]. Another noteworthy initiative launched in 2012 and expired in 2014 is the National Action Plan for Employment, which created at the national level new instruments for the management of the labour market and provided actions related to migration

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[205] Cfr., cit. Wells M., Abualsameed S., Prosser S. (2018), "Acknowledging and Addressing the Risks of Gender-Based Violence that Follow Refugees Across Borders: Escalation of Domestic Violence in Refugee Populations", pp. 93-96, in: Shewhawat S., Del Re E. C. (eds.) (2018), *Women and Borders – Refugees, Migrants and Communities*, London & New York, I.B. Tauris

[206] Cfr., cit. Soda F. (2017), *Polish Cities Sign a Declaration on Internal and External Migration*, ADMin4ALL. [Online] Available from: https://admin4all.eu/news/polish-cities-sign-a-declaration-on-internal-and-external-migration/ [Accessed 10th April 2019]

[207] For more information: *Strategy for the Intercultural Dialogue in Wrocław – Project* (2017): [Online] Available from: https://www.wroclaw.pl/rozmawia/files/dokumenty/7869/Strategy%20For%20Intercultural%20 Dialogue_GB.pdf

policy. Indeed, this plan was about the appropriate integration of migrants in the Polish labour market thanks to the development of policy objectives (such as registration, online application, monitoring of law)[208]. However, today Poland has neither a similar document nor an effective strategic plan capable of regulating migration in the long run.

New campaigns and initiatives are needed in order to spread information on outflow and inflow migration. Integration is a two-way process; thus, it is fundamental to provide better awareness and recognition between Poles of the positive impact of migrants in their country. The International Organisation of Migration (IOM), works in health activities in order to deal with the health consequences of migration, reduce irregular migration, and combat trafficking and exploitation of migrants. The project is active in all European Union member States and it has been implementing in Poland, as well as in Slovakia and Hungary, appropriate measures for ensuring healthcare to migrants, quality and efficiency of medical services to asylum seekers. Moreover, «within the frame of the educational campaign, IOM – Warsaw will conduct health related workshops for asylum seekers and intercultural training for health care professionals working with migrants»: the campaign aims to facilitate the communication between healthcare providers and migrant patients trying to overcome existing barriers and preventing adequate medical treatment. IOM – Warsaw provides return assistance to irregulars and special attention to the needs of vulnerable migrants; in addition, it works in the school environment in order to raise awareness, acceptance and understanding on the situation of migrants[209].

On the other hand, in Italy, despite the extreme positions of the government towards immigrants, there are lots of initiatives, many of them promoted by citizens themselves, schools and NGOs. According to ANSA.it, Italy is the country with the highest number of "community building" in Europe, inasmuch as it is plenty of regional and local initiatives which spread a culture of inclusion, interculturality and interaction among citizens and migrants[210]. These projects help to build peaceful communities and sustainable conviviality.

Dealing with reception and inclusion means dealing with political sensibility within the Italian society, which is more and more drenched in populistic sentiments and extremist behaviours. It means tackling a culturally relevant theme, indeed, the word *reception* is too

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[208] For more information: *National Action Plan for Employment for 2012–2014*. [Online] Available from: https://ec.europa.eu/migrant-integration/librarydoc/national-action-plan-for-employment-for-20122014
[209] Cfr. IOM (2012), *Poland*, UN Migration. [Online] Available from: https://www.iom.int/countries/poland [Accessed 08th May 2019]
[210] Translation of: Fabrizio N. (2017), *Tante buone pratiche di inclusione per i rifugiati*, Ansa.it. [Online] Available from: http://www.ansa.it/canale_lifestyle/notizie/societa_diritti/2017/12/12/tante-buone-pratiche-di-inclusione-per-i-rifugiati-italia-al-topvideo_a42e9955-ed87-4d02-a92a-4f16892fd7c8.html [Accessed 08th May 2019]

often linked to terms such as national security or danger of invasion. However, a mosaic of participations and projects have been spreading in all the territory, trying to launch coordination and communication at multi-levels of the society. Reception and inclusion are two sides of the same coin: there is no good integration without a good reception; the reverse is also true in that it is not possible to accept these people if we are not able to integrate and include those already in the country. For this reason, coordination and cooperation should be developed and must embrace every sector, including periphery, work, school, sanitary and social assistance[211].

A reorganisation of the network of services has been helping in the management of the migration inflows. Thanks to Italian Prefectures, some Interinstitutional Working Tables have been created in order to develop effective strategies of intervention, coordinate playing field, sensitise local institutions and consolidate collaboration networks. Six are the areas of a more intensive coordination and reception: organisation of reception, linguistic formation and citizenship education, training and job placement, information and orientation to services, organisation of sport and recreational events, protection of vulnerable categories. In the Region of Veneto, some worthy of note initiatives comprehend the Working Table "Gruppo Tecnico per l'Accoglienza" and the project "N.A.Ve: Network Antitratta Veneto", which creates a regional referral system for countering trafficking, defining best practices, and promoting moments of sensitisation[212].

To sum up, the actual Italian system of reception is put under pressure because of the restrictive position of the other members of the European Union in the sharing of the burden of reception, the lack of respect of the relocation agreements, and the political instrumentalization which provokes alarmism and hostility of public opinion against immigration. It needs to build effective governance, develop a clear planning of interventions and provide high-quality services. Nonetheless, thanks to the widening of the SPRAR system, Italy aims to foster widespread reception restoring the centrality of local institutions. SPRAR system includes an approach integrated to reception and finalised to place the migrant in a path towards her/his integration in the territory starting from a personalised project, while promoting forms of hospitality in small centres where refugees can personally handle their spaces and experiment autonomy[213].

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[211] Cfr. Ministero dell'Interno (2017), *Le iniziative di buona accoglienza e integrazione dei migranti in Italia Modelli, strumenti e azioni*, pp. 3-5. [Online] Available from: http://www.prefettura.it/FILES/AllegatiPag/1142/Rapporto_annuale_Buone_Pratiche_di_Accoglienza_Italia_31_maggio_2017.pdf [Accessed 08th May 2019]
[212] Cfr. *idem*, pp. 30, 31.
[213] Translation of: Anci, Caritas Italiana, Cittalia, Fondazione Migrantes, Servizio Centrale Dello SPRAR (2017), *Rapporto sulla Protezione Internazionale in Italia 2017*, in collaboration with UNHCR pp. 29, 31. [Online]

5.3 Working on migrant women

As stated in the Council of Europe statistics, in 2016 women and children overtook the number of men, becoming roughly 60 per cent of the refugees and migrants crossing the borders for coming in Europe; according to UNHCR, a third of the dead or missing persons in the Mediterranean (2,856 casualties in 2016) were women and children. Gender is an important element while analysing the migration flows as it plays a fundamental role in the migration cycle. Indeed, gender norms define roles and behaviours, creating opportunities as well as risks. The gender perspective should be considered while assessing migration, in that it allows to understand how gender relations work in decision making, access to resources, power relations, and equality in economic, social and legal spheres; «knowledge of these elements facilitate the making of adequate policies to address all the issues related to gender and migration in all the phases of the process, and particularly border-crossing». Borders are omnipresent in everyday conversations and their «functionality lies in the construction of the new social space and the shaping of categories and roles -gender, patriarchy, modernity, tradition and globalisation. Refugee women define the border in a "bi-directional process of gendering". They take possession of the border as a concrete life boundary». Through the experience of new conditions, they may undergo a process of emancipation and empowerment for a stronger position in life[214].

Displacement and migration create new risks as well as new opportunities for engagement, empowerment, and awareness-raising, challenging the notions of traditional masculinity as well. Migrants women redefine their identity, lose and acquire role and responsibilities, explore new ideas and experience new situations. At the same time, existing cultural norms, power imbalances and inequality between genders can be exacerbated by the current status of migrant/refugee associated to the loss of employment and previous status, the sense of powerlessness, the stress and trauma these people have suffered or still experience[215].

Some noteworthy Italian and Polish initiatives towards an inclusion of migrant women, as well as programmes involving prevention and protection from violence, are taken into account in the following paragraphs.

Available from: https://www.unhcr.it/wp-content/uploads/2017/10/Rapporto_2017_web.pdf [Accessed 10th May 2019]

[214] Cfr., cit. Del Re E. C. (2018), "Gendering the European Borders: The Role of Female Migrants and Refugees", pp. 22, 31, in: Shewhawat S., Del Re E. C. (eds.) (2018), *Women and Borders – Refugees, Migrants and Communities*, London & New York, I.B. Tauris

[215] Cfr. Wells M., Abualsameed S., Prosser S. (2018), "Acknowledging and Addressing the Risks of Gender-Based Violence that Follow Refugees Across Borders: Escalation of Domestic Violence in Refugee Populations", p. 107, in: Shewhawat S., Del Re E. C. (eds.) (2018), *Women and Borders – Refugees, Migrants and Communities*, London & New York, I.B. Tauris

A very significant project in Italy is "Speak Out! Empowering migrant, refugees and ethnic minority women against gender violence in Europe", aimed to give voice to migrant women, refugee women or women belonging to minority groups. The project has highlighted how the absence of migrant women in the public debate on gender violence shows a deficit of social inclusion. The initiative wanted to strengthen the authority of women in contexts related to their everyday life and their willingness to act against violence committed in their regards. For this reason, it is required to develop a network between migrant women, civil society and local institutions in order to foster new values and social relations for tackling and overcoming alienation and mistrust[216].

Another relevant programme, realised by the European Investment Found, is the Parti-Ge.Mi "Opening participatory routes: Mentoring and Building Capacity for Active Citizenship from a Gender Perspective", which aimed to develop participatory processes among immigrants, and in particular migrant women, in three social and strategical areas for local decision-making: political domain, educational sector and representation in trade unions. Integration is considered «a two-way process of mutual accommodation by migrants and non migrant residents and a gendered process with diverse impacts, on men and women. On a European, state and local level, the challenge is to reach a citizen-centred and gender sensitive integration process opening multiple citizenship pathways and ensuring equal opportunities for participation in economic, political, social and cultural life». This project was focused on the development of a mutual empowerment approach, with the purpose of targeting both migrants and natives for creating spaces for intercultural dialogue and interaction. It wanted to develop opportunities for collective action, political mobilisation and participation. The promoted activities included practices of active citizenship, human rights education, democracy and intercultural understanding. Barriers in participation remain, but many projects and efforts have been implemented in order to enhance the contribution of migrants in both social and political life. Migrant women, in a very special way, actively participate in the society by founding and taking part in associations on gender basis, creating solidarity and mutual support networks[217].

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[216] Peron M. G. (ed.) (2013), *Migrazioni, Genere, Accoglienza Mentor di comunità e buone prai che contro la violenza,* Padua, Cleup, p. 9. [Online] Available from: http://www.padovanet.it/sites/default/files/attachment/C_1_Allegati_16041_Allegato.pdf [Accessed 08th May 2019]

[217] Cfr., cit. Chiappelli T. (2016), "Migrant women in Italy between exclusion and active participation. A gender perspective in inclusion processes" in: *Comparative Cultural Studies: European and Latin America Perspectives 2*, pp. 37-38, 42. [Online] Available from: https://ecpr.eu/Filestore/PaperProposal/21f8ed53-953e-4acb-a6aa-d1d54a9c8bf0.pdf [Accessed 10th May 2019]

Nevertheless, not to be forgotten that due to the actual situation of economic crisis as well as the process of precariousness and the high unemployment rates in Italy, it is today very difficult to make positive statements for the future and situation of migrant women, which is increasingly worsening. Even if the Parti Ge.Mi project has tried to highlight the important role the third sector and associations have in helping migrant to feel integrated and know their rights[218], their opportunities for participation continue to be too little, and these women still face difficulties in receiving a regular residence permit, a fair paid work, social guarantees and wellbeing. In order to contribute to building participation and inclusion, some good initiatives include looking for credible and reliable information and spreading them among people; promoting intercultural dialogue as a tool for combating intolerance and ignorance; fostering awareness about existing associations and network; mobilising for developing better practices and policies in dealing with migration and violence against women, which should adopt a human rights-based approach based upon respect of differences and new identities; adopting policies for gender mainstreaming, combating stereotypes and inequalities between sexes.

Inasmuch as violence against migrant women has often a cultural component, an effective intervention is required in order to safeguard the integrity of these women. Some institutions and feminist organisations aim to empower migrant women, help them to gain autonomy, teach them to recognise the violence they experience and provide them with strategies to deal with. Moreover, the perception and general alarmism concerning the overrepresentation of migrant women in statistics on intimate partner violence reinforces the representation of the migrant man as a violent and problematic "other". Migrant women continue to suffer violence, to be exposed to racism, to experience direct and indirect discrimination. They are continuously threatened and vulnerable. According to Santa Cruz, a feminist activist, migrant women are even more creating a homogeneous group, risking reproducing victimisation and infantilization among them, and continuing to be accompanied by symbolic racism and exoticization; for such a reason, their experiences, as well as their capacities, knowledge, aspirations and needs, are denied. Too many times the racism they live is intertwined with sexism; msoreover, forced migration itself represents a form of violence insofar as it puts them in a position of greater vulnerability[219].

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[218] Cfr. *idem*, p. 46.

[219] Cfr. Braun K., Pagano S. (2018), *Violence against migrant women: Evidencing the matrix of colonial power. An interview with Ursula Santa Cruz*, Movements Journal for Critical Migration and Border Regime Studies. [Online] Available from: https://movements-journal.org/issues/06.wissen/11.braun,pagano--violence-against-migrant-women-evidencing-the-matrix-of-colonial-power-ursula-santa-cruz.html [Accessed 10th May 2019]

In Poland, there are some good initiatives as well. In the capital, many are the organisations which address women's rights and migrant women's rights. For instance, the Centrum Praw Kobiet (Women's Rights Centre) founded in 1993/1994 tries to empower women and guarantee gender equality, providing legal and psychological services to victims of discrimination. The Centre strikes for equal status between sexes in the public and private life, and it combats violence against women providing assistance and help. Moreover, the organisation sets up workshops and meetings for educating women on their rights and improving the quality of their lives. It helps women who have suffered violence by assisting them, providing shelter, 24-hour helpline, and support groups. Furthermore, the Centre struggles for changing the law, looking for improving the legal aspects concerning the protection of women from violence and discrimination, and prevention of violence itself. It is thanks to the work of the Centre if today the Polish Constitution guarantees equal status between sexes in its article 33; in addition, it is still pushing the Polish legislative system to be in line with the Istanbul Convention and the European Parliament's directives[220].

On the regional level, a good example is NOMADA, a human rights organisation, located in the city of Wrocław, which deals with immigrants and ethnic or religious minorities, trying to break stereotypes and prejudices and to foster solidarity, mutual understanding and good communication. It develops educational projects, provides advocacy, assistance and legal support; moreover, it releases publications, organises conferences and debates[221].

In addition, MOPS Wrocław (Miejski Ośrodek Pomocy Społecznej we Wrocławiu) is made by seven working groups which deal with the social sphere of the society. They try to identify families who live in a difficult and violent situation, provide them with assistance, mobilise resources for raising capacity to solve these problems, and raise awareness among people. They work in the field of domestic violence, seeking to counter this phenomenon; moreover, they have a session dedicated to helping refugees[222].

Another organisation in this city is the Fundacja Ukraina, an open platform for the education and integration of migrants. The volunteers organise cultural events, provide informative support, educational and social activities. The NGO works with natives and migrants in order to enter them in the multicultural climate of the city of Wrocław, and it tries to create a space

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[220] For more information: Centrum Praw Kobiet (n.d.), *About Us; Our Work*. [Online] Available from: https://cpk.org.pl/en/ [Accessed 10th May 2019]
[221] For more information: NOMADA (n.d.), *About us.* [Online] Available from: http://nomada.info.pl/o-nas?lang=en [Accessed 10th May 2019]
[222] For more information: MOPS (n.d.), *O Nas*. [Online] Available from: http://mops.wroclaw.pl/ [Accessed 11th May 2019]

for the education, development and integration of migrants, offering them support, information and opportunities, helping them to find a place in the Polish society[223].

The city project Wielokulturowy Wrocław, implemented by the Wrocław Centre for Social Development, aims to build a community based on mutual respect and solidarity. The volunteers organise meetings and exchange experiences, supporting the activities of national and ethnic minorities, cooperating with various institutions, such as schools and universities, other NGOs and services. They operate in the areas of education, integration, security and cooperation, organising multicultural projects, such as workshops, debates, and integration events. They raise awareness, spreading the word *multiculturalism* "at the plural" in that it comprehends many cultural phenomena which constantly change; they implement multiculturalism on a micro scale, meaning that each person is a kind of microculture in that she/he has values and beliefs. They want to help social groups and individuals to understand themselves and each other, through the dissemination of intercultural dialogue and cooperation; moreover, they aim to counter stereotypes and prejudices which affect other cultures, to tackle violence as a result of ignorance and disinformation, to spread knowledge about the other, to recognise and accept the diversities by building the social capital of a multicultural city[224].

It is undeniable the relevant role these projects play in the local, regional and national level. Despite the difficult political climate, both Italy and Poland are plenty of inspiring initiatives.

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[223] For more information: Fundacja Ukraina (n.d), *O Nas*. [Online] Available from: https://fundacjaukraina.eu/ [Accessed 11th May 2019]

[224] For more information: Wielokultury Wroclaw (n.d.), *O Nas*. [Online] Available from: https://www.wielokultury.wroclaw.pl/ [Accessed 11th May 2019]

6. Conclusions

This thesis had ambitiously tried to mix together two challenging patterns: violence against women and migration.

Repercussions of migration are likely to last for generations, touching some delicate issues, such as security, national identity, human rights, and the structure of liberal democracies. The current refugee crisis is not only an emergency but a "critical juncture" potentially able to reshape Europe and affect the international order for the future[225]. Terrorism, rising of populism, economic crisis and stagnation have incremented the climate of inflexibility and fear in the European Union. Among these challenges, migration and refugee crisis, emerged in 2015, have contributed to the coming of a new political era, indeed, migration puts a strain on liberal democracies and political stability in Europe. «Whereas the EU had been seen as a source of stability and opportunity for Europeans, the interaction of a series of anxieties led to its identification, in some sectors of public opinion, with a loss of control and a threat to national identity»: this crisis is reinforcing Euroscepticism and hostility to migration, and there are not yet clear and adequate instruments to effectively address it[226].

Borders evoke divisions and lines, exclusion and hierarchies. When referring about migration, the language of borders has a strong symbolic appeal. Borders limit the enjoyment of human rights for migrants; they may be formal, practical and normative. Formal borders may disadvantage migrant women due to the necessity of formal citizenship, and they operate both within and beyond the State. Practical borders arise from the factual reality of the process of migration, like lack of social networks and language skills. Normative borders are those linked to the rules of the host country[227]. Borders were and still are non-negotiable and non-flexible symbols of power which traditionally separate States and are regulated by them: humanity continues to be divided and at the mercy of States' sovereign power which determinates who is included or excluded in the territory. Today, because of the process of migration and the current international challenges, borders should be approached looking at the human life: «as points of

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[225] Cfr. Dell'Orto G., Wetzstein I. (2019), "Situating the "Refugee Crisis" and Its Sociopolitical Effects through 21st-Century European Journalism", p. 1, in: Dell'Orto G., Wetzstein I. (2019), *Refugee News, Refugee Politics – Journalism, Public Opinion and Policymaking in Europe*, Routledge, New York.

[226] Cfr., cit. Birchfield V.L., Harris G. (2019), "The Expectations-Politics-Policy Conundrum. Assessing the Impact of the Migration and Refugee Crisis on the European Union", pp. 29-30, in: Dell'Orto G., Wetzstein I. (2019), *Refugee News, Refugee Politics – Journalism, Public Opinion and Policymaking in Europe*, Routledge, New York.

[227] Cit. Peroni L. (2018), *The borders that disadvantage migrant women in enjoying human rights,* Netherlands Quarterly of Human Rights – NQHR, SAGE Publications, p. 94. [Online] Available from: https://journals.sagepub.com [Accessed 24th April 2019]

passage for illegal migrants and refugees, borders pose life-long challenges in new countries, with new socio-cultural setups, new languages and new identities. As places of residence for a substantial global population, borders pose life-long challenges for adjoining life». For such a reason, it is necessary to re-think borders, which are more and more in flux and mixed due to the process of globalisation, regionalisation and migration, as well as terrorism and religious extremism. It is also true that borders have been transforming shifting from rigidity to flexibility and dynamic centres of trade; however, this tendency is not without risks, in that it poses new challenges, such as illicit activities, human trafficking, unlawful migration and many others, creating new threats to State security. This is why today some countries demand to close their borders, which remain a trouble spot that raises contestation and conflict; borders continue to be part of modern States, and nowadays they «are being reinvented to counter the outcome of the debordering process»[228].

Those women who come into contact with borders become more vulnerable «as they engaged with the borders in several gendered forms»: migrant women try to cross borders for different reasons, attempting to reunite with their family members abroad or to seek economic opportunities for supporting their families in the origin country, as well as to escape domestic violence or to flee from poverty, conflict, political strife and instability in their homelands. The process of migration put them in front of different forms of discrimination and violence, indeed «gender may interlock with border regions to reinforce and shape violence. Gendered violence embodies gender oppression in the border regions where women's status as residents in transition as well as refugees and illegal migrants translate into exploitable demography. Threats and violent episodes in border regions may further be facilitated by hyper-patriarchal, misogynistic, and repressive socio-cultural practices». The State's borders reinforce an environment which disadvantages women, inasmuch as it often condones the violation of human security and human rights, especially women's human rights[229].

The current migration flows are mixed; they involve economic migrants as well as refugees and climate migrants. The status of migrants is not only legal but also psychological, taking the form of a life-long process. Indeed, when migrants leave their countries, they invest all their saving in dangerous journeys toward the unknown; when they arrive in the host country, they face lots of challenges, as they have to learn new languages and adapt to new living conditions, continuing to be responsible towards their families in that they have to send them remittances or provide them with protection. To this is added their situation of particular vulnerability, the

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[229] Cfr., cit. *idem*, pp. 6-7.

fear of being expelled or arrested, and the subjection to discrimination. For such a reason, the condition of being a migrant or a refugee is a traumatic situation, which constantly shapes the identity of the individual. Migration constitutes a constant re-balancing for women, who become more and more vulnerable because of the lack of points of orientation, know-how and the rise of violence against them. Their dignity is violated in many occasions during their departure, travel and arrival; this situation of vulnerability suppresses the victims, without leaving room for their skills, imagination and talent, and constituting a real loss for the countries of destination as well[230].

As we have analysed in the body of the thesis, women migrate for different reasons, for active or passive motivations, for reunifying with their families, or for studying, working, supporting their families in the origin countries. They experience different dangers during their travel, may be the object of trafficking for the sex industry, may be exploited or enslaved, may be discriminated or abused. Crossing borders is a traumatic event in that it affects the identity and role of the woman, changing her life, abilities and responsibilities related to her social role. «Femininity, motherhood, sisterhood, being members of a community, everyday family chores, lifestyle undergo a huge process of redefinition during the process of relocation», and at the same time, migrant women may be empowered by this process as well; despite their vulnerability, they may become entrepreneurs if they travel alone or with their children, insofar as they are the first to take risks for the sake of a better future for their families[231]. Thus, even if migration generates an image of migrant women as victims and passive actors, «women's sexualities in a context of migration can also become an asset to the migration and space of empowerment during and after migration». Some of them reclaim their sexuality as something positive and helpful in achieving their goals, some others use it as a means of social change in the host country. Migrant women can instrumentalise the barriers they face in order to defend their interest; moreover, the migration process may lead to life changes and remodel gendered construction of their life[232].

The interpretation of violence changes and is modulated according to the sociocultural background of every women; nevertheless, there are two general conclusions concerning migration flows: «first, rape is an endemic problem affecting almost all women at some point

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[230] Cfr. Del Re E. C. (2018), "Gendering the European Borders: The Role of Female Migrants and Refugees", p. 24, 27-28, in: Shewhawat S., Del Re E. C. (eds.) (2018), *Women and Borders – Refugees, Migrants and Communities*, London & New York, I.B. Tauris

[231] Cfr., cit. *idem*, pp. 28-29.

[232] Cfr. Bissonnette A., Vallet E. (2018), "Migration, Border Crossing and Women: Female Migrant Sexualities Between Objectification and Empowerment", pp. 151-152, 160, in: Shewhawat S., Del Re E. C. (eds.) (2018), *Women and Borders – Refugees, Migrants and Communities*, London & New York, I.B. Tauris

during migration; and secondly, women's bodies are considered as objects that can be controlled, used, sold and treated violently by men, a reality that in some cases leads to murder»[233].

According to Peroni, «in producing or reinforcing 'relations of dependency and power' through immigration controls, States may disadvantage migrant women in enjoying human rights and engender conditions ripe for human rights abuses». She makes the example of domestic workers, mostly women, who are dependent on their employers for legal status, and as a consequence, employers may take advantage of them controlling and exploiting their work. Immigration norms and practices can create and aggravate inequalities and human rights abuses, inasmuch as they have a strongly gendered nature when regulating migrant women's relations in different spheres. Immigration controls may «intersect with other borders to disadvantage migrant women in their enjoyment of human rights. In particular, it scrutinises the borders that formally, normatively, and practically construe migrant women as outsiders or lesser members in society». Ratna Kapur's notion of "normative boundaries of belonging" claims that «these boundaries are sustained by dominant societal assumptions about sexuality, family and culture that inform law's responses to migrants», and it is linked to the notion of intersectionality referred to interacting structures of inequality rather than interacting categories of identity[234].

With the concept of "intersecting borders of inequality", Peroni sheds light not on the identity categories but instead on the structures, moving "outwards-inwards": we must understand what is wrong in the society rather than in the individual. Indeed, «in making structures the starting point of the inquiry, the proposed lens shows how vulnerability and disadvantage are societally shaped and not natural attributes of certain individuals or fixed identity dimensions of certain groups. As migration scholars put it, 'migrants are not naturally vulnerable; rather the state is deeply implicated in constructing vulnerability through immigration controls and practices'»[235].

Myths are a powerful tool and can mould the mind of people. They create «self-doubt, internalisation of inequality that also make women subjugate themselves, and participate in the subjugation of other women». In order to promote gender equality, women should be the first

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[233] Cfr., cit. *idem*, p. 153.
[234] Cfr., cit. Peroni L. (2018), *The borders that disadvantage migrant women in enjoying human rights,* Netherlands Quarterly of Human Rights – NQHR, SAGE Publications, pp. 93-95.   [Online] Available from: https://journals.sagepub.com [Accessed 24th April 2019]
[234] Cft., cit. *ivi*.
[235] Cfr., cit. *ivi*.

to recognise they are considered a subordinate group because of social relations and not in biology. They should work together with other women and even men in order to eradicate these myths, developing an agenda for change and providing alternative visions of society[236].

This thesis was aimed to shed light on the international and national instruments into force for the recognition of women's human rights, a pretty recent acknowledgement, examining the nature and forms of violence towards women. It is thanks to the DEVAW if violence is today conceived as an action which causes, potentially or not, harm and suffering, defining it as any act of GBV that may result in physical, sexual or psychological harm to women. The definition is structured as an open clause in order to include other possible injuries. Moreover, violence against women comprehends, but it is not limited to, intimate partner violence, forced marriage, dowry-related violence, FGMs, intimidation and harassment at work, in education or in public, battering, bullying, stalking, violence condoned by the State, trafficking and exploitation. These last two mainly affect migrant women, as a result of their status and particular vulnerability.

Discrimination and violence against women are widespread phenomena. This violence is:

> Assumed as paradigmatic of the capacity of the political discourse of human rights to advance effective policy frames to fight such phenomenon as well as to promote women's needs, also in a multi-level perspective. At the same time, however, violence against women is exemplary of the need to translate the normative contents in social practices, going beyond the limits that any legal response presents if it is not followed by action or real change[237].

On the other hand, migration has always been considered a by-product of globalisation: migrants are treated as commodities and are being denied their human rights. Because of their migrant status and due to their sometimes-low levels of education, women experience more difficulties, discrimination, violence and exploitation: they flee from abuse and poverty for finding themselves in a new situation of abuse. These women usually work in the informal sector without security, being exposed to unsafe working and economic conditions, with no social benefits and health insurance, frequently leading to labour discrimination, sexism, racism and xenophobia. However, CEDAW, as well as other treaties and declarations, establishes their right of protection and, according to the due diligence principle, States have a duty to respect,

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[236] Cit., cfr. Rajan J. (2011), *Strengthening Women's Rights: Challenges for Education*, SAGE Publications pp. 510, 522. [Online] Available from: https://journals.sagepub.com [Accessed 10th April 2019]
[237] Cit. Degani P., Pividori C. (2018), "Ending Violence against Women as Testing Ground for Women's Human Rights Discourse: Practices, Limits and Challenges", p. 165 in: *PHRG Peace Human Rights Governance*, Volume 2, Issue 2, Human Rights Centre, University of Padua

protect and fulfil the human rights of these people, without regard to their nationality, origin, gender, age or immigration status.

Nonetheless, it is important to remember that the feminisation of migration is giving rise to a growth in the number of migrant women, at the same time boosting their contributions to economic and social life in the country of origin as well as in the host country. Women today represent almost half of the international migration: emigration can be empowering but also risky for them.

In the thesis, the concept of intersectionality has been analysed more times: it is about the creation of different forms of disadvantage, overlapping and interdependent systems of discrimination, which have always existed at different levels. Women deal with violence and discrimination every day, but certain groups of them, such as migrant women, face additional discrimination as a result of their status of women and migrant.

Thanks to the participation at the seminar on Migrant Women at the Margin and at the conferences on the situation of migrant women in Poland, it has been possible to make comparisons and find divergences between two European countries, which are more and more becoming intransigent towards migration and indifferent to the problems concerning women: Italy and Poland. Both these two countries are experiencing a wave of new populism: they lever on anxieties and insecurities raising international outrage and disapproval, fostering a climate of xenophobia, fear and hatred towards foreigners. However, both suffer from population ageing, in addition, Poland requires more workers for its economy. The media and the governments have made migration issues a key point in their agendas, leaving no room for positive news in the regard of immigrants, nay exacerbating their perception in the eyes of the people. Their strict immigration policies force many migrant workers to be in an irregular situation, without access to and protection by the law, dependent and vulnerable on their employer. Moreover, these two States do very little in combating violence against women, in eradicating gender stereotypes and in protecting women from abuse and discrimination; however, this attitude is detrimental as the underestimation of the female population causes a huge loss in the State's pockets. Indeed, who better than migrant women can successfully help in dealing with these problems? Who better in rejuvenating the population? That is why it needs new appropriate tools for empowering women, protecting them from violence and preventing such violence and discrimination in their regards.

Therefore, a multi-disciplinary, multi-level and human rights-based approach is needed in addressing this issue, in order to prevent and contrast violence, and protect the human rights of

women[238]. States must translate into their legislation the provisions adopted by international organisations. The internal law should be changed, insofar as, even if it represents a powerful tool for improving the condition of women, it is a dangerous expression of male culture: «law has played a key role in progressively attributing injustice to a reality that was long considered 'normal' if not 'natural' in belonging to the 'physiology of relationships between men and women', at least in some cultures, or an essential component of the way men 'treat' women». By the way, today, the law has acquired more credibility for a process of progressive legitimisation of women's human rights[239].

In applying a human rights perspective to violence and discrimination, we can break the silence and create a connection among transnational advocacy feminist networks which try to struggle for women's human rights. A global political commitment is required in the struggle against violence. Nowadays, the international community recognises and accepts the right to a life free of violence: it is not only a humanitarian concern but a real entitlement. Moreover, the prohibition of GBV against women is now recognised as a principle of customary international law. Nonetheless,

> While grounding male violence against women on the notion of gender-based discrimination or, more practically, on the full recognition of the substantive dimension of the principle of equality on the ground of sex […] allowed an important gap to be filled in international human rights law as well as in the public policy perspective connected to this framework, a concrete translation of the principle of substantive equality on the ground of sex has not been sufficiently achieved yet[240].

At the same time, there is no doubt that both the two countries have some noteworthy practices for the protection of these women from violence and prevention of such violence towards them, as well as programmes for their reception and inclusion in the society. These projects are carried out not so much as regards national level but as local and regional level, like the case of the city of Wrocław or the Region of Veneto. Through gender-responsive measures, such programmes struggle to deal with discrimination and violence, but also harassment, trafficking and other forms of exploitation and abuse.

Migrant women and children are today more than migrant men, indeed there is a need to take into consideration their needs, listen to their voices, help them to integrate and feel safe in the host country. Gender is today such an important element in the migration cycle, insofar as

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[238] Cfr. *idem*, p. 175.
[239] Cfr., cit. *idem*, pp. 166-167.
[240] Cfr. cit. *idem*, p. 178.

gender norms define roles and behaviours, creating new chances as well as threats for engagement, empowerment, and awareness-raising, challenging the notions of traditional masculinity.

To sum up, in dealing with migrant women, discrimination and violence, it is necessary to move from borders to bridges. The large migration process of our era is not easier than those of previous decades. Lots of men, women and children are willing to risk their life, while leaving their houses and families, fleeing from poverty and war, in order to find better opportunities abroad. Their destiny is decided during their travel. Many of them are not able to land in the country of destination, especially those who travel via boats in the Mediterranean Sea; others meet discrimination, obstacles and see their rights denied. Among them, lots of women and minors feel additional obstacles because of their vulnerable status. Migrant women are affected by multiple forms of violence, they feel oppression in that they are women; moreover, because of the colour of their skin or the country of origin they are targeted by racism and discrimination. Lots of them suffer violence before, during and after being arrived in the host country. They may face even abuse in the reception system, which is sometimes saturated by racism and looks like a prison. It is necessary that migrant women can eventually tell their stories and build a better life in respect for their rights and choices. These women have the same enemies: the violence of patriarchy, neoliberalism, market and globalisation put them in disadvantaged positions, fostering their oppression. Repatriation, deportation, exploitation of workers, the sex industry are only some examples of this oppression. For such a reason, the right of asylum should be real, full of meaning, recognised for every type and form of violence which target women; furthermore, procedures for obtaining asylum or international protection should guarantee the respect of gender diversity. Otherwise, women will continue to be at risk of abuse and violence, even in reception centres[241].

In my opinion, in order to spread knowledge about these topics, it is necessary to promote multicultural dialogue and educate to human rights. Through education, women can empower and enhance their identity and value their singularity, complexity, aspirations and capacities. Multicultural dialogue may foster the relational conviviality, woven into new kinds of languages, and to encourage the sharing and promotion of those values which make the members of the society feel part of a genuine community. Today, we are called upon to re-build trust and solidarity among populations and people: we are human beings and we represent the

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[241] Pressenza (2017), *Donne migranti e violenza. Appello al Tribunale permanente dei Popoli,* International Press Agency. [Online] Available from: https://www.pressenza.com/it/2017/07/donne-migranti-violenza-appello-al-tribunale-permanente-dei-popoli/ [Accessed 14th April 2019]

building blocks for the construction of a transnational network which should connect everyone. Our contribution is indispensable to tackle the current challenges, so we must be realistic and look for concrete solutions. Women should be able to make their voices heard; for such a reason, it is necessary to create fora of discussion where to exchange ideas and opinions, spreading solidarity among migrant women, enabling them to feel included in and actively be part of the society.

The causes of violence, discrimination and trafficking are rooted in our global economy. Women continue to be used and abused, in denial of access of their rights, oppressed by patriarchy, economy and globalisation, which push them to migrate for better lives, but at the same time condemn them to a subjugated and miserable life. Intersectionality helps us to identify the role of power and its pervasive character at all levels, evidencing the complexity of today's social world. Women continue to experience oppression in varying configurations and degrees of intensity: «cultural patterns of oppressions are not only interrelated but are bound together and influenced by the intersectional system of society». Indeed, certain groups of women, such as migrant women, have multi-layered facts in life that they have to deal with[242].

In this thesis, it has been tried to analyse different issues concerning women, including violence and its forms, GBV, discrimination, forced prostitution, inequality, trafficking in human being and smuggling. Nowadays, concepts such as refugees and migrants become easily confused as a result of the process of globalisation which mixes them; vulnerability is today covering a leading role in reproducing and facilitating trafficking and exploitation among these groups. Migrant women flee from poverty, unemployment and abuses, as well as the political, environment and humanitarian crisis, ending up in criminal networks and transnational organised crime due to the lack of opportunities and the restrictive immigration policies in the countries of destination. In order to prevent irregular immigration and its exploitation, as well as situations of abuse and violence, it is required to adopt some positive steps: first of all, it needs to avoid the formation of marginalised groups in society, trying to enhance social cohesion, inclusion and stability; moreover, migration should be managed properly through public policies which guarantee social and economic rights to victims, such as adequate level of salary and decent working conditions.

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[242] Cit. Holmes E. (2019), *What is Intersectional Feminism?*, HANX. [Online] Available from: https://www.hanxofficial.com/blogs/naked-truths/what-is-intersectional-feminism [Accessed 23th April 2019]

Indeed, women are an essential part of the society, their contribution is fundamental for the future of the world. They are brave, hard workers, intelligent, strong and innovative. They are mothers, daughters, sisters, workers, persons with rights and dignity.

We need women and it is also our business to give them the chance to make the world a better place.

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