

**Step Up! Campaign
Collaboration between WAVE and PICUM**

STRATEGY PAPER

WHAT IS THE ISSUE?

INTRODUCTION

As part of the WAVE's Step Up! Campaign, PICUM and WAVE will collaborate to improve access to services for undocumented migrant women, and women with precarious immigration status. Our goal is to make support services for gender-based violence accessible for all women, whatever their migration status. This cooperation will be in partnership with lead organisations in selected countries.

This paper is intended to provide some ideas for national or local campaigns. It offers some basic information about the problem and a few suggestions for activities you can do in your area. Please see the campaign [blueprint](#) prepared by WAVE for information on the campaign.

VIOLENCE AGAINST UNDOCUMENTED WOMEN

The majority of undocumented women arrive in Europe with regular, but often highly dependent, migration status and become undocumented for reasons outside their control. Lack of an independent residence status, or any status, presents a significant challenge to these women, and increases the likelihood that they will face violence or exploitation by intimate partners or employers or in other areas of their lives. Abusive partners often intentionally misinform women who depend on them for their status or who are undocumented, and threaten them to denounce them or with deportation or losing custody of their children or tell them they will be entitled to no state help for housing or subsistence. This leads women to be fearful of any state intervention and reluctant to report violence, and also means that when state agencies and other providers do intervene they must be aware and well informed themselves to gain their confidence, and undo the myths the abusive partner may have perpetuated.

ACCESS TO SERVICES FOR UNDOCUMENTED WOMEN VICTIMS OF VIOLENCE:

Undocumented migrant women who are victims of violence experience particular difficulties in reporting or accessing services due to their immigration status and other barriers. Fear of deportation or destitution may lead undocumented women or women with precarious status to stay in abusive relationships they would otherwise leave. Going to the authorities for help in many cases does not yield greater protection or result in a proper investigation, and could lead to the loss of their immigration status, to deportation or no access to financial support which leads into destitution. Too often undocumented women are left with no choices.

A number of practical obstacles also limit undocumented women's access to protection and legal remedy through the justice system, including language barriers, poverty, social isolation, lack of awareness of their rights, difficulties in navigating the system and lack of legal counsel or presentation.

LEGAL FRAMEWORK

At the international level, the UN Convention on the Elimination of All Forms of Discrimination against Women (**CEDAW**) defines discrimination against women as "...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field." The CEDAW Committee has noted that intersecting forms of discrimination limit access to justice, such that women "often do not report violations of their rights to the authorities for fear that they will be humiliated, stigmatised, arrested, deported, tortured or have other forms of violence inflicted upon them, including by law enforcement officials."¹ The Committee calls on states to ensure women's "unhindered access to justice systems" without discrimination, as a condition of achieving *de jure* and *de facto* equality.

The Council of Europe Convention on preventing and combating violence against women and domestic violence (**Istanbul Convention**), in Article 4 paragraph 3 states: "*The implementation of the provisions of this Convention by the Parties; in particular measures to protect the rights of victims, shall be secured without discrimination on any ground such as sex, gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, gender identity, age, state of health, disability, marital status, migrant or refugee status, or other status*".

The EU Directive establishing minimum standards on the rights, support and protection of victims of crime (2012/29/ EU) (**Victims' Directive**), was adopted on 25 October 2012. It obliges member states to ensure certain basic rights to all victims of crime, and prioritises individuals' dignity and safety above their administrative status. Non-discrimination is at the core of the Directive, which requires that all victims of crime be treated with respect, be offered support services, have access to protection, and be given the opportunity to participate in the criminal proceeding linked to their case. The Directive underscores the particular needs of victims of gender-based violence – which it recognises as a form of discrimination – and notes that women who are victims of such violence and their children often need special support and protection "because of the high risk of secondary and repeat victimisation, of intimidation and of retaliation connected with such violence" (Recital 17). Under Article 9, specialist services that member states must provide include shelters or other safe accommodation to prevent retaliation, intimidation or repeat victimisation; and integrated support for victims of sexual violence, gender-based violence, or violence in close relationships, including trauma support and counselling. EU member states (except Denmark) had until November 2015 to transpose the directive into national law.

At the national level, undocumented women's access to support services varies considerably because of differences in laws and policies.

MAIN CHALLENGES

Undocumented women face considerable challenges in **reporting** and in accessing **services**, in particular:

- Women's shelters
- Counselling

¹ CEDAW Committee General Recommendation on women's justice (No. 33), para. 10.

- Health care
- Legal advice

Obstacles to accessing services include restrictive laws that explicitly limit or deny undocumented women's right to benefit from some services, funding mechanisms that limit service providers' ability to provide inclusive access, and discriminatory practices.

Undocumented women also have difficulty accessing **appropriate services** – that is, services that are adapted to their particular needs. For instance, undocumented women – indeed, women who are foreign nationals or ethnic minorities – are often barred from accessing services because of the lack of interpretation services and lack of awareness among service providers about the particular challenges they face, as well as relevant laws or policies affecting their right to specific services and support.

Women with dependent status, or without status, are often hindered from exiting situations of violence or abuse because they are unable to obtain **autonomous residence status**, which means leaving an abusive situation could lead to greater vulnerability and suffering, including detention, deportation or destitution. They are also more susceptible to violence, victimisation and exploitation, as their lack of independent status often means impunity for perpetrators.

Undocumented women face many barriers to reporting crimes committed against them because of the **absence of a firewall, or absolute separation** between law enforcement, and criminal law institutions in general, and immigration enforcement. This contributes to low reporting rates.

Women are also inhibited from accessing services because of laws in some countries that **punish organisations** providing various forms of assistance and support to undocumented migrants.

KEY MESSAGES OF THE CAMPAIGN

1. Women's rights are human rights, and human rights are universal and apply to all women.

Ensuring respect for the rights of *all* women to a life free of violence means putting their safety and dignity ahead of immigration enforcement. In practice, this requires putting in place a **"firewall"** between the provision of public services (including law enforcement and the judiciary, as well as support services, including shelters) and immigration control, so that women can seek help without fear of deportation.

2. Feminist principles must explicitly integrate an ethics of care that has as its cornerstone solidarity for all women and their experiences of violence, including that resulting from intersecting forms of discrimination.

Women's organisations, often at the frontline of providing support and of advocating for women's rights, should be empowered and funded to support all women, through increased awareness of the particular situation and structural challenges confronting migrant women, and particularly women without residence status or with precarious status, relating to institutionalised and intersectional forms of discrimination and xenophobia.

3. Actors invested in advancing women's rights must prioritise inclusiveness and women's autonomy.

In advocating on behalf of undocumented women – as for all women – there should be a focus on **empowerment**. This requires a recognition of the way that migration status contributes to a women's risk of destitution and dependency, and the need to break this link to promote women's agency and autonomy.

WHAT NEEDS TO HAPPEN?

Women's organisations

- Engage in **human rights education** to raise awareness of the situation of migrant women, and women facing intersecting forms of discrimination, and to promote ways of better supporting their rights and their needs in practice.

TOOLS AND RESOURCES

- PICUM (2012), "[Strategies to End Double Violence against Undocumented Women: Protecting Rights and Ensuring Justice.](#)"
- PICUM (2015), "[Guide to the EU Victims' Directive: Advancing Access to Protection, Services and Justice for Undocumented Migrants.](#)"
- European Commission against Racism and Intolerance (ECRI), [General Policy Recommendation No. 16 on Safeguarding Irregularly Present Migrants from Discrimination](#) (March 2016).
- CEDAW [Draft update of General Comment no. 19](#) (1992) on gender based violence against women
- EU Agency for Fundamental Rights (FRA) (2013), "[Apprehension of migrants in an irregular situation – fundamental rights considerations.](#)"
- FRA (2011), "[Fundamental Rights of Migrants in an Irregular Situation in the European Union.](#)"

- **Resist racism** and the growing tendency to stigmatise and demonise migrants, recognising the gender dimension and impact of prevailing rhetoric and policies on migration.

- **Join the struggles** of migrant women and embrace an intersectional agenda, and **empower undocumented women** by supporting their cause and their rights, and well as their efforts to organise and to mobilise.

- **Empower women's organisations** to provide quality and equitable services to all women, and ensure that they are informed of the specific challenges faced by undocumented

women.

- Develop and promulgate an **ethics of care** that integrates feminist principles with ethical imperatives to ensure inclusiveness and to promote greater solidarity.

Decision makers

- Create a **firewall** between the provision of basic services (such as housing, health care, specialist services, law enforcement) required to ensure women's safety and autonomy and to promote their confidence in public institutions and encourage the reporting of violence, by putting women's rights ahead of immigration control.
- Ensure adequate **funding** to organisations providing support to survivors of violence, and create mechanisms for more inclusive and non-discriminatory funding not linked to migration or other status.
- Create legal avenues for women to obtain, or to retain, **residence status** so that being or becoming undocumented is not a barrier to safety.
- **Decriminalise** the provision of assistance to undocumented migrants.
- Take steps to increase the **diversity of the workforce (including public services)** so that it better represents the population that it serves.

How To Get Involved?

All interested parties – individuals, organisations, national- and European-level institutions and businesses – can get in touch with [nationally involved organisations](#) to discuss a plan of action in the framework of the campaign. These are member organisations of WAVE and PICUM's respective networks, who are responsible for coordinating the campaign on the national level.

1 Engage with a [nationally involved organisations](#) in your country, or [get in touch](#) to become a contact organisation for this campaign at the national/local level, and work to:

- **Create alliances** between organisations supporting undocumented women and feminist organisation to foster greater solidarity and mutual understanding, and to align core messages and advocacy.
- **Disseminate information** among your own network and partners, and within your organisation, about the situation and rights of undocumented women.
- **Lobby decision makers in your locality, region or country** to implement the firewall and to take the necessary steps to ensure the rights of all survivors to access services.
- **Push for your national government** to ratify the Istanbul Convention, if it has not, or, if it has, to implement its provisions in a non-discriminatory way to end violence against all women, whatever their migration status. For examples of successful campaigns to advance the rights of undocumented women, see [here](#).
- **Take action at the local level** to raise awareness of undocumented women's rights and to challenge discriminatory attitudes and conduct.
- **Publicise your efforts** on social media, using the STEP UP! campaign hashtag.

2 Support the STEP UP! campaign on **social media**:

- Tag your government and tell them to #StepUp for #MigrantWomen.
- Use the **#StepUpWAVE**, **#StepUp** and **#MigrantWomen** hashtags when posting on social media about issues that are relevant to the StepUp! Campaign.

KEY DATES

- 21st March: International Day for the Elimination of Racial Discrimination
- 18th December: International Migrant's Day
- 25th November: International Day for the Elimination of Violence against Women
- 25th Nov - 10th Dec: 16 days against gender violence.
- 8th March International Women's Day
- 10th December International Human Rights Day

3 Encourage women's shelters, other service providers, city and regional authorities, government officials and agencies, non-governmental organisations, institutions and individual to **become campaign supporters** by filing in a simple form on the campaign website which states that they endorse the key campaign goals.

- The possibility to support the campaign will be officially opened and launched on **5 December 2016**, and will be preceded by **two weeks of social media build-up** on Facebook and Twitter. Visit www.picum.org for more details.

4 Participate in human rights education and the elaboration of an **ethics of care** via a **webinar series** to engage women's organisations and migrant rights' organisations, to be launched in **2017** jointly by **WAVE** and **PICUM**. For more information, and to sign up to individual webinars, visit www.picum.org.