

1. Introduction. A nagging thought of a scholar

by Ignazia Bartholini

1.1 The interweave between desk analysis and field research of “PROVIDE” research

This volume is the product of a combined, reasoned in-the-field research and desk analysis regarding recognition and reception of refugee-asylum seekers, victims of violence within their places of origin, during the journey to the European states bordering on the Mediterranean and, above all, in Italy, the destination of many asylum seekers arriving from the African continent.

This collective volume is also the result of the nagging thought of a scholar and the support the European Commission decided to provide her with in order to favour the theoretical challenge the project envisaged and allowing her to conduct these two years of research supported by a network of partners comprising universities, research centres and non-profit organisations.

The PROVIDE (*PR*oximity *ON* Violence: *De*fense and *E*quity) project¹ proposed, in one of its two macro-areas of action, to conduct research aimed at analysing and identifying good practices and critical elements regarding the reception and charge-taking of migrants, victims of a kind of violence generally referred to as gender-based. It was necessary to describe the ambit within which the reception practices and policies regarding the field within which the different subjects act, first the Nation-States, then the institutions of command and control, which, with the supranational organisms, delineate the field itself availing themselves of Guidelines, Operating Manuals, Regulations, Laws, which define the procedures and practices in favour of the victims. Then, it was necessary to analyse, through the direct testimony of

¹ The PROVIDE project, coordinated by Ignazia Bartholini, is one of the projects funded by the European Community through *The Rights, Equality and Citizenship Programme 2014-2020*, «that contributes to the further development of an area where equality and the rights of persons, as enshrined in the Treaty, the Charter and international human rights conventions, are promoted, protected and effectively implemented» (<https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/programmes/rec>).

local government stakeholders, cooperatives, associations and other organisations, the implementation of reception projects and the action of specialised male and female operators.

As a priority, it was proposed to choose and describe an *umbrella* concept, proximity violence, of which violence against women is only one manifestation. Of this phenomenon², we endeavoured to highlight the patterns that make defining its material contours and specifying the tesserae that compose it difficult. When we chose to indicate as “proximity violence” the phenomenon-topic, cultural factors, contingent situations became entangled with the vulnerability and resistance of the victims. Lastly, concrete elements of pain and abuse claimed attention making it clear that physical and symbolic violence often turned the victims into things, the objects of negotiations often conducted with the aid of the reference-community itself, when not submitting them to unilateral abuse or, as is frequently the case, of manipulation.

Therefore, the project involved a first research stage, led by the principal investigator and informed by her “*idée fixe*”, that of framing a phenomenon of which only the contours, represented by its name, had been defined. Furthermore, it was a matter of investigating the possibilities of accessing spaces of recognition (Honneth, 1996) for migrants who, having crossed various geographical and symbolic borders, find themselves living in Europe, in environments with high vulnerabilisation rates. During the initial phases of the project, the intuition emerged that the name needed to be filled with observations, field surveys, desk analyses, in order that it might become a theoretical category. This is what this consortium of universities, foundations and third-sector organisations has tried to do.

In the opinion of this writer, analysing the effects of gender-based violence did not suffice to unravel the skein of the more subtle forms of violence interwoven with the vulnerability of the victims and the manipulative and seductive abilities of the perpetrators. It was a question of understanding what made violence acceptable and bearable, what naturalised, normalised it within certain contexts, to the point of mystifying it even, providing it with excuses and different names suggesting that neither the victims nor the torturers were such. This meant filling not only a terminological void but substantiating *a manifestation of reality provoked by certain relationships* with indicators, by means of the indirect testimony of those who dealt with it on a daily basis.

If gender combined with nationality and age (Crenshaw, 1989; McCall, 2005; Yuval-Davis, 1999, 2006), informs the imaginary defining concrete “protection-and-reception” policies and practices, as well as the array of be-

²The term phenomenon is used here in the classical sense of the substantive phenomenon, indicating what appears and manifests itself but which, at the same time, may not correspond wholly to the objectivity of the senses.

haviour styles considered admissible by the asylum seekers, it seems necessary that the analysis make a further differentiation regarding the perception and self-perception of violence by the victims hosted in the centres and by the operators who work at different levels of the reception services.

It was, therefore, a matter of betting, with the presumption of the social scientist, on the possibility of representing a phenomenon by devising a bridge between theories of gender-based violence and the “thing” – the violence of those who are not strangers and in whom, for different reasons, we trust. Filling this *vacuum* employing the theoretical ability to identify generative assonances and mutual filiations makes it even more difficult to evaluate the phenomenon in terms of social policies and governance.

Although the Member States have, in recent years, intensified their efforts to simplify the decision-making process, common policies and general governance, this effort has not been adequately reflected in the procedures for asylum implemented by the *Dublin Regulation in the European States* where the migrants first land. It is with the precise intent of favouring a minimum of standard norms governing the rights, support and protection of victims of gender violence, experienced both within their states of origin and during the journey which brings them to the Europe’s southernmost shores, and to guarantee the access of victims and their family members to general and specialist support, according to their needs, that the Provide project proposed, within the ambit of research, to distinguish between proximity and other forms of violence, by establishing the links and indicators they share with and those which distinguish gender-based from proximity violence.

1.2 Gender-based violence and proximity violence

It was not a matter of “raising the bar” as regards gender-based violence, but violence perpetuated and turned into a spectacle for helpless or incautious observers; a form of violence intuited, perceived, undefined as yet, which even had a name and needed to be reflected upon: “proximity violence”, an umbrella concept which precedes the violence which treaties and recommendations foreground. It not only contextualises the occurrence of violent relationships, locating it within the situations where it occurs (Rutter, 2012), but it also throws light on its relational peculiarities and the viscid connections existing between vulnerability and resistance. It was not a question, therefore, of defining the physical-spatial context in which it matures and erupts only, but of outlining the broader perimeters of different levels of relational arrangements – family, community, society – and the asymmetrical connections they reveal – in order to describe their horizon. In the case of asylum seekers, this is a form of violence related to the particular conditions arising from the journey itself, characterised – as we are aware – by increasingly

frequent violations of human rights. For the States where the victims are received, it is often a matter of bypassing the phenomenon by deciding whether the victim is entitled to reception on the basis of other factors (Cherubini & Tudela-Vásquez, 2016).

A description of the viscid connections existing between the vulnerability (Kirby, 2006) and the resistance (Bracke, 2016; Butler *et al.*, 2016) of migrant women subjected to patriarchal forms of culture and, therefore, easy preys of violence, is of the utmost important, when seeking to identify an order of discourse, which is also and above all an order of practical domination by males, of their way of wielding power over subjects, over relationships between subjects, by abuse and contempt of the body and the mind of the weakest.

Violence involves practices of discrimination and social exclusion (Jaji, 2009; Crisp *et al.*, 2012), secondary victimisation (Pinelli, 2011; Tognetti, 2016), exploitation of labour (Coin, 2004), human trafficking (Krause-Vilmar, 2011; Peano, 2013; Gallagher, 2015) sexual abuse (Crisp *et al.*, 2012). Although recent literature has defined gender violence amply as the exercise of physical and psychological control over the victim, highlighting the various modalities (direct, indirect, physical, symbolic, cultural, instrumental, etc.), through which it expresses itself, the problem remains trapped within a cultural paradigm which tolerates gender inequality within the sphere of private life or restricted social ambits. It not only acts upon the body, but through the body with the division of tasks and the attribution of roles, a mix of complicity, consensus and lack of acknowledgement (Morgan & Thapar-Bjorkert, 2006). In this perspective, gender-based violence is a “modernist phenomenon” attributable to cultural models of the past referring to codifications of relations between genders based on stereotypes and representations typical of patriarchal inter-sex structures.

What gender-based violence shares with proximity violence is its reference to a culture of male hegemony, both in the case where it is recognised and metabolised and in that where it is imposed, that is, whether it is a matter of modern, culturally legitimised, pre-eminent hegemony, or, on the contrary, an attempt at a virilist *revance* within a post-modern context. Proximity violence, however, does not characterised by abuse and violence alone but also by deception, used to fool the fraud of weaker subjects, manipulate and reify them.

The violence to which immigrant women and refugee/asylum seekers are subjected is often bound in its genealogy to intimacy, and, equally often, surfaces from commercial agreements, marriage, at times, sexual exploitation, and towards which the victims remain passive on account of their vulnerability. The symbolic mechanism which favours this is, in actual fact, derived from parental authority or its delegation (in some cases, even delivery to the traffickers) which permits disposing of them as objects.

The purpose of this volume was to pinpoint the boundaries existing between gender-based and proximity violence related to the sphere of migration, by making a tenacious attempt at describing the counterpoints of violence. The first of these regards gender and violence. The second locates both of these within a proximal relationship.

Proximity violence is a particular expression of violence, available only to those close to the victim. In this kind of relationship, the perpetrator is not a “neutral subject”, but “the” person or “one of” the people legitimated by patriarchal codes to subject women to their influence.

In proximity violence, it is the symbolic and material oppression which has been culturally stratified and relationally embodied in the victim by the “close” subject, which renders the victim acquiescent. This stems from the vulnerability of the victim, on the one hand, but also from her sentimental dependence on and trust in the perpetrator. This dependence turns into resistance, that is, into adaptation to the situation and condition thus created. It acts as a cement within the dynamics that substantiate it. In the case of couples, it stabilises the relationship itself.

Proximity violence expresses itself through a vast array of actions ranging from beatings to rape and the material suppression of the victim, within a time frame envisaging the procrastination of the violent act itself and its repetition to the bitter end. Proximity violence, as manifested in relational contexts agreed upon and undergone by the weaker subject, and endowed with a prologue and epilogue, in the worst of scenarios, coincides with the destruction of the victim.

However, resilience corresponds to gender violence to the same extent that resistance corresponds to proximity violence.

If resilience foresees the possibility of personal redemption, the convergence of resources which the violence undergone generates in the victim, this does not occur generally in cases of proximity violence or within its time frame which dilates precisely because of the peculiarity of the relationship existing between the victim and perpetrator. Resistance determines conscious exposure to domination by the Other and the likelihood of resisting the more deleterious effects of violence without, however, achieving freedom from dependence. From this point of view, the resistance of a vulnerable subject prevents her not only from overcoming the condition of exposure to the power of the other but actually underpins her permanence within that condition (Butler, 2004; Butler *et al.*, 2016). The repetition of the violence suffered is itself a consequence of the victim’s resistance against severing the dynamics that make her the victim of her abuser. Male domination, and the way in which it is not only imposed but undergone, is the consequence of resistance on the part of the victim against escape from a condition/situation she does not fully acknowledge in its gravity, precisely because of the oppressive, sentimental relationship of trust binding her to the perpetrator.

Sometimes, the hope of a better future is used as a lever by the perpetrator to force the victim to see the present where she is the subject of deception and sexual exploitation, as a necessary part of a plan aimed at improving her condition.

1.3 The field research

The collection of essays contained in this volume are the two-fold outcome of field research and desk analysis regarding reception systems – national and regional – carried out by privileged observers from the universities of Palermo and Jaén and by the ISMU Foundation, OXFAM Italia, Telefono Donna, SamuSocial International, Badia Grande, Aseis Asociación, all international organizations operating in Italy, France and Spain. Privileged, precisely because they are “insider within” observers who, from various points of view, have studied and analysed in depth an aspect of the migratory phenomenon, accepting the need to acknowledge it beyond the rhetoric and political manipulation of the prejudices that obscure it within the context of the indifference generated by obsession with security.

Migration is today the playing ground where different forces confront each other not only at institutional level, but at national and local governance level too. It is not just a matter of recognising the different national sovereignties within the European Community, but of balancing the populist themes of anti-migration policies, so that they do not provide scope for further security policies of closure and defence of borders. The threshold of national borders, real and symbolic, is defended so well by a tight web of regulations that it is increasingly unlikely that it will be crossed unless clandestinely.

To this end, tension regarding security has shaped the current legislative framework that in Europe, and, as a domino effect, in the single nation-states, has privileged restriction of the numbers of those entitled to asylum, rather than listening to the reasons that determine their requests.

From this particular angle, one of the chapters, fundamental to the overall economy of the volume, is that by Rafaela Pascoal, who provides a reasoned account, from a legal point of view, of interpretations of the term violence and of multiple forms of transit violence (sexual, physical, exploitation and abuse) of migrants (unaccompanied minors, women and LGBTs). This chapter also offers a synoptic view of the phenomenon attributable to the vulnerable categories mentioned in the European Directive 33/2013 and subsequent norms regulating access to rights for victims of violence. Therefore, if the identification of proximity violence within the migratory context offers a novel, in-depth interpretation of the normalisation of transit violence, the chapter by Pascoal completes the theoretical picture by providing a normative overview strengthening the agency of victims.

The procedural challenge which captured the scientific and methodological interest of the many researchers involved in various ways in the Provide project and whose results are outlined in this volume, funded, above all by European Community because of its cogency and actuality, has been that of recognising and taking charge of victims of proximity violence: refugees/asylum seekers thronging along the borders of Southern Europe.

In the encounter between the demand and supply of research, different sensitivities have gathered around a change in theoretical perspective guiding this empirical research endeavour.

As far as Italy is concerned, the research was led by the University of Palermo (UNIPA) with the operational support of the Badia Grande Cooperative in Sicily; the Iniziative e Studi sulla Multietnicità foundation (ISMU) and the Telefono Donna Onlus in Lombardy; the OXFAM Italia Intercultura association in Tuscany. It also received input from the SamuSocial International which conducted research in France, in particular, in the Paris area, and from the University of Jaén in collaboration with the Asociación por el Empleo y la Integración Social (ASEIS), which conducted research in Spain, in particular, in Andalusia.

The qualitative survey reported in this book was divided into three parts:

a. a desk analysis of the most relevant studies on migration and gender violence (good practices, reports and volumes published in the partner countries).

b. a participant observation carried out within the CASs (Extraordinary Reception Centres) and the SPRAR (Protection System for Asylum Seekers and Refugees) facilities, as well as within the Sicilian Hotspots (facilities for initial reception) coordinated directly by some of the partners involved in the PROVIDE project in Italy, France and Spain with a view to shedding light on the models of charge-taking provided to migrant victims.

c. a conduction of 125 semi-structured interviews with operators within the sector, most of them (78 semi-structured interviews) subsequently treated using Nvivo program¹². These interviews provided accounts by operators and stakeholders who play different roles within the area of migration (administrative and legal authorities, health and social workers, professionals working at reception centres for asylum seekers as well as anti-trafficking operators).

From this angle too, this collective volume provides a pioneering study of the issue of proximity violence as experienced within the context of migration and includes the testimonies of all those actors who, from the identification to the protection phase, take charge of the victims.

Therefore, the research carried out aimed at filling the scientific gap regarding correlations between the topic of proximity violence and the migratory system, by offering a multidisciplinary and transnational perspective, based also on the direct experience of the actors involved.

The Mediterranean route is considered the deadliest and most dangerous sea crossing to Europe. A growing body of evidence has highlighted the scale and scope of exploitation, including human trafficking, experienced by migrants along these routes. In particular, the abuses suffered by migrants in Libya impose to strengthen our reception system and to identify the most appropriate strategies for managing the asylum seekers. The aim of the book was to help readers understand the complexity of the migrant reception systems set up by the three partner states involved in the project, where the analysis of the heterogeneity of the asylum system at national and transnational level, underlines, at times, the lack of structured networks capable of responding to particular needs by adopting a multidisciplinary approach, while also foregrounding the good practices due precisely to the implementation of synergistic networks capable of acting with the context of long-term migration.

With a view to detecting the presence of best practices and inter-institutional protocols, the Provide project teams applied a mixed methodology, referred to the specific operating methods and work networks available. Therefore, four of the partners (University of Palermo, ISMU, University of Jaén, and SamuSocial International) initially carried out a documentary investigation of asylum systems at national and international level. The analysis focused on the legal framework of migration, on the perpetration of violence during migration and upon access to the reception and help facilities. The University of Palermo team provided a detailed account of “Italian and European guidelines”, of “regional and local protocols in Italy”, of published “reports” subdivided into gender, human trafficking, vulnerability, minors, etc³.

OXFAM Italia, ISMU, SamuSocial International, by availing themselves of focus groups and semi-structured interviews have highlighted the quality of assistance and reception services for migrants, paying particular attention to the institutional response provided to cases of violence. The University of Palermo with the support of the Badia Grande cooperative conducted 75 semi-structured interviews with law enforcement officers, health-care workers, professionals – psychologists, social workers, cultural mediators and educators – who work at reception facilities or in centres connected with them (hospitals, anti-violence centres, local authorities etc.). The Telefono Donna team used the participant observation method to analyse the reception system in their particular areas of reference. The University of Jaén carried out a qualitative survey using several analytical tools.

³ Now published on the Provide project website - <http://www.unipa.it/dipartimenti/culturesocieta/progetto-internazionale-provide/>.

1.4 The Reception System in Italy, Spain and France

1.4.1 In Italy

Over the years, the Italian reception system has set up different types of facilities, run by the Interior Ministry's Department for Civil Liberties and Immigration, which, during its initial phase, responded mainly to the massive emergency flows of migrants entering the country. These were the CDA reception centres, the CPSA first aid and A&E posts, the CARA reception centres for asylum seekers and repatriation services, the CIE identification and expulsion offices (Accorinti, 2015). The larger facilities, capable of accommodating an extraordinary number of migrants, are normally located in isolated places, outside urban centres. As a result, distance from urban contexts acts as an obstacle to integration and authentic knowledge of the social fabric of the host country (Marchetti, 2016).

Due to increases in migratory flows of recent years, many structures were obliged to accept a number of immigrants greater than their maximum capacity, imposing guarantees of minimum services standards on the guests (In Migration SCS, 2018). Lacking legislation on the subject, the reception system underwent improvisation based on ordinances, decrees and circulars, without a medium-long-term plan, addressed, above all, to a business-oriented kind of regimen (ANCI, 2017).

In 2015 did the *Migration Agenda* of the European Union establish the Hotspot system in the European countries of first arrival like Italy and Greece. The Hotspot system is supported by agencies such as EUROPOL, EASO, and Frontex as well as by international organisations like UNHCR and IOM. They provide greater support during identification operations, including fingerprinting, registration, application for asylum, programmes of relocation in other EU Member States and the possibility of recurring to assisted voluntary repatriation.

In Italy, the Hotspot system is regulated by Art. 6 c.3 bis of Decree 142/2015, which states that applicants may be detained only for the time strictly necessary, in any case, for no more than thirty days. In Italy six Hotspots were set up, 5 in Sicily (Trapani, Pozzallo, Porto Empedocle, Lampedusa and Augusta) and one in Puglia, in Taranto. Are facilities for identification, registration and fingerprinting of asylum-seekers and migrants arriving in the EU by sea. The reason why these structures were created was to facilitate a five-day screening of each migrant's situation. Obviously, five days proved insufficient to determine potential vulnerabilities the migrant might present with (Rigo, 2016).

The CASs (Extraordinary Reception Centres), as first-stage reception facilities, represent the first step after entry into the Italian Hotspots. These were regulated by Decree 142/2015, which assimilated European Directives

32/2013 and 33/2013. As a first-stage reception service, the CASs provide a substantially assistance-type response, guaranteeing only bare necessities and lack any kind of plan for the integration of the beneficiaries. Homogeneous responses of this kind of reception tend to clash with the heterogeneity of the asylum-seeking population, especially with regard to their specific needs. The CASs tend simply to divide the beneficiaries by gender and age. Moreover, despite the fact that these centres are obliged by law to identify the specific needs of the migrants, as per the art. 17 of Decree 142/2015, the improvised running of the Italian reception system has become an obstacle to the identification of the actual needs of the migrants, due to a lack of appropriate conditions and the fact that the system fails to place the beneficiary at the centre of its intervention. Furthermore, one of the consequences of the massive entry of migrants and the implementation of Decree 142/2015, which permits asylum seekers to remain on Italian soil until the final outcome of their application, is the inability of the first-stage reception centres to facilitate the transit of migrants to second-stage reception facilities, such as the SPRARs. The transfer of applicants to a SPRAR, the so-called second-stage reception centre, has frequently failed to take place, or has often occurred after the mandatory 25 to 30 days from arrival established by Decree 25/2008. On the contrary, many asylum seekers have remained in a CAS until the final outcome of their application, extending waiting times up to as many as two/three years from the moment of entry (CIAC, 2012).

The SPRAR (Protection System for Asylum Seekers and Refugees), deemed a model of excellence, requires a network of actors on the ground, coordinated by the ANCI – the National Association of Italian Co-Municipalities – whose goal it is to integrate the beneficiary (Marchetti, 2016). Furthermore, the SPRAR system is charged with identifying and adequately responding to the specific needs of migrants, by means of an individual, holistic approach (Cittadinanza Attiva *et al.*, 2016). However, the lack of investment by the Italian state in this type of facility, actually reduced the number of places available to vulnerable subjects to 35,352, in 2016 (ANCI *et al.*, 2017).

To conclude this examination of the reception system in Italy, it is necessary to recall that in October 2013, the government passed its so-called Security Decree, No. 113 of the 10/4/2018 which, in art. 12, created the structures “*Siproimi – Sistema di protezione per titolari di protezione internazionale e per minori stranieri non accompagnati*” (System for the protection for holders of international protection and for unaccompanied foreign minors). The basic trait of this Decree is its restrictive nature and the fact that it makes it practically impossible for asylum seekers and holders of international humanitarian protection to access the Siproimi system. Those entitled to reception according to the Siproimi system include migrants awarded in-

ternational protection like those with refugee and subsidiary-protection status, holders of residence permits for medical treatment, victims of disaster, those who have performed acts of particular civil value, as well as holders of special residence permits issued pursuant to articles 18 (social protection), 18 bis (victims of domestic violence), 22, co. 12-quater (labour exploitation) of Decree 286/98, if they fail to access specifically dedicated protection systems. Instead, unaccompanied minors can access them regardless of their legal status. Furthermore, unaccompanied minors requesting asylum, as soon as they come of age and have already been hosted by a SPRAR facilities can continue to remain there their application for international protection has been decided upon.

1.4.2 In France

The *OFII – Office français pour l’immigration et l’intégration* (French Office for Immigration and Integration), coordinated by the Ministry of the Interior, has three main missions regarding the reception of migrants:

- a. host and integrate legal migrants by means of socio-linguistic programme;
- b. host asylum seekers;
- c. provide support in the event of return to and reintegration in the host country.

The OFII coordinates the national reception system, the *DNA – Dispositif national d’accueil*, which takes charge of asylum seekers and assesses their specific needs during the different phases of their sojourn, in order to provide a targeted response to their needs. DNA is responsible for newly-arrived asylum seekers, asylum seekers and refugees, so as to guarantee material and health-care assistance: housing, access to rights as well as to health-care and administrative support.

The national reception system includes both government agencies like OFII, OFPRA – *Office français de protection des réfugiés et apatrides* (French office for the protection of refugees and stateless persons) and the CNDA – *Court Nationale du Droit d’Asile* (the national court of asylum rights), HCE – *Haut Conseil à l’Egalité femmes/hommes* (the high commissioner for gender equality), which public local agencies like municipalities, hospitals as well as social services for the protection of children, and non-governmental actors like FTDA – *France Terres d’Asile, Coallia, SamuSocial*, Emmaus and Groupe SOS.

Asylum seekers are first brought by a CAO – *Center d’Accueil et Orientation centres* (reception and orientation centres), which directs migrants according to their status. This means that those wishing to apply for asylum are referred to the first-stage PADA – *Plateforme d’accueil des demandeurs*

d'asile (reception platform for asylum seekers) run by the associations. Through PADA asylum-seekers can book a visit with the GUDA – *Guichet unique d'accueil des demandeurs d'asile* – single reception desk for asylum seekers – and apply for asylum at OFPRA. After registering, the applicants receive a “kindergarten certificate”, equivalent to a residence permit. In the event of a negative ruling by the CNDA, the applicant has fifteen days to appeal or a month to leave the facility.

The DNA system provides three types of accommodation: pre-reception facilities, orientation and temporary reception facilities like the CAES – *Centers d'accueil et d'examen de la situation* (centres for reception and examination of the situation) – providing a maximum stay of eight days for the definition of a general framework for the administrative needs of the applicant and his/her possible process of return; the CPO – *Center de pré-orientation* (pre-orientation centres) – and the CPA – *Center de premier accueil* (first-stage reception centres).

The transit facilities are the CAO – *Center d'accueil et orientation* (reception and guidance centres) – and the CHUM – *Center d'Hébergement d'Urgence de Mineurs exilés* (accommodation and emergency centres for minors). These facilities are not coordinated by OFII and are located in the Paris area only. They include the CHUDA – *Center d'Hébergement d'urgence des demandeurs d'asile* (housing and emergency centres for asylum seekers); accommodation facilities for re-applicants and refugees: CADA – *Center d'accueil pour demandeurs d'asile* (reception centre for asylum seekers), HUDA – *Hébergement d'urgence pour demandeur d'asile* (emergency accommodation for asylum seekers), AT-SA – *Ac-cueil temporaire - service de l'asile* – temporary reception and asylum services.

These three types of centres provide administrative, social and health-care support.

The CPH – *Annuaire centre provisoire d'hébergement* (provisional annual accommodation centre) offers French-language courses and professional integration services, as well as support to seek accommodation; PRAHDA – *programme d'accueil et d'hébergement des demandeurs d'asile* – reception and accommodation program for asylum seekers; CAF-DA – *Coordination de l'Accueil des Familles Demandeuses d'Asile* – reception coordination for families of asylum seekers).

4.3 In Spain

In Spain, the integration and assistance services provided for asylum seekers and refugees are coordinated by the *Secreteria de Estado de Migraciones* (the state secretariat for migrants), which avails itself of the *SAI* –

Sistema di Acogida and Integración Español (Spanish reception and integration system). The reception system is integrated by a dependant national reception network of Migration Centres (Pasetti & Sánchez-Montijano, 2018), comprising two CETIs – *Centros de Estancia Temporal para Inmigrantes* (temporary residence centres for immigrants) for migrants entering the national territory irregularly at Ceuta and Melilla for a total of 1,212 places; four CARs *Centros de Acogida at Refugiados* (reception centres for refugees), with a capacity of 416 – located in Alcobendas (Madrid), Madrid, Mislata (Valencia) and Sevilla and other centres and apartments managed by non-government organisations like ACCEM, CERAR and *Cruz Roja Española* (Spanish Red Cross) subsidised by the Ministry of Labour, Migration and Social Security. The SAI has a beneficiary-centred approach, aimed at enhancing guests' self-determination and autonomy (ACCEM, 2017).

The reception system for asylum seekers is based on *Ley Orgánica 4/2000* – law n. 4 – of the 11 January 2000, which does not differentiate between asylum seekers and holders of international protection of rights. In this case, it is the services and reception programmes which are required to adapt to the needs of the migrants. Reception follows three phases: during the first phase migrants are hosted by one of the reception centres, depending on characteristics like number of people in their family. At this stage, the goal is to provide an answer to the basic needs of migrants, like bed and board, but also services favouring social intervention, psychological and legal support and linguistic mediation. This phase generally lasts about six months, although in cases of particular vulnerability it can be extended. The second phase concerns integration – both social and employment – which is also supported by financial aid. This phase too lasts about six months, except in cases of particular vulnerability. Finally, if during the previous phases the migrant has not totalled over 18 months, he/she enters the third phase, where support aimed at catering for the particular requests of migrants, is guaranteed (Pasetti & Sánchez-Montijano, 2018).

1.5 Critical elements regarding the reception system

The lack of the possibility for asylum seekers to decide the location and type of structure in which to be hosted is a trait that reveals the arbitrariness of the Reception System (Castellano, 2017) and emphasises the need to standardise the criteria applied. The survey aimed at detecting the veritable ambiguity and heterogeneity of the treatment provided by the different facilities, not only in the European states the present project examined, but also in the regions of Italy it explored (even more so the different Territorial Commissions called upon to evaluate applications for international protection).

Furthermore, one critical element is represented by the time suspension experienced by projects like the SPRAR facilities and, to a greater extent, by the CASs, where ad hoc programmes are not always activated for the victims of proximity violence. Besides, these are not present either in the guidelines or the protocols designed for refugees, nor do they translate into practices by the operators who might propose and implement them from the bottom up.

The dreams, desires, prospects of the beneficiaries conveyed by the interviews are often associated with the notion of leaving the reception programme even in the absence of social networks and external resources.

This is due, too, to the standardisation of the asylum system, which has brought to light gaps regarding the provision of specific assistance to asylum seekers suffering from specific vulnerabilities, as required by art. 21 of Directive 2013/33 / EU.

In France there is a lack of porosity between the law of the land and the right to asylum ; there is a significant discrepancy between the ordinary legal system, which deals with the victims of violence suffered in France, and the system of asylum, which caters for women but also for children and adolescents who have undergone violence before their arrival in France. The professionals of one organization are not sufficiently informed regarding the specificities of the other and are often not trained adequately to provide support to victims of proximity violence. As a result, refugees and asylum seekers often find it difficult to access suitable services and avail themselves of the care support they need.

In Italy, diversity of approach to violence of proximity emerged as well as disparity between the care services provided in various areas of southern and northern in the country.

The activation of services designed to cater for cases of recorded violence is generally related to the adoption of mainstream gender solutions, which, more often than not, mean no more than sending victims to anti-violence centres and anti-trafficking referents. The research project also foregrounded a number of lacunae in the provision of assistance to migrants with specific needs. Violence is perceived by most operators as gender-based only, thus causing them to overlook the far broader issue of proximity violence and the cases to which it refers.

Likewise, in Spain, the phenomenon of proximity violence, of which refugees are victims, is confused with gender-based violence or violence in general. Therefore, the violence suffered by migrants after leaving the country of origin is not normally considered a reason for conceding international and national protection. Furthermore, there is no formal, coordinated system between the law governing the right to asylum and the law in general, between the reception system provided to asylum seekers and the system of protection for victims of violence because current initiatives are implemented by actors acting independently.

Protection is guaranteed to some specific categories such as victims of trafficking, unaccompanied minors or victims of torture, without, however, applying an intersectional holistic approach going beyond the confines of legally established categorisation. A similar approach would require collaboration between services of various types which because they often fail to communicate, thus, losing sight of the complexity of the needs of victims of proximity violence.

In short, there exists a problem of legislative inhomogeneity between the EU and the various states; no services for persons with specific needs are available; there is a lack of understanding of the phenomenon of proximity violence.

1.6 Different instances of best practices

Although migrants are received on the basis of a standardised system and there is a lack of global understanding of the specific vulnerabilities of migrants at international level, the partners involved in the Provide project acknowledge the existence of different instances of best practice, especially in the private sector.

These refer mainly to the work of multidisciplinary groups operating together to solve specific problems, sometimes formalised through of protocols or as a result of informal working relationships.

ISMU, which works in the Milano area, and OXFAM Italia, which refers to the region of Tuscany, have foregrounded a synergy of different services working in favour of the victims of proximity violence. In Tuscany, in particular, the health-care services have activated the so-called “pink quota”, which provides for the presence of a female health-care worker capable of reporting particular signs of violence and aggressiveness.

Furthermore, in Tuscany, the Sprint project, with its multidisciplinary team of ethno-psychologists, anthropologists and cultural mediators, provides migrants with psychological and emotional support. The project also collaborates with the Tuscany Region’s Local Health-Care Units (USL), to bring together health-care services and reception centres. The Samira project, on the other hand, involves national anti-violence centres, set up to create collaborative support for asylum seekers who have suffered violence, particularly during forced migration.

In Tuscany, the good practices identified regarding the charge taking of the victims and the training of facility operators, cultural mediators and personnel of health-care services, of the anti-trafficking and anti-violence bodies, may be identified in the following programmes:

1. The Sprint Project: an on-the-road multidisciplinary team comprising ethno-psychologists, anthropologists and cultural mediators which tackles

the psychological, emotional, psychiatric problems of asylum seekers and refugees who need to be taken charge of by the region's health-care services following a report from the reception centres or the migrants themselves. The project collaborates with the Tuscany Region's Local Health Units.

2. The Samira Project: a programme which has seen the involvement of anti-violence centres at national level and aimed at creating a collaboration network to support asylum seekers and refugees who are victims of violence. The project involved the training of operators and cultural mediators in order to strengthen the service in favour of victims of violence subjected to forced migration.

In Lombardy and in the Milano area, several positive training opportunities are already available to operators.

The municipality of Milano recently funded a training project for CAS operators within the facilities themselves. The training was delivered by the sexual and domestic violence service – SVSeD-Soccorso Violenza Sessuale e Domestica – of Milano University's general and teaching hospital – Ospedale Maggiore Policlinico – and its Department of Forensic Medicine.

Other good practices in the Milano area is the new “Casa delle donne maltrattate” – the house for ill-treated women-project. Recently the association was made a gift of a large facility which will soon become a reception centre for women asylum-seekers and refugees, victims of violence. The project provides a pathway fostering the autonomy and empowerment of women seeking to escape from violent situations.

The municipal authority of Milano has recently inaugurated “Casa Chiaravalle”, beautiful, large premises confiscated from the mafia. The facility (50 places) is managed by the PassPartout Association and the project envisages the reception, empowerment and autonomy of migrant women, victims of violence.

The “La Strada” cooperative deals with widespread reception; they create individual and ad hoc pathways for migrant women, victims of violence, reinforcement pathways, to permit the victims to recover their autonomy and return to social life as soon as possible, since a long stay in reception centres without any prospects is tantamount to yet another form of institutional violence

In Spain, interinstitutional coordination was implemented by drafting protocols aimed at fighting violence; at treating victimized women; at transmitting messages correctly; on reception procedures to apply in shelters; on the standardisation of work with vulnerable women; on how to act with foreign women; as well as ad hoc protocols for professionals. Furthermore, in the Andalusian region, the first protocols regarding health-care action have been drawn up: the “Andalusian Protocol of Health-Care Action Against Gender Violence” (2008, Revised in 2015), the “Andalusian Protocol for Health-Care in the field of urgent action against gender-based violence” (2012), the “Medical Assistance Regulations for the treatment of Injuries”

(2011) “or the “Training Network teaching how to deal with Maltreatment of Women in Andalusia”.

In France, no automatic, structured system of protection against gender-based violence for refugees and asylum seekers is available at present. Many of the services of this kind provided are based on individual initiative, partnerships between civil society and state agencies and on the availability of individual persons within the institutions.

Many stakeholders have designed specific training programmes and/or modules regarding gender violence, violence against women and/or child protection, like the “Stop the violence” website. The Hubertine Auclert Centre provides tools and content for self-training in matters of violence against women. Some universities also offer courses on gender-based violence. GISTI provides short modules on topics related to asylum seekers and unaccompanied minors.

The following is a list of the good practices at operational level found in all three of the countries which took part in the project:

- the collaboration of multidisciplinary groups, dealing with specific areas of violence, like psychological distress, gender violence or human trafficking. These teams are often composed of psychologists, anthropologists, health-care workers, cultural mediators and social workers. Some of them can also count on the collaboration of the public institutions and law enforcement agencies on the basis of specific protocols;
- the activation of forensic services for the detection and documentation of violence suffered in the past by women and men seeking asylum. In some hospitals, doctors listen to accounts of the violence experienced by migrants sent by legal operators and carry out medical examinations aimed at detecting trauma and physical violence compatible with and attributable to the experience narrated by the migrants. This documentation is used to support requests of asylum submitted to the Territorial Commission;
- referring to and fixing medical appointments for women with signs of/reporting violence, aggression, and so on, to the health-care services (A&E with activation of the “pink code”, gynaecological examinations, tests for infectious diseases, etc.);
- the activation of pathways of ethno-psychological support in collaboration with the local mental health-care services and the charge-taking of refugees and asylum seekers who show signs of psychological and psychiatric problems due also to violence, torture and trauma suffered in the country of origin and during migration;
- sending women and girls who claim having suffered or that they are still suffering from violence perpetrated by their partners or people close to them, to anti-violence centres;

- sending girls and boys identified as “victims of trafficking” to anti-trafficking associations for informational talks, support and activation of social-protection pathways;
- requesting the support of lawyers and police personnel if the victims decide to lodge a formal complaint;
- the implementation of *ad hoc* protocols between institutions and third-sector cooperatives.

1.7 A number of recommendations

The “PROVIDE” research group has drawn up the following recommendations as a corollary to the identification of good practices:

- the need for training regarding the concept of “an integrated gender approach to gender-based violence and vulnerability”;
- the need to design gender sensitive management tools;
- the provision of training of the parties involved in the reception of refugees and in the management of proximity (and transit) violence, but also of all those professionals who operate outside the system of reception of and assistance to victims of violence (protection system for victims of violence);
- interculturality and awareness of issues despite the cultural diversities that cause them to surface;
- empowerment aimed at “dealing with difficult situations” during the work with the victims of violence on the part of different professionals and the management of the stress they may have to bear.
- Finally, it is necessary to underline the fact that some of the reforms regarding the concession of asylum currently being debated or taking place in Italy, France and Spain – for instance, measures envisaging shorter waiting times for application for asylum and longer periods of administrative detention for asylum seekers – risk increasing the vulnerability of migrants. One effect might be to render the victims of proximity violence even more invisible than they already are.

References

- ACCEM (2018), *La situación de las personas solicitantes de protección internacional y refugiadas LGTBI*, ACCEM, Madrid.
- Accorinti M. (2015), *Centri di accoglienza: varietà tipologica e dibattito collegato*, «la Rivista delle Politiche Sociali/Italian Journal of Social Policy», 2-3, pp. 179-200.
- ANCI; Caritas Italiana; Cittalia; Fondazione Migrantes; Servizio Centrale dello SPRAR (2017), *Rapporto sulla protezione internazionale in Italia 2017*.

- Bimbi F., Basaglia A. (eds.) (2013), *Speak Out! Migranti e Mentor di comunità contro la violenza di genere*, Cleup, Padova.
- Bracke S. (2016), "Bouncing back: Vulnerability and Resistance in Times of Resilience", in J. Butler, Z. Gambetti, L. Sabsay (eds.), *Vulnerability in resistance*, Duke University Press, London.
- Butler J. (2004), *Undoing Gender*, Routledge, Abingdon.
- Butler J., Z. Gambetti, L. Sabsay (eds.) (2016), *Vulnerability in resistance*, Duke University Press, London.
- Castellano V. (2017), *We only have rights over operators*, «Antropologia Pubblica», 3(1), pp. 51-71.
- Cherubini D., Tudela-Vásquez M.P. (2016), *Beyond victims and cultural mediators. An intersectional analysis of migrant women's citizenship practices in Spain and the United States*, «Rassegna Italiana di Sociologia», 57(3), pp. 460-480.
- CIAC (2012), *Per un'accoglienza e una relazione di aiuto transculturali. Linee Guida per un'accoglienza integrata e attenta alle situazioni vulnerabili dei richiedenti e titolari di protezione internazionale*, Provincia di Parma.
- Coin F. (2004), *Gli immigrati, il lavoro, la casa*, FrancoAngeli, Milano.
- Crenshaw K. (1989), *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine*, «Feminist Theory, and Antiracist Politics», 1, pp. 139-167, retrieved from <https://chicagounbound.uchicago.edu/uclf/vol1989/iss1/8>. 28.2.2018.
- Crisp J., Morris T., Refstie H. (2012), *Displacement in Urban Areas: New Challenges, New Partnerships*, «Disasters», 36, pp. 23-42.
- Gallagher A. (2015), *The concept of Exploitation in the Trafficking in Persons Protocol*, UNODC, Vienna.
- Honneth A. (1996), *The Struggle for Recognition: the Moral Grammar of Social Conflicts*, The MIT Press, Cambridge.
- In Migrazione SCS (2018), *I RAPPORTO – 2018/2019 "STRAORDINARIA ACCOGLIENZA Ricerca su "I Centri di Accoglienza Straordinaria dedicati a richiedenti protezione internazionale attivati dalle Prefetture sul territorio nazionale"*. Jaji R. (2009), *Masculinity on Unstable Ground: Young Refugee Men in Nairobi, Kenya*, «Journal of Refugee Studies», 22(2), pp. 177-194.
- Kirby P. (2006), *Vulnerability and Violence: the Impact of Globalization*, Pluto Press, London.
- Krause-Vilmar J. (2011), *Preventing Gender-based Violence: Building Livelihoods. Guidance and Tools for Improved Programming*, Women's Refugee Commission, retrieved from <https://reliefweb.int/report/world/toolkit-optimizing-cash-based-interventions-protection-gender-based-violence>.
- Marchetti C. (2016), *Le sfide dell'accoglienza. Passato e presente dei sistemi istituzionali di accoglienza per richiedenti asilo e rifugiati in Italia*, «Meridiana», 86, pp. 121-143.
- McCall L. (2005), *The complexity of intersectionality*, «Signs: Journal of Women in Culture and Society», 30(3), pp. 1771-1800.
- Morgan K., Thapar-Bjorkert S. (2006), *"I'd rather you'd lay me on the floor and start kicking me": Understanding Symbolic Violence in Everyday Life*, «Women's Studies International Forum», 29(5), pp. 489-498.

- Pasetti F., Sánchez-Montijano E. (2018), *Sobre los solicitantes y beneficiarios de protección Internacional. Informe para España*, NIEM, CIDEB.
- Peano I. (2013), *Opaque loves: Governance and escape in the intimate sphere of Nigerian sex workers*, «Etnografia e Ricerca Qualitativa», 3, pp. 359-384.
- Pinelli B. (2011), *Attraversando il mediterraneo. Il «Sistema campo» in Italia: violenza e soggettività nelle esperienze delle donne*, «Lares», 77(1), pp.159-179.
- Rigo E. (2016), *Donne attraverso il Mediterraneo. Una prospettiva di Genere sulla protezione Internazionale*, «Notizie di POLITEIA», XXXII, 124, pp. 82-94.
- Rutter M. (2012), *Resilience as a Dynamic Concept*, «Development and Psychopathology», 24, pp. 335-344.
- Tognetti M. (2016), *Donne e processi migratori fra continuità e cambiamento*, «ParadoXa», 10(3), pp. 69-88.
- Yuval-Davis N. (1999), *The multi-layered citizen*, «International Feminist Journal of Politics», 1, pp. 119-136.
- Yuval-Davis N. (2006), *Intersectionality and Feminist Politics*, «European Journal of Women's Studies», 13(3), pp. 193-209.

PROXIMITY VIOLENCE IN MIGRATION TIMES

A Focus in some Regions
of Italy, France and Spain

Edited by Ignazia Bartholini



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