

Sexual and gender-based violence in migration context: Needs, gaps and good practices

Violencia sexual y de género en el contexto de la migración: necesidades, brechas y buenas prácticas

Sexuelle und geschlechtsspezifische Gewalt im Migrationskontext: Bedarfe, Lücken und gute Praktiken

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移民の文脈における性とジェンダーに基づく暴力 ニーズ、ギャップ、グッドプラクティス

移徙背景下的性暴力和基于性别的暴力。需求、差距和良好做法

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Páginas 64-81

Fecha recepción: 23/11/2020

Fecha aceptación: 29/12/2020

Abstract.

The first goal of the present work was to identify needs and gaps in interventions for migrant and refugee victims of sexual and gender-based violence (SGBV) in Spain. The second goal was to develop a guide for itineraries, resources and good practices to address the gaps detected. To produce data pertaining to the first purpose, we used a qualitative approach and focus groups (FGs) with institutional operators and representatives of the Third Sector. In total, six FGs were conducted with 35 key informants. The results of the study showed that existing services and resources are, in general, sufficient to cover the needs of the target group. However, some issues, such as excessive bureaucracy, re-victimization, difficulties regarding legal regularization, cultural barriers and the scant presence of cultural mediators were revealed. Regarding the second goal, a guide was created on the legal framework, itineraries and resources for migrant and refugee victims of SGBV, to ensure good practices and incorporate cultural mediation as an essential element to guarantee optimal use of services.

Keywords: gender-based violence; migrant women; minors; sexual violence; gaps; good practices

Resumen.

El primer objetivo del presente trabajo fue identificar las necesidades y lagunas en la intervención con migrantes y refugiadas víctimas de violencia sexual y de género (VSG) en España. El segundo objetivo fue desarrollar una guía sobre los itinerarios, recursos y buenas prácticas que permitan solventar las brechas detectadas. Para la producción de datos del primer propósito nos servimos del enfoque cualitativo y la herramienta de los grupos focales con representantes institucionales y operadores del Tercer Sector. Se organizaron seis grupos focales con 35 informantes clave. Los resultados mostraron que los recursos existentes dan cobertura en gran medida a las necesidades del grupo destinatario. Sin embargo, se señalaron algunas limitaciones como la burocracia excesiva, la revictimización, las dificultades en los procesos de regularización, las barreras culturales o la escasa presencia de mediadores/as culturales. Para la consecución del segundo objetivo se partió de un análisis documental y de los datos de los grupos focales. El resultado fue una guía que aúna el marco legal, los itinerarios y los recursos destinados a personas migrantes y refugiadas víctimas de VSG; proporcionando un espacio clave para las buenas prácticas y la incorporación de la mediación cultural para garantizar el mejor aprovechamiento de los servicios.

Palabras clave: violencia de género; mujeres migrantes; menores; violencia sexual; brechas; buenas prácticas

1.-Introducción.

In recent decades, people forced to migrate have been exposed to multiple dangers. The hardening of European migration policies has made it more difficult for thousands of people to settle in Europe. Thus, an increasing number of migrants have sought alternative routes with extremely dangerous conditions (Cortés, 2019; UN Refugee Agency-UNHCR, 2017). In particular, there has been an increase in arrivals from 2016 to the present on the southern border of Spain. Border controls outside the European Union (EU) have resulted in the transfer of arrivals from the eastern Mediterranean and Balkans route, and the central Mediterranean route, to the western Mediterranean route. Accordingly, in 2018 Spain registered the highest number of arrivals along the three Mediterranean routes, totaling 66,194 people (Cortés, 2019).

In the first half of 2019, the main countries of origin of the migrants arriving at the southern border were Morocco (29.4%), Guinea (12.9%), Algeria (12.2%), Mali (11.4%), Ivory Coast (9.1%), Senegal (7.5%), Syria (3.2%), Tunisia (3.2%) and Palestine (1.4%). Regarding the sex distribution of the migrants arriving at the Spanish southern border, UNHCR (2019) has reported that 75% are men, 12% are women and 13% are boys and girls.

In Spain, according to the annually published "Asylum in Figures" report of the Asylum and Refugee Office of the Ministry of the Interior (2018 edition, published in September 2019), there were 55,749 formal applications in 2018, of which 34% were by men and 42.66% by women. This represents an increase of 75% compared to the 31,740

applications registered in 2017. Venezuela, Colombia and Syria continue to be the leading countries of origin of applicants for international protection in Spain. The number of international protection applications submitted up to 2019 was 73,601 (40,260 and 33,341 for men and women, respectively).

The "gender order", - a form of social organization based on hierarchical gender relationships, models different dimensions of a person based on complex interactions among factors (Buquet Corleto, 2015), and is key to understanding the motivation for migrating of some individuals. Gender inequalities have played a fundamental role in the long process through which the mobility regime is constituted, as it is both the cause and consequence of the migration process for many women, girls and boys, and members of the lesbian, gay, bisexual, transgender and intersex (LGBTI) community who cross various borders to reach Europe. In many cases, the reason why women and girls migrate is gender-related difficulties experienced in their countries of origin, such as gender-based violence (GBV), forced marriage or female genital mutilation. Along migration routes, women, minors, and people belonging to the LGBTI community are especially vulnerable to sexual violence (SV) by intermediaries and fellow migrants (Médicos sin Fronteras, 2019). A recent study (Agrela et al., 2019) found evidence that proximity violence along the various migratory routes is more likely to be directed toward the above-mentioned groups. In addition, the arrival of migrants through the emerging routes can increase or exacerbate episodes of violence.

Even after arriving in the host country, the violence continues for some female migrants. The GBV data for Spain revealed that of the total number of women killed between 2003 and 2017, 32% were foreigners (n = 294). Thus, 30 women are killed for every million foreign women in the country, compared to 5 for every million Spanish women. In recent years, around 30% of migrant women have been victims of GBV, according to official data from the Ministry of the Interior, but the VioGen (2019) computer system, to which all security forces have access, provides a different statistic. This system records "cases of gender violence"; by the end of 2017, 429,220 cases of gender violence, both active and inactive at that time, were registered on the system. Of these cases, 65% and 35% involved Spanish (n = 279,882) and foreign women (n = 149,338), respectively, with the latter percentage being higher than that indicated by previous statistics. Of the total number of cases collected up to December 2017, only 12.7% remained active as of that date (n = 54,793), with 72.5% corresponding to Spanish women and 27.5% to foreign women.

Between 2011 and 2017, 10,448 applications for temporary residence and work permits were registered due to GBV (Ministry of Equality, 2018).

The increase in the number of immigrant women reporting their partner may be a positive indicator regarding these women's access to police resources. However, there is no information of whether their complaints were ultimately withdrawn.

During 2017, 158,217 complaints of SV were registered. Among the victims, 69.01% were Spanish (n = 110,107) and 30.9% were foreign (n = 48,110). During 2017, the entities that provide services or care to women who are potential victims of trafficking and smuggling contacted 60,428 people in different locations (clubs, apartments, streets, etc.). Among the people contacted, signs of sexual exploitation were detected in 16,478 cases and signs of trafficking for sexual exploitation in 5,104 cases; there

were 87 cases involving minors, mostly from Nigeria and Romania, but only 766 of the people contacted filed a complaint. These data on sexual exploitation and trafficking showed the great vulnerability of the victims who, despite being detected, did not initiate or persist with police or judicial procedures (Ministry of Equality, 2019).

In a macro-survey carried out by the Government Delegation against Gender Violence (2019), 1,254 foreign women and 9,568 Spanish women, aged from 16 years of age, were randomly selected. The data showed that 12.7% of women born in Spain have suffered physical violence and/or SV by their partners or former partners, and 29.9% have suffered psychological violence. For women born abroad, the percentages are significantly higher: 24.7% have suffered physical violence and/or SV, and 45.6% psychological violence. It should also be noted that, due to the consequences of violent episodes, 21.2% of women born abroad were unable to go to their workplace or place of study for some time, compared to 14.2% of the Spanish population. If we take all of the complaints data into account, 28.6% of foreign women have reported gender violence, compared to 20% of Spanish women.

However, the data discussed above may not reflect the true scale of sexual and gender-based violence (SGBV) in Spain and other European countries, since most violent acts are not reported by the victims or their relatives (European Institute of Gender Equality-EIGE, 2019).

Faced with this situation, the EU Reception Directive calls on Member States to provide migrants who have been victims of some type of SGBV with access to adequate medical, psychological, and social care. The EU Agency for Fundamental Rights outlined various recommendations and measures to combat SGBV in the context of migration, such as adequate housing, raising of awareness, inter-institutional coordination, staff training, etc. However, despite the recommendations and efforts of the public and private sectors, challenges remain to be overcome. Data derived from the EU research project "Provide (2018-2019)/ on Proximity on Violence"¹—in which hundreds of professionals from the public and private sector, working in migrant reception centers fighting against trafficking for sexual purposes and violence in Italy, France and Spain—revealed policy aspects that need to be strengthened. Some of the challenges identified related to the following specific areas:

- I. Strengthen networks linking public and private entities for optimum use of existing resources.
- II. Provide knowledge, skills, and guidelines to the staff of reception centers and migrant care services for appropriate action in cases of SGBV.
- III. Create a procedure for the detection and evaluation of SGBV in cases where it does not currently exist, or disseminate existing procedures and resources in reception centers and care aimed at migrants, refugees, or asylum seekers.
- IV. Generate rapid response protocols, where the guidelines and referral mechanism for victims of human trafficking created by the UNHCR are not used for SGBV.
- V. Encourage or improve the use of cultural mediation.

¹ Research project entitled "*Proximity on Violence: Defence and Equity*" (PROVIDE, 2018-2020) (REC- VAW-AG-2016-01). Financed by the European Union, JUSTICE Programme: Rights, Equality and Citizenship Programme (2014-2020). Developed in Italy, Spain and France.

The European research project entitled Net-Care (2019-2021)², recognizing the demands of the “Provide” initiative, as well as data from international agencies on the situation of migrant victims of SGBV, has the aim of creating a national network of social organizations and public services in the fields of health, social care and legal support for migrant and refugee victims of SGBV. The goal is to promote social inclusion and prevent more violence. In the context of this project, and according to the guidelines of the EU and humanitarian protection agencies, two goals were proposed for this study. The first goal was to identify the needs and gaps in interventions for migrant and refugee victims of SGBV in Spain, and more specifically in the province of Jaén. The second goal was to develop guidelines that included information regarding itineraries, resources and good practice, and allowed the gaps detected to be addressed.

2.- Method.

2.1.- Participants.

Six focus groups (FGs) were developed, comprising 35 key informants. For participant recruitment, intentional non-probabilistic sampling was used. The number of participants required was calculated based on the saturation of the sample in relation to the specific topic and data collection method used. The participants were distributed as follows: (1) Public entities of Jaén (Spain): 17 participants divided into three FGs; and (2) Private entities of Jaén (Spain): 18 participants in three FGs.

The participants from the public sectors were professionals of general institutions (global citizenship) and specific institutions (specializing in immigration) in the health, social and judicial fields. There were nine women and eight men. Regarding the profile of the participants from the private sector (non-governmental organizations; NGOs), 14 were women and 3 were men. Most of the attendants were technical personnel or volunteers (13). The remainder were members of their organization’s board (4). There were 13 secular institutions; the remaining 2 were religious.

2.2.- Design and measures.

A qualitative methodology based on FGs was employed to address the first research goal.

To collect the data, with a list of FG questions was developed (Appendix 1). The topics to be explored by institutional stakeholders (public sector) and private sector operators were as follows: needs of migrant and refugee victims of SGBV (i.e., whether they were covered, and if not how that could be remedied); existing national policies for the protection of migrant and refugee victims of SGBV; gaps in service delivery to meet the needs of (legal, health, psychological support) migrant and refugee victims of violence; and cooperation with other organizations.

² Research project “*Networking and Caring for Migrant and Refugee Women*” (NET-CARE, 2019-2021) (REC-AG-2018 / REC-RDAP-GBV-AG-2018). Financed by the European Union, JUSTICE Programme: Rights, Equality and Citizenship Programme (2014-2020). Developed in Italy, Spain and Greek.

2.3.- Design and measures.

Six FGs were formed, classified as follows: 1) FGs comprising key professionals supporting private services for SGBV victims; 2) FGs comprising stakeholders from the public sector working with SGBV victims.

The questions included in each session were designed to identify any gaps in service delivery, to meet the needs of migrant and refugee victims of violence and stimulate solutions so that they better address the care and support needs of SGBV victims (Appendix 1).

Each FG session lasted about 90 minutes and was divided into three parts: introduction phase, main phase and concluding phase.

Before proceeding with the main phase, all participants, as well as the researcher, signed a consent form; one copy of the consent form was given to each participant. They were also asked to provide consent for the recording of the session, and were informed about the ground rules, scope and aim of the research.

The main phase was conducted by a moderator and an assistant moderator. The moderator facilitated the discussion, and the assistant took notes.

In the concluding phase, the main points were summarized, and participants were asked whether there was anything they would like to add or whether they had any questions. The session concluded by thanking the participants.

All recordings were transcribed and encoded using Public Sector tags, numbered from 1-17 (PubSNumber), and Private Sector tags, numbered from 1-18 (PrivSNumber).

The data were analyzed based on categories, which in turn subsumed various themes (Table 1).

Table 1. Categories and themes generated from the qualitative analyses of the FGs.

Categories	Themes
I. Needs of migrant and refugee victims of SGBV.	a) Basic needs and needs related to SGBV. b) System strengths in terms of covering needs. c) Ways to address gaps.
III. Gaps in services designed to meet the needs of migrant and refugee victims of SGBV.	a) Gaps in the system. b) Difficulties faced during every day work with migrant and refugee victims of SGBV. c) Gaps in collaborations with cultural mediators.
III. Cooperation with other organizations.	a) Importance of social networks. b) Gaps from a public sector perspective. c) Gaps from a private sector perspective.

Source: Prepared by the authors on the basis of study 1 data.

3.- Results.

3.1.- FG results.

Category 1. Needs of migrant and refugee victims of SGBV

a) Basic needs and needs related to SGBV.

Most of the participants from the public and private sector institutions and entities pointed out that the main needs of migrants and refugees are basic ones: work, a place to live, food, etc. Moreover, having legal status in the country migrated to is crucial for them. Only after these needs are covered do they ask (and understand) about problems such as SGBV. They also need time to learn the language, adapt to the host culture, find a job, and recover from the difficult process of fleeing their homes.

I think that it is important that our interventions continue over time, and that they are not so short, because sometimes it may take time for the woman to be prepared to speak or even to understand what has happened to her... [pause while thinking], because sometimes they are not even aware of having suffered violence on the way, or anything, and of course all this takes time to explain, you know? (PrivS6)

As professional, you find that you have a migrant woman in front of you, you do not understand the language, or her culture...how can you expect her to tell you she is a victim of GBV or other violence? How can you help her? (PubS2)

This is like the pyramid of needs. We want to work on their personal well-being, but if the person does not have a home, does not have a job, or food is not guaranteed... [pause] How can she be worried about being a victim of gender violence? Or that she was raped on the way? (PubS11)

b) System strengths in terms of covering needs.

From the perspective of both social operators and stakeholders, in Spain, and in Andalucía, there are lows, services and resources to cover part of the needs of target groups, although in some areas resources are better deployed and more extensive than in others. Stakeholders from public entities highlighted the crucial role of NGOs, realizing that the Third Sector is essential due to its highly specialized work with migrants and, more specifically, survivors of SGBV.

What happens is that, unfortunately, the council does not have specific resources, as we were discussing, so we need to collaborate with NGOs to find a place to live, you know? The case we had last summer—it was a minor with a 3-year-old daughter and she was living in a homeless shelter —the truth is that it is not an ideal place, so we need the NGOs. (PubS2)

The NGOs have another perspective, they are in more direct contact, they are more on the ground, and maybe they see the situation differently. (PubS15)

c) Ways to address gaps.

However, as some social operators indicated, it is not always possible to cover all needs of an SGBV victim, especially, when they continue to have an irregular legal status in the country migrated to, or need to move frequently. Private entities try to

resolve this critical situation by using other services where possible.

And really the resources are not enough, they are just not. We have areas, for newcomers to the coast, where they can stay for a few months, but they leave without a work permit, in an irregular situation...in the end, we say "very well, we want to get them out of this situation of violence," but it's impossible if we can't respond to the most basic level of needs that they have. (PrivS8)

According to the private sector stakeholders, the key to respond to the needs of SGBV victims is to make best use of existing resources (they stated that several resources are currently unknown or "wasted"), reducing bureaucracy, and promoting continuity of resources. Moreover, they recognize the relevance of networks.

Regarding the economic resources, after many demands, it seems that we finally have more available, but in terms of speeding up administrative deadlines, we always have the same problem... [pause and emphasis]. Legislation and more legislation. (PubS3).

Provide, perhaps, the administrative documentation [PubS6, PubS2, PubS3 agree]. Facilitate getting the documentation. I am remembering a situation right now; we have a very good program, but we face difficulties with the registration because it is very complicated. So, it is necessary to work with city councils, or even modify laws if necessary, and we will have to work towards that, to facilitate it. (PubS7)

Category 2. Gaps in service delivery to meet the needs of migrant and refugee victims of SGBV.

a) Gaps in the system.

Participants from both the public and private sectors agreed regarding national and regional deficits, especially in terms of protection against GBV. At the national level, social operators and stakeholders mentioned the Organic Law 2004, and at the regional level they mentioned the Ley de Medidas de Prevención Integral Contra la Violencia de Género, 2007 [Law about Measures for Integral Prevention Against the Gender Violence]. However, participants from the Third Sector, and from public institutions, expressed different opinions when talking about gaps in the application process. Social operators, mainly experts on migration, considered that there were some gaps in the law (in terms of coverage and application) pertaining to female migrants: despite having a legal framework on GBV, most migrant and refugee women cannot use any of their resources. This is due to many reasons, such as an irregular legal situation, cultural and environmental pressures, an absence of denunciation, loneliness (at the social and institutional levels), excessive bureaucracy, and cultural differences. Moreover, social operators indicated that greater recognition of what is GBV is needed.

I think that a problem here with the Gender Violence Law is that it is only understood as relating to gender violence—so they have access to the resources offered by the Administration—when women are injured by their partner or ex- partner. So, of course, that limits us a lot when they [talking about migrant women] come from abroad and cannot prove that they had a romantic relationship with the aggressor, or if they suffered violence perpetrated by a fellow migrant. So, really, they do not have access to the resources to which they should be entitled. (PrivS10).

The stakeholder perspective was more focused on limited service access (due to ignorance

or mistrust).

And another important issue is there is a population that will never engage with us; we have to go and meet them. My experience with girls in clubs, who practice prostitution, is they are not going to approach us, they are not going to social services to ask about their rights...I don't know, maybe 1 of 100 or 1 of 1,000 is going to understand what the laws are. (PubS11)

b) Difficulties faced during everyday work with migrant and refugee victims of SGBV. The difficulties mentioned by the private sector operators were related to 1) the unusual situation of the women, children and LGBTI collective, 2) the limitations of professionals, and 3) scarce public and private sector resources.

1) Many of the people in the target group have difficulties talking about their situation, especially the most vulnerable ones (such as female victims of sex trafficking, GBV victims, minors, etc.). This barrier to the expression of feelings, needs, etc., is due to fear of reprisals by family members or organizations behind the trafficking. In addition, the instability of their legal situation can make victims hesitant to provide information to professionals. In other cases, the person is simply not aware that they have experienced some form of violence. Additionally, in most cases, the victims do not use the language of the country they arrive in. Even when it is possible to use a translator (professional or otherwise), a lot of information is lost.

[...] An added difficulty is that in several cases, when they (women) arrive, they do not speak the language. Once, a Moroccan woman came to me; among other hard experiences, she was a victim of rape in Germany...she came to our service with a very close friend to translate for her because she doesn't want to use a translator. She was afraid that her community was aware about her visit and she could suffer reprisals, you know? In this context, she does not feel free to talk.

And many important things that have really been experienced and are important to intervene in, remain hidden. So, I think that's a major difficulty. (PrivS5)

2) Even for person

Ç6659652nel working with migrants or refugees, who are trained and sensitized, sometimes experience a barrier to understanding due to sociocultural differences from the migrant. Establishing rapport with a person takes time; once this has been achieved, the migrant often must leave the service.

Cross-cultural interventions are extraordinarily complex...from our perspective we state "this is what is happening to you, this is what you have to do" and...Well, maybe the person is scared because her family has threatened to perform a "magical act" on me...and really, our teams are not always prepared to respond to that way of thinking, you know? (PrivS2)

Time is often a crucial element, because in many cases we do not have the time we would like. As she said [referring to a previous dialogue], there are situations and moments that require a long intervention and we sometimes have specific programs, that are 3 months or 6 months...for example, we work with judicial measures and try to connect with the person, and finally the migrant trusts us but, unfortunately, after 6 months, we disappear. Because of this, we try to hook them up with other professionals, with other resources... (PrivS6)

3) The participants considered that public resources are considerable, but the bureaucratic procedures are complex and tend to take up too much in time. This is a relevant issue when working with people who frequently have to move around in the country.

Professionals from the public sector who work with migrants agreed on the lack of specific and structured training on interculturalism and gender issues. Moreover, the complex structure of the public sector makes it difficult for institutions to communicate, so there is a need for more direct channels of communication.

[...] that's because a lot of training is inadequate. The other day, we had a training session [referring to training on gender equality] ...I think the result was awful because at the end a debate was held between sexists and feminists, so the point of the training disappears. Why did this happen? Because one of the people involved was not a specialist. But this type of course is necessary, we are public service. In the end, what happens? Some of them pay for training in non-working hours. (PubS3)

Well, above all, is the bureaucratic issue; for example, the issue for refugees and immigrants, if they do not have a residence and permission to work card, is they cannot make a job application. And if they cannot do that, we cannot accompany them to the Guidance Services, so they cannot access the specific programs of the Andalusian Employment Service, such as paid internships, training, employment workshops ... (PubS15)

The participants also discussed other issues, such as the difficulty of intervening in cases where not much data are available, such as forced marriages, female genital mutilation and sexual assaults.

If we are going to address the knowledge of gender violence and improve the way we work on this, we need to be aware of what is happening; for example, with forced marriages, what is happening in terms of genital mutilation, what is happening with rape and sexual assaults, you know? We don't have access to these data, we have even less knowledge and awareness about this, yet this is also gender-based violence. (PubS15)

c) Gaps in collaborations with cultural mediators.

Private sector operators and stakeholders considered cultural mediators quite important to their work. However, they stated that the mediators were not well integrated at the institutional level. Other issues mentioned were as follows: a) frequently, cultural mediation is limited to translation; b) cultural mediation is not always carried out by a specifically trained person; c) there are not enough cultural mediators to cover all needs; d) there are not enough female cultural mediators; e) cultural mediators should have knowledge and skills enabling them to manage complex situations, and should be trained regarding gender issues (e.g., involving minors, sexual trafficking, GBV).

The [cultural] mediator should provide context, and a precise explanation...however, we only use translators, or use the cultural mediator as a translator...we must be very careful about this. Many times, we use men because we do not find women [cultural mediators] ...and in the end, the account that is given is being modified a lot. It is thought that the person [who translates] being from the same country is enough. But we are talking about women who have been persecuted for various reasons...this must be taken into account and a specific mediator should be used depending on the situation [everybody agrees]. (PrivS2)

I think there is a problem, this role [cultural mediator] has not been taken seriously, you know? I believe that from the public point of view, the role is associated with the issue of shelters, that is, hiring a mediator, or pseudo-mediator, even if he has no training, because he just...speaks Moroccan or some other language. But he does not have training in intercultural mediation and knows even less about gender issues. Also, the mediator should work not only with the person, but also with the professionals of the institution. And this support should be long term, not temporary. (PubS8)

Category 3. Cooperation with other organizations.

a) Importance of social networks.

Collaboration among organizations was considered essential by all participants, who stated that access to resources for victims could be improved.

We also try to ensure that people have all their needs covered, and are well integrated; to do this, in the end you always need to make referrals to associations and resources according to the situation. If you have a specific case of gender violence, well, then you need to talk with... [The social operator mentions specific entities and resources]. (PrivS9)

We consider the coordination of resources and networking as fundamental. In the area of employment, it is very clear: we cannot cope with their needs. And then, by conviction and by personal ethic. (PubS10)

b) Gaps from a public sector perspective.

Participants from the public sector mentioned that there is contact between public and private institutions, sometimes involving an actual collaboration (especially in the past few years). However, in some cases the coordination is informal and unstructured. Moreover, collaboration is highly contingent on voluntary/personal contacts; there is no formal inter-institutional management protocol. There is also no database for sharing user files (between the public and private sector) or resources/provisions.

Here we can coordinate [talking about Jaén], because it is a small city, and we all know each other from having worked together in many programs. We have the telephone numbers of many people because we know each other. But there are no meetings like this [talking about the FG] to explain, "I have this program, let's coordinate", or to share emails, or to make a protocol...(PubS3)

c) Gaps from a private sector perspective.

Disconnection from public resources was another complaint of participants from private institutions. For instance, on many occasions the person has to explain the traumatic experience (secondary victimization). Dehumanization together with expectations not being met contribute to demotivation, frustration, depression, fear, etc.

The sense, from my experience, is that everyone works at their own level, and when it comes to coordinating and creating a flexible protocol when a person comes to you with such a huge problem, such as gender violence, sexual harassment, or trafficking...the person has to go through different services, and then she has to discuss her case with different entities and people who she does not know. I think that is very...quite traumatic. So, I think that it is necessary to create and strengthen a network of resources and establish coordination protocols. (PrivS6)

In addition, from the perspective of social operators, most of the entities in the Third Sector have channels of communication with other, similar organizations. In some cases, they have well established working protocols. However, contact networks between private and public entities are scarcer.

3.2.- Guide for intervention in migrant cases of SGBV: Itineraries, challenges, and good practices.

Reflection on the FG results, along with appraisal of the data provided by independent international agencies such as UNCF, and of international and national policies on migration and SGBV, led to the production of a guide. The structure and main contents are described in Table 2.

Table 2. Structure and summary of the contents of the “Guide for intervention in migrant cases of SGBV: Itineraries, challenges and good practices”.

<i>Parts</i>	<i>Sub-sections</i>	<i>Description</i>
I. Preamble	Introduction	One section is included in the Preamble. The contents describe the current situation regarding migrant victims of SGBV, including a map of forced migrations. Not only are numerical data presented, but the reality underlying the data is also addressed. The influence of “gender order” on the origin of several migrations of women and girls is highlighted. Moreover, gender inequality is discussed on the basis of other violence suffered during the trip, and after arriving in Europe. The need to create tools that allow professional and specialized handling of survivors of SGBV is highlighted.
II. State of Art	<p>1. Framing the topic. Female and child migrant and refugee victims of sexual and gender- based violence (SGBV) in Spain.</p> <p>2. Legal framework for SGBV in Spain.</p>	<ul style="list-style-type: none"> ▪ <i>The overall framework:</i> Independent international agencies (e.g. UNHCR, UNFPA, WRC) detect and denounce the serious problems faced by refugee and migrant women and girls in Europe, many of whom have been exposed to various forms of SGBV, either in their origin countries, the country of first asylum, or along the route to and through Europe. Given this situation, the humanitarian response along the Mediterranean routes is concentrating on prioritizing the mainstreaming and prevention of SGBV. However, the success of these efforts depends on the individual countries and reception areas. Therefore, the need to establish coordinated responses to prevent, identify and respond to SGBV remains. ▪ <i>The legal framework:</i> Includes state and regional laws on GBV (e.g. Ley Orgánica 1/2004³, de 28 de diciembre, de Medidas de Prevención y Protección Integral contra la Violencia de Género); minors who are victims of SGBV (e.g. Ley orgánica 8/2015 de 22 de julio de modificación del Sistema de Protección a la Infancia y a la Adolescencia⁴); sexual violence and human trafficking for the purpose of sexual exploitation (e.g. Palermo Protocol to Prevent,

³ Ley Orgánica 1/2004, de 28 de diciembre, de Medidas de Prevención y Protección Integral contra la Violencia de Género.

⁴ Ley orgánica 8/2015 de 22 de julio de modificación del Sistema de Protección a la Infancia y a la Adolescencia.

⁴ A

		<p>Suppress and Punish Trafficking in Persons, especially Women and Children [European Commission, 2000]⁵); and specific measures applied in people from the LGBTI community (e.g. Guidelines on International Protection No. 9: Applications for refugee status related to sexual orientation and / or gender identity in the context of Article 1A (2) of the 1951 Convention relating to the Status of Refugees and/or its Protocol from 1967).</p>
<p>III. Nature of the intervention guide</p>	<p>1. Objectives of the intervention guide.</p> <p>2. Target population of the protocol: migrant victims of SGBV and social agents: challenges.</p> <p>3. Principles of the intervention guide.</p>	<ul style="list-style-type: none"> ▪ <i>Main objective:</i> To strengthen and promote a network of institutions and professionals operating at the local / regional level, who collaborate and serve as reference points to support and protect migrants and refugees, minors and vulnerable groups who have suffered or are currently exposed to SGBV. ▪ <i>Specific objectives:</i> 1. To serve as a starting point to learn about the itineraries that migrants, refugees, and asylum seekers who are victims of SGBV, or are at risk of suffering this type of violence, follow. 2. To adhere to good practices when applying the different interventions to service users. 3. To promote the integration of cultural mediation in the intervention itineraries. ▪ <i>Target groups:</i> Migrant women who are victims of SGB, People with different sexual orientations and gender identities (LGBTI collective), minor migrants who are victims of SGB, social operators from the public and private sector who work with migrants and/or SGB victims. ▪ <i>Values:</i> Human rights protection, gender and transversality, multiculturalism, intersectionality.
<p>IV. Itineraries to address SGBV in the context of migration</p>	<p>1. Gender-based violence against migrant, refugee, and</p>	<ul style="list-style-type: none"> ▪ The itineraries are presented in two phases: detection and referral (if applicable), and intervention. The itineraries include general tenets applicable to all victims of gender violence, and certain information specifically related to migrant women (where to report abuse, impact of the report if their situation is irregular, etc.).

<p>resources and good practices</p>	<p>asylum-seeking women:</p> <ol style="list-style-type: none"> 1. Itineraries and resources. 2. Migrant minors who are victims of SGBV: Itineraries and resources. 3. Trafficking of persons for the purpose of sexual exploitation: Itineraries and resources. 4. Good practices. 	<ul style="list-style-type: none"> ▪ The services and resources are classified as follows: a) legal and protection (e.g. Court of violence against women; special units of the State Security Forces); b) social (e.g. Instituto de la Mujer [Institute for Women]; community social services); c) health (e.g. Health Action Protocol in cases of gender-based violence; Team Gender Violence Health Care); and d) employment (e.g. specific training programs and employment for women victims of gender-based violence). ▪ Itineraries and services for minor migrants focus on the education system and private entities, such as NGOs, with specific expertise in working with minors. ▪ Itineraries and services in cases of sexual violence, such as sex trafficking, are also included (e.g. Group of Experts on the Fight against Trafficking in Human Beings; local projects on prostitution and trafficking for sexual exploitation).
<p>V. The role of cultural mediators</p>	<ol style="list-style-type: none"> 1. Cultural mediation in the context of migration and SGBV. 2. Ethical aspects of cultural mediation. 	<ul style="list-style-type: none"> ▪ <i>Why the cultural mediator is an essential figure:</i> Cultural and linguistic differences can be an obstacle to interactions between migrants and social operators. The intercultural mediator is essential for effective communication between the migrant and social agent. In the SGBV context, these barriers, added to the inherent disadvantages of migrant women, increase their vulnerability and lack of protection (Amnesty International, 2007), where “triple discrimination” is observed: as a woman, as a migrant and as a victim of GBV. ▪ <i>Ethic and values:</i> Cultural mediators who work with SGBV-surviving migrants must be specially trained in gender issues and in this type of violence. Such training and awareness are key to facilitate the detection of abuse, and to prevent the situation from worsening and re-victimization from occurring. A Code of Conduct for cultural mediators is presented in the guide.

Source: Prepared by the authors on the basis of study 1 da

4.-Conclusion.

The present work had two goals. The first was to identify existing gaps in services, in terms of meeting the needs of victims of SGBV among the migrant and refugee population in Spain. The second objective was to create a guide based on literature results and analysis of existing gaps in the response to SGBV in the migrant and refugee population.

Regarding the first goal, a qualitative study using FGs was carried out. The results showed that refugees and migrants' basic needs are largely met in Spain. This is due, among other factors, to the existence of a legal framework for the protection of victims and survivors of SGBV. This legal framework is based on international conventions and national or regional laws that offer good protection to those who are in need. NGOs provide specific services for dealing with women and minors who experience SGBV. However, effectiveness is not assured according to the actions and measures adopted by specific institutions or entities. Gaps were classified as structural factors (such as complex and large bureaucracies), resource limitations (e.g. short-term programs), sociocultural barriers (e.g. different language, mistrust), and professional limitations (e.g. insufficient training and expertise in gender issues and, specifically, GBV). These aspects, along with the fear of deportation due to an irregular legal status, mean that migrant women and children often fail to report being victims of SGBV.

Another issue related to concerns regarding the role of cultural mediators and interpreters in the process of reporting SGBV cases. Many FG participants stated that refugee and migrant women are afraid to talk to them, either because they do not speak their language or, when they do, do not translate their words appropriately. Furthermore, since most cultural mediators and interpreters are men, women may not feel comfortable about sharing their experience of SGBV.

In addition to the importance of tailoring laws to the target group, projects with greater continuity and economic resources are essential to consolidate networks. Cultural mediation and a humanized, professional practice sensitive to gender issues are essential to protect victims and encourage them to report the violence they are facing. In regard to the second goal, the document entitled "Guide for intervention in migrant cases of SGBV: Itineraries, challenges and good practices" was developed. This document is intended to serve as a guide for entities, organizations or social operators that work with migrant, refugee or asylum seeker populations, specifically when they detect SGBV among its beneficiaries. The guide provides information on the contexts that surround women, boys and girls, and people belonging to the LGBTI community, including their vulnerabilities and needs. The regulatory and legal framework pertaining to the prevention and detection of SGBV, and intervention measures for each of the abovementioned groups, is set out. Based on analysis of the experiences of institutions, entities /and organizations, the gaps that need to be addressed to ensure a comprehensive and integrated response to cases of SGBV are presented. To this end, principles based on human rights, from a gender, multicultural and interdisciplinary perspective, must be adhered to. Finally, the itineraries and local resources (at the regional and state level) devoted to migrant women and minors who are victims of SGBV, and groups exposed to trafficking for the purpose of sexual exploitation, are

compiled. This can aid good practice, where cultural mediation is also recognized as an essential element to ensure optimal care and use of resources.

In conclusion, the analyses of social operator discourse conducted in this study indicate a need for improved theoretical/practical knowledge and professional skills to meet the needs of vulnerable people with a long-term history of abuse (in their home countries and areas migrated to). Difficulty in working with female immigrant who suffer GBV was commonly cited. The operators indicated a need for more multidisciplinary resources to better detect physical violence and SV. The guide is intended as a practical document to resolve the difficulty of reaching victims, and also highlights good practices

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Appendix 1. FG questions for institutional stakeholders and private sector operators.

1. Could you explain how your organization is involved/working with migrants? Do you face any difficulties in your everyday work with migrant and refugee victims of SGBV?
2. What are, in your opinion, the needs and gaps of the organizations working with migrant and refugee victims of SGBV?
3. In your opinion, what are the most important needs of migrant and refugee victims of SGBV? Are they covered? (If yes, by whom? If not, how do you think these needs could be met?)
4. Do you use the services of cultural mediators? What are the advantages and drawbacks of working with them?
5. Are there any national policies aimed at protecting migrant and refugee victims of SGBV?
6. Do you cooperate with other organizations (public or private)? If yes, could you briefly describe the kind of cooperation that has been established? If not, do you believe this is a problem? Have you identified organizations you would like to cooperate with?
7. Is there anything you would like to add, in terms of reaching migrant and refugee victims of SGBV and meeting their needs?