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Stowarzyszenie
Interwencji
Prawnej

FORCED FEMALE MIGRANTS
AS VICTIMS OF VIOLENCE IN POLAND

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1. Introduction

Violence against women is not a marginal phenomenon. One in three women in Poland has suffered different forms of violence in their lifetime (Gruszczyńska, 2007:58). Unfortunately, we lack similar data concerning female migrants, though one should remember that in general the migrants constitute a group more vulnerable to becoming victim of crime. German research suggests the migrants are two to five times more exposed to victimization by crime of violence than the Germans and according to the Police data as much as every third victim of rape was a female migrant (Albrecht, 2011). The migrants are also a group highly exposed to victimisation by hate crimes. Research conducted in the EU-15 Member States has shown that of the respondents indicating to be immigrants, 10% reported to have fallen victim to hate crime, compared to only 2% of the non-migrant respondents (van Dijk et al., 2005)¹.

In Poland there have only been three attempts to research the phenomenon of violence against forced female migrants, each conducted by a non-governmental organization. The first study was conducted in 2008 by Fundacja La Strada (2010) and essentially failed to gather data on the phenomenon. The results of the second study conducted in 2011 by the United Nations High Commissioner for Refugees (UNHCR) i Towarzystwo Interwencji Kryzysowej (the Society of Crisis Intervention) were not made public in fear for the safety of the female respondents and the researchers². The third study, a study by the Association for Legal Intervention presented in this paper, was conducted between November 2012 and July 2013³. The research involved in-depth interviews with 14 female refugees or persons seeking international protection in Poland who came from the countries of North Caucasus and Central Africa⁴. The interviews were supplemented by 31 interviews with experts (35 persons altogether, in 4 cases dyad interviews were conducted) – employees of public and non-governmental institutions, scientists researching violence against women (social workers, policemen, employees of the centres for victims of violence, counsellors). The research was to identify the types and forms of violence the forced female migrants in Poland fall victim to, as well as verify to what degree the activities of the public institutions can prevent violence and effectively help women who have fallen victim to violence.

¹ One should not fail to notice, however, the vast differences between individual countries in terms of the immigrants safety – from 20% of aggrieved migrants in Belgium, a dozen or so per cent in Greece, Germany and France to about 2% in Spain and Finland.

² The results have been included in this analysis with the Authors' consent.

³ The research was conducted within the frame of the project "Research on perils to the integration process of forced migrants in Poland" led by the Association for Legal Intervention and the Institute of Public Affairs and co-financed by the European Fund for Refugees and the Polish State Budget. The complete results of our research have been presented in *Bezpieczny dom? Przemoc fizyczna i symboliczna wobec uchodźczyń i uchodźców*, W. Klaus (Ed.), Stowarzyszenie Interwencji Prawnej, Warsaw 2014.

⁴ The interviews have been conducted by suitably trained female employees of non-governmental organizations with education in social sciences, based on uniform interview instructions. The interviewers engaged in the study work with female refugees on a daily basis and are trusted by them, which guaranteed the access to the interviewees – ensured their safety. This was the only solution ensuring access to the information on such a delicate subject, which is the experience of falling victim to violence. The interviews were conducted in the languages convenient for the foreigners – Russian, French and Polish and later translated into Polish by the researchers.

2. The forms of violence against forced female migrants in Poland

The violence against female migrants may be divided into two groups, considering its causes: gender-based violence and biased-based violence. Both of these groups can be further broken into two sub-groups. When it comes to the gender-based violence one should mention domestic violence (intimate partner violence) and violence caused by the culture of the migrants' origin (sometimes these two forms of violence may overlap, as it is difficult to separate them, especially when it comes to domestic violence). The biased-based violence may also be divided into sub-types – according to the perpetrators. When it comes to individual perpetrators we deal with the typical understanding of the biased-based violence. However, when it comes to violence inflicted by the representatives of public administration, one might observe the phenomenon of institutional racism. It may be caused by how certain legal institutions have been formed (the system of migrant detention centres is a vivid example) or general consent to certain type of discriminating behaviours of the officials.

2.1. Gender-based violence

To prevent violence, especially gender-based violence, interdisciplinary teams consisting of social workers, doctors, policemen and non-governmental organizations employees have been appointed in 2009 in each of the centres for the asylum seekers (CPPHN, 2011). The reports they have prepared show that between 2009 and 2012 60 cases of violence were identified in all the centres⁵. Vast majority of the cases constituted domestic violence (42 cases) and marriages with minors or sexual intercourse with female minors under 15 years of age (10 cases)⁶.

The use of violence against female migrants by their partners should be considered frequent. This conviction results from both the experience of the interviewed women and the information gathered from the experts who work in these environments (regardless whether they work for non-governmental institutions or public institutions)⁷. When asked whether they have encountered cases of domestic violence, they answer: *yes, of course we see such cases, we see them often, lately we have seen them even more often* (UU7), someone else says: *at least once a week, at least once I see a woman who looks like she was beaten by her husband* (NU3). The employees of Towarzystwo Interwencji Kryzysowej (UNHCR, TIK, 2011) estimate that when it comes to women from the North Caucasus, as much as 90% of families might experience psy-

⁵ The number of the cases varied across the years and depended on the number of persons applying for refugee status. On average between 10 and 15 centres were operating.

⁶ It is worth noting that even though the teams have formally operated in each of the centres, there are significant differences in the number of detected cases – from none to 11. These differences cannot be explained by the size of the centre, the length of its operations or the size of the population of foreigners. It seems, therefore, that the differences were caused by the approach of the team members towards the detection of violent occurrences.

⁷ "U" in the interview identification code signifies an interviewee who was a public institution representative, "N" stands for a non-governmental organization employee and "W" stands for a foreigner. The statements of the respondents are in italics.

chological violence and half of them may additionally suffer physical violence. The psychological violence is even more difficult to identify: *the psychological violence is often present, but we also should take into account the cultural differences. The thing that I would treat as violence against me, as a Polish female, is something completely normal for a woman from Chechnya and is not considered as violence. Psychological violence is more difficult to detect than physical, because physical violence is quite obvious* (UU5). However the victims are not always aware that it is forbidden to use physical violence against them. As one of the interviewees said: *since childhood I've been used to being beaten, to being constantly harassed. It's been this way since childhood* (W1).

Domestic violence is a phenomenon present in all societies. As much as 22% of all crimes the women fall victim to are committed by their current or former partners (Buzawa, 2013: 36). Obviously the position of a woman in a society influences the use of violence. In patriarchal societies, where the position of the male is stronger, the violence will be more frequent. The societies of the North Caucasian migrants can be considered as such, as they recognize the traditional division of the social roles of men and women. These cultures entail female subordination - the women owe the men respect and obedience. One of the migrants said: *"Who are you - a wife and you should be silent – this is widespread in this Chechen family, you know. (...) A woman has her place – this is what all the husbands say – you have your role and are forbidden to talk – your responsibility is to bring up the children, cook, you may not work at all, or you might, but then give the money to the husband"* (Chrzanowska, 2007:324). Domestic violence conditioned by certain cultural reasons is also present in the migrant societies and occurrences such as forcing a woman's consent for a successive marriage under threat of divorce may be considered as such⁸.

However, when it comes to the refugees there are also some other, additional reasons for the common occurrence of violent behaviours of a partner. The violent behaviours are influenced by migration and the experiences from the country of origin. As for the first factor, the cultural shock resulting from migration should be mentioned. The more significant the cultural differences between the country of origin and the host country are, the larger the shock. Additionally, migration often changes the roles in the family, as the migrants need to start their lives right from the beginning. The process itself is difficult, but the problem deepens even further when the state and its institutions do not provide sufficient help and the foreigners are left to their own resources to a large extent. The situation often forces women to find paid work, which is not always well perceived by their husbands. As a matter of fact men often cannot adjust to the new conditions well, which motivates many to turn to substances, including alcohol (event though Islam forbids alcohol). One of the women said: *usually our partners, our husbands, do not work. Majority of them don't work. (...) they say: "I'm not going to demean myself and work for these dimes" and they don't. Very*

⁸ The threat of divorce is serious, as divorced women are not respected by the society and, in fact with impunity, may become victims to rape. As one of the female migrants put it: *"if she is a divorcee, when she leaves her husband, then – in Chechen there is a word dziero – which describes a divorced woman – she is easily accessible, you understand; with this dziero, with the divorcee, a man can go out with, whether he's married or not. When she had already been available for, you know, sexual relations"* (Chrzanowska, 2007:323).

often it happens that the husbands are alcoholics, drug addicts (...). They got used to a situation when the women do everything for them and they now stay in Poland and do nothing. It's the women who work, the women (...) obtain the daily bread and bring it home (W1).

The lack of sufficient means to provide for the family is also connected with the substandard conditions they refugees live in – in small overcrowded apartments (often a few families together), as they cannot afford renting anything larger. In the centres for foreigners the refugees also live in cramped conditions (Wysieńska, 2013). The interviewed employees of the non-governmental organisations said, that *“due to their experiences and the fact they don't cope with this situation well, [the men] don't fulfil their role, they become aggressive, often use the situation and their position against women, children. (...) This is true [even] for the men, who have not behaved this way before. But the psychological burden and also the feeling of helplessness, the feeling they don't turn out to be a good man, the feeling they have their hands tied and the gloomy prospects all may influence their becoming brutal towards the weaker”* (Klaus, 2010:109).

All of this is additionally strengthened with the experiences from the country of origin – the experience of war, torture, seeing the death of the close ones, which all contribute to aggressive behaviours (see Beckley, 2013). They frequently cause post-traumatic stress disorder, which, with the very limited access to psychological help in Poland, often goes untreated. And according to the experts: *different disorders or mental illnesses may cause aggressive behaviours (UU5); this man is deeply traumatised and is not provided with therapy. Aggression and similar behaviours are one of the symptoms. The person is not treated and then blamed for using domestic violence against a woman, children. The problem is not solved, because this is a normal reaction; I mean it is not normal to behave this way, it is nothing pleasant, but often the victim becomes the perpetrator and when the victim goes untreated the circle of violence continues (NU5).*

Culture-bound factors originating from the country of origin consist the second reason for the occurrence of gender-based violence. Let us focus on a few most important forms this type of violence. The first form is marrying under-aged girls, which is not very common, but at the same time cannot be considered marginal. The second important problem to cover is depriving mothers of custody of their children after divorce. Traditionally in Caucasian families the children belong to the father's family, thus frequently children are taken away from their mother by force. In this context the mentioned earlier threat with a divorce is perceived by the women as a serious risk. One of the interviewed women explained why she had endured violence used against her for so long: *Sometimes I would tell him I would leave, that I cannot stand this any longer, I have no strength left. He would answer: "If you leave, you won't see the kids again. You can go wherever you like, but you have to leave the kids behind". He would say I won't take the kids anywhere. I was very afraid of it. I have never made up my mind to do that – because of the children (W5).*

An important element of violence is the social exclusion of a woman, which happens when her behaviour does not follow the social norms. She is then perceived as a person with no honour and in patriarchal culture the honour of a woman is considered equivalent with the family honour. Redeeming the hon-

our is often at the cost of the woman. The reaction of the society, including the family, to a rape is problematic. One of the women spoke what could happen: *If this happened to me, they would lock me home, would not let me go anywhere or would force me to marry. A raped girl is at least locked at home and not let go out of home. It is important that the word is not around town. Such a girl might be brutally beaten and, if the family is strict, they might even kill her* (W14). Even though there have been no documented honour killings in the migrant community in Poland, one cannot rule them out in the future⁹. Similar ostracism takes place when a woman marries a non-Chechen man. In such cases, even if the husband is Muslim, not to mention belonging to a different religion, the whole society cuts her off and the married couple usually hides away from the family in fear for the safety of the husband and life of the wife (*when she married [a non-Chechen], Chechens came to them in many cars. They wanted to kill them* (W1)). In such cases the women are often named "prostitutes" by the society. They are also referred to this way when they don't follow the cultural norms. One of the interviewees said: *I come from a modern family, I wore normal skirts, I did not wear the headscarf. The men with beards in the centre for foreigners held a meeting and said: "There is no place for this woman in the centre. We need to show her her place"* (W2). Violence against such women is used by men and other women, since women are the guardians of the culture, which tends to radicalise in emigration (see Szczepanikova, 2012).

2.2. Biased-based violence

It has already been mentioned that the biased-based violence may be subdivided into two categories. The most widespread is the violence used by the representatives of the host country. Many foreigners suffer different forms of violence in Poland, especially when they come from a different ethnic group than the Poles (Mikulska, 2010; Klaus, 2013). It is a common experience for the migrants from Africa, but also female Muslims wearing headscarfs¹⁰. However the violence against women is mainly verbal and takes forms of offensive words they hear or contemptuous glances. *I once took a bus and a Polish woman approached me. She was terribly angry. She first sat and then stood up and started saying: (...) "You, the black, what are you doing here. Go back where you come from. How many times did you see Poles where you live? What are you going to do here? Go back where you come from". (...) It often happens that, on a bus, when I sit down next to someone, even someone young, they get up* (W10). *When I enter a shop, then I experience, I think, one more form of violence. (...) if I'm wearing a headscarf or a long skirt (...) everyone starts pointing their fingers at me, everyone looks at you as if you did something... I start feeling ashamed and turn back. (...) it's very offensive for me, humiliating, but I can't help it* (W1). Others add: *The ladies from Chechnya say they often hear this hissing "whores, whores, whores"* (NU7).

⁹ In the case of the only confirmed honour killing the victim was a Pole, a wife of a Pakistani (Gutkowska, 2013).

¹⁰ It is worth mentioning that the female Muslims in Poland mainly wear headscarfs. By and large we do not see women with covered faces – wearing the most conservative Muslim clothing.

Physical violence against women used by the representatives of the Polish society happens extremely rarely. It more often takes form of threats and is inflicted by the members of fringe right-wing groups: *there have also been situations, when (...) the female refugees were victims of nationalist groups. (...) the cultural factors were significant, some beliefs of these aggressors – they were not attacked, you know, accidentally, but because they were Chechen* (NU4). One of the interviewees describes the situation she was a victim of: *Once, when I was returning from shopping, 3 boys approached me, about 18, 19 or 20, "skinheads". I was carrying a bag with my shopping. One approached me from the back, two came from my sides. They spit on me (...). Then they followed me, one of them told me really ugly words and told me to go back to my country. They said that if they see me again, I'll be sorry. At one point they grabbed my bag and my shopping fell out* (W8).

A specific form of intimidation takes place in one of the eastern Polish cities – Białystok. Over the last few years there have been multiple racist incidents reported there, including violence against migrants. Usually the perpetrators originated from fringe groups. An example of such occurrences were a few attempts to set fire to apartments rented by the foreigners by lighting fires on doormats at their entrance door or throwing burning objects through the windows. The foreigners talked about these occurrences: *2 weeks ago our door was set on fire at 5 a.m. I don't know who could have done it* (W8). Another adds: *Another incident that happened – throwing bottles with petrol at our balcony. It has happened already four or five times. (...) I don't know why people are so cruel. We don't do any harm. I just don't know. I was so nervous, so affected by the situation. I don't want to leave (...), but every night I'm afraid and now I'm also worried, I can't do anything* (W9). Unfortunately despite the growing frequency of these incidents, media coverage and interest of the politicians, the situation has not changed in fact. The interviewed perpetrators openly talk about their hatred towards foreigners and willingness to scare them away from settling in Poland. The protection of the Polish nation from the influx of the "aliens" is considered by them as a mission (Średziński, 2010:27-28).

One of the forms that the violence can also take is the exploitation of the foreigners by the employers in Poland. Its most popular form involved lowering the wages or retaining wages and employing without official agreements. This type of violence was not the subject of the presented study, but according to a different study it is a widespread phenomenon among the immigrants working in Poland (see Klaus, 2011).

A significant problem that is not in fact a subject of academic studies in Poland, is the institutional racism. In the contemporary European countries it is manifested by the authorities perceiving migration as a threat and therefore using criminal law instruments when dealing with the migrants to increase the level of control over them – the so-called crimmigration (Webber, 2012). Detention centres for foreigners, where victims of torture are also detained, and the carceral conditions in them (Klaus & Rusiłowicz, 2012) are an

exemplification of this approach¹¹: *the persons who have been recognized as victims of torture are placed in centres resembling the places where they were tortured. They are interrogated by men in uniforms, who resemble the persons who might have tortured them and the whole atmosphere is very similar. They are locked, which is psychologically devastating for them. Certainly this is a type of psychological violence inflicted against them. (...) The mere fact of being locked – how much pain and trauma it adds to what they have gone through already* (NU5). The conditions in the process of deporting the foreigners or transferring them between EU countries, often handcuffed, also pose a problem. One of the interviewed women recalls this experience: *two policemen grabbed my hands, two grabbed my legs and a woman started dressing me. Still handcuffed, I got on a bus. (...) I was transported to the plane like a terrorist. (...) There were four policemen flying with us. Two next to me and two next to my [nine-year-old] son. We were brought here [to Poland] like criminals* (W11).

Another great problem is the fact that the Polish authorities fail to recognize the violence against women in their country of origin as a problem, which should guarantee the victims of these acts international protection in Poland. In fact there are no positive administrative decisions that were taken based on this condition, even though the refugee status may be granted due to persecution in the form of "acts against persons due to their gender".

We should also turn our attention to the frequently repeated, in the accounts of women and the employees of the non-governmental organisations, information about the improper conduct of public officers (officials, policemen, social workers) towards the refugees. They take the liberty of using insulting comments towards the foreigners, they treat them like objects (for example by addressing them by numbers, not names and surnames) or humiliate them (for example social workers who deprecate and criticise the culturally-justified behaviours of female refugees). It should also be highlighted that a lot of policemen regard the foreigners *a priori* as criminals, even though some of them come to report they have been victim of a crime.

3. Invisibility of the violence against female migrants

Regardless of all the forms of violence described above the female migrants fall victims to, the phenomenon itself is essentially invisible for the decision-makers. To a large extent it results from the fact that the violence is not reported or reported to a small degree. From the gathered interviews it appears the policemen have little knowledge on the scale of the phenomenon and its causes. Additionally, they have been involved in such cases extremely rarely. The low reporting rate, in turn, is caused by a lot of factors. Firstly, the reporting rate of violence against women in Poland is low in general – women report to the po-

¹¹ Even though it is forbidden by law, in practice in Poland there is no system of identifying such persons that would allow to release them from closed centres.

lice 1/3 of domestic violence cases and only 1 in every 19 male perpetrators has been punished (Gruszczyńska, 2007:119-120).

Another group of factors is culturally-bound. It is the mentioned earlier possibility of taking away a child from their mother by the father's family or the fear of social ostracism – reporting a case to the police is treated as denunciation, betrayal of the nation. All the female migrants confirmed it: *it is a private matter, between the wife and the husband, father of her children. If she tells the parents or anyone else, they will have poor opinion about him – for his whole life, and otherwise it will just go unnoticed. The married couple will clarify the situation between themselves and everything will be back to normal, as if nothing happened* (W7); *We can't go and talk against a husband, tell on him. This is your kids' father, you should not tell anyone* (W5). But the women also fear the husband's or his family's revenge. Not only revenge on her, but also on her family that stayed in Chechnya – a kind of vendetta. This is why the women do not report these cases to the prosecuting authorities: *if he went to jail because of me, it would backfire on my family. I'm 100% sure. And I didn't feel like it. I left my mom and sister behind* (W1). Another problem is caused by the poor experience from the country of origin and the general fear of uniformed services. One of the interviewees described it very vividly: *when I see their clothing [uniforms], I recollect what the same police, in same clothes did to me in Chechnya, I don't even want to talk to them* (W4).

Another problem is the way the social workers approach the issue of violence. Claiming to be respecting the cultural differences, they refuse to help women who would like to start living according to different norms, who want to set free from the culture of the country of origin. They preach them on their culture. One of the women perceives it this way: *The women who come here think they will find the respect towards the women's rights and yet they hear: "it's not in keeping with your tradition", "you can't do that, it's not your tradition"* (W16). The women therefore are afraid to seek support, because they don't expect to get it from the Polish officials.

Failure to report different violent occurrences is also caused by the fact that – in line with the experiences of their acquaintances – the female foreigners do not believe the Polish services could help them in their situation, protect them from the husband and offer support appropriate to their needs. This belief is not groundless. The system of supporting violence victims in Poland is not very effective and to a large extent it does not even answer the needs of Polish women – one of the interviewed women said: *I think even the Polish women, who are victims of violence, have no support* (W16). The system does not see the migrants and their unique needs at all. One of the interviewed women bitterly remarks: *Majority of the women who come here alone think it's Europe, that the attitude towards women is different, that women are protected. They assume they will come here, to Europe, and they will be among people who don't know their history and they will be free. [Meanwhile] they come to the centre [for foreigners] and are among refugees from Chechnya like they are, now they're even closer to them. (...) The family is left alone. They [the Che-*

chen] live in their world, the Poles live in their world (W15). And one cannot, unfortunately, deny the profound rightness of such a belief.

Translation: Weronika Gasperczyk

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