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**CHALLENGES OF  
THE REFUGEE AND  
IMMIGRANT WOMAN**

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**Abstract:** This article has as the theme the Refugee and Immigrant Woman. The object of study is to discuss some aspects of the culture of prejudice against women, as well as the historical oppression of gender, being diminished by her condition as a woman. It was intended to demonstrate that despite substantial advances in the protection of immigrant and refugee women, progress is needed, especially with regard to protection in Western countries. As the reading continues, it is clear that we are making great strides towards the full protection of refugee and immigrant women, given that there is no common protection legislation in all countries. In short, this category needs to be protected and international protection bodies are of paramount importance in this journey. **Keywords:** Refugee and Immigrant Woman, violence.

## INTRODUCTION

In the current conjuncture, the migrations of people in the world have become a condition of survival. Blanco (2006) points out that such growth is due to factors such as economic inequalities between regions, changes in the means of communication and transport, recognition of the right to family reunification of migrants and the world conflicts that force subjects to mobility.

According to data from the High Commissioner of ONU for refugees – ACNUR<sup>1</sup> (2017) forced displacement caused by war, violence and persecution reached the highest number on record in 2016, 65.6 million.

The quantitative increase in migratory movements also represented an increase in the number of women who migrate. As Assis (2007) points out, although they mostly migrate in family groups, women also migrate

alone, “in search of autonomy, to escape few opportunities or discrimination” (p. 768)

For clarification purposes, the term refugee (a) used throughout this research will be the definition used in accordance with the 1951 Convention relating to the Status of Refugees and also the Cartagena Declaration of 1984, which defines individuals who are out of their country of origin due to well-founded fears of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, as well as due to widespread violence, serious violations of human rights and internal conflicts.

In view of the above, the following problem was outlined: throughout history, have women suffered prejudice and various forms of violence? Is this situation glimpsed in the daily life of immigrant and refugee women? It starts from the premise that despite advances in protection of women, high rates of violation of rights against women are notorious.

Such a research hypothesis occurred when searching for information about the challenges of refugee women, violence has demonstrated a challenge for public policies.

Faced with this problem and hypothesis, the general objective of this work is to demonstrate how violence has permeated the daily life of refugee and immigrant women. In order to respond to this objective, it was decided to break it down into three specific ones: a) define concepts of refugee and immigrant b) discuss the reality of refugee and immigrant women c) raise the main public policies related to the theme.

In methodological terms, bibliographic and documental research proved to be the most adequate to respond to the object of this study. The information researched

1. The ACNUR, agency of ONU for Refugees, was created in December 1950 by resolution of the United Nations General Assembly. It began operations in January 1951, with an initial three-year term to resettle European refugees who were homeless after World War II. His work is based on the Convention of 1951 of the United Nations on Refugees.

comes mainly from books, scientific articles, ordinances and reports.

This article is structured in three parts, and initially it is necessary to better understand the concept of Immigrant and Refuge, then the woman in society throughout history, revealing inequalities and mechanisms of oppression. Subsequently, the reality of immigrant and refugee women is analyzed.

In short, we tried to make some contributions about the challenges of immigrant women, whether by violence and oppression as well as the historical oppression of gender, being diminished by their condition as a woman.

## **CONCEPT: REFUGE AND IMMIGRANT**

Considering the position of some scholars in the area, as well as the theme of this work, an attempt will be made to arrive at a vision of the term refugee and immigrant.

It must be noted that a refugee is not a person who makes a pilgrimage without reason, he seeks conditions of survival, refugees are people who had no option but to leave their countries of origin, for reasons of various persecutions and violations of rights. humans.

As pointed out by UNHCR, (2019 p. 19),

A refugee is a person who has been forced to leave their country of origin and requires "international protection" because of a well-founded fear of persecution and risk of violence if they return home. This includes people who are forced to flee warring territories. The term has its roots in international legal instruments, notably the 1951 Convention relating to the Status of Refugees, the 1967 Protocol and the 1969 Convention of the Organization of African Unity (OAU).

Regarding the "immigrant", it is the person who comes from another country, while the "emigrant" is the person who leaves his/her

country of origin to live in another country, in this optics, the immigrant is considered an emigrant to his country of origin and vice versa.

In this context, it is worth noting the significant number of refugee and immigrant women. According to the International Organization for Migration (IOM), the number of women who move for work reasons is notorious. They face prejudice for their status as migrants and as women.

According to the Global trends Forced Displacement published by UNHCR in 2019, in the period, the total number of refugees and people in refugee-like situations in the world was 20.4 million. In this universe, 48% identify as female and 52% identify as male. In relation to the population of international migrants in the world, 47% for identification with the female and 53% for the male.

## **WOMEN, FEMALE NOUN. WHAT DEFINES IT?**

To understand the female condition, it is necessary to draw an overview of the construction of women's roles in history and their identification in society.

According to Philosopher Simone de Beauvoir, "No biological, psychic or economic destiny defines the form that the human female assumes within society; it is the whole of civilization that produces this intermediate product between the male and the castrated that qualifies the female."

In general terms, Beauvoir states that being a woman in our society is a process of assimilating behavioral patterns, in the same way that being a man also requires this type of assimilation. The behavior of women in society is given all kinds of restrictions, while men are given all kinds of freedom.

## WOMAN IN SOCIETY: BRIEF HISTORY

Studies that report the prehistoric period point out that men and women lived in a partnership regime at the time when agriculture was the main social activity of production, when inequality between the sexes did not reign.

At the dawn of humanity we cannot speak of the existence of inequalities between men and women. At that time, there were no separate peoples or states; human beings lived in small groups (hordes), and later in families and tribes. (...) human beings had to stay together, in solidarity with each other, to survive and defend themselves from wild animals and the weather. Those who were marginalized perished. Therefore, there was no cultural superiority between men and women. (ALAMBERT apud MOREIRA, 2005; p. 17)

In this remote time, women and men were nomads and hunters, dividing into clans, without a separation of hierarchy or leadership.

However,

(...) invention of the plow as the opening of a new social regime, from the domination and exploitation of women by men. The patriarchy between the sexes, in this perspective, emerged 'from the valorization of the work of the man for its superior force to that of the woman, who was able to give direction to the movement of plowing the land together with the animal traction (ALAMBERT, 2004; p. 28)

It is worth noting that new values were added to the sexes and their social position throughout history. In the Middle Ages, the female condition was restricted to the domestic space, while the man, symbol of the sword, was destined for war, full of virility and strength. The conception of women that prevailed until the end of the 17th century is that inherited from early Christianity, which

survived throughout the Middle Ages and the Renaissance. For philosophers and thinkers of the time, the woman was seen as a more carnal being, endowed with evil feelings and a threatening sexual disorder. [...] One of the universally accepted beliefs was that of the inherent and insuperable inferiority of women. The woman was the daughter and heir of Eve, the source of Original Sin and an instrument of the devil. (NUNES, 1999; p. 23)

In the 18th century, motherhood, the education of children, was seen as a full function of the woman, that is, the vocation to take care of children was something "natural" to the female sex.

At the dawn of the current century, the industrial revolution marks the insertion of women in the labor market, at the same time that it exalted a greater exploitation of the female sex with the salary difference, since their livelihood was defined by the father/husband. Still, the fact of working did not guarantee them more rights at home or as citizens, as they remained subjugated in all other fields of the public sphere.

The woman worked absurd hours of up to 17 hours in unsanitary conditions and received wages up to 60% lower than those of men, according to SESI/SP data.

Housework and child rearing was assigned to women. For society at the time, work made it difficult for women to fulfill this obligation.

Another point worth mentioning is the absence of women in Universities, their access to studies was denied in some countries, women had no opportunity to integrate the scientific field with the argument that the two would be incompatible.

In the course of the 19th century, the woman at that juncture was seen as fragile, requiring the protection of the man, through marriage to protect and preserve her.

Frailty is associated with the sphere of female activities, which were limited to domestic life, peace and fulfillment in the family. This becomes, then, a feminine ideal, whose representation, in that century, is the ballerina. Through training her body, which is an icon of delicacy, the ballerina appears as an aesthetic ideal of the female body, which removes what is most carnal or sexual in the woman's body, giving her an image that is somehow sanctified and fragile (NUNES, 1999; p. 58).

With regard to women in the 20th century, most countries made room for greater female access to studies. Women's own schools and private education were inaugurated, but the great feat of women was still considered marriage.

Women in the 21st Century, on the other hand, came to be seen as the holder of rights; there are increasing debates about women's sexuality, abortion, divorce, the single woman's perspective and the choice not to have children. However, there has not been an equal progress in all countries, in Madagascar (a country in East Africa), for example, women can only work in "family establishments". This means that they are prevented from working at night, in professions where they have to deal with literature or other objects that are socially considered "immoral".

According to the World Bank report entitled: *Women, Business, and Law* published in 2018, it points out that 104 countries still prevent women from performing certain activities simply because they are women.

The World Bank claims that some 2.7 billion women face at least one type of gender-based legal restriction. In addition, it is estimated that there is a loss of 15% in the economies of the countries that make up the Organization for Economic Cooperation and Development (OECD), due to the damage caused by such gender inequalities.<sup>2</sup>.

2. It must be noted that some achievements are only possible due to a situation that is favorable to the capitalist system, as is the case of some rights already conquered by LGBTI.

Simply because of prejudice in 2012, women in Iran were banned from entering 77 university courses at some of the country's institutions. This number includes degrees in engineering, informatics, nuclear physics, archaeology, chemistry, business and many others as pointed out by Morais, 2018.

## **RAPE: WESTERN COUNTRIES**

Finding that rape is "acceptable in some cases". In the Caribbean islands of the Bahamas, for example, a man can force sexual intercourse with his wife if she is over 14 years old. Similar laws are in effect in Singapore and India, where the minimum ages are 13 and 15 years respectively.

Morais (2018) exposes in her research: "denied rights of women in the world" that there are countries that reduce the punishment of the aggressor when he demonstrates his intention to marry the victim and, if the marriage is carried out, the rapist is acquitted, as happens Malta and Palestine. When analyzing countries with stricter laws in the punishment of crimes such as rape, what happens in countries like Saudi Arabia and Morocco draws attention. There, the punished person is the victim. In these States, the woman is blamed for having left home without male companionship, for having been alone with an unknown man or for a possible pregnancy.

One event that made the world contest such laws was the suicide of Amina Filali in 2012. The 16-year-old Moroccan took her own life after a judge ruled that she must marry the man who raped her.

## **CULTURE OF RAPE**

Term used since the 1970s, the time of the so-called second feminist wave, to point out both subtle and explicit behaviors

that silence or relativize sexual violence against women. The word “culture” in the term “rape culture” reinforces the idea that these behaviors cannot be interpreted as the normal or natural. Being cultural, we create. If we create, we can change them.

Data from the World Health Organization indicate that aggressions are occurring at an earlier age; worldwide, a third of women or 736 million have experienced physical or sexual violence by a partner or someone close to them.

### **COUNTRIES THAT HAVE A HIGH INDEX OF VIOLATION OF RIGHTS AGAINST WOMEN**

The Thomson Reuters Foundation, the philanthropic arm of the Thomson Reuters media conglomerate, released a study that shows the living conditions for women in 2018. To this end, they consulted 550 experts on the situation in all 193 member countries of the United Nations. (ONU).

Respondents rated each location according to six factors: degree of access to healthcare, discrimination, cultural traditions, sexual violence, other types of violence, and human trafficking. Based on this analysis, they chose the worst countries for women in each of these categories and, based on the scores obtained by the locations, compiled an overall ranking, as highlighted by Ruic (2018)

In 1° Overall place in the ranking is India, a country that suffers from an epidemic of sexual violence that brings to light brutal cases, such as those of violent teenagers burned by their aggressors in May 2018.

Placing	Country
1 <sup>a</sup>	India
2 <sup>a</sup>	Afghanistan
3 <sup>a</sup>	Syria
4 <sup>a</sup>	Somalia
5 <sup>a</sup>	Saudi Arabia
6 <sup>o</sup>	Pakistan
7 <sup>a</sup>	Democratic Republic of Congo
8 <sup>a</sup>	Yemen
9 <sup>a</sup>	Nigeria
10 <sup>a</sup>	United States

Frame 1: Countries with high rates of violations of rights against women.

Source: Thomson Reuters Foundation 2018.

In terms of categories, India still ranked first in sexual violence and human trafficking. According to the entity, rapes recorded by the police increased by 83% between 2007 and 2016 and, every hour, four cases are taken to the authorities.

The size of India, as well as the cultural and religious diversity of its population, makes it even more difficult for a single policy to be adopted by the government to deal with cases of violence.

In second place overall is Afghanistan, where the prevalence of physical and sexual violence against women is 51% and child marriage is 35%, according to data from the ONU.

In Afghanistan, the husband, brothers and mother-in-law are allowed to beat a married woman. And it is estimated that 90% of women suffer constant violence;

Through different governments, such as the Mujahideen and the Taliban in the latter part of the century XX, the women of Afghanistan had very little or no freedom.

Women’s rights began to be further restricted after Gulbuddin Hekmatyar was integrated into the government as Afghan

prime minister in 1996. He demanded that women who appear on television be fired.

During the violent four-year civil war, many women were kidnapped and sexually assaulted. The moment one of the factions became victorious, this new leadership force became known as the Taliban.

The United Nations has refused to recognize the Taliban government. The United Nations has refused to recognize the Taliban government. The United States has imposed heavy sanctions on the country, similar to those imposed on North Korea.

The country got the 10<sup>a</sup> ranking of the worst countries for women. It is noteworthy that the US is in 3<sup>o</sup> place, same position as Síría (3<sup>o</sup> lugar geral) in the category that assesses in which countries women are most at risk of being raped and harassed. it is still, in 6<sup>o</sup> in the category that assesses other types of violence, such as mental and physical abuse.

As pointed out by the World Economic Forum study, there is indeed a chasm between men and women. Despite gives 19<sup>a</sup> Amendment to the Constitution of Estados Unidos, which guaranteed the female vote, having been ratified in 1920, today the US Congress is made up of only 19.4% of elected women. In the Senate, among the 100 senators in office for the 2017-2018 biennium, only 20 are women.

There is no explicit mention of gender equality in the US Constitution. (197 other Constitutions around the world do so). Em 1923 was presented to Congress the *Equal Rights Amendment*, an amendment for the equal rights of men and women, but which never got the necessary approval from three-quarters of the states in the country. Internationally, the United States has never ratified the Convention on ONU

on the Elimination of Discrimination against Women, 1979. Only six members of ONU have not ratified that Convention: Iran, Somalia, South Sudan, Tonga, Vatican and the United States.

Research Background The study, recalls the entity, is a recap of an investigation conducted by the Thomson Reuters Foundation back in 2011. At the time, only five countries were considered for the ranking: Afghanistan (1st), Democratic Republic of Congo (2nd), Pakistan (3rd), India (4th) and Somalia (5th). To assess what has changed in the portrait at the time, this year the entity expanded the analysis to ten countries.

## **LEGAL INSTITUTE OF IMMIGRATION IN BRAZIL**

Law 6,815/80, better known as the “Foreigner Statute”, is the legal regime for foreigners in Brazil, regulated by Decree 86,715/81. It must be noted that the aforementioned was enacted in the period of the Military Dictatorship, so the aforementioned law was central to national security.

Only on May 24, 2017<sup>3</sup>, With the approval of Law 13,445, there was a de facto regulation regarding the legal situation of the foreigner, thus revoking the Foreigner Statute, created during the military government, and instituting the new Brazilian Migration Law.

It is clear that the new Migration Law guarantees the immigrant a series of rights that were not previously conceived, that is, he became a subject of rights.

## **CONTEXT OF IMMIGRANT AND REFUGEE WOMEN: GENERAL NOTES**

When looking at UNHCR statistics regarding refugee and immigrant women, it

3. According to Guerra (2017), the law attributed value to the dignity of the human person and any burden corresponding to the protection of human rights. It deals with the rights and duties of migrants and visitors in Brazil; regulates the entry and stay of foreigners and establishes norms for the protection of Brazilians abroad.

is clear that in recent years there has been an exponential increase in women moving alone.

As already pointed out in the course of this article, women from the industrial revolution start to work outside the home. However, they continued to be stigmatized, having their work associated with assistance, care or education. In the context of migration, until the mid-1970s, women were seen as advisors or help, there was no look at the visibility of immigrant women.

Second Stolz (2017, p. 399) points out that,

the participation of women in migrations began to be analyzed as a side effect of male migrations and, therefore, was conceptualized as entourage or associative immigration. This understanding began to change from the 1970s onwards, especially from the moment when the Jamaican researcher based in the United States, Orlando Patterson, began to observe an exponential growth of women in international migratory flows and no longer only in short-distance migrations, as well as the fact that women began to migrate independently, that is, without being accompanied by and/or dependent on a male migrant.

According to UNHCR (2019), children and women make up around 75%<sup>4</sup> of the total universe of refugees. Lisboa (2006), in her research on the migratory flows of women, talks about the feminization of migrations in view of the growth in the number of women who migrate autonomously seeking better living conditions for themselves, for their children or for sustenance. of the family (LISBOA, 2006, p. 152). In addition, these have been included in genital mutilations, forced marriages, rapes in war zones, political

opinion and sexual orientation are also among causes of women's displacement.

With regard to the International Protection Network, refugee women and immigrants stand out: the Convention of the United Nations Convention on the Status of Refugees, 1951 defines who is a refugee and clarifies the rights and duties between refugees and the host countries.

Stands out, how advance in this category is the Convention on the Elimination of All Forms of Discrimination against Women, from 1979– CEDAW<sup>5</sup>. First international treaty that extensively provides for women's human rights. Aiming to: Promote women's rights in the pursuit of gender equality and repress any discrimination against women in States Parties.

The 1995 Beijing Declaration and Platform for Action set out government commitments to improve women's rights.

Another protection mechanism for refugee and immigrant women is UN Security Council Resolution 1325 on Women, Peace and Security (2000) recognizes that women suffer the impacts of war differently.

## FINAL CONSIDERATIONS

This article sought to show that immigrant and refugee women need specific protections, which have the dignity of the human person as a fundamental principle.

Faced with a scenario in which thousands of people are forced daily to leave their homes, their lives, their home country, fleeing persecution, violence and poverty, in search of a better life. Although the migratory phenomenon has always existed, the number

4. The number of immigrant women around the world totals 117 million; generally from North America, South America, Europe and Oceania. They are already the majority among immigrants from all regions except Asia and Africa. (ONU, 2015)

5. The adoption of the Convention on Women (CEDAW) was the culmination of decades of international efforts to protect and promote the rights of women around the world. It resulted from initiatives taken within the UN Commission on the Status of Women (CSW), a body created within the United Nations system, in 1946, with the objective of analyzing and creating policy formulation recommendations to the various signatory countries of the Convention, aimed at improving the status of women (PIMENTEL, 2021)



of displacements has grown significantly in recent years, causing major humanitarian crises.

Within this migratory scenario regarding the protection of women, many international instruments were created and endorsed by many countries, becoming part of the national legal axis. What happens is that if these instruments are insufficient to guarantee the rights of national women, immigrants and refugees, this context is even more frightening. They are doubly punished for being a woman and a migrant, victims of flawed reception and protection policies, doomed to invisibility.

The violence suffered by refugee and immigrant women has several facets that are often not even reached by protection agencies, which despite great efforts, are still insufficient. Women are victims of social, cultural, psychological violence, mutilations and sexual abuse.

There is still much to be done to preserve the human rights of immigrant and refugee women, initially putting an end to the discourse that immigrants bring violence, “if they are a fugitive, it is because they did something wrong”. State, society and international organizations must unite so that intolerance and gender prejudice reach a group of individuals already as vulnerable as women.

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