

and



Criminologists
WITHOUT BORDERS

The International Sociological Association (www.isa-sociology.org) was founded in 1949 under the auspices of UNESCO. Its goal is to represent sociologists everywhere and to advance sociological knowledge throughout the world. Its 5,000 members come from 167 countries. The ISA has partnered with Criminologists Without Borders (<http://www.criminologists-without-borders.org>) to produce a review of the scientific, academic literature on violence against migrants, migrant workers and their families, which is summarized in this statement. Criminologists Without Borders is a registered non-profit organization which provides objective information and research to inform policy and programs dealing with crime and criminal justice. This review supports the thematic discussion of the 21st Session by presenting a synthesis of research findings as well as textual extracts of research from around the globe that feature new findings, compelling analyses or thought provoking recommendations.¹

Violence against Migrants, Migrant Workers, and their Families Themes and Research Extracts

I. Scope of Violence

Broad search terms were used to conduct our search, including migrant, immigrant, refugee, settler, émigré, emigrant, transient, foreign worker, alien, migrant worker, family of migrant workers, coupled with [violence, victimization, threats, harassment, hate] and [program, help, assistance, resources], in various languages, from 2000-2011. The accumulated literature on this topic is extensive. 'Violence' includes crimes against

¹ This research review was drafted by Rosemary Barberet and Diana Rodriguez, John Jay College of Criminal Justice, New York, USA. Contributors: Jay Albanese, Jana Arsovska, Yiset Borbon, Jan Fritz, Véronique Jaquier Erard, Aaron Fichtelberg, Pavlina Fidlerova, Diana Gordon, Pamela Irving Jackson, Ray Jureidini, Patricia Leuschner, William F. McDonald, Laura Negredo, Giorgio Ravagli, Malgorzata Sekowska, Staci Strobl, Yuliya Zabyelina. Research conducted for this review was funded in part by PSC CUNY Award # 64276-00 42.

the person as well as labor exploitation, intentional negligence, human trafficking, hate crime, xenophobia, discrimination and racism (as per ¶38 of the Salvador Declaration). Some common forms of violence repeatedly mentioned in the literature include: harassment, extortion, exploitation, discrimination, threats of and actual physical violence; gender-based violence against migrant women as well as within migrant families. Violence against migrants affects adults but also children, through forced labor exploitation or discrimination or abuse in social situations or in school.



Dominican Republic and Haiti: Petrozziello, A.J. & Wooding, B. (2011). *Fanm nan fwonyè, Fanm toupatou: Una Mirada a la Violencia Contra las Mujeres Migrantes Haitianas, en tránsito y desplazadas en la frontera dominico.haitiana* (Elías Piña/Belladère). Santo Domingo: Colectiva Mujer y Salud. “Las mujeres migrantes haitianas, así como desplazadas y las que están en tránsito en la zona fronteriza dominico-haitiana, se encuentran en situación especialmente vulnerable... hay altos niveles normalizados de violencia contra las mujeres, de varios tipos: violencia física, sexual, económica, verbal/psicológica, etc., y altos riesgos de tráfico ilícito de personas y trata, incluyendo la destinado al trabajo sexual forzado... [S]e ofrecen las siguientes recomendaciones a las organizaciones internacionales: seguir reforzando las capacidades de las organizaciones de la sociedad civil en su interlocución con las autoridades respecto a la temática de la violencia contra las mujeres migratorias; seguir apoyando los procesos de capacitación para las autoridades competentes en cuanto a su sensibilización, conocimientos y habilidades para enfrentar debidamente la violencia contra las mujeres migratorias; hacer valer sus redes internacionales para visibilizar en los medios la situación de las migrantes haitianas en la frontera dominico-haitiana ...” [Female migrants from Haiti, those that are displaced as well as those who are in transit to the border of the Dominican Republic and Haiti, find themselves in a situation which makes them especially vulnerable...there are high rates of violence against women in various forms: physical, sexual, economic, verbal/psychological, etc., and high rates of human trafficking, including the fate of being forced into sex work... [W]e offer the following recommendations for international organizations: continue to reinforce the capabilities of civil society organizations with their communication with the authorities in regards to the topic of violence against female migrants; continue to support the training of local authorities in terms of sensitivity, knowledge and skills to address violence against female migrants effectively; make use of international networks to increase the visibility of the plight of Haitian migrants on the border of the Dominican Republic and Haiti...]



Germany: Baier, D., Pfeiffer, C., Robolds, S., Simonson, J. & Kappes, C. (2010). *Kinder un Jugendliche in Deutschland: Gewalterfahrung, Integration, Medienkonsum* [Children and Juveniles in Germany: Violence, Integration, Media Consumption]. <http://www.kfn.de/versions/kfn/assets/fob109.pdf> “Von verbalen Attacken sind besonders afrikanische, türkische und asiatische Jugendliche betroffen, während nord- und südamerikanische sowie ost-, nord- und westeuropäische Schüler vergleichsweise selten solche Übergriffe erleben mussten. Körperlichen Angriffen sind besonders afrikanische Jugendliche ausgesetzt, gefolgt von den Schülern mit arabischer/nordamerikanischer Herkunft.” [African, Turkish and Asian Juveniles are particularly often affected by verbal attacks, whereas north and south Americans, as well as eastern, northern and western European juveniles are rarely affected by verbal attacks. African Juveniles are often exposed to physical assaults, followed by juveniles from an Arabic/north American background.]



Finland, Poland, Estonia: Jokinen, A. Ollus, N. & Aromaa, K. (Eds.) (2011). *Trafficking for forced labour and labour exploitation in Finland, Poland, and Estonia*. Helsinki: HEUNI. “The research clearly demonstrates that there are real connections and overlaps between exploitative labour conditions and trafficking for forced labour. However, drawing strict lines between these may be counterproductive, especially from the point of view of the victims. Regardless of how the victims’ experiences are defined by the criminal justice system, they have been victimized and should be helped.”

II. Risk Factors for Victimization by Violence

Available research shows some common findings and themes:

a. Denial of rights and irregular status, as well as economic and social marginalization, are related to risk for violent victimization of migrant workers and their families

Varia, N. (2011). Sweeping change? A review of recent reforms on protections for migrant domestic workers in Asia and the Middle East. *Canadian Journal of Women & the Law*, 23(1), 265-287. “Governments have been engaging in more rhetoric about protection of domestic migrant workers than significant reform. While there has been movement in several areas – for example, the formalization of working conditions in standard contracts and greater cooperation with civil society groups advocating for domestic workers’ rights – many of the underlying forms of discrimination and marginalization have yet to be addressed. This includes the recognition of nannies, housekeepers and babysitters working in private homes as workers and making domestic work subject to government intervention and protection at a level equal to other forms of labour.”





Turkey: Gülçür, L., & İlkaracan, P. (2002). The “Natasha” experience: Migrant sex workers from the former Soviet Union and Eastern Europe in Turkey. *Women's Studies International Forum*, 25(4), 411-421. “...our analyses and interviews indicate that women are frequently subjected to economic exploitation, harassment arbitrary detention, violence or the threat of violence- from police and the business infrastructure, as well as from clients and local community members. In addition, because of these risks and the ambiguity that surrounds their illegal status, the women must constantly negotiate and re-negotiate their needs and rights with these actors. An example of this is the frequent bribes to police officials in return for not being detained or deported...Moreover, substandard housing conditions and lack of rights even in the most simple of areas...compounds these stresses.”

b. Intolerance (including racism and xenophobia), exacerbated by political instability, is associated with higher rates of violence towards certain groups of migrant workers and their families.





Sweden: Bunar, N. (2007). Hate crimes against immigrants in Sweden and community responses. *American Behavioral Scientist*, 51(2), 166-181. “... here we encounter a paradoxical situation. To fight and prevent hate crimes, we educate, enlighten and inform victims, which is of course important. Meanwhile, we do not educate, enlighten and inform communities where negative attitudes and prejudices against immigrants are being fostered and occasionally put into practice by some of its members in the form of hate crimes. Hate crimes (except for the most serious ones) have firmly remained solely a problem for its victims and bureaucrats dealing with immigrants and their predicaments.”

 **Australia:** Casimiro, S., Hancock, P. & Northcote, J. (2007). Isolation and insecurity: Resettlement issues among Muslim refugee women in Perth, Western Australia. *Australian Journal of Social Issues*, 42(1), 55-69. “In particular, the issue of racism and discrimination as a settlement barrier needs to be thoroughly addressed. ... this study has highlighted the ways that such tensions have affected the settlement process for Muslim refugee women. Research is urgently needed on whether such discrimination has undermined equitable access to Government agencies and programs for Muslim refugee groups, as well as other important institutions such as the workplace... Future research should examine the lack of consistency and uniformity as well as the enforceable legal protection for acts of discrimination or vilification based on religion.”

 Landau, L. B., Segatti A., Misago, J. P., Ngwato, T. P., Monson, T., & Vigneswaran, D. (2011). *Exorcising the Demons Within: Xenophobia, Violence, and Statecraft in Contemporary South Africa*. Johannesburg: Wits University Press. “Reflecting the by-products of the South African state’s efforts to guide its citizens to salvation through economic transformation, outsiders have come to be understood as a threatening obstacle to achieving justice and retribution for decades of degradation and indignity... a deep suspicion of those who move – particularly those moving to urban areas – continues to infuse official and popular discourse.”

- c. Impunity towards perpetrators of violence against migrants, migrant workers and their families, coupled with the fear felt by victims for reporting these crimes, means that it is difficult to establish the characteristics of offenders: these characteristics include native born persons, employers, other migrants (especially in the case of domestic violence), organized criminal groups as well as, in some contexts, corrupt or discriminatory State actors.**

 **China:** Pun, N. & Lu, H. (2010). A culture of violence: The labor subcontracting system and collective action by construction workers in post-Socialist China. *China Journal*, 64, 143-158. “The rapid development of the industry has enabled a highly exploitative labor subcontracting system to emerge. This labor system includes two processes: the rapid commodification of labor through non-industrial social relations organized by a quasi-labor market in the rural villages; and the expropriation of labor during the production process of the construction sector in urban areas. These two processes shape a labor subcontracting system that is specific to reform-era China, resulting in a never-ending process of wage arrears and the struggle of construction workers to pursue delayed wages in various ways, often involving violent collective actions.”

 **Thailand:** Chaiyanukij, C. (2004). Violence against women migrant workers in Thailand. *Journal of the Medical Association of Thailand Chotmaihet Thangphaet*, 87 Suppl 3S223-S226. “More than one hundred thousand women illegal migrant workers work in Thailand. They come from countries in the Mekong Sub-region namely Myanmar, Lao PDR Cambodia, Vietnam, and China (Yunnan province). As they come illegally and have low levels of education and working skills, they are vulnerable to exploitation, abuse or face violence. In general, they work in small factories, domestic work, and restaurants. They are forced into begging, prostitution, or work in slavery-like conditions.”





Mexico: Diaz, G. & Kuhner, G. (2007). *Globalización, Seguridad Internacional y Seguridad Humana: Experiencias de las Mujeres Migrantes Detenidas en México*. [Globalization, International Security and Human Security: Experiences of Migrant Women Detained in Mexico]. <http://www.migrationinformation.org/Feature/display.cfm?ID=648>
“En total, 43 por ciento de las mujeres dijo que había sido víctima de extorsión en México. En el caso de las centroamericanas, esta cifra se incrementa a más de la mitad. Las principales autoridades que las extorsionaron fueron la policía de caminos, policías municipales y agentes del INM. A su vez, muchas mujeres fueron forzadas a dar dinero a la población civil, entre los que destacan conductores de taxi y autobuses, quienes exigieron un pago bajo la amenaza de denunciarlas a las autoridades.” [43% of the women said they have been victims of extortion in Mexico. In the case of Central American women, this number increased to more than half. The main officials who extorted money from them were highway police, municipal police, and INM agents. Many women were also forced to give money to civilians, including taxi and bus drivers who would demand a payment or threaten to report them to the authorities.]





Ukraine and Czech Republic: Nekorjak, M. (2009). Klientický systém a ukrajinská pracovní migrace Do České republiky. Multikulturní Centrum Praha. [Client System and Ukrainian Work Migration to the Czech Republic.] Retrieved from: http://aa.ecn.cz/img_upload/224c0704b7b7746e8a07df9a8b20c098/MNekorjak_KlientskySystemAUkrajinskaPracovniMigrace_1.pdf "Tvrdějším prostředkem disciplinace zaměstnanců ze strany „klientů“ je vyhrožování násilím. Akt násilí mají na starost specializovaní bijci z řad mafie. Takový postup volí někteří „klienti“ v případě, když jim hrozí nepředvídaný odchod zaměstnanců. Zaměstnanci buď chtějí odejít k jinému „klientovi“, nebo se chtějí z klientského systému vyvázat a uplatnit se na českém pracovním trhu samostatně, anebo se chtějí vrátit domů. Pro „klienta“ to znamená (zejména když má dostatek zakázek a málo pracovníků), že je ohrožen jeho vlastní zisk, ale také jeho pověst spolehlivého dodavatele pracovní síly. Druhým nedobrovolným způsobem připoutání pracovníka ke „klientovi“ je trvalé zadržení pasu. Pasy musí „klient“ odebrat, pokud má na úřadech vyřizovat potřebná povolení, takže prevence proti takovému triku je obtížná." [A tougher manner of disciplining employers utilized by 'clients' is threat of violence. Violence itself would be done by specialized members of the mafia. Some 'clients' retreat to violence when facing an unexpected efflux of workers. Employees either want to switch their 'client' or they want to leave the client system completely and start off on the Czech job market as individuals or they want to return to their country of origin. This means that the 'client's' profit is at stake (especially when having plenty of contracts available but being low on workers) as is his good name (as a reliable supplier of work force). Another way of exploiting workers by the 'clients' would be passport confiscation. The 'Client' needs the worker's passport if he is to take care of all official paperwork and permits, and so preventing such a trick can be very difficult.]

- d. Health and welfare needs: Criminal justice, social welfare, labor, health and educational institutions that are not sensitive to the particular needs of migrants, migrant workers and their families are more likely to be negligent in providing effective services, which can result in violent victimization.**


 **Egypt:** Jureidini, R. (2009). Irregular workers in Egypt: Migrant and refugee domestic workers. *International Journal on Multicultural Studies* 11(1), 75-90. "...the kafala system of sponsorship found in most other Arab states does not operate in Egypt. This is a major factor in the non-criminalization of migrant workers... Importantly also, the government has stipulated that migrant workers are not placed into detention for visa violations... The large majority of domestic workers in [our] survey did not report abuse, but a significant number did... The information from the survey suggests a need for regulation and legal protection of employees in the domestic sphere. There is no doubt that lack of protection of the law contributes to making migrant and refugee as well as Egyptian domestic workers vulnerable to exploitation and abuse..."


 **Switzerland:** von Grunigen, R., Perren, S., Nagele, C., & Alasker, F. D. (2010). Immigrant children's peer acceptance and victimization in kindergarten: The role of local language competence. *British Journal of Developmental Psychology*, 28, 679-797. "As an intervention protecting against low peer acceptance and victimization we suggest improving the local language competence of immigrant children... In addition to reducing vulnerabilities of potential victims, it is also important to consider the role of the peer group and classroom context. Specifically, children should be educated to be more open towards diversity and cultural differences in order to improve their readiness to integrate immigrant children into their peer group."

 **Poland:** Mikulska, A. (2010). Rasizm w Polsce. Raport z badań wśród osób, które doświadczyły przemocy ze względu na swoje pochodzenie etniczne, rasowe lub narodowe. Retrieved from http://www.hfhrpol.waw.pl/pliki/HFPC_Rasizm_w_Polsce.pdf [Racism in Poland. Report from a study of people who experienced violence based on their ethnic, racial or national origin] "Zachowania naszych rozmówców wobec zdarzenia o charakterze rasistowskim wskazują na istnienie wśród nich dwóch głównych postaw: aktywne dochodzenie swoich praw lub pozostawienie sprawy w kręgu najbliższych. W przypadku pierwszej postawy osoby poszkodowane zgłaszają sprawę policji, zawiadamiają organizacje pozarządowe, ambasadę, czasem media. Uważają, że zachowania rasistowskie są absolutnie niedopuszczalne, wyrażają również swoje zdziwienie, że w ogóle w Polsce do nich dochodzi. Postawa ta jest widoczna głównie wśród osób, które przyjechały do Polski z innych krajów europejskich. Z kolei osoby, które nie zawiadamiły nikogo o rasistowskim incydencie, cechuje niewiara w skuteczność zgłoszenia go organom ścigania, ukształtowana na podstawie doświadczeń kontaktu z policją w kraju pochodzenia lub w Polsce, przy czym w tym drugim przypadku były to zarówno doświadczenia własne, jak i przeżycia osób znajomych. Nasi respondenci obawiają się też ewentualnych kłopotów, jakie mogą wyniknąć z takiego zgłoszenia." [The reactions of our respondents towards the racist incidents indicate two main attitudes: active seeking of their rights or keeping the issue with the closest relatives. In the case of the first attitude, the victims report the case to the police, inform non-governmental organizations, embassies and sometimes media. They think that racist behaviors are absolutely unacceptable. They are also very surprised that they happen in Poland at all. This attitude is mainly visible among people who came to Poland from European countries. On the other hand, respondents who did not report the racist incident to anybody do not believe in effectiveness of reporting it to legal authorities, based on their own experiences with contacting the police or experiences of their acquaintances. Our respondents are also afraid of potential problems that can result from such a report.]

 **United States:** Guerette, R.T. (2007). Immigration policy, border security and migrant deaths: An impact evaluation of life-saving efforts under the border safety initiative. *Criminology and Public Policy*, 6(2), 245-266. “In the past, the Border patrol has been oppositional to those groups providing humanitarian assistance to migrants in distress. Some have even been prosecuted for federal immigration crimes. Yet, it would better serve the Border Patrol to form alliances with such groups, and work in concert with them rather than criminalizing their actions. Doing so would provide the benefit of acting as a force multiplier for the government’s life-saving campaign and would assist in fostering better community acceptance of the Border patrol, as least among those sympathetic to the illegal migrant... this study does provide evidence that some of the life-saving efforts undertaken by the U.S. Border Patrol have been worthwhile. Continued refinement of life-saving practice may not eliminate all deaths, but it is better than no action at all and the obligation to improve life-saving practice falls with government.”

e. Violent victimization occurs at high rates at the workplace for migrant workers, and there are also high prevalence rates of domestic violence within some migrant families.

 **Russian Federation:** Тюрюканова, Е. (2005). Социально-экономический и криминогенный эффекты современной миграции в мегаполисах России (пример Москвы и Санкт Петербурга). http://traccc.gmu.edu/pdfs/publications/human_trafficking_publications/tiuriu01.pdf [Tyuryukanova E. (2005) *Social, Economic, and Criminal Effects of Migration in Russian Megalopolises*, TRACCC, Washington D.C.]“Помимо рыночной торговли самая распространенная сфера мигрантской занятости – строительные работы. В строительной индустрии часто используется "передача" рабочих целыми бригадами после окончания строительства объекта от одного работодателя к другому за определенное вознаграждение. При этом документы рабочих, которые часто "хранятся" у работодателя, могут передаваться от старого "хозяина" к "новому", даже не попадая в руки рабочих. Само по себе изъятие документов является распространенным механизмом эксплуатации и сохранения контроля над работником. В строительстве почти треть рабочих не имеют паспорта на руках. Работник-мигрант, таким образом, лишается права свободного выбора работы и работодателя.” [Another form of exploitation of migrant workers is construction labor. In the construction sector, the strategy of “transferring” brigades of workers on completion of a particular order from one employer to another. What is an important element of such ‘transfers’ is that the passports of workers are ‘kept’ by the employer. The very act when identity documentation is taken away from their owners is a typical violation of migrant workers’ rights and a distinctive mechanism of exploitation. Up to one third of migrant construction workers do not possess identity documents in hands. There, a migrant worker without any proof of his identity is left without the free choice to choose his employers and the type of activities he is going to do.]


 **Canada:** Tyyskä, V. (2009). Families and Violence in Punjabi and Tamil communities in Toronto. Working Paper No. 74, CERIS. <http://www.ceris.metropolis.net>. “Although many of the reasons for family violence in the Punjabi and Tamil communities are similar to those ... for the North American mainstream, specific aspects ... require attention, primarily the extended family structure and associated relationships patterns and expectations... Overall, interventions need to go beyond the standard North American nuclear-family model, and take a more holistic approach in family therapy and programs, involving whole families rather than individuals or couples.”

III. Research Gaps

The obstacles to presenting well rounded findings are that there is:

- a) More research on victims than on perpetrators;
- b) Less research on men than on women;
- c) Less research on families than on individuals. Research on children as family members is focused more on access to health care (including mental health) than on violent victimization;
- d) Less research on migrants than on immigrants, and less research on violence in the country of origin or in the migratory process than at destination;
- e) Little literature on prosecution/criminal justice effectiveness regarding perpetrators;
- f) Little evaluation literature on prevention programs/legislation/policy, particularly victim or offender treatment programs, or on repatriation of victimized migrant workers;
- g) More than one geographical gap. There is little information for Africa, Latin America/Caribbean or Australia). Despite a boom in the literature during the 1980s and 1990s, there exists a dearth of recent literature although a resurgence of interest is evident for 2010+.
- h) Little available as a cross-national source of comparative quantitative data.

Given the current state of knowledge about violence against migrants, migrant workers and their families, Member States need to invest in domestic and cross-national research efforts in order to be able to plan appropriate interventions.

 **Italy:** Capuano, R. G. (2011). Immigrants as victims of crime in Italy: An exploratory study. LAP LAMBERT. “La popolazione immigrata rappresenta un gruppo di persone con cui è difficile entrare in contatto e vari ostacoli statistici e metodologici limitano l’attuale ricerca criminologica e vittimologica al riguardo. In particolare, dallo studio condotto emerge la necessità di disporre di nuove e più dettagliate fonti di informazione in grado di integrarsi a più obsolete ed il bisogno di ricorrere all’adozione di criteri innovativi. Uno di questi criteri riguarda i luoghi di contatto tra ricercatori ed immigrati, i quali non dovrebbero essere i siti in cui questi ultimi vivono, ma bensì i loro luoghi di aggregazione, indipendentemente dai motivi per cui ciò avviene. In aggiunta, vi è la necessità di disporre di intervistatori qualificati, flessibili e capaci di adattarsi a differenti occorrenze e stili di vita. La cognizione della popolazione immigrata riguardo a ciò che rappresenta ‘crimine’ e la consapevolezza circa i diritti di cui dispone non dovrebbero mai essere assunte a priori. Inoltre, particolare attenzione andrebbe prestata in riferimento alle diverse percezioni di sicurezza riportate.”[Immigrants are a ‘hard-to-reach’ group and various statistical and methodological limitations affect current criminological and victimization research on the topic. Particularly, what seems apparent from this study is that new, more comprehensive sources of information should complement the old ones and that innovative inspiring principles should be adopted. One such principle is that the researcher should reach immigrants not where they live, but where they turn to and get together for various reasons. Furthermore, interviewers need to be trained, flexible and adapt to different needs and lifestyles. Crime and rights awareness should never be taken for granted and particular attention should also be paid to safety perception.]