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Version: Version of Record

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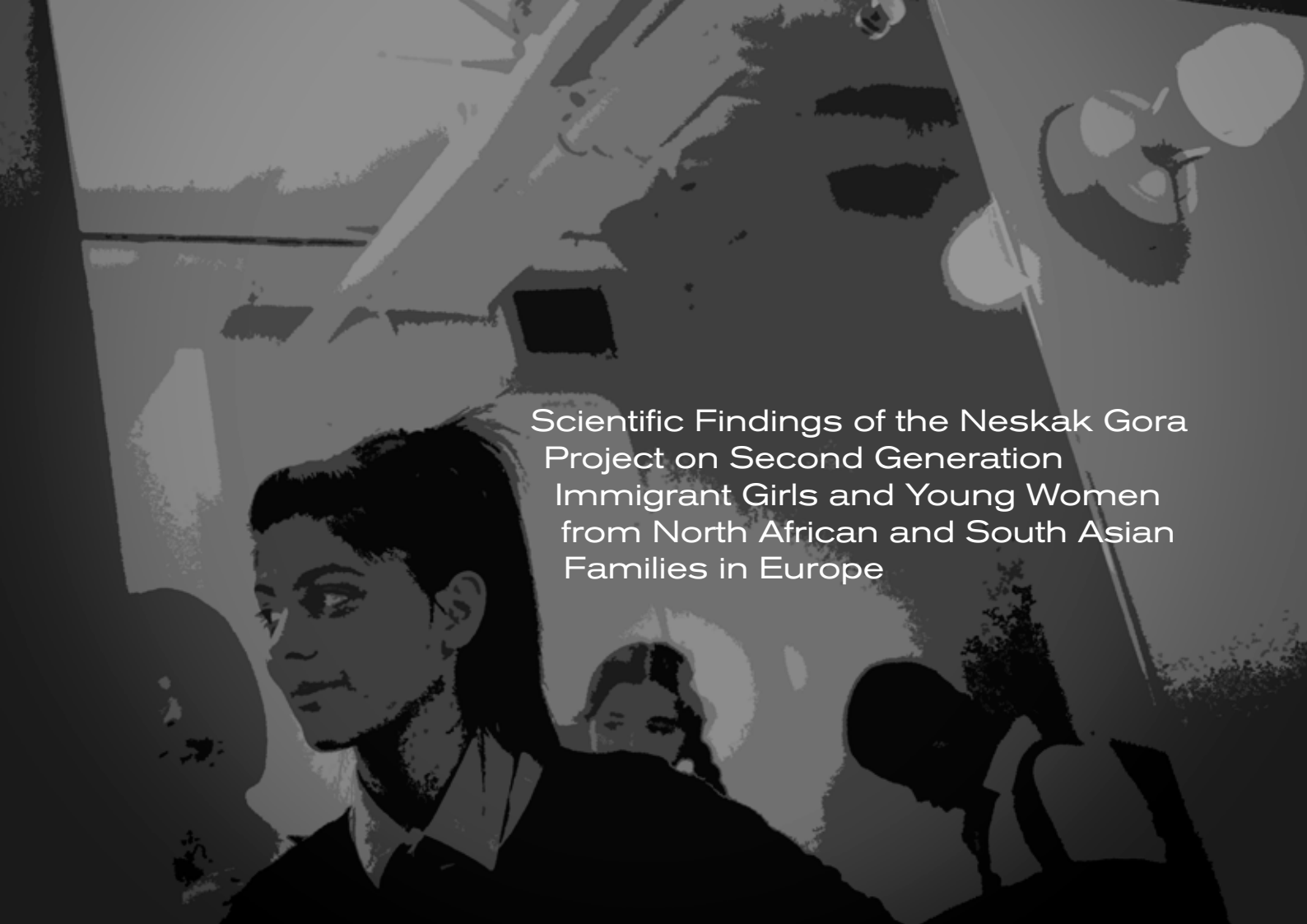
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Scientific Findings of the Neskak Gora  
Project on Second Generation  
Immigrant Girls and Young Women  
from North African and South Asian  
Families in Europe



This publication has been co-financed by the European Commission under its DAPHNE III Programme, which supports actions to combat all types of violence against children, young people and women in Europe and all aspects of this phenomenon (violence in the family, violence in schools and other establishments, violence at work, commercial sexual exploitation, genital mutation, health repercussions, trafficking in human beings, rehabilitation of perpetrators etc.).

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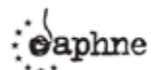
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Published in 2011



European Union



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## The prevention of violence/discrimination against second generation adolescent girls and young women from families of North African and South Asian<sup>1</sup> origin: An overview

*M<sup>e</sup> Angeles (Maggy) Barrère Umzueta*

### Preliminaries

This paper has been created with a two-fold purpose, in the sense that it is intended as an introductory reflection on and conclusion of the project. It is actually a kind of explanation that has been made on an individual basis, but also stems from the privileged position of having been involved as its coordinator.

Embarking from a brief reference of the issues in question to matters such as the general hypotheses of the subject being dealt with, the justification of the cases which have been chosen for analysis, or the reconstruction of the data which have been supplying the investigation, it's main objective lies in providing some proposals concerning the policies of the EU that will help to improve the protection of the rights of those in our target group<sup>2</sup>.

### Initial approach

Several organisations involved in defending Human rights have come forward demonstrating that the 2GG is in a specifically vulnerable situation. The cases labelled as “honour crimes” or “forced marriages” (including the expatriation of the 2GG to their families countries of origin), the compulsory wearing of the veil and the restrictions on wearing the of the veil, doing sports and attending sex education classes, etc. were the most common when brought to light by the media but others are beginning to become noticed too. It is also felt that a polarized vision of certain crimes could obscure other parts of the violence/discrimination<sup>3</sup> not always originating from the families and communities of origin. It is in short, avoiding a possible reductionist and homogenizing impression of the 2GG experiences of violence/discrimination. The main interest of the investigation was therefore to identify and draw attention to uncertain boundaries, at times hidden and in any case, complex.

### The fields chosen for the study

In order to find a true picture of the situation, in the case of adolescents from the ages of 12 to 17 years old, we chose to focus on their situation in school, while in the case of young people from the age of 18 to 21 years of age, we decided to focus on their access to the labour market.

project, however, this identification has been useful and, above all, has been legitimized in both the young women interviewed have acknowledged their problems through it.

3 In a later section it shall be explained why these two terms are linked.

The first choice had the advantage of providing access to target groups and to sources of information such as peers, teachers and policy-makers and was also an ideal location for the outcome of our project: prevention.

The second choice was particularly important given that the supranational interests of the EU in matters of employment and their tradition in these cases to promote equal treatment and non-discrimination in the workplace.

### The analysis of data

The interpretation of data is never a risk-free operation. On the other hand, theoretical reconstruction inevitably emerges from the background of who so ever performs it. Based on these assumptions, the first reading from the data collected is that the problem of violence/discrimination in our target group is the result of crossing several axes.

Thus, although it is the key way in which the norms and stereotypes of sex-gender system are embedded in family, cultural and religious traditions, it is equally true that within these experiences our target group encounters no shortage of stereotypes concerning people of the Islamic religion and of all immigrants who come to Europe in search of work.

In fact, giving voice to the 2GG has served to indicate that many of their problems stem from having to deal with stereotypes of all kinds, whose many forms converge and inter-relate in the European context, making situations of violence/discrimination acquire specific overtones.

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4 There are different ways of thinking about intersectionality. One is that which postulates the deconstruction of the categories that divide society by gender, race, class, sexual orientation, etc. From this perspective, eliminate systemic categories would be the only way to remove the power systems. Another approach (as adopted here) is that of which supports the need for such categories, both to understand the social experience of subordination (other than the mere discrimination, precisely because of its link to power systems) and for combat, does not preclude taking the limitations of using such categories systemic separately.

In this sense, there are many situations that young people live in and experience which produce a conflict of identities and loyalties: while life within their families and their communities of origin leads them to behave according to certain gender stereotypes which may not be their own, out of their families and communities of origin they perceive (and have) other stereotypes associated with Islam and with their immigrant families' origin that they do not want to reinforce either. Stereotypes of two types also fed the violence/discrimination faced by young people while looking for their own home or a job. The case of the veil results paradigmatic: while its use marks respect in the family and community, it limits their opportunities in the labour market.

### The intersectional perspective based on the sex-gender system

The intervention on normative stereotypes appears, therefore crucial, when preventing the problems addressed. However, this intervention should stay aware that these are the stereotypes that feed power systems (mainly sex-gender system, class and race, but which also involve nationality, religion, sexuality, etc.). And these do not exist and function alone, but intersect with each other in complex ways<sup>4</sup>. Still, by focusing on the research project the problem of our target group is already part of the consideration that there is a system that affects the determinant: the sex-gender system<sup>5</sup>. In other words, it is assumed that these young people suffer violence/discrimination as women or, more explicitly, what it means to be socially identified as such.

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5 One can say that theorizing about patriarchy and the sex-gender system (second-wave feminism) begins with the work of Simone de Beauvoir *The Second Sex* (1949). It shows that the traditional characterization of what it means to be “woman” (natural aptitude for the care, coquetry, frivolity and submission, etc.), is not natural but a social product that puts the women in a situation of dependence which always highlight its position in relation to the family (as daughter, wife, mother, sister, etc.).

From here, the intersectional approach would operate as a kaleidoscope through which the sex-gender is combined with other systemic axes giving rise to a multitude of instantaneous snapshots of violence and discrimination. Our target group is a subset (although heterogeneous) of women because, in addition to these, they are young, and are linked to the phenomenon of immigration (usually for economic reasons or class) and also with a skin colour, culture, language and religion of origin that have nothing to do with the dominant country in which they live. In this way, if something makes it clear the intersectional perspective is that violence and discrimination of these girls can be addressed only questioning sex-gender system, but also those who harbour or lead to classism, racism, xenophobia, etc.

### Stereotypes and the binomial violence - discrimination in the legal conceptualization

One of the most relevant aspects of which it has served the investigation has to do with the questioning of separating violence discrimination as it is made in the legal traditional usage.

The concept of “discrimination against women” most globally widespread is the one referred to in the *Convention on the Elimination of All Forms of Discrimination against Women*, approved in The United Nations in 1979 (CEDAW). According to the CEDAW (article 1), the term “discrimination against women” shall mean “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise

by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field”.

In this concept violence is not expressly mentioned however, the CEDAW Committee, in its *Recommendation No. 19* (1992) expressly states that: “Violence against women is a form of discrimination (which seriously inhibits the enjoyment of rights and freedoms on an equal footing with men) “. It also states that: “The Committee concluded that the reports of States parties do not adequately reflect the close connection between discrimination against women, violence against them, and violations of human rights and fundamental freedoms” (paragraph 4, emphasis added).

In addition the recommendation of this committee is reflected in the *Declaration Elimination of Violence against women* (1993). Under article 1 of this text: “the term ‘violence against women’ means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”.

Thus, although it was necessary to take some time and solve some reservations, according to international standards, there is no systematic difference in meaning between a discriminatory treatment against women and violent treatment against women. It is not necessary in this context the occurrence of an attack on physical integrity enables you can talk about violence, in the same way as one cannot speak of

involving violence without discrimination. They are so to speak, two sides of the same coin. In so-called honour crimes, forced marriages or the phenomenon of the lover-boys (to mention only some of the practices that affect our target group), sets the emphasis on violence because it is a way of recourse against such acts, considered particularly “serious”, a type of punishment of a criminal nature, but that does not also mean they are not discriminatory acts or, if you will, acts that not only find their meaning in a system of oppression, but also act as feed.

As an example of the opposite sign, the statistics confirm that in Europe women earn less than men for equal work or work of equal value and this, according to Community legislation, is discriminatory. Is this not a common practice, based on the inferiority of women, which “damages” them? It is also known in Europe feminization of certain jobs related to care giving tasks, which provide lower pay and social status than others of the same level but masculinized. This obviously damages all the girls but also when a veiled Muslim young women wanted to be a nurse (i.e., midwife) she was excluded from the selection for not agreeing to remove it, which results in her having been treated even worse than the girls to who the feminization of work is harming. Is this not “damaging” to 2GG? In short, the connection between discrimination against women and violence against women is necessary, not only at a philosophical level, but also at a pragmatic level. You cannot expect to tackle discrimination without acting on violence, and, vice versa, to act on violence also means to act against discrimination.

In fact, this is what allows that action to combat the phenomenon of violence and discrimination and it is essential to act against stereotypes, which feed it. So it is clear that those who have it are those have contributed to the development of the CEDAW, a text that in its section 5 obliges States Parties to take appropriate measures to “modify the

social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices, customary laws and all other practices which are based on the idea of the inferiority or superiority of either of the sexes or on stereotyped roles for men and women.”

### The EU policy in the case of violence/ discrimination of 2GG

In 1957 it was approved, on the source of what is now the European Union law, the first decree regarding the equality between men and women. Specifically, Section 119 of the *Treaty of Rome* (1957), establishing the (then) European Economic Community, had the duty of every State to ensure the implementation of the “principle of equal pay between male and female workers for equal work.”

In the seventies, coinciding with the rise of the mobilization of women around the world, in addition to the CEDAW at an international level, a number of directives were approved in Europe aimed at ensuring equal treatment of women and the improvement their situation in the labour market. Of them the Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions is outstanding, in which it is defined for the first time the concept of discrimination, which, in general, has remained with us until today<sup>7</sup>. Under this scheme, equal treatment is identified with the absence of direct or indirect discrimination, but the discrimination is conceptualized as a bilateral basis, i.e. as if it were a phenomenon that affects both men and women and, therefore, without providing its connection with the sex-gender system<sup>8</sup>.

The importance given to this concept is reflected in that has been

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6 And the second article of this publication presents the spectrum of acts (though not exclusive) that form part of the concept, by specifying both the types of violence (physical, sexual and psychological) as well as the areas where they can be expressed (family, community and State):

“Violence against women shall be understood to encompass, but not be limited to, the following:

(a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female

genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;

(b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;

(c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.”

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7 This directive, along with one from 2002 has been recast in Directive 2006/54/EC which aims to ensure that the principle of equal opportunities and equal treatment applies to both for men and women.

8 The exception would be the admission of affirmative action as non-discriminatory.

collected in the most important anti-discrimination directives of the last decade, among which include the Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin which is intended to lay down a framework for combating discrimination on the grounds of racial or ethnic origin, Council Directive 2000/78/EC of the 27 November 2000 establishing a general framework for equal treatment in employment and occupation, which is intended to lay down a general framework for combating discrimination on the grounds of religion or belief, disability, age or sexual orientation as regards employment and occupation<sup>9</sup>, and the Council Directive 2004/113/EC implementing the principle of equal treatment between women and men in the access to and supply of goods and services, which is intended to lay down a framework for combating discrimination based on sex in access to and supply of goods and services.

Nevertheless between these and Directive 76/207 there are at least two significant differences in relation to the points raised above. One is that in the Directives of the year 2000 harassment (plain and clear) is classified as discrimination and the same thing in 2006 (with harassment as well as sexual harassment). But, why is it discrimination and not violence? For something different to the type of penalty provided? The other is that paragraph 14 of the 2000/43/EC recognizes that “often,

women are victims of multiple discrimination,” a recognition, however, that has not further conceptual development<sup>10</sup>.

In turn, the European Parliament has its particular battle for a new EU framework for combating violence against women. Among the latest regulations is the Resolution of April 5, 2011<sup>11</sup>, in which specific reference is also made to behaviour found in our target group identified as “honour crimes” (section 3) and “honour killings” (section 18), but designating them as violence, that is, as criminal behaviour to which they apply criminal sanctions<sup>12</sup>.

In brief, Council Directives listed as the Parliament Resolution undoubtedly show the concern of the EU to design regulations and policies which may include the practices of violence/discrimination of our target group. However, these regulations: 1) artificially separate the violence from discrimination, as if they were a phenomena that require equally spaced rules and policies; and 2) do not address multiple discrimination conceptually, which poses hypothetical demands of our target group based in such legislation requires artificially fragmenting, alternatively (or by racial or ethnic origin, or sex, gender or age, religion, sexual orientation, disability, etc.<sup>13</sup>).

Among the consequences associated with the first issue is the invisibility of the indivisible conceptual phenomenon of violence/

discrimination against women and among those related to the second, the lack of a consistent policy towards the 2GG, with vulnerability to violence and intersectional discrimination that-being at the root.

However, the main shortcoming of these regulations and, in general, of the EU anti-discrimination policies is the lack of a systemic view of violence and sex-gender discrimination that has already been mentioned. The idea of a system, introduced by the feminism of the seventies, is determining to the extent of enabling one to read and interpret the violence/discrimination in all major structures or social spheres, including the family, cultural traditions, religion, sexuality, advertising, school, state, etc.

Attributable to this lack of recognition of sex-gender system is the lack of a specific development and cross-section of article 5 of the CEDAW mentioned above, in which the United Nations General Assembly requires States Parties to take action against prejudice and stereotypes of gender and in which the EU could promote as a common policy. Normative stereotypes are regulatory structures that feed off violence and discrimination so in determining both the existence of sex-gender system itself or, in the terms of Bourdieu, the habitus. Those are the ones that make women vulnerable. It is not enough, in this circumstance to seek criminal prosecutions against honour crimes. Moreover, the genuine criminal proceedings has no real preventive efficacy if no impact is made on stereotyping and women's role as a repository of family honour and, moreover, the cultural and religious identity of the family and their community of origin, stereotyping and a role that specifically affects 2GG and is also behind the violence exerted against the school by their brothers or younger members of their community.

Following the amendments introduced by the Lisbon Treaty (inforced since December 1, 2009), the now Treaty of the Functioning of the European Union, article 8 states that “In all their actions, the Union shall aim to eliminate inequalities between men and women and promote equality”. In turn, Article 19 specifically empowers the

Community to combat discrimination based on sex, race or ethnic origin, religion or belief, disability, age or sexual orientations.

The combining of rules is often a sensitive issue especially whilst relating to equality between men and women of Article 8 and taking action to combat discrimination on the grounds mentioned in Article 19. In any case, the Charter of Fundamental Rights of the European Union is clear in Article 23: “Equality between men and women must be ensured in all areas, including employment, work and pay.” Well, if it is in all areas, neither the school, nor the family or the community of origin can be left out. In fact, these are the areas most conducive to the cultivation and naturalization of stereotypes and prejudices and, in the same measure, in the greatest need of preventive measures.

In short, a policy of prevention of violence/discrimination against 2GG must go in two directions. The first direction must lead to the visualization of power systems, or that is to the eradication of stereotypes according to which violence/discrimination is used, whether those related to honour (in the family and the community of origin), including those relating to immigration, skin colour, Islam, etc. (in school and in civil society in general). The second has to do with the need to conceptualize intersectional discrimination normative and reflect this conceptualization also proceeding to the intersection of antidiscrimination regulations. In either case, however, it has to be taking into account the weight of sex-gender system and the laws on rights of immigrants -in our case- including those of the second generation. Regarding the latter issue, it is desirable that the European Union ratified the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families, Approved by the United Nations in 1990 and which entered into force in 2003.



9 While there is a Proposal for a Council Directive of 2 July 2008 on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation outside the employment context.

10 Which is not to say that the issue does not concern the European Commission. Vid. in this regard the European Commission's publication Tackling Multiple Discrimination. Practices, Policies and Laws (2007).

11 European Parliament Resolution on Priorities and outline of a new EU policy framework to fight Violence Against Women (2010/2209 (INI))

12 In this sense, the EU resolution deviates from the approach adopted by the Council of Europe in such contemporary documents as the Convention on Preventing and Combating Violence Against Women and Domestic Violence, adopted by the Committee of Ministers on 7th of

April, 2011. So much so that in Article 3, paragraph (a) of this Convention, following the precedent of the UN rules, the following definition is specified: “Violence against women” is understood as a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats or such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”.

13 Nor are they included among potential multiple points of views on discrimination economic status (class) or the legal status resulting from immigration. In this latter regard, neither the EU nor its member States have ratified the International Convention on the Protection of the rights of All Migrant Workers and Members of Their Families, adopted in 1990 and entered into force in 2003.

## Preventing violence and discrimination against second generation migrant girls and young women from North Africa and South Asia: the legal perspective

*Dolores Morondo Taramundi*

### Introduction

Adolescent girls and young women belonging to the second generation of immigration flows to Europe are often depicted as a “bridge” between their families and communities and the European societies where they grow. Coinciding assumptions and expectations about the family-oriented and home-based role of women, both in European societies and communities of origin, help sustain this image. However, as explained a long time ago now by Black feminists in the USA, “this bridge called my back” is usually the place where issues of gender, race, ethnicity, religion and power intersect.

Such intersection, such personal positioning, is more often than not invisible to the disembodied subject of legal norms, even to those norms that should look squarely in the eye at these issues, such as anti-discrimination laws. The positioning and experience of these women risk then to be diluted in what they share with others or be reduced to emblematic issues, issues in which they stand for something else, like a flag or a symbol.

The legal positioning of these women is certainly affected by what they share with others. They are concerned by laws on naturalisation and citizenship increasingly seen as part and parcel of immigration control policies which make their status legally uncertain, bureaucratically steep and with cumbersome repercussions on family life, as Strasbourg and domestic case-law show. They are concerned by immigration laws and policies, ever more paradoxical, insisting on assimilation as a proof of or in order to access integration and, at the same time, pushing towards marginalisation and stigmatisation of immigrants. They are concerned by gender equality and anti-discrimination laws and policies, though the protection that these might afford is sometimes contradictory with and too often not mainstreamed into immigration or public security policies, as the European Women Lobby has lately recalled. They are concerned by solidarity, social integration and social inclusion questions and policies but, as in the case of other groups, their dependence on these policies is increased by public policies on immigration, education, labour market access and working conditions, access to social services; that is, by every other policy where their being immigrants or “ethnic background” hinders equal opportunity or even access. The duplicity of integration policies emerges in full in the open letter with which the winner of the Danish Ministry of Integration Affairs’ integration award, Nahid Yazdanyar, refused it. In her statement, she points out to the policy ideological weakness which hampers integration at its very foundations: immigrants are branded as a group of useless people whose sole purpose is to defraud society. They should therefore be punished and kicked out of the country.

During the last decade, political discourse and media alike have systematically depicted immigrants (and particularly immigrants with families) as a security problem and a source of social problems, their families as social services and social benefits parasites, their design that of reproducing their own (incompatible and unacceptable) lifestyles and social structures in Europe by outnumbering birth-rates and family reunification mechanisms. In the construction of these stereotypes, women and the role of women has played a fundamental role both as an argument and as a rhetorical mechanism. The legal positioning of second generation women has then been affected by those issues where they are constructed as a symbol for something else, as in the numerous norms and proposals in different European countries regarding the Islamic veil.

Thus the intersections that define the legal positioning of these women might produce multiple variations and have both practical and symbolic contexts. However, and notwithstanding its usefulness as a tool to describe and analyse the experience of groups that would otherwise remain unseen, intersectionality does not show clear benefits as a legal instrument. It might lead either to an endless fragmentation of protected categories, with the related hazard of political competition among discriminated groups, or to the selection of main axes, which will inevitably fail to identify the almost infinite variations of the intersections and create stereotypes instead. Differences and inequalities are not all the same, they do not work in the same way and different legal instruments might be called for. For the moment being, existing legal instruments, such as gender mainstreaming, have not been seriously applied. Legal mechanisms aimed at protection do not necessarily empower subjects (one can be an object of protection), and used against the background of normative stereotypes they will certainly not weaken patriarchal or racist power structures (either those in European societies or brought with them by migrant communities). For these women, like for all women and many men in different oppressed groups, the law should offer both emancipation mechanisms and anti-discrimination tools against discriminatory

practices and stereotypes with a common goal of increasing personal autonomy and dismantling oppressing power structures.

### Annex: Legal briefs on violence and discrimination against second generation migrant girls and young women in the countries under assessment

The expression “second generation” has become quite popular among social researchers and immigrants’ children associations. Yet there is not a single, clear-cut definition and, though there is growing awareness among policy-makers on the importance and the role of these groups in the integration of immigrants, they certainly do not constitute a distinct category when it comes to laws and policies. Therefore, the legal position of second generation girls is created mainly by the intersection of norms that they share with other (wider) categories.

#### 1. International and EU frameworks

##### *Legal status*

The legal status of 2G girls in Europe depends on domestic legislation and therefore it varies greatly in the different countries under assessment. It depends on the intersection of nationality and immigration laws, thus creating different conditions: nationals, citizens, aliens, long-term resident immigrants, undocumented immigrants, etc.

Internationally there is no normative framework specifically aimed at the legal status of second generations though there are various international instruments that have close relevance. Yet, these are either not binding instruments or have not been ratified by the EU or the European States, notwithstanding the repeated calls to do so as in the case of the UN International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (1990).



The Committee on the Elimination of Racial Discrimination (CERD) adopted in 2005 the General Recommendation no. 30 on Discrimination against non-citizens. This document reminds the States that, although some rights might be confined to citizens «human rights are, in principle, to be enjoyed by all persons». The text clarifies that, under the Convention on the Elimination of Racial Discrimination, the right of the State to establish differential treatment based on citizenship or immigration status «will constitute discrimination if the criteria for such differentiation, judged in the light of the objectives and purposes of the Convention, are not applied pursuant to a legitimate aim, and are not proportional to the achievement of this aim».

The CERD also recommends that States «pay greater attention to the issue of multiple discrimination faced by non-citizens, in particular concerning the children (...) of non-citizen workers» (par. 8) and encourages them to «take into consideration that in some cases denial of citizenship for long-term or permanent residents could result in creating disadvantage for them in access to employment and social benefits, in violation of the Convention's anti-discrimination principles» (par. 15).

In paragraphs 30 and 31, the CERD calls the States to ensure that public educational institutions are open to non-citizen children and to avoid segregated schooling and different standards of treatment in elementary and secondary school and with respect to access to higher education.

Another significant issue is the precariousness of legal status since, even in countries with tightly controlled immigration flows, there is the possibility of losing the condition of legal resident. Obviously it is even more significant in countries with high numbers of undocumented immigrants or in countries where immigration law is so complex or so rigid that becoming irregular is a relatively easy and common experience (for example, in Italy). In this context, at the level of the EU, we have to draw our attention to the Directive 2003/109 concerning the status of third-country nationals who are long-term residents. This Directive grants European resident status to Non-EU Member country nationals

who have resided legally and continuously within the territory of the Member States for five years. The Directive also approximates national legislation and practices regarding the terms for conferring resident status and lays down the conditions for residence in Member States other than the one which conferred resident status. Of the countries under assessment, Denmark and UK are not bound by this Directive.

At the level of the Council of Europe we must note the Convention on Nationality (1997) and the jurisprudence of the European Court of Human Rights on the right to family life of aliens who are long term residents.

The Convention on Nationality is relevant because it establishes that States shall facilitate the acquisition of citizenship to 2Gs.

So far, the problem of naturalisation has not been a main issue with 2Gs (except in Italy): most 2Gs, in fact, become nationals as minors when their parents acquire the citizenship. Nevertheless, the trend for the last years has been to modify laws on nationality as part of (harder) immigration policies, making it more difficult for immigrants to acquire the nationality. As the parents will have increasing difficulty in becoming citizens, at least while their children are underage, the issue of facilitating access to citizenship to 2Gs will become increasingly significant.

#### *Gender violence*

Two issues of gender violence affecting 2G girls in our target groups are acquiring growing importance and visibility in all countries under assessment, though public response is yet at different levels in each of them.

One of them is the issue of honour-related violence (HRV). HRV, and in particular honour killings, were included already in the 2002 UN report concerning cultural practices in the family that are violent towards women (E/CN.4/2002/83). Although figures are much more relevant in non-European countries (some of them included in the target of this research project such as Pakistan, India, Egypt or Morocco), the

report already pointed out that honour killings were also taking place in countries such as France, Germany or the United Kingdom within migrant communities.

At the level of the Council of Europe, the Parliamentary Assembly has passed two Resolutions (Resolution 1327 in 2003 and Resolution 1681 in 2009) on the urgent need to combat so-called «honour crimes». They call Member States to draw up and put into effect national action plans to combat violence against women, including violence committed in the name of so-called honour».

Honour related violence and forced marriages are also included in the recent Convention on preventing and combating violence against women and domestic violence (2011).

HRV has been handled at different levels in different countries in Europe with, at least, a triple approach: as a police/crime issue, as a situation calling for intervention of social services, and lately as a phenomenon calling for community and grass-root organisations to change attitudes and uses regarding HRV within communities and families. At the level of the European Union, though there are no Community instruments regarding this issue, the EC has funded projects for developing knowledge, training and best practices in all three areas of intervention. Also individual Member States with longer experience on responding to HRV (such as the UK or Sweden) have started to organise seminars and networks for raising awareness on the issue and circulating best practices, as for example in the Stockholm Platform for Action to Combat Honour Related Violence in Europe.

In the literature and in our own field research interviews, different forms of HRV outside the domestic realm have emerged. These phenomena, denounced by the association «Ni putes ni soumises» for example, show a shift in female control from fathers to brothers and peers: punitive collective rape, dress control by classmates, coerced prostitution (the «lover-boys» cases in the Netherlands, where shame, honour and fear of family HRV are played against girls to force them into prostitution).

The second issue, which is intertwined with the first one and could be considered a specific issue of HRV is forced marriage. Firstly because imposing a marriage on someone is a very serious form of violence in itself, and generally accompanied by other forms of physical and psychological violence; and secondly, because refusing an arranged marriage or trying to escape a forced marriage is very often the clincher for other forms of HRV, particularly honour killings.

Admittedly marriages are forced on male children as well, however this cannot obscure the gender dimension of the phenomenon, for various reasons: the impact of traditional marriage on women (the imposition of gender roles of mother and housewife), the possibility – under Islamic law – for males to repudiate their wives, lower occurrence rates among male children, higher rates of HRV in the case of daughters' resistance, etc.

Directive 2003/86 on Family Reunification has a provision on forced marriage. Art. 4(5) states that «in order to ensure better integration and to prevent forced marriages Member States may require the sponsor and his/her spouse to be of a minimum age, and at maximum 21 years, before the spouse is able to join him/her». The success of this kind of rule, and similar rules used in Denmark or UK where this Directive does not apply, is a rather controversial issue.

In 2005, the European Parliamentary Assembly devoted one Resolution (number 1468) and one Recommendation (number 1723) to the issue of «Forced Marriages and Child Marriages» addressing situation where free consent is doubtful and authorising interviews by a register to both parties prior to the marriage. The EPA recommends that the issue be investigated and a strategy developed for the Member States to take action on the matter.

Among the EU Member States under assessment, the United Kingdom has the most developed mechanisms for combating forced marriages both at the level of police control and detection, and of legal protection of victims and potential victims.

## *Discrimination*

Discrimination is a fundamental issue in the assessment of the social (and legal) condition of 2G girls in Europe. Discriminatory social practices, in their broadest meaning, are a fundamental mechanism in their exclusion, lack of integration, denial of rights and their enjoyment, and hindrance to personal autonomy.

As stated above, discrimination against 2G girls (in our research, mostly of Muslim background) may result from the intersection of different grounds of discrimination. Apart from the discrimination on grounds of nationality, which we have seen in the discussion on the legal status of 2Gs, the main grounds for discrimination at stake are sex, race and ethnic background, religion and social class.

At the EU level, antidiscrimination law is a well settled and developed instrument, especially if compared with other legal or policy instruments that might have an effect on issues of discrimination and violence against 2G girls, such as equality policies, legislation and policies against gender violence or social policies.

On the other hand, EU antidiscrimination law does not cover all the different levels at which 2G girls might experience discrimination (i.e., discriminatory practices against girls in their own family) and has limited structural impact on discriminatory systems (what we have called “subordiscrimination” in the conceptual framework of this research project, that is, systems where certain groups have power “over” other groups: an example would be the segregating effect of school systems in relation to lower classes and, particularly, to women in lower classes). Moreover, EU antidiscrimination law is constituted by different instruments with different scope and degree of transposition in domestic law.

Together with the Directives regarding sex discrimination (Directive 2004/113, and Directive 2006/54, that compiled preceding provisions constituting the backbone of EU antidiscrimination law since the ‘70s), two new Directives, Directive 2000/43 (Racial

Equality Directive) and Directive 2000/78 (Employment Equality Directive) added in 2000, opened up EU antidiscrimination law to new grounds of discrimination: race and ethnic origin (Directive 2000/43) and religion or belief, disability, age and sexual orientation (Directive 2000/78).

The EU antidiscrimination framework nevertheless shows various gaps regarding discrimination suffered by our target group. Firstly, although Directive 2004/113 has extended sex antidiscrimination provisions to access to goods and services, there are still some important shortcomings, especially if we take our target group as a reference: discrimination regards goods and services offered outside the area of private and family life, and the Directive explicitly excludes education from its scope. Secondly, Directive 2000/78, which includes the grounds regarding religion or sexual orientation, for example, is limited to employment and vocational training. Thirdly, multiple or intersectional discrimination is not currently envisaged by the EU antidiscrimination framework, nor is it clear how it could work when different grounds of discrimination allow for different degrees of protection and have unequal material scope.

## **2. Denmark**

### *Legal status*

In contrast to the European trend, Denmark has made the conditions for the acquisition of citizenship stricter during the last ten years. This can be explained, according to the EUDO country report, by the fact that criteria for naturalisation are negotiated by political parties in the Parliament and granting citizenship to aliens is in itself a discretionary Parliament decision. Ever since 2001, coalition governments have had parliamentary support from the Danish People’s Party in exchange, among others, for stricter policies on immigration, of which the acquisition of citizenship has become an integral part. Besides a general residence requirement of nine years and a conduct requirement that excludes aliens from naturalisation on a permanent basis if they have been sentenced to

imprisonment for 18 months or more, increasingly stringent language tests and a further condition of self-support (not having received social benefits for more than half a year in the last five years) have been included. Consequently, the number of naturalisations has dropped noticeably since 2001 by more than two thirds (from 9,316 in 2001/2002 to 2,500 in 2009/2010) according to the statistical overview of the Ministry of Refugee, Immigration and Integration Affairs.

A remarkable element of this anti-immigration use of the law on citizenship particularly relates to 2Gs. Notwithstanding Denmark’s obligation to facilitate the acquisition of citizenship for persons who are born and/or lawfully and habitually reside in the country for a period of time before the age of 18 (European Convention on Nationality), the development in the last decade has been quite opposite. Whereas traditionally upbringing in Denmark was considered a sufficient requirement for the acquisition of citizenship (with the introduction, in 1999, of a requirement of absence of criminal record), in 2003 the Danish People’s Party managed to negotiate successfully the repeal of the entitlement to Danish citizenship by declaration (a declaration made to that effect between the ages of 21 to 23) for 2Gs other than those of Nordic countries.

### *Gender violence*

As in other European countries, there is no concrete statistic available regarding honour-related violence. Besides, there is still little understanding of the contours of the phenomenon. Denmark has considered honour-related violence and violence against women in minority groups primarily as an immigration and integration issue (see Anja Bredal in PLUREQ project report). Political parties’ agendas and media emphasis on, particularly, honour killings have drawn attention to the higher rates of immigrant or ethnic background women on shelters (46%, according to the National Association of Crisis Centres for Women, LOKK, Yearly Statistics 2008). Yet, as pointed out by representatives of Dannerhuset, there is no statistical information available on the ethnic background of aggressors, so we cannot determine whether since the

victim is immigrant or has an ethnic background, so does the aggressor. Besides, the higher socio-economic vulnerability and the higher lack of social networks outside its own community could also explain the higher rates of ethnic background women in the shelters.

Examples of the Danish “immigration/minority culture approach” to issues of violence against minority women are the so-called 24-year old rule, introduced in 2002, and the “assumption regulation” introduced in 2004. Envisaged by the Government’s Action Plan for 2003-2005 on forced and semi-forced marriages, the 24-year old rule establishes that non-resident spouses can be united to their spouses living in Denmark (whether nationals, naturalised citizens or resident immigrants) only when both parties have reached the age of 24. Whereas the rule, together with contemporary requirements of ties to Denmark, financial means and housing conditions, has had a clear effect on family reunification, cutting down the number of marriages involving a non-resident spouse, its effect on forced marriage among second generations is harder to establish. Even with the general information (not broken down by country of origin or sex) in the Statistical Overview of the Ministry of Refugee, Immigration and Integration Affairs (2010), we can see two combined developments: 20-24 continues to be the most common age for marrying among non-Western descendants, thus contradicting the alleged aim of the government of avoiding earlier marriages among 2Gs to give them a chance to complete education, enter the labour market and resist family pressure to marry. Yet the effect of the rule is that they are not marrying (or being married off to) non-resident persons in their country of origin but to immigrants from their own community. The rule has been criticised by human rights organisations as serving just anti-immigration purposes: girls can still be forced to move back to marry in their homeland or to marry someone (immigrant or descendant) within their own community in Denmark. The rule has been amended lately this year, so that couples under 24 years must earn 120 points to live in Denmark (whereas couples over 24 years need 60 points).

Even more controversially, the “assumptions regulation” designed all cousin marriages as forced marriages unless there were special grounds

to the contrary. Immigration authorities have been using this rule in a quite strict manner until 2008 (the number of rejections of family reunification for reasons of forced marriage passed from 7 in 2004 to 95 in 2007), despite widespread criticism by human rights organisations and the fact that eight out of nine cases were overturned by the courts.

On the other side, more complex approaches to the multiple aspects of violence against minority adolescent girls and women can also be observed. There is a remarkable judgement from 2006, when nine members of her family were found guilty of the murder of Ghazala Khan, a 18-year old woman of Pakistani origin shot by her brother two days after her wedding to a man not chosen by her family. Contrarily to the practice of treating honour killings as a common murder and having just the actual killer convicted, in this case we see an approach whereby all the members involved in “punishing” the family daughter were incriminated.

In 2009, the Minister for Gender Equality launched a national rights campaign for women with immigrant background. They concluded that further knowledge was needed about social control of minority women by spouses, brothers or other family members. Particularly, they indicated the need to identify how to initiate a dialogue with men with immigrant backgrounds. In this sense, LOKK and the Minister for integration have organised a conference on the role of boys in “honour” related conflicts, the expectations laid on them by traditional families and the parameters of intervention by practitioners.

### 3. France

#### *Legal status*

France has long boasted a tradition of “inclusive republican citizenship” with a strong conception of national identity and an emphasis on cultural integration. Together with the *ius sanguinis* criteria of acquisition of citizenship, the Civil Code establishes also a double *ius soli* provision for third generations, and a right to access to citizenship at the age of eighteen for those born in France to foreign parents, if they

live in France and provided that they have had their residence in France for five years since the age of eleven. This mode of acquisition allows for an anticipated declaration at the age of 16. Besides if the France born child has lived in France since s/he was eight, the parents can claim French citizenship on her/his behalf at the age of thirteen. Although the legal framework for access to nationality is rather favourable to 2Gs, statistics are not clear about acquisition and naturalisation rates. The EUDO country report denounces a widespread lack of reliable information that would have led, according to various studies, to low rates of naturalisations (approx. 5% of foreign population) as well as varying rates across the country.

Although the French integration model is considered to be assimilationist since as early as 1945, nationality law has been nevertheless used in anti-immigration disputes and legislation since the late '80s. French legislation on nationality and immigration has especially targeted the “immigration families” considered a burden to social and cultural integration, and consequently has tightened the conditions for access to French nationality for migrant spouses. Hence, for example, the establishment in the Immigration Law of 2007 of a further contract for the family, in addition to the existing “reception and integration contract”, to be signed by parents of children who have entered the country through family reunification. This new contract includes a requirement to attend training on the rights and duties of parents in France (see 2008 IOM report on Legal Migration).

After the 2010 riots in Grenoble, the Parliament has passed a law that allows withdrawing citizenship to naturalised persons (who would not thereupon remain stateless) condemned for murdering a member of the police or of the gendarmerie or for acts of violence leading to the death of such a person.

#### *Gender violence*

Forced marriage and, to a lesser extent, honour related violence are considered part of gender violence in French policy documents. For

example, violence against “migrant background women” (*femmes issues de l’immigration*) appears mentioned in the Second Global Three-year Plan (2008-2010) “*Douze objectifs pour combattre les violences faites aux femmes*”. However, the issue of violence against women in France is still very much monopolised by marital violence (*violence conjugale*) and this influences also the issues assessed in relation to migrant women. Thus, non-marital violence experienced by girls and young women born and raised in France, (namely acts of violence, psychological pressure or harassment perpetrated by a father, brother, uncle, or other female in the family) is little focused on. This has been denounced by some associations, such as *Ni putes ni soumises*.

There is consequently a remarkable lack of statistics regarding both forced marriage and HRV. Some organisations’ estimates have been rebutted and there are no official figures. There isn’t either relevant media coverage or academic research for these issues if compared for example with female genital mutilation. Most of the relevant discussion to be found in NGOs forums regards forced marriage in relation to refugee or immigrant status (access to refugee status or continuity of stay permits).

From a legislative point of view, there are no specific provisions regarding forced marriage or honour-related violence. From a criminal law point of view, French legislation would treat forced marriage as rape.

According to the country assessment in the CoE report on Forced Marriage, French legislation foresees a number of civil law provisions aimed at preventing forced marriages and protecting those in danger of being forced into marriage. For example, the hearing of the future spouses by an officer of the Civil Register; if after this interview the officer should have any doubt about the spouses’ consent, the case is deferred to the Public prosecutor (*Procureur de la République*), who could authorise, suspend or even forbid the marriage. Moreover, in case of forced marriage legal action to annulment might be taken by the Public prosecutor and not only by the spouses or the spouse whose consent was forced. It is worth noting that the definition of constraint

that renders a marriage null and void includes, according to the art. 180 of the Civil Code, “reverend fear of an antecedent”.

From the point of view of relevant policies, although the Ministry for Solidarity and Social Cohesion has created a helpline victims of gender violence that includes forced marriages, the website recommends visitors to address national or local associations of support, as well as a number of professionals in the school or youth work environment.

### 4. Italy

#### *Legal status*

Of all the countries under assessment, Italy stands out as the one that not only does not facilitate the access to citizenship to 2Gs; on the contrary, it makes it harder than for first generation immigrants.

Italian nationality is family-modelled and thus firmly linked to *ius sanguinis*. According to the Nationality Act 91/1992 (last amended by Act no. 124/2006), children born in Italy to foreign parents are given the right to acquire Italian citizenship at the age of eighteen but only if they can prove their uninterrupted legal residence in the country, whereas the period required for naturalisation is 10 years. The country EUDO assessment lists some of the difficulties that Italy born children of immigrants might encounter to comply with the requirement of 18 years of uninterrupted legal residence: foreign parents might be undocumented residents, or they might not have registered the birth of the child immediately, children may happen to spend long periods of time with their grandparents in their family’s country of origin. To reduce these difficulties, a 2007 circular of the Ministry of Home Affairs provided for a flexible interpretation of “uninterrupted legal residence”.

In any case there is no systematic information about the number of 2Gs that acquire citizenship by this means. These cases are registered at the local register offices and there is no central survey.

The reform of the *ius sanguinis* principle has been at the centre of heated debates regarding immigration policy. A number of legislative

proposals have tried to favour long-term resident aliens and their Italy born or educated children. Most of the proposals included also “integration” requirements such as language knowledge, the acceptance of shared civic values, an oath of loyalty, or income levels. However, the political support given by the anti-immigration Lega Nord party to the government party has conditioned the debate very much, fixing the reform of the Nationality Act as part of the anti-immigration policies.

Lack or difficulties in the access to citizenship creates for Italian 2Gs particular forms of discrimination since many jobs in the public administrations are reserved to Italian citizens (now, also EU citizens). Even though this requirement has been turned down by the Courts in many instances (regarding teachers, for example), it is a common practice to include the citizenship requirements in the vacancies announcements.

2Gs organisations have been created in recent years and have raised awareness on the difficulties for their access to citizenship. There is, at the moment, a people’s legislative initiative that would give the citizenship to children born in Italy to immigrant parents, one of which has had regular residence for at least one year. And it would give the right to acquire citizenship at 18 to children born in Italy to undocumented parents or arrived in Italy before the age of 10.

### *Gender violence*

Gender violence in Italy is a highly mediatised and politicised issue. Notwithstanding support associations’ years-long work on issues of gender – particularly domestic - violence, public discourse (media and politicians) concentrate mainly on episodes of rape or gang rape committed by immigrants.

The lack of a gender framework for approaching domestic violence in public discourse, together with growing xenophobic trends, puts a high toll when dealing with HRV, in particular honour killings. These are seen, not as gender issues, but as cultural marks of Islam, presented

as a particularly misogynist religion.

Data about these phenomena in Italy depends completely on local and small-scale research conducted by support organisations, for the most part based on qualitative methodologies. Although these pieces of research give very useful insights into the phenomena, they cannot (and are not meant to) give a national picture of this kind of gender violence. One such example is the research conducted by the association Trama di Terre in Emilia Bologna. These research studies on forced marriage do consider them from the point of view of gender violence. In fact, they make numerous parallels with domestic violence experienced by “native” Italian women. One of the parallels, that constitutes a dramatic depart from the anti-HRV of the political discourse (even when it is allegedly women’s rights based and not anti-immigration driven), is the choice of the subjective point of view in the definition of violence (and thus also of forced marriage). Years of experience with domestic violence lead support organisations, on practical – not ethic – grounds, to define forced marriage from the point of view of the victim. Political discourse, on the other hand, very little worried about intervention and support policies, defines forced marriages from the observer’s point of view, generally advocating legislative (especially criminal law) solutions.

As evidenced by the country assessment in the CoE report on forced marriage (2005), in Italy – similarly to other European countries – forced marriage has to be prosecuted under other, generic, offences, such as rape. There is also an offence particularly addressed to private moral violence that punishes those who, with force or threat, force another to do or not to do something.

Curiously, Italy used to have a criminal law provision regarding forced marriages until very recently. Former art. 522 of the Criminal Code, repealed with the entrance into force of the Sexual Violence Act (1996), punished with imprisonment for one to three years to anyone who, by means of violence or threat, concealed or held an unmarried woman for purposes of marriage.

## 5. The Netherlands

### *Legal status*

The Netherlands is one of the countries generally taken as example of the political backlash on multiculturalism. Since the publication of Het multiculturele drama by Paul Scheffer in 2000, the idea has grown that the “minority approach” that aimed at the equal participation of minorities in society through the improvement of immigrants’ legal position and the promotion of naturalisation was too liberal, did not guarantee the individual integration of immigrants and had failed in attaining the integration of minorities, creating self-referential ghettos instead.

Laws and policies regarding immigration have accordingly been tightened with an emphasis on tests on Dutch language and Dutch society. The Integration Abroad Act requires third country nationals to pass a basic exam on Dutch language and on their knowledge of Dutch society, in their country of origin before entry. Upon entry, they are then subject to further integration requirements, according to the Integration Act (EMN Synthesis Report).

The Dutch Nationality Act, which entered into force in 2003 after being amended, has retained the double *ius soli* criterion, which gives Dutch citizenship at birth to third generations. Second generations have a right to option for Dutch nationality if they are born in the Netherlands or if they have been lawfully residing in the country since the age of four. However, the new amended law has set limitations on this entitlement. Besides the requirement of lawful residence, the declaration might be rejected if there are “serious suspicions that the person constitutes a threat to public order, public decency or the safety of the Kingdom”, for example because the applicant has been convicted of a crime.

Although the right to option is not, for the moment, the most important way to citizenship for 2G migrants in the Netherlands, the numbers are rising. As shown in the EUDO country report, the

figure almost doubled between 2004 and 2006 (from 1.217 to 2.114) and it is expected that option will become more important as access to citizenship through parents’ naturalisation will become more difficult due to the integration exams.

### *Gender violence*

Combating violence against women has been seen as part of the gender equality project in the Netherlands since the end of the 1970s, according to the country assessment in the report “Legislation of the Member States of the Council of Europe in the field of violence against women” (2009). Honour-related violence is one of the five classes in which violence against women is divided, together with domestic violence, sexual violence, genital mutilation and human trafficking.

In Dutch Criminal law, domestic violence is covered by the general provisions of criminal law and there is not, either, a specific provision for honour-related violence.

In 2007 the government, following a number of honour killings, specified honour-related violence as a priority and established an interdepartmental Honour-related Violence programme, ending in 2010. The programme encompassed three joint inter-ministerial projects under the headings of social prevention, protection and criminal prosecution.

The projects involved different groups of actors, such as police, women’s shelters, minority organisations, schools and municipalities. Three municipalities (Rotterdam, Amsterdam and Almelo/Twente) formulated local programmes that combined measures to produce an integrated approach to honour-related violence.

Actual data on the incidence of honour-related violence is scarce. According to the MOVISIE Factsheet 2010, two pilot care service projects assisted 172 girls and women in the period 2007-2009. In 2006, police data recorded 158 cases in the Amsterdam-Amstelland region, with similar figures for The Hague region. However, the real

(unreported and unknown) extent of the phenomenon is considered to be notably wider by women's organisations, which draw attention to indicators such as the incidence of self-harm and suicide amongst girls in minority groups, for example.

In the Netherlands both the government and the NGOs have paid special attention also to the issue of honour-related violence in relation to sexuality (see MOVISIE Factsheet 2011 on Honour related violence and sexual diversity).

The Dutch Criminal Code does not contain a definition nor a specific provision for forced marriage. Yet, according to the country assessment in the CoE Comparative study of legislation and political initiatives (2005), under Article 242 of the code there is scope for prosecution in cases of forced marriage on the basis of other offences such as rape.

Policy approach to forced marriage is based more on awareness-raising activities by NGOs (women's groups or minority groups), especially in schools, than on legislative measures or prosecution agencies.

One exception would be the use of the "may-clause" of the European Directive 2003/86, regarding the minimum age for family reunification. The Netherlands has introduced a 21-year old rule for "family formation" in immigration rules. The reasons given are to reduce the chance to be pressured to leave school early (and therefore insufficiently prepared to enter the labour market) and to increase the likelihood of marriage being a voluntary choice.

## 6. Spain

### *Legal status*

Spanish nationality is generally acquired on the principle of *ius sanguinis*. However, the Civil Code establishes that Spanish nationality can be acquired at birth by those born in Spain to foreign parents, at least one of which born in Spain (*double ius soli*). Those born in

Spain to foreign parents who were born abroad can acquire Spanish citizenship after one year of uninterrupted legal residence; in these cases, as for all minors under 14, the procedure for the acquisition of citizenship can be initiated by the parents or legal representatives.

Acquisition of citizenship by residence for foreigners requires 10 years of uninterrupted legal residence, good civil conduct and sufficient level of integration.

Minors born abroad but raised and educated in Spain do not have particular facilitations to acquire Spanish citizenship.

What is to count as "legal" and as "uninterrupted" residence is the object of varying interpretations by different Courts and administrative authorities, as well as doctrinal contributors. A first position argues that legal residence requirement must be interpreted in line with immigration law, and thus only periods covered by temporary or permanent residence permits would count as legal residence. A second position considers that the requirement of legal residence in the Civil Code is independent from immigration law, and thus the legal residence requirement would be fulfilled by residence in the country under any kind of permit, as long as it does not contravene the law. For example, the courts have admitted periods in the country with a study visa to be taken into account.

The requirement of ten years of residence has been very much criticised and there have been several proposals to reduce it to 5 years; however, as argued in the EUDO country assessment, the reforms undergone by the provisions on nationality seem to be oriented more to preserve or regain the nationality for (the descendents of) those who had to leave the country in the last century (due to exile or economic emigration) than to receive those that are arriving with new immigration fluxes.

### *Gender violence*

Gender violence issues have come high on the national political agenda in the last years. In 2004, the Gender Violence Law (Ley

organica contra la violencia de género) was adopted. The persistence of a high numbers of casualties is blamed on an overall implementation failure, especially of detection and prevention mechanisms (see FEMCIT Working Paper on the Spanish case), although the working of the judicial machinery is deemed to be working adequately ([www.observatoriovioencia.org](http://www.observatoriovioencia.org)).

Honour related violence has almost no visibility in the media (apart from forced marriage, discussed below) nor in statistics. This is partly the effect of the gender framework for approaching gender violence, that tends to absorb also honour related cases. Yet it might be also the result of the traditional, now abolished, mitigating circumstance of honour in the Spanish Criminal Code. Spanish penal legislation used to grant a reduction of the punishment to husbands that killed their wives discovered in flagrante adultery. This has conditioned the conception of honour crimes as occurring within the couple, somehow obscuring the issue – central to this research – of inter-generational gender violence, or HRV committed against women by members of the family that are not their husbands (fathers, brothers, female members of the family) or even the role played by non-members of the family (peers, community members, etc.). The only "honour crime" that has made its way to the newspapers was an attempted murder in 2010 in a little town of the North of Spain. A Moroccan immigrant stabbed his daughter twenty times allegedly because she was dating a non-Muslim man. Maybe the fact that he was drunken at the time of the attack or that he injured two of his sons who were trying to stop him does not help to match this case with common features of HRV, such as premeditation, collective authorship, share concept of honour within a community.

The issue of forced marriages has only very recently attracted attention in Spain and there is very little data on the issue also. Only the Autonomous Police Force of Catalonia has an intervention protocol for forced marriages – adopted following the example of the English Forced Marriage Unit. They have intervened in 44 cases in the last years, 15 in 2010. Differently from honour related violence, forced

marriages have emerged as a particular issue of gender violence and as closely linked to immigrant communities, particularly with Muslims.

There are no specific provisions regarding forced marriage in Spanish law. Like in other European countries it can be prosecuted under other offences that are committed in forced marriages, such as sexual assault or rape, illegal detention, coactions and domestic violence. Recently, there has been a proposal by the Conservative Party (Partido Popular) – approved by the Parliament – so that a criminal offence of forced marriage is introduced. Other measures, such as protection orders or the establishment of specific shelters were also recommended. Given the lack of data on the phenomenon and of experience coming from practitioners, this proposal of law has a strong anti-immigration flavour (more so if one takes into account that in countries with longer experience in dealing with forced marriages, the introduction of a specific criminal offence has been advised against).

## 7. United Kingdom

### *Legal status*

Traditionally, the UK followed the principle of *ius soli*, and the most important formal status was not citizenship but settlement. Yet, the British Nationality Act of 1981, entered into force in 1983, abrogated the *ius soli* and gave way to a new approach towards immigration and settlement in the UK aimed at controlling and limiting those who could claim legitimate residence in the country.

Although it has been argued that the loss of *ius soli* was not caused by panic over mass immigration like in other countries and that even today's more restrictive citizenship policies are fairly generous (see, EUDO country report), there is a strong overlap between citizenship, residence and immigration in the UK.

At present, 2G youngsters do not have a primary concern about residence rights and citizenship, but as the *ius sanguinis* becomes the main principle under which new generations are born in the

UK, immigrants and their families will start to experience similar problems about residence, naturalisation and access to citizenship to those already known to continental countries, such as Denmark or the Netherlands, in our research. Recent government policy on this issue has grown more restrictive (particularly in relation to family migration and the acquisition of settlement and British citizenship). According to IOM Report on legal migration, this restrictive tendency has mainly resulted from the perceived lack of social integration of some persons from ethnic minorities, particularly in Muslim communities. This perception results, as in other European countries, in more assimilationist requirements for naturalisation (2005) and settlement (2007) which, as shown in other parts of our research, highlights shortcomings in integration policies and, in the long run, institutionalised discrimination.

#### *Gender violence*

The United Kingdom is, of the countries involved in our project, the one with the longest and most developed responses to issues of gender violence in ethnic minority communities, particularly so-called honour related violence and forced marriages.

Honour-related violence and forced marriages are included in the definition of domestic violence, according to the explanatory text to the Domestic Violence Act (2004).

Although there are various sources for data regarding the incidence of honour-related violence (such as the Association of Chief Police Officers-ACPO, or various NGOs that have long experience on these issues), they all agree that the real figure might be much higher than their estimates. The ACPO, according to which up to 17,000 women in Britain undergo honour-related violence every year, has introduced new training packages that will give all officers instructions on handling this kind of cases. As in the case of The Netherlands, the fear that honour-related violence is under-reported and that girls and women are suffering it on their own is supported by the incidence of suicide within

the British Asian community: women between 16-24 from Pakistani, Indian and Bangladeshi backgrounds are three times more likely to kill themselves than the national average for women of their age.

Action and information about gender violence among minority women has been much driven by the attention raised by forced marriages since the 2000 report “A choice by right”, that managed to clarify the issue, generally avoided by professionals on “cultural and religious sensitivities” grounds, and to establish a broad consensus within Britain.

In 2005, The Forced Marriage Unit, a joint Foreign and Commonwealth Office and Home Office Unit, was established. The FMU works with other government departments and voluntary organisations to develop effective policy for tackling forced marriage. It also runs a public helpline to provide advice and support to victims and practitioners. The FMU can also assist British nationals facing forced marriage abroad by helping them to return to the UK.

The FMU does extensive awareness-raising work and varied and very useful information can be found on its webpage, including a Guide to Forced Marriage for LGBT people and a Forced marriage survivor's handbook.

The 2008 report “Forced marriage, family cohesion and community engagement”, raised the alarm that, notwithstanding the efforts and work of the FMU, most of the phenomenon was unreported, and thus invisible, to state agencies and national-wide charities. The research based on qualitative research explains that, whereas there are many reasons for which victims and potential victims of forced marriages do not approach state agencies or the police, trust and familiarity are the most important. In contrast, the research counted 300 forced marriage related contacts with self-support local organisations in one year only in Luton.

From the legislative point of view, two instruments have been introduced: the Forced marriage (Civil Protection) Act, and the 21-year rule in immigration regulations.

Forced marriage (Civil Protection) Act of 2007 came into force in 2008. The Act enables family courts to make Forced Marriage Protection Orders to protect someone from being forced into marriage. Where the forced marriage has already taken place, the FMPO serves to help remove them from the situation. Each order will contain terms that are designed to protect the victims in their particular circumstances (for example: to prevent a forced marriage from occurring, hand over passports, stop intimidation and violence, reveal the whereabouts of a person and stop someone from being taken abroad). A power of arrest can be attached to FMPOs allowing a police officer to arrest anyone they suspect to be in breach or contempt of the terms of the Order. The Court can deal with such an offender under its powers of contempt of court (which include sending them to prison up to 2 years).

The Statutory Guidance to the Forced marriage (Civil Protection) Act was supplemented by Multi-agency practice guidelines “Handling cases of forced marriage” aimed at giving advice and support to front line practitioners. The document sets out a multi-agency response, addressing specific areas where practitioners may inadvertently endanger a victim.

Third parties are allowed, under the Forced Marriage Act, to ask for FMPOs. This has created some concern among Muslim community leaders that those given the new powers should receive proper training so that cultural norms and legitimate arranged marriages are safeguarded.

Although the approach to honour-related violence and forced marriage in UK is highly characterised by joint efforts of the police, public services and NGOs in cooperation and sharing knowledge (such as cooperation projects by CIMEL, INTERIGHTS, Karma Nirvana), the UK has lately resorted to family reunification provisions. A 21-year old rule has been introduced in order to limit the age for obtaining a spouse residence permit. The provision has been highly criticised and, though it has not been struck down, it has been considered “arbitrary and disruptive” by the Court of Appeal.

Also, the Government has recently announced its intention to make the breach of an FMPO a criminal offence and has asked for

consultations to be started. The possibility of introducing a new criminal offence of forced marriage was studied and advised against both by the 2000 report and subsequent research (Khanum 2008), on the grounds that prosecution under existing laws might be more straightforward and that victims, who normally wish merely to escape the forced marriage, could be deterred from seeking help if they feared that it would result in the conviction of their relations.



## Second generation immigrant girls at school

*Sara R. Farris*

The main goal of our sociological qualitative inquiry was to shed light on the mechanisms of discrimination as they are experienced at school and in the transition to work by girls (12-21 years old) from ethnic minority background, or “second generation”. With this aim, our project was informed at the outset by the theoretical tools provided by the theory of intersectionality in general, and the concept of “intersectional discrimination” in particular (Makkonen, 2002).

By means of secondary analysis of quantitative data, first we reconstructed a complete picture of the social conditions, numbers and main characteristic of North African and South Asian communities in each country under investigation. Once we had a clearer idea, we then selected thirtysix “key-respondents” – six for each country – who could provide us with precious information regarding the experiences of second generation immigrant girls at school and in the transition to work. Interviewees included: teachers, vocational officers, representatives of ethnic communities, representatives of relevant NGOs and girls themselves.

As a central institution of every society and individuals’ lives from a very young age, the mechanisms of intersectional discrimination that work in the educational context lie at the very junction between

structural/systemic, institutional and discursive levels of discrimination. If we turn our attention to the educational system qua institution, the school presents various mechanisms of selection that are both common to all and specific for each country. While in Italy and Spain, for instance, each secondary school, whether vocational or general, allows to continue to higher education, in England, Denmark and the Netherlands, pupils’ tracking choices are required when they are still children and tracks themselves are organised in a way that only some of them can lead to tertiary education (Crul, M. And J. Doornik 2003; Stevens et al. 2011).

Yet, second generation immigrant pupils seem mostly to share common experiences regardless of the EU context and their sex-gender and “ethnic”/national origin. In the six countries under consideration – and in Europe more in general – the school achievements of second generation immigrant youth in fact present very similar trends. First of all, educational inequalities take root very early and the path through primary school has a lasting impact on a student’s entire subsequent school career (cf. Brinbaum, Y. and Kieffer, A., 2009). For instance, what characterizes the large majority of boys and girls with a migrant background in the six European contexts we focused on is the fact that they attend vocational schools and technical institutes, while very few of them enroll in the school levels which can lead to higher education.

The families’ low socio-occupational status, their low educational level or the difficulty to have their degrees recognized, as well as the difficulties in mastering the language of the “receiving context” in

fact are all elements which are likely to affect their children’s school experience in at least two ways: a) pupils’ language gaps and b) their attendance of schools with poor educational environments. In their turn, schools often respond to these disadvantages by reinforcing them, albeit often unwittingly, as when they advise students to undertake vocational/professional secondary school’s tracks which exclude them at the outset from higher education.

## Grounds and consequences of second generation immigrant pupils language gaps.

The problem of language mastery, in various ways, was addressed by all our interviewees. We need to understand that this is one of the most serious issues for young people with an ethnic minority background. This is because mastering the language of a country means to be able to integrate into it, to understand its codes, to communicate with others in proper terms, to build one’s confidence and self-esteem. Furthermore, the main language is the most important subject until secondary school. Problems in the language of the receiving country therefore have an impact upon many different aspect of a pupil’s experience (Moldenhawer, B., Miera, F., Kallstenius, J., Messing, V. and Schiff, C., 2008). One of our interviewees for instance (Kaoutar from Italy, 21 years old, of Moroccan origin), describes this problem in very clear terms:

At the beginning I had some problems at the primary school because I could not speak Italian like the other children (since I spent most of the time at home with my siblings) but I learned very quickly and I became quickly very good. I was always very annoyed when teachers kept giving me higher grades for my homework or expressed greater surprise because I could speak and write well in Italian. It made me feel different and it always left me with the impression that I was not judged for my real abilities but on the basis of a prejudice. It was as if she expected me to be bad because I was not of Italian origin; yet the fact that I was good it was a surprise, something that broke her stereotype.

## Social background, urban segregation and educational ‘ghettoes’

Secondly, one of the effects of low socio-occupational status of migrant families in Europe is urban segregation and the formation of what some scholars call “educational ghettos”. Educational and residential segregation are in fact closely linked (Maurin, 2004; Portes and Haller, 2009;). Immigrant families from North Africa and South Asia – as well as from other regions of the so-called Global South – reside at the periphery or in the poorer areas of European cities. It is here that those schools are concentrated which offer the poorest educational environment. These are the schools where teachers usually adopt the method of “levelling down” thereby reinforcing initial gaps. Furthermore, these are the schools where the state and the city councils do not invest or do not invest enough. It is not hard thus, to find infrastructures that are in very bad conditions, without basic services and equipment. Farah, one of our interviewees who teaches in a college in one of Marseille ex ZEPs (Zone d’éducation Prioritaire) – and herself of Algerian origin – comments on this problem in vivid terms:

In my school I think the 80% of students are from Algerian and Tunisian families (...) The school has many problems (...) Of course, it’s the school for les Arabes. Who wants to spend time and money for them? The city council thinks they are hopeless, just leftovers of society (...) Many of my colleagues left the school and get a job somewhere else, but I prefer to stay. What happens to these children if everybody abandons them?

The tendency by teachers to reinforce educational and broad social gaps of migrants’ children by advising them to choose low-status secondary school’s tracks has been highlighted in numerous studies (Alba and Water, 2011). This is one of the main elements reinforcing and perpetuating a situation of social inequality for second generation youth as well as one of the most important factors explaining subsequent conditions of disadvantage that migrants’ children face in the transition to work.

## Second generation immigrant girls at school.

The situation described above, both constitutes a common denominator in all countries in which our research was conducted and applies to most children of immigrants from our target groups, regardless of their sex and nationality. Yet, albeit in modest percentages and in still unclear forms, second generation young girls' school performances as compared to their male peers of the same nationality, appear much better. According to a recent OECD report, in all European OECD countries "among the native children of immigrants, women fare somewhat better (both in absolute terms but also compared with their counterparts who have native parents) than men". (OECD 2009, p. 15). Why is this the case?

Those studies which have addressed the specificity of second generation migrant girls' educational achievements tend to emphasise their "greater desire for emancipation" (Guenif, 2001), and therefore girls' consideration of education as a tool for self-improvement and social mobility. While girls' emancipatory ambitions certainly can be regarded as playing an important role in making their educational attainments more successful in comparison with their male peers, this is an aspect that needs to be framed within a broader and more complex picture. In this context I will refer to one element in particular which seems to play a crucial role in girls' better school achievements: second generation immigrant girls' "bridging" role.

## Foreign women and the 'burden of representation'.

As Nira Yuval-Davis puts it: "Women especially are often required to carry this 'burden of representation', as they are constructed as the symbolic bearers of the collectivity's identity and honour, both personally and collectively." (1997, p. 45). It has been a long sighting of Black feminists in the United States that women of colour, and of ethnic minorities in general, often play the role of "bridges" (Moraga and Anzaldúa, 1983). In this light, ethnic minority women in European societies have become the "windows" from which the

entire family, or the community, looks at the world and, in its turn, the window to which the world itself should look in order to shape an idea of the collectivities to which they belong. Since school is a crucial component of families' upward mobility strategies, girls are often treated as the agents who can realise the family's dreams of social climbing. Several interviewees have highlighted how parents invest in their education and make them feel responsible for the good functioning of the whole family.

Furthermore, second generation migrant girls often feel that it is their responsibility to "clean" the stereotypes of their community, therefore, they have to perform well and become a role model for the whole community. In the words of one of our interviewees, for instance:

... my parents are religious, but I am not, I don't believe in God and my parents know that. They don't like it, but they don't do anything to make me change my mind. I think one of the reasons why they trust us so much is also because we have been always very good at school. We were also a model for other Moroccan families. This was good but also very demanding. This is the main reason why I wanted to leave my city and go to the university elsewhere. I was very stressed of being always so good, as if I could not fail or make mistakes. Also, though my parents are very open, there are limits.

Girls' better performances, thus, can be seen as being in part the result of multiple pressures coming from different directions: from the family, which invests them of major responsibilities in order to cope with the many obstacles it encounters in the receiving society; from the community which mirrors its failures and successes in them; and from society more in general which requires women to behave strictly according to definite gender role.

## Gendered stereotypes at school

Girls from an immigrant background are particularly vulnerable to forms of stereotyping that target women generally. Stereotypes and prejudices include all those images and representations which

reinforce structural and institutional discrimination, but which are also detectable at a more personal level. In other words, they can be present even in situations in which there is no institutional/legal discrimination (for example, Moroccan young girls in Italy may feel compelled to dress in a particular way in school because of intense peer pressure and fear of stereotyping).

Young women of immigrant backgrounds feel especially vulnerable to certain assumptions regarding the role of women in society and their physical appearance as passive and extremely sexualised objects. Young girls of Moroccan or Indian origin, for instance, in Italy, France and UK often feel "positively" discriminated by their male peers in comparison with migrant boys. Their "exotic" appearance often makes them the object of male attention. However, they soon realise that the countless compliments they receive are shaped by the orientalist fantasy of the sensuous body of the colonised woman. These messages prove to be crucial to the ways young generations experience intercultural encounters and build their identity. Kaoutar from Italy for example tells us that:

as a black woman (though I am not very black but it is obvious that I am not Italian) I also feel very often the glance at me of Italian men. One day I was waiting for the bus at the bus stop and a car stopped. The man in the car showed me his wallet with money, as if I was a prostitute. I have the feeling of being regarded as, I don't how to say, a sexual object, an object of sexual desire because this is the stereotype of the black girl for Italian men. I am not comfortable alone in the streets, particularly at night.

## Between two worlds: concluding remarks

As highlighted in the previous sections, the feeling of being caught "between two worlds" is what not only second generation immigrant girls but the children of immigrants more generally report. Second generation immigrants have over the past two decades, come to constitute an important social segment in most EU countries, including

in those that have become a destination for migrants comparatively recently.

Despite the differences in each context, what seems to characterise the condition of the children of immigrant families in Europe is a sense of displacement and timelessness: they are neither here, nor there. They inherit the past of their families – their culture, their languages, their problems as well as their dreams – but find it difficult to fully embrace their own future in the new society. They often experience the condition of being "filles and garçons sans histoire" to paraphrase the title of the novel by the French-Algerian writer Tassadit Imache.

However, young women of North African and South Asian origin encounter specific forms of discrimination, as they find themselves at the crossroad of converging axes of subordination and exclusion. Already in the context of education and particularly in the moment of transition from school to work – as we shall see in the next chapter of this report – young women of immigrant origin undergo what Kimberlé Crenshaw described as "intersectional subordination", namely the situation for which one burden of discrimination "intersects with preexisting vulnerabilities to create yet another dimension of disempowerment." (Crenshaw, 1993). At school, girls with non-EU parents can be penalised for their lack of social and economic resources that prove to be crucial for academic achievements, as Bourdieu had already highlighted a long time ago with reference to the difficulties of working class children (Bourdieu, 1987).





## Intersectional discrimination in the transition to work: The Labour Position of Young Second Generation Female Immigrants

*Sara de Jong*

### Introduction

In all six countries considered in this research project, second generation immigrant girls performed on average better at school than their male counterparts as has been more thoroughly examined in the previous chapter. However, these higher achievements at school of second generation immigrant girls have not been clearly translated yet to their higher labour market status. This chapter will outline some different dimensions of disadvantaged access to the labour market for second generation youth in general, and for second generation immigrant girls and women in particular.

It is important to realise at the outset that the disadvantaged position of second generation youth in education in comparison with those without a migration background, has a detrimental effect on their later position in the labour market. At the same time, on the basis of the Neskak Gora project we could identify some (gendered) obstacles that are specific to the (moment of transition to) the labour market and that only come in (full) effect after school.

Comparatively little attention is paid in the literature to the transition from education to work. Oftentimes, analysis of participation in the labour force is separated from school achievement, rather than investigating the 'bridge' between school and the labour market. Moreover, combining the two sets of data, on education and employment, is made difficult since the data about the labour market is often made available for the entire age group 15-65, without differentiation by age group. An exception is of course the literature that focuses on youth unemployment. A further complication in the gathering of data is the fact that these second generation youth is still a relatively young generation, and therefore there is not much data on this group yet, with research often comprising a relatively small sample size. While vocational officers in school or job agencies would potentially be another interesting source of information, it was often indicated that they did not to have the capacity to track students' transition to the labour market after the completion of their studies. However, the semi-structured qualitative interviews that we conducted with these vocational officers did offer interesting insights, complementing the information gathered from the other interviews with the girls and young women themselves, ethnic community representatives, teachers and relevant NGO representatives.

### Labour Position of Second Generation Immigrants

General comparative analyses between the first and second generation of immigrants have painted a rosy picture of the upward social mobility of second generation immigrants and their increased integration in

the labour market of the host country. As many female spouses of the first generation of male guest workers did not participate in the labour market, it is not surprising that second generation immigrant women participate in relatively higher numbers. However, when the focus is shifted away from intergenerational mobility to documenting the position of second generation immigrants in relation to others of their age, several studies indicate that second generation immigrants are disadvantaged in the European OECD countries in multiple ways. They are not only disproportionately unemployed, but also more often placed in precarious jobs. Moreover, their waiting time before they attain their first job is longer. They are often overqualified for their jobs, or are forced to become self-employed due to lack of access to the mainstream labour market.

There is evidence that the economic crisis has had a stronger effect on the employment status of second generation immigrant youth than on 'national' youth. As is well-known, the recent economic crisis has led to an increase in youth unemployment generally. For example, during the second quarter of 2009, unemployment among Dutch youth between the ages of 15-25, at 11%, was twice as high as the average unemployment rate. The unemployment rate among the ethnic minority youth (which in the Netherlands largely coincides with the second and sometimes even third generation) was 21%, four times as high as the average in the Netherlands.

### Discriminatory Tendencies in Different Stages of Employment

One of the key underlying questions in many of those studies is whether relative inequalities between the employment status of second generation immigrants and their 'national' counterparts can be accounted for by their disadvantaged educational level, social background, language skills, age and family composition or whether inequalities persist even among similarly positioned young 'nationals'. Or in other words, whether other variables, rather than discrimination can account

for the unequal position in the labour market. Most conclusions, while recognising the explanatory value of some variables, also point to the remaining force of discriminatory mechanisms that influence the labour market perspectives for second generation immigrants.

When studying the moment of transition to the labour market (as well as labour market status), one of the aspects one has to pay attention to is the accessibility of internships for second generation immigrant youth. As immigrant youth specifically is overrepresented in lower-level educational schools where internships are often a compulsory element for completing the programme, it is necessary to investigate if problems occur with the finding of those work placements. Moreover, internships sometimes directly lead to job offers or can add valuable work experience to the curriculum vitae.

In a study on internships and discrimination, half of young immigrant students in the Netherlands who apply for an internship indicated that they have the impression that companies select interns on the basis of ethnic origin. Muslim trainees in Denmark have been documented to experience racism and bullying, for example when their co-workers challenged them about the situation in the Arab world.

Also at the recruitment stage for regular jobs, there is evidence of discrimination. Both in the Netherlands and in France tests were done in which employers received fictitious identical application letters of an applicant with a Dutch or French school education and employment history, only hinting at a difference in ethnic origin through the name of the applicant. This research showed that those whose different ethnic origin could be identified with their name had a smaller chance to be invited for an interview. This difference was larger for lower-level jobs, where non-western immigrants are traditionally overrepresented in the first place. Another form of discrimination found was so-called 'customer discrimination', i.e. non-western immigrant applicants have lower chances to obtain jobs with customer contact.

There are also other aspects that are not directly discriminating, but that have indirect negative impacts on the employment chances of

second generationimmigrants such as the fact that in many countries vacancies are communicated through networks, and people searching for jobs consult their family and friends. As the network of second generationimmigrants is often marked by lower employment rates and less high status contacts, they are in a disadvantaged position to obtain a job.

These discriminatory mechanisms need to be further investigated in order to map out the complex web of obstacles that second generation immigrant youth encounters in the transition to the labour market and attention needs to be paid to the structural, institutional and discursive elements that maintain discrimination. Many of the previously mentioned studies are attentive to gender differences in labour market status of second generation immigrants, for example in relation to intergenerational mobility and levels of unemployment by for example offering aggregated statistics. However, more attention could still be given to how discriminatory mechanisms that play a role in (access to) the labour market are composed of an interplay of discrimination on the basis of ethnicity, gender, class and religion, which we can describe as intersectional discrimination. The fact that such intersectional analysis is still far from commonplace is for example illustrated in the 2008 OECD Policy Brief on Ending Job Discrimination. The first sentence of the policy brief, which reads “Women and ethnic minorities still find it harder to get a good job than other workers in OECD countries, and are more likely to be paid less [...]”, begs the question how the situation is for ethnic minority women. This recalls the famous intervention of Gloria Hull, Patricia Bell Scott and Barbara Smith, who in 1982 published a book with the title ‘All the Women are White, All the Blacks are Men, But Some of Us are Brave’. This provocative title still shows the imperative for an intersectional approach attentive to the experiences of women from ethnic minorities. The subsequent sections will explore three examples of intersectional discrimination in the transition to the labour market, specifically focussing on the intersection of ethnicity and religion with gender.

## Headscarves in the Labour Market

In all of the focus six countries for our research, discrimination in the labour market, especially at the recruitment stage, against second generation young immigrant women who wear a headscarf has been documented. In some countries like France there are specific laws about the wearing of ostensible religious symbols. In other countries, while there are no such laws, women wearing a headscarf still face discrimination. While discrimination against women who wear a headscarf might initially seem a ‘simple’ case of religious discrimination, the reality is more complex. The reason why this issue cannot be reduced to religious discrimination alone is that negative responses towards the headscarf are imbued with gendered connotations, for example perceptions of patriarchal oppression and norms about female emancipation. Moreover, as Muslim men’s bodies are generally less ‘marked’ by clear religious symbols, this issue is affecting Muslim women in particular.

Our qualitative interviews with second generation immigrant girls and young women also showed that the extent of the effect of employers refusing to recruit women who wear a headscarf might be partly invisible in quantitative research that relies on employment numbers. The reason is that the girls and young women who have faced rejections, tend to look for alternative vacancies. In some cases this means that they even feel forced to change employment sector or they seek to avoid jobs with customer contacts. So, even though they might eventually find employment, this is only because they change direction or make long detours.

Uzma Ahmed Andresen is a Danish NGO worker, who has Pakistani parents and was born in Denmark. She recalls that she asked a woman to give examples of discrimination she experienced: “One of [the examples] was her own experience when she phoned for a job and she was told to come down there, because they had a job opportunity but then, she came down and she was told that the job had been taken”. This example of vacancies ‘disappearing’ as soon as employers found

out that the applicant wears a headscarf was commonly mentioned.

Another expression of discrimination at the recruitment stage which is difficult to document in quantitative research that bases itself on employment statistics, is that some girls, especially when they feel vulnerable, might choose to adapt their style according to the wishes of the employer. They would decide not wear a headscarf due to employer’s pressure even though they would want to wear it otherwise. Such decision would cover up the initial discriminatory response of the employer. Souad, a 22 year old girl from the Netherlands with Moroccan parents, is for example conscious of the fact that wearing a headscarf could have a detrimental effect on her chances in the labour market. While she also indicates that she personally does not feel ready yet to wear the headscarf, when asked what would be a good moment to start wearing a headscarf, she replies: “Ehm, when I have a permanent contract somewhere”.

The above stories as well as the other interview data retrieved through our qualitative research clearly indicate how discrimination against women wearing a headscarf in the labour market impacts on the career trajectories and personal decisions of (religious) expression beyond mere exclusion from employment. Therefore, it is important to complement quantitative literature on discrimination with rich narratives from qualitative research, which can map these complex experiences.

## Gender Labour Segregation

The second case in which gender and ethnicity clearly intersects, becomes apparent in relation to the lack of proper guidance in career choices of second generation girls. The labour segregation of first generation female immigrants who are overrepresented in for example the cleaning and care sector is reproduced with the second generation as career advisers and job agency officers often advise girls, even those with a higher education, to apply for jobs in these same sectors. Hence, cultural stereotypes in the discursive realm as well as the structural

position of first generation migrant women impacts on the labour market position of second generation migrant women.

The interviews also revealed that girls that come from the lower educational sectors with vocational tracks experience difficulties in deciding for the vocational training of their choice, as they receive little guidance and support from schools and family. This often results in young girls making decisions based on ‘safety’, i.e. following the same vocational training as most friends do or choosing courses that have a reputation to be ‘easy’.

Dutch Fatima Bourri, whose parents are from Portugal and Morocco draws on her experience as a youth worker, where she was responsible for girls projects. She explains in the interview when asked about the school achievements of second generationimmigrant girls from Moroccan descent: “What struck me was that many girls did not make a motivated choice [for vocational track they were in]. [...] Those girls really did not have any idea what they were doing. If you really asked them it was about choosing subjects so they would be together with their friends.” She continues considering the reason why they end up in vocational tracks that they are outside their field of interest: “Maybe because they don’t get stimulated, not at home. And that they got the role of an adult very quickly, that you have to make the choice yourself; you are getting married soon anyways. And I also see that there are just also a lot of girls that are very focussed on marriage”.

The specific gendered dimension is expressed in the fact that commitment to education and choosing a career track of interest is seen as less important for girls who will get married and then stay at home anyways. Also, these girls are overrepresented in the care and social sector, especially working with children. These professional directions, with an evident ‘feminine’ character, are seen as ‘safe choices’, which would even have served a purpose when the woman would eventually stay at home with children. In addition, such ‘feminine’ tracks can be easily communicate to others, as it still remains in line with expectations of family and the wider society.

## Gender and Employment Norms

It has become evident that the labour market is marked by a range of (implicit) norms with discriminatory effects, similar to the educational field. As these norms take different shapes and forms, the effects also change. It can tentatively be suggested that while being the quiet girl, nice, obedient girl pays off in an educational context, this role is not conducive for obtaining a high status job. In the labour market, stereotypically 'masculine' traits such as assertiveness and competitiveness are more highly valued and rewarded.

Our interviews and other research also point to the fact that women dropped out of the labour market at a later stage, after initial successful recruitment, as they struggled to combine different expectations. Women in paid jobs, both from ethnic minority and majority backgrounds, often have to juggle the double burden of both domestic duties and professional work. Some of the ethnic minority women that we focussed on in this study are relatively young when they get married and have children, compared to their 'national' counterparts. In some countries this difference is more pronounced than in others. There is however also evidence that second generation young women increasingly postpone marriage in order to increase career chances. In the interviews, quite a few girls expressed their desire to work but indicated as well that when they would get children, they would plan to take over the main caring responsibilities and reduce their paid work. Other pressures included conflicting expectations from employers on the one side, and partners or parents on the other side, for example regarding the attendance of staff meetings in the evenings.

## Conclusion

Several studies indicate that second generation immigrants are disadvantaged as they are disproportionately unemployed, placed in precarious jobs, their waiting time before they attain their first job is higher, they are overqualified for their jobs, or are forced to become self-employed due to lack of access to the mainstream labour market.

Furthermore, forms of 'surname' discrimination and lack of 'social capital' in particular seem to play a big role. Yet, despite the fact that second generation youth in general finds more obstacles than 'national' youth in (the entry to) the labour market, there are specific forms of discrimination which are distinctively 'gendered'. First, discrimination against women wearing a headscarf is very high, and it impacts on the career trajectories and personal decisions on religious expression beyond mere exclusion from employment. Second, career advice offices and ethnic social networks tend to channel second generation girls towards those jobs which are reserved to immigrant women in Europe (cleaning services and care-domestic work), thereby reproducing gender-based social inequalities and segregated gendered and racialised labour markets. Moreover, when good career guidance is lacking, the girls and young women often find themselves in 'feminised' vocational tracks and have fewer courage and opportunities to 'travel the road less travelled'. Finally, the labour market is marked by a range of often implicit norms with discriminatory effects particularly for women. While obedience and discipline are traits that can reward girls in their educational achievements, the opposite is true in the labour context where more 'masculine' traits – competitiveness, confidence and self-promotion – pay off to obtain a high status job. Furthermore, women in particular experience conflicting pressures emerging from the private and the public sphere.

Hence, in order to address obstacles in the (transition to) the labour market, it is imperative to be attentive to the fact that discriminatory mechanisms materialise in different ways at different levels; the structural level, the institutional level and the discursive level. Labour segregation, which emerges from discursive and structural racism, requires a different response than the indirect discrimination of recruitment through networks, which is situated at the institutional level. Whereas the latter could possibly be remedied through increased use of formal communication channels or targeted recruitment in alternative channels, the first requires an overarching critique of racism, sexism and stereotyping in society. Other discriminatory mechanisms,

which develop from the structural level and are exacerbated by policies at the institutional level ask for multi-level responses. For example, surname discrimination can be tackled institutionally by introducing anonymous application procedures, but requires a deeper level response in order to eradicate the phenomenon at a structural level.

The complexity of the mechanisms underlying exclusion and segregation cannot be sufficiently captured in quantitative research only and some manifestations even remain invisible in statistics. Further research can include a wide range of avenues: it needs to be further investigated what the costs are, in both the financial and in the social and psychological sense, of for example gender/ethnicity segregated labour, far-reaching adaptation such as not wearing the headscarf in spite of personal wishes, and multiple rejections in the recruitment process. Moreover, it is necessary to further explore the impact of the silence on racism in countries such as Denmark or the Netherlands, that have a positive self image of tolerance, for the possibility of denouncing discriminatory mechanisms in the labour market. Finally, there needs to be constant reflection on which 'reference group' is most appropriate to reveal something about the labour market position of second generation immigrant women, whether and in which cases that should be immigrant second generation men, first generation immigrant women, or 'national' women of age.



## Interview with Noura M'Barki: integration counselor at Rådmandsgades school in Mølneparken, Copenhagen, Denmark

*Interview conducted by Sara de Jong, 23 March 2011*

*Noura was born in Denmark, her parents are from Morocco, she is 33 years old, married, no children*

**Interviewer:** *What is your work as integration officer here?*

**Noura:** I keep contact with the families and the youth. I am not a teacher. I have a lot of contact with the families and children. If the children or their families have a problem they can walk into my office and we talk about the problem, then I will find out what we should do to solve the problem, with the youngster or the family. Also the families come when they have problems. You can say that I am like a social worker. I do a lot of different things, also when there is something wrong, like the last few years we have had a lot of problems with gangs. Lots of problems with families wanting to move out, and children being afraid. I do a lot of things, also with rights for the community, also when they look for jobs, I show them the way. Because there are a lot of families, they have so many crises in their lives, so they don't have the energy to solve the problems, so they are like, 'I don't care, ok, let it burn everything'. So I just show them the way to the offices,

and call them the next day 'ok, how did it go?'. Because, especially in this area Mølneparken, things have turned difficult in the last 10 years, we have gangs and shootings. Right now the feeling for a lot of these families is that everything is very bad, because they are living in a ghetto, they are afraid, with gangs and shootings and it is depressing all the families. And a lot of families have of course their own baggage that have brought from their own countries, from all the things they have experienced, horrible things, so we have a lot of families, for whom one thing, like making food for the children is difficult. Like I have this bill, I can't pay it, and they just leave it, so I just show them the way, so that something at least is easier for their lives. It is a lot of things that I am doing, but I have an area of specialty which is girls. Girls from different cultures and origins, a lot of Muslim girls, these girls come to my office whenever they have a problem with their families or with their boyfriends or anything, with their school.

[...]

So now I have about 200 or 300 girls in and out of my office, asking about everything, not only bad problems, it is also about 'I got my menstruation, how should I deal with it?', or 'I had sex with a guy, how should I protect myself?', a lot of things.

[...]

**Interviewer:** *Why do you think there are a lot more girls that are coming to talk to you?*

**Noura:** I think the guys have a more open free life than the girls.

The guys they don't have to hide themselves too much, the guys can go out with their friends, go out in the night, with their friends, they don't say to their parents what is happening, but the parents also don't always asked them. The girls are always hiding, also with their girlfriends, they also have to hide about their reputation. The girls have to be hiding always, they also have to be the nice, pretty girl at home that listen to their parents, and pretty clothes, nothing to show off. And when they go out, the society is like a new world, you have to decide by yourself, so a lot of these girls, they are very confused. In this state of confusion they sometimes do something bad for themselves, so sometimes they have to talk about it.

[...]

**Interviewer:** *How about the school? What is the reputation of the school? Who goes to this school?*

**Noura:** In this school 70 or 80 % belong to a minority group. When parents are asked, they say that this is a bad school, it is a black school and they are not doing anything, and all the crime, and all the problem girls and boys are here. But that is the image on the outside, it is about where it is placed, in the neighbourhood. But right now, it is changing, there was a merger with another school and the school director has a good reputation, also with people from other countries, so when she came to the school, then they hear about her name, and people say 'ok, maybe things will change'. Things have also changed. This is a very beautiful school, it is new school, now we got a tenth grade and they come from a different school and this is something new, so we got a lot of students from different schools, so now you see a lot of different students. So I think when you go inside here you can see, and that is why I think the reputation is getting better and also the work we are doing. Because the merger gave us also good new teachers from the other schools, who are used to teach all different kinds of people. And as one of the students from the 10th grade said, 'it is unbelievable, when you are inside the school I do not see their color, I don't see anything, no headscarves, I just see people'. And we have heard this before, also

teachers, or people from the outside, when they visit us, it is not the name, not the colour, it is just people. So I think we are succeeding with that here. Often we are trying to get the parents into the school, because we want them to help us, not just me helping them, and they give us some advice, how they work with their children at their homes. I think when the parents come to this school and we are open about that, 'we want your advice, you know your children better than we do', it is opening a lot of doors that have been closed before. We spend a lot of time developing ways of working with the parents.

[...]

**Interviewer:** *focusing on North Africa and South Asia, I can imagine that all this people share a lot of these issues, but maybe there are other problems specific for these groups?*

**Noura:** [...] Well, when a girl from Palestine comes through that door telling me, like that girl that was raped, and he is from Turkey, and she told me that she is afraid of her family, I take it very serious, because.. it is very strict. [...] With a Moroccan or an Algerian girl, they are also strict in the family, but my experience in the last 5-6 years, I think it can be more, you can talk to the parents in a different way. We have a team called ethnic consultancy team, and they come in and they are very good with talking to the parents. [...] The youth is more open in this community than the Palestinian, Pakistani and the Turkish, an example could be that a lot of Moroccan girls marry with a Danish man, it is more allowed in this area, it is just something you feel, you experience. The way I talk with the Moroccan and Algerian families is more open. When I look in Morocco, things are opening up, girls go in bikini to the beach, they are a lot of rights for the women, a lot of education, and also when you go to Morocco, the girls are very open. Some areas are still closed, not everywhere is the same, in big cities, it is very open. This is influencing them, because when they go back on holidays and they see this and the parents see this, they see it is the same almost (as in Denmark). But when a girl from Lebanon goes back they say it is horrible, they feel it is not their own country, feel like they

have traveled 200 years back in the time, they have to wear long dresses. When they come back, they are confused because they don't feel it as a vacation, they feel that it is like a prison.

[...]

**Interviewer:** *How about the girls from Pakistan?*

**Noura:** Pakistan is also difficult. The last 5-6 years, the way the girls dress it is changing because we see now much less Pakistani clothes, we can see right now they are wearing jeans, but the family rules are also very strict. You can see with the Pakistani girls, also in this school, 'education, education, education'. But the things that the Arabic, and the Moroccan girls are jealous about is that they are being raised at home, the guys and the girls, they have the same, it is not like in a Moroccan home, in an Arabic home where a guy can do whatever he wants to do, and the girl can get pregnant, and they feel that Pakistani boys and girls are raised the same, with the same kind of treatment. The parents treat them equally, you don't have 'you can't go to a party because you are a girl', it is also the boy, and that is the good thing about the Pakistani girls and boys.

**Interviewer:** *You said before that Pakistani girls are required to concentrate on their education. Do they get better grades than the other girls?*

**Noura:** Yes, but we can see that for the girls in Denmark, and in this area, the key to freedom is education. Because the girls say, 'if I want to be something in my family, at the same plane or level as my brother, the only way my father is going to allow me to be in that place is because of the education, because then my father is proud. When I get education, I can tell my parents that I am going to travel with the school, travel with the girls, so I get a good job, a good education and I get the key to my own freedom. I am planning my freedom with my education'. A lot of these girls they want to go to this level with their brothers, the only way is the education, because then they get respect from the father. For all these families it is very important, no matter where they come from, is

very important that their children become somebody.

**Interviewer:** *Do the girls do better than the boys at school?*

**Noura:** Yes, they are doing better.

**Interviewer:** *What kind aspirations do they have, what kind of professions do they want to pursue?*

**Noura:** All the parents want them to become lawyers, doctors or engineers, those are the only professions that work for them. But a good thing about the school is that they start from the very early beginning we tell the parents not to pressure the children, because for a lot of them, it will be impossible to become a doctor. But we say to the parents, 'it is very important that the children, or your girl get their own way and their own mind to get an education, and it is that if they want to work in a kindergarten or whatever it is, it is very important to support your child'. In the sixth grade, when they are like 13 years old, we make some tests with the children and tell the parents which level their children are, 'so don't pressure them. It is not that we say, 'he is never going to be a lawyer', but 'you have to listen to him'. Because a lot of them got a lot of pressure from their family, and then nothing works, if you are not a doctor or something big. And the students get tired of hearing this all the time, so we are also educating parents, showing them that there are more jobs to find happiness.

[...]

**Interviewer:** *Is it difficult to get parents from ethnic minorities involved with the support groups in the school?*

**Noura:** It is always difficult to get them involved, not because they do not care, but because they have too many problems in their heads, because they have a lot of children and they have problems and they don't have the mind to come over. Mothers come more often, they

always come, but the father it is a bit more difficult for us [...]. We have an open school, every 14 days we open the school. When we have father and son day, we can do something. Last time we had mother and daughter day we got someone from outside to talk about how to be confused about sex, about many things, about marriage, then there was a very good discussion, because the people who came out, it was the mother and the daughter talking to each other, so it was a very good discussion they had with each other. Because some would say 'he, mama, did you do that?' and the mother would say 'ok, is this how you think about it', it was very good. And we also try that with the boys and the fathers, but it is difficult because many of them are working or they send the mothers.

[...]

**Interviewer:** *And all those projects, do you make them up yourself, or are there training guides, or best practices that are shared in Denmark, or do you take courses?*

**Noura:** I got have guidelines and I got inspiration when I go to courses, they send me 2 or 3 weeks to a place for inspiration. But also we sit together, when we see things happening a lot of times, we want to know what is the problem, how can we resolve that, and then we think and think and think and then we try it.

**Interviewer:** *And the courses are offered by the government? Or who gives those courses?*

**Noura:** The courses are open, arranged by the Integration Ministry, they offer a lot of courses. There are courses home and school, about how to speak with parents and how to involve them. Because a lot of times the mothers come but they do not understand what the teachers are talking about, not only because of the language but also how the meeting works. So we talked about how the meeting should be when they are a lot of families who don't understand a lot, how should we arrange it differently, maybe we should put them in groups, do it differently

than we used to do it, change a little bit the Danish traditional way of someone talking and the rest listening. We are thinking new ways how to get them involved. It is the most important thing that they feel we involve them with the children. They know also from us that they are experts of their own child. They know the door is open and we listen to them, because of lot of the time it is a one way conversation, it needs to be a two way conversation, that is very important for us.

[...]

**Interviewer:** *Why do you think drop out rates are different for boys than for girls?*

**Noura:** It is also a problem for the girls but not as big as it was. Maybe it is, when I talk to the girls, they have some goals, they want something, they want to show something. They want something out of their lives because they feel that it is a key for them, that it is opening some doors. The boys are like, they are spoiled by their parents, they have less responsibilities at home, they don't have to clean, they do not have to do anything, because my sister is going to do it. They do not have the goals that the girls have and also when they are talking you can see it, that the girls are very strict, they want something, because they always have to show that they are somebody, 'I am doing something with my life'. And the guys, it is like, 'I am going out', 'ok, when do you come back?', 'I am coming home when it is dark'. And the girl is like, 'I am going out', 'where are you going?', 'call me!'. You can also see it, because the guys also with their sisters, there is a girl here and she has a brother but she is older than him, he goes to the 7th grade and she goes to the 10th grade, and he came from the other side (of the street where the other school building is) and she was like, 'oh, no, this is my last year and I don't have any freedom'. And I told her, 'but he is in 7th grade, if he would be in 9th, but 7th grade?'. But she said, 'he can rule my life, when he sees me with a cigarette, see me talking with a guy'. So she is looking forward to leaving, get a new life in another place.

**Interviewer:** *Do you know if these girls with a Moroccan or Algerian or Pakistani, Indian backgrounds, are having problems finding a job afterwards or finding work placements of finding further education?*

**Noura:** I haven't heard a lot about that. My experience is that the girls with a headscarf, are having big problems. Also when they study, and they work next to it, it is a very big problem. But not for the girls without, it is depending what it is, but I don't have the feeling that that is a big problem at all.

**Interviewer:** *So, who makes a problem about headscarves?*

**Noura:** A lot of them, say that when they want a job, when they see the scarf, they don't call them, also when they got an education. So it is a problem.

**Interviewer:** *And is that something you talk about at school?*

**Noura:** They talk a lot about it, a lot of girls they take their scarf off when they get a job, because it is very important. [...] The girls who have an education, who want a job after, it is a problem, but it is not a major problem, it was 5 years ago, but I do not feel it is like, but I know the girls who study they come to me because we have a list of places where it is ok (to wear a headscarf) like Seven Eleven or Ikea, they also have commercials with people with a headscarf and they are proud of it. There are places where we sent them where they can go, but there are places where they cannot, like fashion shops. But I don't say this is the major problem.  
[...]

**Interviewer:** *What do you think is Danish society expecting from them?*

**Noura:** I would say that Danish society expects something which is making them confused. Because when they go to school, the teacher

says 'you have a responsibility, I have to hear your opinion' and then the girl goes back and she just had a day where she talked with the teacher and the students and says 'I have my opinion!' and she is talking about everything, but then when she goes back she has to put another mask on. So a lot of these girls say that the society confuses them a lot, because they always have to take one step forward and one backwards. One of the girls says, 'I'm so happy that the society gave me these tools because I have some rights as a girl and as a woman, and they are teaching me this, and I am happy about that because it is something that gives me something here inside, but it is also confusing me because I will always feel like I'm a stranger, because I cannot decide 100% by myself, always 50% or 40% or 30%'. And this is what makes it difficult for most of the girls because they feel they are not equal to the Danish girls.



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