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# GENERAL INTRODUCTION

This literature review seeks to define the way in which gender-based violence and, in particular, intimate partner violence affecting migrant women is studied in Belgium or in a European context. We define this violence in the terms of the United Nations Declaration on the Elimination of Violence against Women as 'any form of violence directed against a person on the basis of sex, gender identity or expression'<sup>1</sup>.

At the outset, it should be noted that our research highlights the risk of associating the partner violence suffered by migrant women in their host countries to their cultures of origin. In our view, this risk is omnipresent in research that has focused on measuring (the risk of) domestic violence using gender social norms scales, which research is presented in the appendix of this paper. However, reading from the point of view of these social gender norms is not (completely) useless, since our results from a more comprehensive and feminist review of the literature have shown, among others, that:

- cultural and religious factors (which form part of the basis of social norms) make women of immigrant origin more reluctant to report violence;
- cultural barriers and family pressures often force women to retract their reports of IPV or refrain from reporting it, leading to serious physical violence and even fatal outcomes.

Sociological research into social norms<sup>2</sup> shows that the stronger/weaker the adherence to social norms, the greater the impact of cultural barriers. Our literature review also identifies cultural and social norms that tolerate or encourage violence against partners as risk factors for violence against women. This research notes that the links between attitudes/behaviours and gender norms are still strictly studied on a one-off, linear basis and on the basis of self-reported data, whereas measuring the influence of changing social norms on violence against women is complex and involves many factors.

In contrast to the scales used by many researchers and field workers (non-governmental organisations, NGOs), our research argues that violence measurement scales must be context-specific because it is inappropriate to impose a conceptualisation of violence on an individual. The acts collected must be evaluated according to the victim's interpretation of them, to be sure of understanding the way in which violence is expressed or not. Hence the interest of the qualitative analysis that will be carried out as part of this project, from a perspective that is more compatible with feminist perspectives on research into violence.

Our study also illustrates the way in which specific migration policies can contribute to causing and/or aggravating the effects of domestic violence in migrant households. In the legal section of this literature review, we discuss how the Belgian law of 15/12/1980, with its strict legal framework and numerous conditions, sometimes creates situations of violence between

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<sup>1</sup> <https://www.un.org/fr/observances/ending-violence-against-women>

<sup>2</sup> see, for example, Shakia, H. (2015) What are social norms? How are they measured? Technical Report; Burke, M. & Young, H.P (2009) *Social Norms*. In “*The Handbook of Social Economics*”, edited by Alberto Bisin, Jess Benhabib, & Matthew Jackson. Amsterdam: North-Holland.

partners, particularly in the context of family reunification. The requirements of the law exacerbate tensions between partners or unequal power relationships within them, and end up creating conditions conducive to domestic violence. Women who are victims of violence then face a double violence: the violence they experience at home as well as institutional violence linked to the applicable legislation and its consequences.

Gender Analysis: Analysis of the Links  
Between Social Norms and Intimate  
Partner Violence in Migrant Couples in  
Europe: *A Critical Literature Review*

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## Introduction

Since the 1970s, intimate partner violence (IPV) has been a topic of interest for both public policies and researchers in psycho-social sciences. "The personal is political," a famous slogan from the second wave of feminism, proposes a rethinking of heterosexual relationships within what feminists of the time analyze as a patriarchal matrix based on fundamentally unequal power dynamics. They aim to abolish the notion that what happens at home is a private matter detached from societal influences (Thiara et al., 2011).

Some of the prominent activists and academics of the second wave of feminism, such as Simone de Beauvoir, Monique Wittig, and Christine Delphy, suggest considering the materiality of gender. They reject the essentialization of identities to allow analysis in terms of social roles, similar to how social classes are analyzed in Marxist theories. Wittig even goes so far as to speak of a heterosexual contract to combat reproductive notions of women's roles in a capitalist system.

Their legacy has allowed a generation of researchers and institutional leaders to think about gender-based violence not as an inter-individual problem, but in terms of complex power relationships intertwined with identity, community, culture, and education. However, Delage, Lieber, and Chetcuti (2019) note that:

"With the institutionalization and development of public policies in the 1990s and 2000s, the feminist perspective has been contested in several ways. New institutional actors have become involved in addressing violence from other reference universes, particularly the medical, legal, and social work realms. Their involvement has been accompanied by a continuous reexamination of the initial feminist perspective and a potential depoliticization of the issue" (p.9)

We understand that institutionalization has so far been constructed through the globalization of a social problem, the political recognition of which provokes a conceptual denaturalization of activist analyses from the 1980s. Some authors analyze that the implementation of political measures against gender-based violence has contributed to erasing feminist/activist analyses of the issue and has participated in creating a "woman subject at the expense of differences between women based on their class, migratory trajectory, or sexual orientation" (Riley, 1988 as cited in Delage, Lieber & Chetcuti-Osorovitz, 2019, p.13). Carried intersectional studies forward by the third wave of feminism have highlighted that our research and international texts do not serve all women in the same way and particularly fail to consider the experiences of migrant women from southern to northern countries or women of color (Delage, Lieber & Chetcuti-Osorovitz, 2019). As emphasized by Freedman, Sahraoui, and Tastsoglou (2022) in their book "Gender-Based Violence in Migration," few studies explore the structures that mark the specific conditions under which migrant women experience violence perpetrated by their partners. Certain national organizations like the UK's Department for International Development acknowledge the lack of precision in researching the established connections between norms/beliefs and their implications in IPV (Alexander-Scott, Bell, Holden, 2016). The lack of intersectionality in studies on IPV and the lack of consideration for the influence of norms in IPV limits the development of European public policies capable of addressing both gender-based violence and transnational movements within international and national legal frameworks.

Our study is part of a larger research project that seeks to identify societal factors affecting migrant women in Europe and indigenous women victims of IPV, enabling a better understanding of the influence of social norms on psychological determinants related to partner violence. To deepen our analyses, specifically in the context of this literature review, we questioned how the situation of migrant women is considered in studies undertaking a simultaneous analysis of the shared responsibility of macro social factors as well as individual conditions related to the occurrence of intimate partner violence in Europe.

The delineation of the objectives of such research is complex because the measurement of social norms does not exist in itself, and macro social factors are not a fixed object or a phenomenon that can be studied outside of themselves. To clarify our subject, several key elements have proven fundamental in shaping the construction of our study. The first was to establish the theoretical framework we would use. We chose to emphasize the definitions of intimate partner violence (IPV) as provided by international legal frameworks, rather than the more nuanced definitions sometimes found in psychology and sociology. The primary reason for this choice was to understand how a legal, contractual, or legislative framework serves both as an instrument and a result of the normativity of a social phenomenon. In the second part, we present a simplified conceptualization of social norms when analyzed from a gendered perspective. Finally, in the last part, we clarify what we mean by transnational movements and what this entails in Europe. These definitions themselves are constructed to grasp the utilization of the notion of intersectionality as an epistemological, methodological, and critical paradigm. Our research question thus assumes two levels of analysis: (1) the links between macrosocial factors and individual factors involved in the emergence of IPV, and (2) the existence (or absence) of the multiplicity of identities of female IPV victims present on European soil in these large-scale studies, whose statistical value serves the actors responsible for European gender-based violence public policies.

In the scientific literature, measuring the connection between the effectiveness of public policies against IPV and the desired attitude changes resulting from the implementation of these policies remains challenging. IPV is a multifactorial issue, and evidence-based analyses of the connections between evolving societal or social norms and the reduction of IPV are lacking. This is especially true when combining this dialogue with specific demographic and socioeconomic data. To better understand how national and international stances against IPV in Europe incorporate the situations of migrant women, we first identify risk factors contributing to the likelihood of IPV occurrence. Then, we identify explicit links between social norms/national context and IPV within the included studies. Cross-national comparisons of attitudes among populations or the governmental positions of various European countries aided us in conceptualizing how the gathered data could contribute to a better understanding of the vulnerabilities of migrant women, even when their situations were not sufficiently detailed in the relevant studies. This data collection allows us to address the first level of analysis in our research question. Using these initial findings as a starting point, we have been able to conduct a critical analysis, staying true to the intersectional approach.

Ultimately, our discussion focuses less on the study results themselves and more on the political and academic framework within which they were obtained.

In our discussion section, we specifically address the underlying critical issues related to the second level of analysis in our research question. This involves understanding (1) how intimate partner violence

(IPV) against migrant women is measured in large-scale psycho-social studies conducted at the national or international level within the European context, and (2) what insights can be drawn from this literature review to better understand the future links between IPV experienced by migrant women and the evolution of social norms supported by European policies.

Through the evaluation of published works on IPV in Europe over the past decade that mention situations faced by migrant women, we demonstrate the lack of congruence between international guidelines<sup>3</sup> concerning recommendations for considering vulnerable women in Northern countries and their actual implementation in population-level research within the European Union. These research findings, in turn, contribute to the development of public policies on gender-based violence.

## I - Theoretical Framework

### *1 - Intersectionality*

Intersectionality is a paradigm of theoretical, epistemological, and geopolitical analysis—a project aimed at understanding international phenomena that presupposes the constant evolution of individuals' identity and subjectivity in response to their context. Patricia Hill Collins (1990) proposes conceiving intersectionality along three axes of domination: "race, gender, and class" (Freedman et al., 2022). African-American feminists, including bell hooks, Kimberlé Crenshaw, and Patricia Hill Collins, are the originators of the conceptualization of intersectionality, which assumes a constant movement of status and the simultaneous experience of multiple systems of oppression (racism, sexism, and classism).

Black feminism emerged in the 1970s as a political thought movement within feminism that aimed to define gender domination without isolating it from other power dynamics such as racism or class relations. It sought to represent the perspectives of all those who are oppressed (Carles, 2018, p.327).

In research, this idea must be embedded in highly precise analytical designs, an inclusive epistemology, and the reporting of "situated" knowledge. In other words, it involves exploring individuals' real experiences within their intimate and geopolitical context, liberated from a globalizing universalist approach that has been recurrent in the institutional organization of the fight against gender-based violence (Delage, Lieber & Chetcuti-Osorovitz, 2019).

Politically, the concept of intersectionality gained international visibility during the World Conference on Women held in Beijing in 1995 (Council of Europe, accessed on 02/05/2023). The conference report mentions that "age, disability, economic and social status, ethnicity, and race can create particular obstacles for women."<sup>4</sup> The guidelines established at that time highlighted that the absence of using an intersectional perspective in research runs the risk of essentializing social phenomena to specific minorities or making their issues invisible within the study of a marginalized population. For example, studying gender-based violence in Europe (minority population = women) without considering the

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<sup>3</sup> Promoting the involvement of affected communities in the development of public health policies and prevention programs, enhancing intersectoral coordination among government, prevention centers, and NGOs combating violence against women, implementing multi-sectoral approaches for victim support (socioeconomic, educational, psychological), fostering evidence-based research using more precise sample categorization and ethnic characteristics (WHO, 2014), and raising awareness about gender-based violence within migrant communities through training multilingual agents and establishing meeting places (BFEG, 2020).

<sup>4</sup> Retrieved from <https://www.coe.int/fr/web/gender-matters/intersectionality-and-multiple-discrimination> Conseil de l'Europe – consulted 2 may 2023.

multiplicity of women's experiences (minority population within the minority population = migrant women). In the present study, we utilize the concept of intersectionality to analyze the state of European research on intimate partner violence (IPV) and the integration of understanding structures, legal practices, and political contexts in data collection. We believe that intersectionality should not be confined to a theoretical perspective; it is also a political project that "invites researchers to expand their horizons" (Freedman et al., 2022, p.13) by considering the silent living conditions of those situated at multiple levels of the "matrix of domination" as defined by Patricia Hill Collins (1990 as cited in Freedman et al., 2022).

The theoretical premise of intersectionality also suggests thinking about the intellectual flexibility of researchers who employ it. This justifies the integration of studies into our analyses that we classify as psycho-social, even if they are not always explicitly labeled as such by their authors. This methodological choice emphasizes the impossibility of establishing a clear categorization between psychological, social, and political factors at play in partner violence dynamics. The interdisciplinary nature and heterogeneity of theoretical references used in the various studies included in this review have made the comparative analysis of results complex. Nonetheless, we believe that the interdisciplinary perspective of our study is necessary for a better understanding of the visibility of migrant women who are victims of IPV in European research across various levels: individual, social, legal, political, national, and international.

As intersectionality entails a political project, its use fundamentally entails a critical examination of the analyzed data. Therefore, the current research starts from a critical standpoint, aiming to humbly contribute to both social and scientific change (Carbado et al., 2013 as cited in Freedman et al., 2022).

## ***2 - Intimate Partner Violence (IPV)***

Intimate partner violence hasn't always been recognized as a violation of human rights. It was considered a private form of violence, not perpetrated by a state or national authority, and therefore was not inherently seen as a violation of an inalienable human right (Freedman, 2021). Today, with a growing recognition of its impact, IPV is acknowledged as a human rights issue, particularly due to the efforts of feminist activists and researchers. The understanding of IPV has evolved from considering it as merely a personal or private matter to recognizing it as a societal problem that requires a comprehensive response involving legal, social, and policy measures. This transition highlights the importance of intersectional analyses in understanding the complex factors influencing IPV and in crafting effective policies to address it. Today, largely due to the feminist movements of the first and second waves, intimate partner violence (IPV) is internationally recognized as a violation of fundamental rights.

IPV is internationally defined as an extension of the broader concept of gender-based violence or violence against women proposed by the United Nations in the Declaration on the Elimination of Violence against Women (1993), which states that:

"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" (UN, 1993, p.3)<sup>5</sup>.

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<sup>5</sup> "The United Nations Declaration on the Elimination of Violence Against Women was adopted in 1993, and in 1994, the United Nations commission appointed a Special Rapporteur whose role is to oversee the implementation of specific measures by governmental, regional, and international institutions on these matters" (Freedman, 2021, p.1).

In 2013, the World Health Organization (WHO) defined intimate partner violence as the most common form of violence against women and suggested including it within the broader category of physical and sexual violence against women perpetrated by a partner. It is defined as:

"The self-reported experience of one or more acts of physical and/or sexual violence by a current or former partner since the age of 15.

(1) Physical violence is defined as being slapped or having something thrown at her that could hurt, being pushed or shoved, being hit with a fist or something else that could hurt, being kicked, dragged, beaten, choked, or burned on purpose, and/or being threatened with, or having, a gun, knife, or other weapon used against her" (WHO, 2013).

This comprehensive understanding of intimate partner violence reflects the acknowledgment that violence against women, particularly within relationships, encompasses various forms and manifestations, including physical, sexual, and psychological harm. These definitions provide a foundation for addressing and combating intimate partner violence as a critical human rights issue.

(2) Sexual violence is defined as: being physically forced to engage in sexual acts against one's will, having sexual intercourse because the victim is afraid of the consequences of refusing, and/or being forced to engage in sexual acts that the victim finds humiliating or degrading (p.6 - my translation)<sup>6</sup>.

Despite coming into effect in 2014, in 2011, the second paragraph of Article 3 of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) defines domestic violence as:

"All acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim" (Council of Europe, 2011, p.3).

These various international definitions provide guidelines for those working on issues related to intimate partner violence, whether they involve research projects or interventions. They also serve as international definitions to establish the legal framework surrounding IPV at the national level.

Specifically in Belgium, the Institute for the Equality of Women and Men offers a definition of partner violence as:

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<sup>6</sup> Physical violence is defined as: being slapped or having something thrown at you that could hurt you, being pushed or shoved, being hit with a fist or something else that could hurt, being kicked, dragged or beaten up, being choked or burnt on purpose, and/or being threatened with, or actually, having a gun, knife or other weapon used on you. · Sexual violence is defined as: being physically forced to have sexual intercourse when you did not want to, having sexual intercourse because you were afraid of what your partner might do, and/or being forced to do something sexual that you found humiliating or degrading (p.6)

Characterized by a set of behaviors, actions, and attitudes of one partner or former partner aimed at controlling and dominating the other. They include assaults, threats, or verbal, physical, sexual, and economic coercion, whether repeated or likely to be repeated, affecting the integrity of the other and even their socio-professional integration<sup>7</sup>.

The definition of partner violence provided here serves a strict legal framework (Law of November 24, 1997, Article 410 of the Penal Code, Article 46 of the Code of Criminal Procedure, Article 458bis of the Penal Code<sup>8</sup>) and is subject to evolution (COL 4/2006, COL 15/2020, COL 18/2012<sup>9</sup>). The same applies to sexual violence<sup>10</sup> (Article 375, 377, 372, 371/1, 385, and 383 of the Penal Code). It's worth noting that sexism is also legally defined since the Law of May 22, 2014 (amending the Law of May 10, 2007).

These various definitions demonstrate clear advancements in the fight against gender-based violence, particularly IPV, and how national institutions have addressed the issue to propose a common definition within an international normative framework to protect victims (Freedman, 2021 in Devaney et al., 2021).

For our study, it is crucial to be aware of this international framework and to understand how the politicization of partner violence has contributed to bringing attention to an issue that was once confined to feminist studies<sup>11</sup> (Pache, 2019). However, some authors argue that internationalization, guided by the prism of human rights as defined by the United Nations, has also turned the issue of IPV into one that pertains to "woman" rather than women, with their ethnic, socio-economic, and cultural multiplicities (Riley, 1988 in Delage, Lieber & Cetcuti-Osorovitz, 2019). For instance, in 2004, Lisa Hajjar published a study suggesting a departure from a critical view of gender-based violence solely as a human rights problem and cultural traditionalism. Her analysis suggests that the broadened fight against IPV led by Western international institutions has erased the contextual characteristics specific to Muslim cultures in Europe and North America. More generally, it highlights how the struggle against IPV should be understood as part of a broader set of intersectional inequalities faced by migrant women within the political contexts of certain Western countries (Freedman, 2021 in Devaney et al., 2021).

Considering these various aspects related to the definition of IPV, we aimed to gain a better understanding of the links between social norms and IPV as a dynamic phenomenon that can evolve simultaneously, particularly when considering transnational movements of populations.

### **3- Social Norms and IPV**

The legacy of human rights (UDHR, 1948)<sup>12</sup> as a universalist text presupposes individual private freedom in the face of constraints imposed by the state. Human rights are both a legal document and an ideology that inherently refrains from imposing themselves in family matters while ignoring the role played by such normative frameworks in permitting partner violence (Freedman, 2021). As explained

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<sup>7</sup> [https://igvm-iefh.belgium.be/fr/activites/violence/violence\\_entre\\_partenaires](https://igvm-iefh.belgium.be/fr/activites/violence/violence_entre_partenaires)

<sup>8</sup> <https://www.besafe.be/fr/themes-de-securite/violence/violences-basee-sur-le-genre>

<sup>9</sup> <https://www.om-mp.be/fr/savoir-plus/circulaires>

<sup>10</sup> <https://www.sosviol.be/les-violences-sexuelles/la-loi/>

<sup>11</sup> Lenore Walker in the USA published in 1979 the famous « The Battered Women » which formalizes the expertise of the so-called feminist psychologists of the time in the field of IPV (Pache, 2019).

<sup>12</sup> <https://www.ohchr.org/en/what-are-human-rights>

by Jane Freedman, the protection of the family unit as a private sphere for personal growth inherently involves turning a blind eye to violence perpetrated within that family (Freedman, 2021). We align with the analysis that in a society governed by unequal gender power dynamics, the lack of consideration for the private sphere within an international legislative framework has deleterious consequences for women (Sullivan, 1995 in Freedman, 2021).

In Europe, the Istanbul Convention is one of the first international texts that officially recognizes the links between violence against women and gender inequality. The text defines gender-based violence as a phenomenon that naturally arises from unequal power relations between genders (Freedman, 2021). This necessitates the recognition of a holistic interventionist approach that requires a perspective of combating violence not only as individual acts but also as a broader societal issue intertwined with gender-based inequalities.

Politically engaged on multiple social levels, the struggle against gender-based violence is no longer confined solely to the private sphere or individual cases. The Istanbul Convention is also binding for the states that have ratified it. While it doesn't override national law, it obliges its signatories to take practical actions to reduce gender-based violence. The convention implies working on social norms and, consequently, addressing gender roles in order to combat violence against women.

In principle, normative international texts represent a significant step forward in the fight against gender-based violence, as they foster a common discourse on violence against women. However, criticisms of this normative framework for combating gender-based violence revolve around its universalistic nature. Laws and recommendations established on the topic in recent years are almost exclusively based on social norms corresponding to "Northern" countries, rendering their application inadequate for individuals from so-called "Southern" cultures (Freedman, 2021). This criticism is grounded in the concept of intersectionality and relates to the theoretical elements developed by black feminism.

Intersectionality is not merely a new methodological project; it also raises sociological questions that must be asked before attempting to provide overarching answers. An intersectional approach involves questioning what the mere mention of social categories implies and how individuals' power inequalities will diminish the impact of legislative progress.

For around a decade, it has been established that IPV cannot be studied from an individual and situational perspective alone, as they are embedded within an initiating, if not permissive, social structure for violent behavior. International commissions have long recognized "the importance of attitudes, norms, and beliefs that justify violence and gender inequalities" (Alexander-Scott, Bell, Holden, 2016, p.4). We aimed to analyze the state of knowledge about the links between social norms and IPV to ensure a politically informed perspective in our study (Freedman et al., 2022).

The norm is a complex concept because it involves the analysis of a dynamic phenomenon constantly interacting with individuals and their actions. Similar to the ecological model proposed by Bronfenbrenner (1977, 1979 as cited in Resko, 2007), individuals are influenced by norms as much as they shape them. However, there is a lack of consensus on the metric tools to use in measuring the influence of social norms in IPV.

They are explained, observed, but achieving satisfactory measurement levels is difficult, making the implementation of effective interventions tedious (Alexander-Scott, Bell, Holden, 2016).

In the present study, we do not aim to differentiate between definitions of gender norms and social norms. Gender norms are deeply rooted in social learning, while social norms are fundamentally dictated by gender roles. Gender norms could be understood as the set of attitudes, behaviors, and roles within a binary and heterosexual framework of socialization. Social norms are defined more broadly as:

"Shared beliefs about appropriate, typical, and valued behaviors within a given reference group. Social norms can be defined as behavioral rules that individuals within the group adhere to because they believe in them." (Alexander-Scott, Bell, Holden, 2016).

Social norms encompass gender norms as a sociocultural reference system within couples, families, and nations. The movement between gender norms and social norms allows for the creation of an identity, classically considered masculine or feminine. Every form of gender-based violence or violence against women is supported by gender norms that assume the inequality of power relations between men and women (Alexander-Scott, Bell, Holden, 2016). The feminist theoretical tradition, tracing back to the Marxist origins of the first wave, assumes the study of individuals through the power relations that organize social interactions (Lauretis, 2007). Today, this macro-social analysis of gender relations is widely accepted, as it has been integrated into the Istanbul Convention and is frequently referenced in specialized brochures addressing gender-based violence that may not necessarily identify as feminist. For example, the brochure from the Swiss Federal Office for Gender Equality mentions that one risk factor for gender-based violence is "the absence of equality between women and men in various areas of society, and the tolerance of violence is linked to the emergence of domestic violence" (BFEG, 2020, p.8). In cases of gender-based violence, social norms that assume men's control over women's bodies serve as justifications to physical and sexual violence, which are seen not only as natural but also socially legitimate (Alexander-Scott, Bell, Holden, 2016; Montalto, 2016).

Therefore, we understand "gender practice" (Freedman et al., 2022, p.5) as a social construct that becomes identity and is naturalized by individuals who adopt it. When we decide to study the prevalence or consideration of social structure in the emergence of gender-based violence, the trap is to impose a natural and universal explanatory vision on the collected data. The intersectional epistemological framework of this study allows us to conduct this review critically and with a focus on understanding how knowledge about gender-based violence is produced and whether it truly includes the diverse situations of women present in Europe.

#### ***4- Transnational Movements and Gender-Based Violence***

Firstly, it's important to note that according to the World Health Organization, although gender-based violence is a phenomenon common across all social categories (Montalto, 2016), migrant women and ethnic minorities are more vulnerable and therefore require specific attention (Vives-Cases et al., 2014). Even in a country at the forefront of women's rights like Belgium, which recognized the importance of combating gender-based violence as early as the 1980s (Carles, 2018), migrant women have not always been at the center of these policies.

In research on migrant families, there are two angles of analysis regarding gender-based violence. Some researchers explain gender-based violence through cultural factors related to the clash between traditional and patriarchal cultures of migrant individuals and cultures based on individual freedoms found in Western countries (Orsini, 2021, in Merla, Sarolea & Shoumaker, 2021). Others believe that the cause of gender-based violence within migrant couples is inherent to the culture of victimized migrant women, who due to traditionalism are more likely to accept violence and thus less likely to report it when they are in a Northern country (Orsini, 2021, in Merla, Sarolea & Shoumaker, 2021).

The danger of a research topic focusing on the link between social norms and intimate partner violence (IPV) within migrant couples would be to essentialize the partner violence experienced by migrant women in their host countries to their culture of origin. Several studies have addressed this concern by

demonstrating that the proportion of IPV within immigrant couples in Western countries could partly be explained by ineffective integration policies in the host countries (Cottrell et al., 2009 as cited in Freedman et al., 2022). Orsini (2021 in Merla, Sarolea, Shoumaker, 2021) analyzes how the legal system surrounding immigration in Belgium (family reunification, administrative dependency, limited access to employment) makes potential victims even more vulnerable to domestic violence (Orsini, 2021 in Merla, Sarolea & Shoumaker, 2021).

At a societal level more than a legislative one, scholars like Christine Delphy or Christelle Hamel (Carles, 2018) have shown how stereotypes about migrant populations serve to valorize the behavior of white men in the face of migrant cultures seen as traditionalists. They also demonstrate that the "culture transmitted to young North African-origin women is more dependent on social relations generated by sexism and racism in the French context than the direct inheritance from their families or communities" (Carles, 2018, p. 330). These concepts align with the intersectional perspective underlying our work, underscoring the need for a deeper structural understanding of the causes that render migrant women vulnerable to violence by studying the intersections between social inequalities and power dynamics (Freedman et al., 2022).

In practice, IPV is rarely considered a valid reason for justifying a residence permit, even if the authorities in the victim's country of origin are unable or unwilling to protect her from her husband (Freedman, 2021). This situation becomes even more problematic since the ratification of the Istanbul Convention normally compels states to provide a "possibility of protection for victims of violence, regardless of their residence status" (Carles, 2018, p.324). Thus, while migrant women should theoretically have access to the same protective quality as native women, the political and judicial implementation of international treaties reflects the remaining inequalities depending on the profiles of victims who choose to report the violence. Additionally, it's worth noting that a woman beaten by her husband should expect less recognition from immigration judges than a woman beaten by the police in her country of origin (Freedman, 2021). Violence is normalized due to a lack of consideration for the private sphere. Gender norms and the superiority of the husband in heterosexual relationships presuppose that, for Western countries, a case of partner violence is inherently less severe than state violence, thereby negating the identical consequences on victims' safety.

The situation of migrant women facing IPV is challenging to grasp, considering they experience multiple forms of discrimination. Despite the acknowledgment of policies and research regarding the increasing presence of women in migration flows, very few studies focus on the specific dangers these women are exposed to in their host countries (Freedman et al., 2022).

The absence of measuring the severity of IPV for migrant women exacerbates the violence. Several studies have shown that family migration amplifies IPV, but the explanation for the displacement is insufficient without considering the legislative failures of host countries in addressing the situation of migrant women (Freedman et al., 2022; Carles, 2018). For example, the restrictions imposed on family reunification in Belgium influence the intimate relationships of the couple, even before the family departs from the country of origin (Orsini, 2021 in Merla, Sarolea & Shoumaker, 2021). The administrative burden on migrant families can sometimes be sufficient to change family dynamics and create imbalanced relationships between partners (Orsini, 2021 in Merla, Sarolea & Shoumaker, 2021). Moreover, once arrived in Belgium through family reunification, the residency status of the incoming person depends on their marital status. In cases of IPV, reporting becomes even more difficult for victims who are not always aware of the exceptional protective provisions for IPV situations (Carles, 2018). It's important to note that beyond the acts of violence, IPV is primarily rooted in one partner's power over the other. Therefore, it seems useful to understand how Western legislative influences in transnational dynamics can contribute to the emergence of IPV.

Furthermore, several studies highlight how the Eurocentric and essentializing view of migrant cultures by researchers and policymakers in Northern countries renders invisible the IPV suffered by migrant women, given the belief in a normative view that migrant women traveling with their husbands or settling in a northern country are under the protection of the "head of the family" (Freedman et al., 2022). This traditional perspective on families coming from Southern countries is not only deeply stereotypical but if left unquestioned, it is also very dangerous as it prevents the recognition of the IPV these women are subjected to.

Thus, engaging in a feminist study on the state of research elucidating the significant links between social norms and IPV within migrant couples requires particular attention to the "geographical, social, and temporal context, both at the individual and collective level of the subjects we aim to understand" (Freedman et al., 2022). From an intersectional perspective, merely considering articles specifically addressing the question of migrant women would not suffice, as it is the entire system of which they are a part that needs to be analyzed and should be considered in large-scale population studies conducted in Europe.

## **II- Methodology**

A systematized literature review was conducted. The systematized review involves a literature search that does not claim to be exhaustive or limited in the design of the types of studies analyzed, unlike a systematic review (Grant & Booth, 2009). The systematized review entails identifying relevant studies in one to two databases based on the research question (Grant & Booth, 2009). Data extracted from the articles included in this study are systematically analyzed. The systematized review follows the model of a systematic review but does not involve the assessment of the objective quality of the selected articles after inclusion or the analysis of statistical limitations of the chosen studies (Grant & Booth, 2009). Similar to a systematic literature review, after data extraction, we carried out a thematic classification of the main results. The Results section presents the extraction table and a synthesis of the key findings from each article. To ensure a standardized structure typically found in systematic reviews, we organized this study according to the items to be addressed in a systematic review protocol, as outlined in the 2020 PRISMA-P checklist (Preferred Reporting Items for Systematic Review). However, we adapted the checklist requirements to our research context, which is why we refer to this work as a systematized review, and non-systematic. Screening and data extraction were made by 2 researchers.

### **1- Article Eligibility Criteria**

The inclusion criteria for selecting titles and abstracts were as follows: (1) inclusion of intimate partner violence against women, (2) victims should have been assigned female at birth and self-identify as such in adulthood, (3) violence perpetrated by one or more non-familial partners, (4) the abstract should mention the potential link between social norms/gender norms and IPV, (5) the article should focus on heterosexual couples, (6) the article should base its analyses solely on European data, from the European Union, or specific to a European country, (7) the article indicated an intercultural analysis, cross-state comparison, or relation to intra-European migration or identification with a culture different from the country of residence or international migration. Articles were excluded if any of the aforementioned criteria did not apply, and (1) if the violence was centered on a child, (2) if the included participants were victims within an LGBTQAI+ relationship. During the full-text screening, we included articles that not only dealt with intimate partner violence in Europe or specific European countries but also measured or analyzed a macrosocial element of political influence on individual behaviors, whether legislative or normative. Descriptive studies without qualitative or quantitative analysis of the provided data were not included. Exclusion is also applied to expert opinions or articles with limited national or

international impact due to the nature of the data or supporting organizations. We justify this decision due to the interdisciplinary and political nature of this research project; it seemed logical to consider peer-reviewed articles that explicitly received support from the European Union Fundamental Rights Agency, a designated state, or were published in journals listed in internationally recognized specialized databases. Books were excluded, and only relevant chapters were retained.

For the synthesis of results, we categorized the articles into three main categories. The first category encompasses individual risk factors related to the occurrence of IPV in the European context. The second category presents results from articles providing a macrosocial analysis of IPV, and although the explicit links within the articles were not always made, the findings contribute to a better intersectional understanding of the situation of migrant women. An additional third category was created for original or rarely mentioned details that could enhance our understanding of IPV and aid in more precisely targeting public policies and psychosocial interventions.

## 2- Sources of Information

An initial preliminary search was conducted on Google Scholar to clarify relevant keywords for the systematic search (Dumez, 2011). This step helped us decide to use the term "social norms" rather than "gender norms" because the notion of "gender norms" or "gender norms" was often specific to studies that explicitly followed a feminist epistemological approach. To mitigate selection biases, we used the notion of social norms, recognizing that it is employed within a wide range of research in various disciplines within the humanities, even when referring to gender roles as defined by gender studies.

Given the specificity of the research field, we opted for four databases (rather than the usual one or two recommended for a systematic review): Cairn.info, Francis, Scencedirect, and APA-Psycinfo. These databases were chosen for two primary reasons: the themes covered by these databases (social sciences, political sciences, and psychology) and the regions represented (particularly Europe and beyond).

*Cairn.info* was used due to its affiliation with the Francophone European academic community and the diversity of disciplines prominently featured on the database, such as psychology, history, economics, management, and sociology<sup>13</sup>.

The *Pascal* and *Francis* database is a bibliographic archive database maintained by INIST-CNRS, containing works from 1972 to 2015<sup>14</sup>. CNRS is one of the most internationally recognized European research institutions. The *Francis* database, in particular, was selected to have privileged access to articles published between 2013 and 2015 dealing with topics related to psychology and political and social sciences<sup>15</sup>. We hypothesized that articles specifically collected between 2013 and 2015 could provide insights into the discursive or methodological evolution of more recent included studies considering the European legislative advancements developed during that period.

*Scencedirect* was chosen as the reference platform due to the quantity of open-access peer-reviewed articles in the fields of humanities and social sciences<sup>16</sup> and to access articles published within an international Anglophone database.

*APA PsycINFO* was selected as a database for its specialization in behavioral and social sciences<sup>17</sup>. Besides the institutional recognition enjoyed by the APA, it seemed relevant to integrate a specialized

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<sup>13</sup> <https://www.cairn.info/docs/cairn-rapport-d-activite-juin-2023.pdf>

<sup>14</sup> <https://pascal-francis.inist.fr/a-propos/>

<sup>15</sup> <https://ils.bib.uclouvain.be/uclouvain/documents/3080526>

<sup>16</sup> <https://www.elsevier.com/solutions/scencedirect>

<sup>17</sup> <https://www.apa.org/pubs/databases/psycinfo>

database in psychological sciences into our systematic review to capture how broader macro-social elements could be integrated into studies focusing on psychological factors related to IPV.

### 3. Search Strategy

Keyword equations were tested in each database. The keywords were derived from the two main themes: intimate partner violence against women and immigration in Europe.

#### KEY WORDS

French	Violences entre partenaires intimes  OR  Violences conjugales	Normes sociales	Immigration  OR  Migrant	Europe	Intersectionnalité  (non exclusif)
English	Intimate Partner Violence	Social norms	Immigration  OR  Emigration	Europe	Intersectionality  (non exclusif)

In French, the term "violences entre partenaires intimes" (intimate partner violence) is less commonly used than the term "violences conjugales" (domestic violence). Articles using the term "violences conjugales" were included in the screening if they met the other inclusion criteria.

In English, the term "domestic violence" is sometimes used interchangeably with intimate partner violence (IPV), but it may also include studies involving children. In such cases, the articles were not included.

In both French and English, articles that explicitly or solely mentioned "normes de genre" (gender norms) were included if they met the other inclusion criteria.

In both French and English, terms related to transnational movements (migration, immigration, émigration, interculturalité) were sufficient to include a study if the other inclusion criteria were met.

The concept of intersectionality was added to both English and French searches in a non-exclusive manner to identify articles that explicitly mentioned it or were situated within an intersectional paradigm without explicitly naming it.

All types of IPV (economic, administrative, sexual, psychological, and physical) were considered. The definition of "issues de l'immigration" (from an immigrant background) was discussed with the evaluator participating in the article screening. It was ultimately decided to include all women who identify with a culture different from the country in which they reside (regardless of their administrative status). Following the analytical framework proposed by Freedman, Sahraoui, and Tastsoglou (2022), we aimed to move beyond the rigidity of legal migrant analysis models to better demonstrate the "fluidity" (Freedman et al., 2022) of transnational dynamics. Identifying with a culture different from the country of residence seems to better capture the complexity of transnational movements. Furthermore, adopting an intersectional epistemological framework involves focusing on the multiple experiences of women at various stages of the migration process (Freedman et al., 2022), whether it spans two generations or encompasses recent arrival in the host territory. According to methodological considerations put forth by the Swiss Federal Office for Gender Equality, the term "persons from an immigrant background" was chosen over "immigrant women" to emphasize a broader understanding of the transnational experience. The term "issues de l'immigration" (from an immigrant background) encompasses immigrants and their descendants regardless of their nationality (BFEG, 2020, p.4, consulted on 07/21/2023).

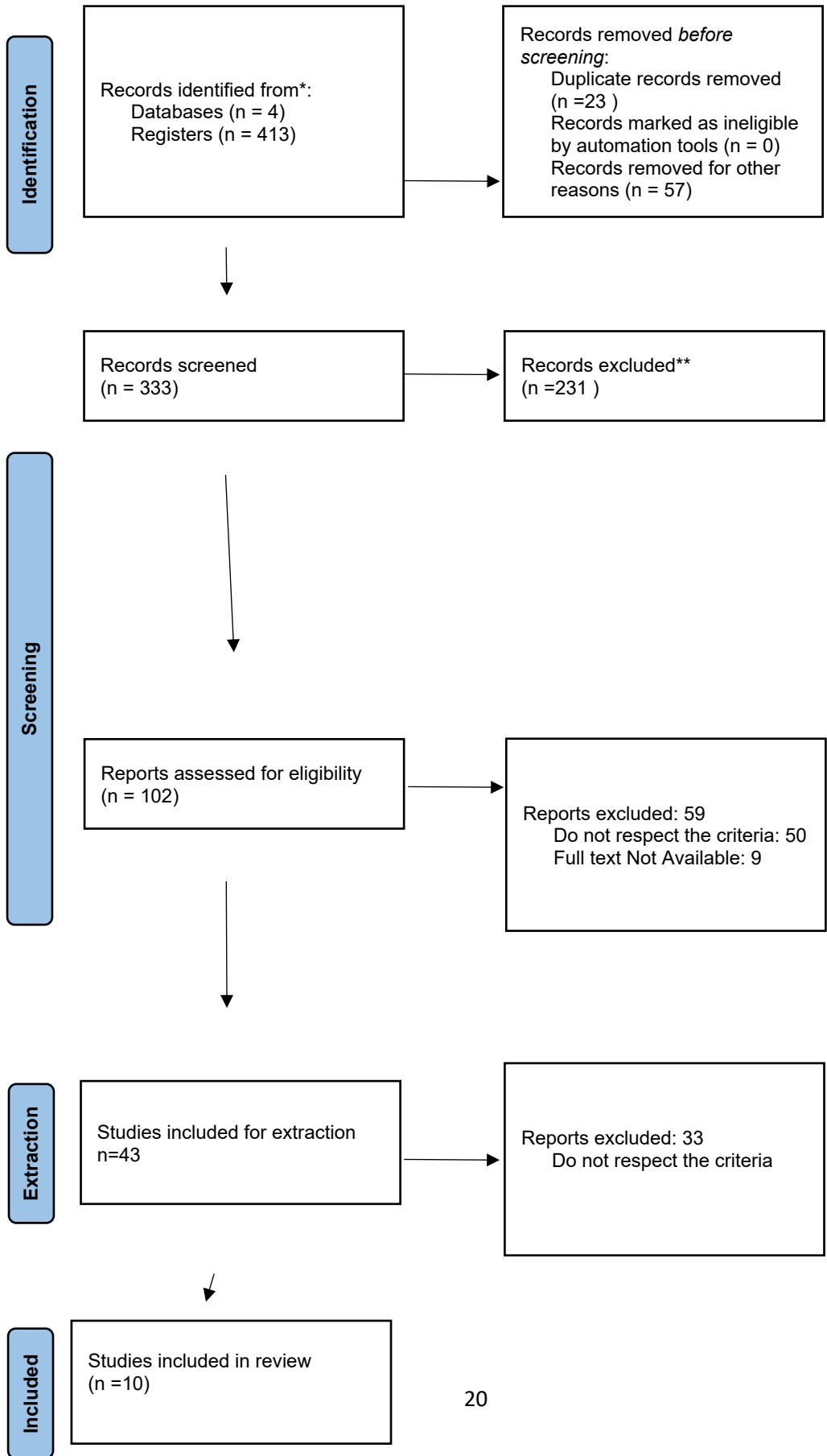
Articles published before 2013 were excluded to reduce the number of articles using outdated versions of IPV definitions, as the definition proposed by the Istanbul Convention, which is now widely accepted, was politically and scientifically adopted between 2011 and 2014.

The search was conducted between April 2023 and July 2023. The articles included for data extraction were accessed online between May 2023 and June 2023.

#### **4. Selection Process:**

The PRISMA flowchart below illustrates the information flow through the different phases of the selection process. Discussions took place among the evaluators to decide on the exclusion or inclusion of articles during the Article Extraction phase.

Identification of studies via databases and registers



## 5- Data Extraction Process

To ensure objectivity, each evaluator was responsible for reviewing half of the articles during the phase of "studies included for article extraction" (n = 43). However, discussions were held for each article before proceeding with their inclusion or exclusion (n = 32). After discussion, the evaluators decided to be more specific and include articles if they met all the inclusion criteria, even if they only partially mentioned migration or interculturality (regardless of the chosen definition by the authors). In the context of our research question, it was decided that the mere mention of an element related to immigration was sufficient for including the study in our review. Considering the requirement of inclusion criteria, it was also decided to include articles that mentioned the situations of migrant women, whether they were analyzed or their absence was justified.

The primary author subsequently reviewed each included article for data extraction. Key information such as author, theoretical framework or scientific discipline, publication year, target population, study objectives, hypotheses or research questions, measures, and main results were extracted. When the article explicitly mentioned the statistical models used for data analysis, it was also noted. The table in the Results section summarizes the characteristics of the included articles.

## III- Results

### 1- Characteristics of the selected articles

Article Title	<b>1. Gender Equality and Immigrant Integration: Honor Killing and Forced Marriage Debates in the Netherlands, Germany, and Britain</b>
Authors	Gökce Yurdakul, Anna C. Kortweg
Theoretical Framework	Social and Sociological Sciences
Year	2013

Article Title	<b>1. Gender Equality and Immigrant Integration: Honor Killing and Forced Marriage Debates in the Netherlands, Germany, and Britain</b>
Populations of Interest	Muslim communities in Germany, the Netherlands, and Britain
Study Objective	Discourse analysis of political developments in the three selected countries regarding combating honor-related violence
Hypotheses / Questions	Is the concept of gender equality used in political debates on honor-related violence to stigmatize Muslim communities?
Measurement	Discourse analysis
Analysis	The notion of gender equality is often used in parliamentary debates in these three countries to create an ideological difference between Muslim and majority communities. Gender equality is used as a moral tool that disregards the complexity of situations for Muslim women. European understanding of gender equality is monolithic and does not consider the effects of racial domination. The authors argue that gender equality debates in Europe do not fully grasp how gender violence exists within Muslim communities.
Results Theme	Macro-Social Factors and Migration
Inclusion Reasons	- Violence against women (VAW) - Gender norms - Immigration - Europe

<b>Article Title</b>	<b>2. A Fuzzy Index and Severity Scale to Measure Violence Against Women</b>
Authors	Francesca Bettio, Elisa Ticci, Gianni Betti
Theoretical Framework	Political and Statistical Sciences
Year	2019
Populations of Interest	European women respondents to the FRA survey (N=40,000) (2014)
Study Objective	Develop a severity measurement scale for Violence Against Women (VAW) using fuzzy set theory
Hypotheses / Questions	Can the prevalence of a specific violent act within a representative population be used as an inverse index of its perceived social severity?
Measurement	Fuzzy Violence Scale using FRA Survey Data
Analysis	Statistical analysis of inter-questionnaire correlations
Results	The Nordic paradox observed in Europe, where countries with higher adherence to gender equality policies show higher VAW prevalence, can be explained when accounting for severity and frequency of VAW. The Fuzzy Violence Scale measurement helps to understand this phenomenon.
Results Theme	New Insights on VAW Study
Inclusion Reasons	- VAW - Gender norms - Europe - Interculturality

<b>Article Title</b>	<b>3. Gender-Related Ideological and Structural Macrosocial Factors Associated with Intimate Partner Violence Against European Women</b>
Authors	Antonella Ludmila Zapata-Calvente, Jesus L. Megias, Miguel Moya, Dominik Schoebi
Theoretical Framework	Psychological Sciences
Year	2019
Populations of Interest	Heterosexual European women respondents to the FRA survey who had a partner at the time of data collection (N=30,284) (2014)
Study Objective	(1) Evaluate whether European macro-social ideological and structural factors are significantly associated with Intimate Partner Violence (IPV)
Hypotheses / Questions	(1) Individual factors of both partners (age, education, childhood abuse, inequality in the household, partner's outside-home violence) should correlate with the frequency of IPV.
Measurement	"Violence against Women: A European Survey" database, Special Eurobarometer 428, Gender Equality Index (GEI)
Analysis	Statistical analysis - Multilevel Poisson Regression
Results	Various findings, including higher education linked to lower IPV levels, wage inequality tied to higher IPV in traditional contexts, and alcohol consumption's different correlation based on gender norms adherence.
Results Theme	Individual and Macro-Social Factors
Inclusion Reasons	- IPV - Gender norms - Europe - Interculturality

Article Title	<b>4. The Effect of Macrosocial Policies on Violence Against Women: A Multilevel Study in 28 European Countries</b>
Authors	Belen Sanz Barbero, Consuelo Corradi, Laura Otero-Garcia, Alba Ayala, Carmen Vives-Cases
Theoretical Framework	Public Health
Year	2018
Populations of Interest	Women above 18 years old respondents to the FRA-VAW survey within the 28 EU member states (N=40,192)
Study Objective	Describe and analyze whether, independently of individual socio-demographic characteristics, there's a link between gender equality at the national level and physical and/or sexual partner violence in the EU
Hypotheses / Questions	What does the variability of IPV prevalence among EU member states mean?
Measurement	"Violence against Women: A European Survey" database, Gender Equality Index (GEI)
Analysis	Statistical analysis (multilevel regression)
Results	Higher gender equality scores and policies favoring equality are associated with lower physical and sexual partner violence prevalence.
Results Theme	Individual and Macro-Social Factors
Inclusion Reasons	- IPV - Gender norms - Europe - Interculturality

<b>Article Title</b>	<b>5. Child Abuse Risk in Male Partner Selection and Intimate Partner Violence Victimization of Women in the European Union</b>
Authors	Juan Herrero, Andrea Torres, Francisco J. Rodriguez
Theoretical Framework	Psychological Sciences
Year	2018
Populations of Interest	Women above 18 years old who speak an official language of their country and experienced childhood sexual abuse, currently in a relationship, respondents to the FRA-VAW survey within the 28 EU member states (N=7,722)
Study Objective	Analyze the connection between childhood sexual abuse and the likelihood of experiencing intimate partner violence (IPV) in adulthood
Hypotheses / Questions	How do macro-social factors influence the revictimization of women who experienced childhood sexual abuse?
Measurement	"Violence against Women: A European Survey" database, Human Development Index (HDI)
Analysis	Statistical analysis - Multilevel Structural Equation Modeling (SEM)
Results	Childhood sexual abuse is positively correlated with adult IPV risk. Revictimization rates are higher in countries with lower HDI scores, showing a protective effect of higher human development in preventing IPV.
Results Theme	Individual and Macro-Social Factors
Inclusion Reasons	- IPV - Gender norms - Europe - Cross-country comparison

<p><b>Article Title</b></p>	<p><b>6. Intimate Partner Violence against Young Women: Prevalence and Associated Factors in Europe</b></p>
<p>Authors</p>	<p>Belén Sanz Barbero, Patricia Lopez Pereiran, Gregorio Barrio, Carmen Vives Cases</p>
<p>Theoretical Framework</p>	<p>Community Health</p>
<p>Year</p>	<p>2018</p>
<p>Population of Interest</p>	<p>Subsample of women aged 18 to 29 who responded to the FRA-VAW survey (2014) (N=5,976)</p>
<p>Study Objective</p>	<p>(1) Evaluate the prevalence and main characteristics related to the occurrence of IPV (physical, sexual, or psychological) among young women in the European Union. (2) Identify individual and contextual risk factors of IPV among young women in the European Union</p>
<p>Hypotheses/Questions Posed</p>	<p>Not specified</p>
<p>Measurement</p>	<p>Not specified</p>
<p>Analysis</p>	<p>Integral Ecological Model Framework and Gender Equality Index (for assessing contextual variables)</p>

<p><b>Article Title</b></p>	<p><b>6. Intimate Partner Violence against Young Women: Prevalence and Associated Factors in Europe</b></p>
<p>Results</p>	<p>Confirms the positive relationship between childhood abuse and the likelihood of experiencing IPV in adulthood. Women with migrant parents are associated with higher rates of psychological violence in adulthood. Unemployment in EU countries increases the risk of IPV (physical and sexual violence). Economic difficulties perceived increase the likelihood of sexual or physical IPV. Multivariate analysis suggests an association between the national context and the likelihood of experiencing IPV. Confirms the negative correlation between education level and IPV. Highlights the Nordic paradox without resolving it.</p>
<p>Theme</p>	<p>Individual and macro-social factors related to IPV</p>
<p>Inclusion Reasons</p>	<p>IPV, Europe, Immigration</p>
<p><b>Article Title</b></p>	<p><b>7. Country of Residence, Gender Equality, and Victim Blaming Attitudes about Partner Violence: A Multilevel Analysis in EU</b></p>
<p>Authors</p>	<p>Anna-Karin Ivert, Juan Merlo, Enrique Gracia</p>
<p>Theoretical Framework</p>	<p>Public Health</p>
<p>Year</p>	<p>2017</p>

<p><b>Article Title</b></p>	<p><b>7. Country of Residence, Gender Equality, and Victim Blaming Attitudes about Partner Violence: A Multilevel Analysis in EU</b></p>
<p>Population of Interest</p>	<p>Mixed population aged 15 and above from the Eurobarometer on Partner Violence Perception in the EU (2010) (N=26,800), approximately 1,000 participants per country (27)</p>
<p>Study Objective</p>	<p>(1) Study the national context to determine whether the country of residence influences victim-blaming attitudes as much as individual factors. (2) Determine if the national Gender Equality Index (GEI) score is associated with victim-blaming and explains the general contextual effect on victim perception of IPV</p>
<p>Hypotheses/Questions Posed</p>	<p>(1) Does the country of residence have a general contextual effect that conditions secondary victimization more than individual victim characteristics? (2) To what extent does knowledge of the country of residence help accurately discriminate individuals adopting victim-blaming attitudes from those who do not? (3) Is there an association between the national gender equality level and victim-blaming for violence? (4) How much of a general contextual effect is explained by gender equality?</p>
<p>Measurement</p>	<p>Eurobarometer on Partner Violence Perception in the EU (2010), Gender Equality Index (GEI)</p>
<p>Analysis</p>	<p>Statistical analysis, Multilevel logistic regression and intraclass correlation for analysis of variance (ICC)</p>
<p>Results</p>	<p>The ICC model associated with the AU-ROC analysis indicates that the country of residence seems to have a contextual effect in understanding individual differences in revictimization. 15% of the variance in the effects of individual victim-blaming propensities is explained by the general context of the country of residence. The GEI score does not explain individual victim-blaming attitudes. GEI does not affect inter-country variance in victim-blaming attitudes. Individual variance analysis</p>

<b>Article Title</b>	<b>7. Country of Residence, Gender Equality, and Victim Blaming Attitudes about Partner Violence: A Multilevel Analysis in EU</b>
	finds similar effects as previous research regarding gender, age, and education in main elements associated with victim attitudes. However, statistical analysis indicates that these characteristics are not sufficient to explain the phenomenon.
Theme	Individual factors, Europe, Gender norms, Inter-country comparison
Inclusion Reasons	VPI, Europe, Gender norms, Inter-country comparison
<b>Article Title</b>	<b>8. Coercive Control and Its Impact on Intimate Partner Violence through the Lens of an EU-Wide Survey on Violence Against Women</b>
Authors	Sami Nevala
Theoretical Framework	Non-specified discipline - EUAFRA worker
Year	2017
Population of Interest	European women who responded to the FRA survey (N=42,000) (2014)
Study Objective	Study the prevalence and consequences of coercive control in the 28 EU member countries

<b>Article Title</b>	<b>8. Coercive Control and Its Impact on Intimate Partner Violence through the Lens of an EU-Wide Survey on Violence Against Women</b>
Hypotheses/Questions Posed	Not specified
Measurement	FRA Questionnaire (2014), Identification of items measuring coercive control
Analysis	Statistical analysis, Descriptive analysis + correlations
Results	Partner-perpetrated IPV with coercive control is more likely to lead to severe consequences for the victim than IPV without coercive control. Prevalence rates of coercive control are significantly correlated with the country's gender equality level. More coercive control is present in countries with lower GEI scores.
Theme	Individual factors, Macro-social factors
Inclusion Reasons	VPI, Europe, Inter-country comparison
<b>Article Title</b>	<b>9. Violence Against Women: Placing Evidence from a European Union Wide Survey in a Policy Context</b>
Authors	Joanna Goodey

<p><b>Article Title</b></p>	<p><b>9. Violence Against Women: Placing Evidence from a European Union Wide Survey in a Policy Context</b></p>
<p>Theoretical Framework</p>	<p>Non-specified discipline - EUAFRA worker</p>
<p>Year</p>	<p>2017</p>
<p>Population of Interest</p>	<p>European women who responded to the FRA survey (N=42,000) (2014)</p>
<p>Study Objective</p>	<p>Analyze EU policy responses regarding VAW and understand how FRA results can inform public measures to improve reporting of gender-based violence</p>
<p>Hypotheses/Questions Posed</p>	<p>Can FRA results be used to develop more comprehensive public policies at the EU level to combat gender-based violence?</p>
<p>Measurement</p>	<p>FRA Questionnaire (2014)</p>
<p>Analysis</p>	<p>Descriptive statistical analysis, Contextual qualitative analysis</p>
<p>Results</p>	<p>FRA results highlight the importance for the European Union, especially the European Commission, to focus more on forms of gender-based violence not legislatively recognized internationally (HT, FGM, etc.), but also representative of European women. States parties to the Istanbul Convention acknowledge the spectrum of violence against women and the state's responsibility in private family matters. Reported violence percentages suggest that more measures must be taken to improve EU policy responses. FRA results emphasize the lack of reporting of gender-based violence in general, showing that statistics alone cannot provide</p>

<b>Article Title</b>	<b>9. Violence Against Women: Placing Evidence from a European Union Wide Survey in a Policy Context</b>
	sufficient data for shaping gender-based violence prevention strategies for the EU and its member states
Theme	Macro-social factors, Europe, Migration
Inclusion Reasons	VPI, Europe, Migration
<b>Article Title</b>	<b>10. Determinants of Intimate Partner Violence in Europe: The Role of Socioeconomic Status, Inequality, and Partner Behavior</b>
Authors	David Reichel
Theoretical Framework	Non-specified discipline - EUAFRA worker
Year	2017
Population of Interest	European women who responded to the FRA survey (N=42,000) and had a partner at the time of the interview (n=26,404)
Study Objective	Explore the influence of three main aspects related to IPV: socioeconomic status, inequality in the relationship, and masculinity-related behavioral expressions
Hypotheses/Questions Posed	(1) Couples with lower socioeconomic status will have higher rates of IPV. (2) Unequal division of labor and partner salary differences will be linked to higher IPV rates. (3) Women reporting partners being violent outside the relationship and frequently intoxicated will report more IPV

<b>Article Title</b>	<b>10. Determinants of Intimate Partner Violence in Europe: The Role of Socioeconomic Status, Inequality, and Partner Behavior</b>
Measurement	FRA Questionnaires (2014)
Analysis	Descriptive statistical analysis of FRA data
Results	There is more IPV in couples with low income and low education levels. Inconsistent results regarding income inequality (in either direction), but participants reporting less power than their partner over family finances are more likely to report IPV. Women reporting partners being violent outside the home and frequently intoxicated indicate a higher occurrence of IPV
Theme	Individual factors, Europe, Gender norms
Inclusion Reasons	VPI, Europe, Gender norms

## 2- Results Synthesis

Among the ten articles ultimately included in our study, nine (2 to 10) employed statistical analyses to assess the significance of correlations observed between individual risk factors specific to intimate partner violence (IPV) and contextual risk (or protective) factors at the national and international levels of IPV. Only one article included here (1) offers a discourse analysis to understand how the treatment of gender-based violence experienced by migrant women is primarily analyzed based on their migrant status rather than their victim status. Three of the articles (8, 9, 10) present data analyzed by researchers working for the European Union Agency for Fundamental Rights (FRA). Three of the articles (4, 6, 7) were authored under the direction of researchers specialized in public health. Two studies were conducted by teams specializing in psychological sciences (3, 5). The article by Yurdakul and Kortweg (2013) (1) was carried out from a sociological perspective. The data used in the study by Bettio, Ticci, and Betti (2019) (2) were generated by applying a mathematical model to the analysis of a social phenomenon.

While the interdisciplinary nature of the selected articles makes comparative analyses complex, the multiple viewpoints on the issue of IPV in the articles yielded through the search equations support the interdisciplinary principles inherent in gender studies (Allen and Kitsch, 1998). Although we cannot reasonably classify this literature review as interdisciplinary in the sense of a methodological renewal

in research design, the connections drawn between the results highlight the intellectual richness that can emerge from multiple angles of approach characteristic of each discipline.

As announced, we categorize the risk factors that play a role in the likelihood of IPV occurrence first, and then we identify explicit links identified in the included studies between social norms/national context and IPV. We have added to these two categories a third category, almost tangential to the research, which gathers elements rarely used in IPV studies but capable of clarifying certain specific aspects of IPV.

We present the results in list form to avoid overly long paraphrasing that could distort the meaning of the analyses presented in the included articles.

***i- Individual factors correlated with IPV in the European context:***

- A higher level of education among women is associated with a lower level of IPV, whether psychological, physical, or sexual (Zapata-Calvente et al., 2019; Barbero et al., 2018a; Barbero et al., 2018b; Reichel, 2017).
- Over a 12-month period, the likelihood of a woman being a victim of IPV decreases with an increase in the victim's age (Barbero et al., 2018a).
- The likelihood of a woman being a victim of IPV decreases if her citizenship matches her country of residence (Barbero et al., 2018a).
- Childhood sexual abuse is positively correlated with adult IPV risk (Herrero, Torres, Rodriguez, 2018; Barbero et al., 2018b).
- Young women with parents of immigrant background are more at risk of experiencing IPV in adulthood (Barbero et al., 2018b).
- Unemployment increases the risk of IPV (physical and sexual) (Barbero et al., 2018b), and precariousness is also a risk factor for IPV (Reichel, 2017).

***ii- Macro-social factors contributing to a better understanding of the situation of migrant women in a European context:***

- Gender equality is used as a moral tool against immigration, overlooking the multiplicity of situations for women in the Muslim community in Europe (Yurkadul, Kortweg, 2013).
- Wage inequality within a couple (perceived or real) is associated with more IPV in a national context adhering to traditional gender norms, but not necessarily in a context considered progressive (Zapata-Calvente et al., 2019; Barbero et al., 2018b).
- If government institutions of a country clearly display favorable attitudes towards gender equality, psychological IPV decreases (but not physical and sexual) (Zapata-Calvente et al., 2019).
- The degree of adherence to traditional gender norms at the national level predicts a higher likelihood of experiencing sexual violence within a couple (but not necessarily psychological or physical) (Zapata-Calvente et al., 2019).
- Alcohol consumption is more predictive of IPV in countries with high adherence to traditional gender roles (Zapata-Calvente et al., 2019).

- The likelihood of experiencing IPV decreases for women living in countries with high Gender Equality Index<sup>18</sup> (GEI) scores (Barbero et al., 2018a; Barbero et al., 2018b).
- The likelihood of experiencing IPV decreases for women living in countries with traditional family policies (compared to Nordic typologies) (Barbero, 2018a).
- The revictimization process for women who were victims of childhood sexual abuse is higher in countries with low Human Development Index scores (Herrero, Torres & Rodriguez, 2018).
- At the EU level, the prevalence rate of coercive control is significantly correlated with the country's degree of gender equality, with more coercive control present in IPV in countries with low GEI scores (Nevala, 2017).
- FRA results highlight the importance for the European Union, especially the European Commission (considering its legislative influence), to pay more attention to forms of gender-based violence not specific to inter-country violence (human trafficking, female genital mutilation, forced marriages) typically associated with migrant women, and to consider the situation of migrant women in partner violence public policies (Goodey, 2017).

***iii- New elements contributing to a better understanding of IPV in the European context:***

- IPV tends to be lower in countries with better political engagement for gender equality, considering the severity and frequency of IPV acts (Bettio, Ticci & Betti, 2019). This resolves the Nordic paradox<sup>19</sup> and refutes theories suggesting that progressive gender equality policies exacerbate violence against women, as violent behaviors are driven by a need to restore masculinity by their partner.
- The likelihood of experiencing IPV in Europe decreases among women living in countries that adopted a gender violence law before 2005 (Sanz-Barbero, 2018a).
- The likelihood of experiencing IPV decreases among women living in a country that shares state responsibility for gender violence in at least 3 social sectors (Sanz-Barbero, 2018a).
- 15% of the variance in victim-blaming propensities among individuals is explained by the general context of the country of residence (Ivert, Merlo & Gracia, 2017).
- The Gender Equality Index does not affect the cross-country variance in victim-blaming attitudes for IPV (Ivert, Merlo & Gracia, 2017).
- IPV perpetrated by a partner who exercises coercive control is more likely to lead to more severe consequences for the victim than IPV without coercive control (Nevala, 2017).

## **IV- Discussion**

***1- How are IPV against migrant women measured in large-scale national or international psychosocial studies in the European context?***

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<sup>18</sup> <https://eige.europa.eu/gender-equality-index/2022>

<sup>19</sup> Le paradoxe nordique désigne le phénomène selon lequel les pays du nord de l'Europe qui obtiennent les meilleurs scores à l'Index d'Égalité de Genre (GEI) sont aussi ceux qui recensent le plus de plaintes pour violences entre partenaires intimes (Sanz-Barbero et al., 2018 ; Bettio, Ticci & Betti, 2019)

During the data extraction process, it became apparent that the major deficiencies in the selected studies lie in the inability to establish clear links between correlations (individual/social) and the position of migrant women. Overall, our inquiry persists; despite our selection criteria, migrant women do not prominently appear in European-level studies. While our theoretical knowledge and professional experience as social workers allowed us to connect the mentioned results in the Synthesis with the likely situations of migrant women, we observe that evidence-based policy organization remains fundamentally globalizing and superficially considers the notion of intersectionality. The analyzed studies seem to assume that the found results apply generally to the populations concerned. However, we do not observe sufficient critical reflection to conceive that the obtained results could subsequently serve marginalized groups of women in the formulation of public policies.

For instance, several studies have demonstrated the effects of economic and social precariousness on IPV (Zapata-Calvente et al., 2019; Barbero et al., 2018a; Barbero et al., 2018b; Reichel, 2017), but none explicitly link the fact that the slow process of obtaining legal residency and the resulting difficulty in finding employment are concrete catalysts for the occurrence of IPV, to which migrant women are disproportionately exposed (Freedman et al., 2022; Orsini, 2021 in Merla, Sarolea & Shoumaker, 2021). Some IPV experts interviewed by Giacomo Orsini (2021) also note that limited access to employment is not only a factor of precariousness but also forces a dependency on another individual, thereby limiting personal freedom and protection opportunities in cases of violence. These elements are not explicitly mentioned in studies that specify the impact of coercive control in IPV (Nevala, 2017), for example.

Several studies show that stress generated by acculturation and changes in gender roles (forcing women to work for survival) triggers certain forms of IPV (Vives-Cases et al., 2014; Montalto, 2016). Thus, we cannot determine if the probability of experiencing IPV actually decreases for women who settle in countries with high Gender Equality Index (GEI) scores, as seems to be the case for native women (Barbero et al., 2018a; Barbero et al., 2018b), as the two propositions appear contradictory. Some authors also note that, for migrants and women from visible ethnic minorities alike, institutional discrimination and lack of access to specialized services perpetuate IPV (Vives-Cases et al., 2014). Given this, it seems challenging to conceive that the results of the articles we review, despite their generalized claims to the European context, consider the situations of marginalized women in Europe.

This literature review highlights how European policy orientations and directives cannot claim to uphold the rights of all individuals residing on EU soil unless research, funded and supported by national or international institutions, changes its epistemological viewpoint on how we collect statistical data that form the basis of these public policies. While our literature review includes terms such as "immigration," "women," and "intersectionality" (not exclusively), only one included study specifically focused on ethnicity. We recognize the specificity of our inclusion criteria and the wide variety of proposed studies on the subject within political and legal sciences. However, we still identify gaps in socio-psychological data literature that could be useful for the development of interculturally informed intervention strategies. The reason for this shortcoming may be attributed to two known dynamics. (1) The tendency of Western European countries to avoid collecting ethnically specific data to adhere to ethical study criteria guided by universal precepts. (2) The study of the situation of migrant women is pursued in numerous fields related to social sciences and public policies but is still too rarely explored by clinical psychologists or clinical sociologists whose analytical capacities are essential for the interventionist translation of gender-based violence public policies. Overall, this literature review reveals how the use of the intersectionality concept is limited to political texts or research projects that use the notion as a theoretical showcase, while the data used is insufficient to account for the individual and contextual specifics of the individuals surveyed.

Only three of the studies selected in this review (1, 4, 6) explicitly addressed the situation of migrant women in Belgium or other European countries. The others were included based on mentions of specific elements related to the situation of migrant women in Europe, treated anecdotally. This demonstrates the urgency of engaging in methodological redefinition work in our investigations, focusing more on the construction of intersectional studies that employ data analysis segmented by ethnic origin and migrant status (WHO, 2014). According to the intersectionality paradigm, this does not necessarily imply that we need to fund radically different research projects based on the ethnic origins of individuals present in Europe. The issue lies more at an ideological and political level. If we follow the guidelines of the United Nations, legislatively supported in Europe through texts such as the Istanbul Convention or recommendations like those issued during the Beijing Conference, research must integrate the intersectionality paradigm not only as a discursive theoretical tool but also as a research methodology. This should help counteract the Eurocentric bias and the tendency to view ethnically based people as the "other," thereby contributing to the development of public policies that are not driven by ethnic power dynamics but are tailored to all individuals present on European soil.

This literature review highlights the lack of qualitative analyses of the IPV issue. Most of the European-level studies analyzed in this review utilize data from the survey developed by the FRA (European Union Agency for Fundamental Rights). Data collection for this survey was launched in 2014 in all 28 EU member countries, and it surveyed 42,000 women across the Union (studies 2, 3, 4, 5, 6, 8, 9, 10). While this data analysis work is necessary to study the correlations between violence against women and the effectiveness of European policies in this regard, it provides only limited insight into the actual situation of vulnerable women in each country from which the data originates. The study by Francesca Bettio, Elisa Ticci, and Gianni Betti (2019) (2) highlights how the questionnaires developed for data collection must more precisely refer to the subjective assessment of violence. They suggest that the measurement of violence severity cannot be politically defined unless we obtain more data on how victims themselves gauge severity. Therefore, it is crucial to emphasize the importance of subsidizing research projects with sufficient human resources to conduct single or multiple interviews to investigate the specificity and severity of partner violence within communities or ethnic groups that do not share the Istanbul Convention's definition of partner violence. Such an approach would suggest a non-Eurocentric view of partner violence and allow us to better assess the risks of partner violence within migrant families in Europe (Bucci, 2012).

Although we emphasize the need to recontextualize IPV studies, we must not simultaneously forget to incorporate a systemic understanding of the emergence of such violence into each analysis protocol. We recommend a comprehensive description of the life context of individuals surveyed at the individual, interpersonal, communal, and societal levels (Lockett & Bishop, 2012), as a preliminary step before subjectively collecting narratives from victims of partner violence. This is intended to limit interpretations from researchers hailing from "WEIRD" (Western Educated Industrialized Rich and Democratic) countries and enhance the consideration of the living context of migrant victims. This should help minimize cultural interpretations behind IPV when studied within migrant populations.

## ***2- What findings are established in the literature to more precisely grasp the links between IPV suffered by migrant women and the evolution of gender/social norms?***

The issue of the lack of contextualization in studies must be understood on two levels. Firstly, the cultural context and position of researchers investigating partner violence are rarely explicit. Thus, the European context for study and data collection is not always considered as a moderating variable for the obtained results. The methodological tools and provisions specific to data collection concerning partner violence experienced by migrant women are not always culturally sensitive and tend to overlook the disparities in responses from women at the intersection of multiple discriminations. Several national and

international reports (WHO, 2014; BEFG, 2020; "Composer avec les normes: trajectoire de vies et agentivité des migrants face au cadre légal," 2021; "A Theory of Change for Tackling Violence Against Women and Girls," 2012) suggest the need to develop research capable of taking into account multi-sectoral analyses (Lockett & Bishop, 2012) of violence against women, ranging from policy advancements to effective actions within households. We believe that the interventions of field actors combating partner violence can only improve if context-specific studies are conducted by researchers capable of considering the multiplicity of factors at play in partner violence. Note that the majority of studies included in this review analyze data using an approach that includes various life domains of individuals (education, relationships, socio-economic status). However, the links drawn between the conceptualization of violence and dependence on cultural (origin or affiliation) context are still not made explicit enough, thus hindering the development of specific interventions based on the encountered audiences.

The notion of contextualization is complex because it must be interdisciplinary or at least psycho-social. Indeed, while our database search queries mentioned the intersectionality concept, no study, except for Yurdakul and Kortweg (2013), considers the epistemological questions underlying the use of this paradigm. In other words, merely mentioning multiple vulnerabilities related to IPV risk factors does not suffice to qualify a study as "intersectional." If intersectionality presupposes, as proposed by Hill-Collins, a paradigm shift rather than an analytical tool, asserting that statistically, girls from migrant families are more at risk of IPV (Barbero et al., 2018b) does not adequately capture the levers on which policies and field agents can rely for improvement in prevention. Therefore, we observe not only a lack of qualitative studies that should bring narrative accounts to the forefront but also an epistemological gap between what an intersectional study should be and what we actually have at our disposal.

We wish to emphasize that this research does not critique the quality research work already undertaken on IPV and the European initiatives for collecting data specifically on violence against women. Rather, we analyze that inter-individual differences are still inadequately considered at the national and international levels, and European policies must be equipped with tools capable of measuring the complexity of situations faced by each woman present on the territory. The notion of a "comprehensive approach" to describe public policies implemented in Europe is regularly mentioned in the analyzed articles. It implies a holistic or even exhaustive understanding of gender-based violence. The approach involves using European statistics to effectively guide public policies. We observe that if analyses based on data collected through questionnaires that are insufficiently precise to capture the situation of all women present on European territory continue, the vulnerabilities of those at the intersection of multiple power dynamics will not be considered in future public policies, effectively rendering their existence invisible in the eyes of national laws of EU countries. Moreover, Goodey (2017) notes that Europe is not very well equipped legally to combat gender-based violence. European treaties and conventions have long focused on transnational issues (such as human trafficking or female genital mutilation), essentializing these problems to migrant populations and failing to consider gender-based violence directly impacted by the national context, such as IPV, and for which action strategies are better identified for indigenous women. The data collection organization has been criticized by the European Union itself for lacking a comprehensive approach to measuring violence (Goodey, 2017).

### **Limitations**

The selection of the four databases (Psychinfo, Cairn, Francis, ScienceDirect), while justified, necessarily restricts the scope of articles included in this review. Nevertheless, we aimed to establish a literature review to identify empirically established elements to better understand how migrant women have been included in large-scale European research on IPV. The choice of databases that gather articles from both psychology and social and political sciences seems justified and allows us to identify the evidence-based research status and the gaps that remain to be filled in the fight against partner violence for it to be intersectional.

Given the material constraints associated with conducting this research, we were unable to complete all the necessary analyses to qualify this research as a systematic review, limiting the scope and precision of our analyses.

## Perspectives

Two elements of analysis should aid future research efforts.

(1) The effects of involving men in the fight against partner violence are underestimated and very rarely studied. The importance of men's roles in studies focusing on transformative gender approaches has already been demonstrated (Alexander-Scott, Bell, Holden, 2016). We note in this review that the links made between attitudes/behaviors toward gender norms are still strictly studied in a punctual, linear manner, based on self-reported data. Yet, we know that measuring the influence of evolving social norms on violence against women is complex and involves numerous factors. For instance, the statistical analysis results by Nevala (2017) show that coercive control is negatively correlated with a high Gender Equality Index score, but the correlation is not significant concerning physical and sexual violence. This suggests that we still do not fully understand the different forms of violence against women and awkwardly grasp how organizational changes truly modify the attitudes and behaviors of violent men. Thus, it seems crucial for future research to include heterosexual, cisgender men who are perpetrators of violence and conduct in-depth analyses of their discourse to better understand possible points of change. We excluded from this review a series of articles focusing on the psychology of violence perpetrators because they did not present any empirical integration between individual male attitudes and social analyses of their development.

(2) The theoretical framework related to partner violence is still heavily reliant on literature lacking conceptual consensus, which affects research quality. We observe a tendency to focus on risk factors that enhance prevention but do not presuppose profound social changes. Montalto (2016) already noted in 2016 that the identification of risk factors like alcohol consumption, and substance use, as well as neurobiological, hormonal individual traits, and personality traits related to intrafamily learning are well-identified but superficially linked to feminist and sociological analyses of structural social criticisms.

Similarly, due to our insufficient intersectional understanding of interpersonal relationships within migrant populations, we do not fully grasp the effects of promoting women's empowerment and education on the propensity for exposure to violence. While supporting programs for migrant women's education and empowerment within the European Union is evident, we notice that without a more precise understanding of power dynamics and the effects of cultural changes on partner violence, we cannot design interventions that are not only effective but also reduce victims' risk during the process.

In summary, after critically analyzing each of the selected studies, we identify five issues that future researchers focusing on the influence of social norms on partner violence should pay attention to:

- (1) We must produce publications focusing on migrant individuals without essentializing them to their cultural background but acknowledging the influence of transnational movements on their attitudes toward gender relations.

- (2) We need European data that study ethnically identified groups by researchers while including a macro-social and political analysis of their living conditions.
- (3) We must recognize that the currently available large-scale questionnaires and data collection tend to overlook the specific experiences of migrant women regarding gender-based violence.
- (4) Intersectionality is often seen as a situational qualifier rather than an epistemological and methodological standpoint.
- (5) Measuring the influence of public policies is still greatly limited by the nature of partner violence, which has an imprecise, culturally situated, and non-consensual typology. It is fundamental to recognize that partner violence occurs in specific local contexts that need to be considered both legislatively and in research. Substantial progress in accurately understanding multifactorial issues like partner violence can only be achieved if researchers mandated by European institutions for the study of partner violence are diligent in pre-planning work and are willing to adapt most of the measurement tools currently at our disposal.

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**Abstract:** The ratification of the Council of Europe's Convention on Preventing and Combating Violence against Women and Domestic Violence (known as the Istanbul Convention) by member countries of the European Union has sparked numerous research initiatives aimed at better understanding the social and interpersonal dynamics underlying intimate partner violence (IPV). The Istanbul Convention has defined and framed the issues related to combating IPV. In 2014, the European Union Agency for Fundamental Rights (FRA) launched a comprehensive data collection effort to quantify risk factors, consequences, and strategies on which public policies should be based to combat IPV. Despite these efforts, international collaborations and the utilization of data in the implementation of pragmatic interventions for affected populations remain limited, especially in the context of formulating useful European public policies for all vulnerable women within the European territory.

Taking a psycho-social and intersectional analytical approach, we aimed to investigate how political and collective advancements in IPV prevention incorporate migrant women who are victims of IPV. We analyzed the results of ten studies meeting our inclusion criteria, thereby undertaking a critical assessment to identify epistemological gaps hindering the establishment of theoretically and empirically supported policy interventions for migrant women victims of IPV. After examining how the experiences of migrant women are considered in empirical research on IPV in Europe, we propose pragmatic avenues for thought that aim to refine the methodological framework for future studies seeking to adopt an intersectional analytical approach for investigating intimate partner violence.

**Keywords:** women, migration, European Union, gender-based violence, IPV, social norms, European public policies.

# Legal analysis : the Legal Framework on Family Reunification in Belgium as a Source of Domestic Violence

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# Introduction

The objective of this study is to consider the role of the legal framework specific to migration and its influence on intimate partner violence (further qualified as domestic violence<sup>20</sup>). It aims to illustrate how specific migration policies can contribute to causing and exacerbating the effects of domestic violence in migrant households. The aim is therefore to examine the Belgian legislation governing family relationships for migrants in the context of family reunification.<sup>21</sup>

This legal framework may generate tensions within the couple, and even lead to situations of violence, as we shall see below. Upon arrival in Belgium, the sponsor may prevent any attempt at emancipation or integration of the partner, usually a woman<sup>22</sup>. Moreover, in a Eurocentric vision, the law considers that migrant women who settle in a country to join their partner or spouse are under the protection of the 'head of household', which thus invisibilize violence. Migrant women experience multiple forms of discrimination, as women, as foreigners and as foreign women.<sup>23</sup>

For this reason, we conduct a two-stage analysis. Firstly, we study and describe the restrictive legal framework for family reunification under the Belgian Aliens law and the conditions of this process. Secondly, once this right has been acquired, we look at how the conditions for maintaining the legal stay and acquiring independent residency can give rise to tensions or imbalances within the couple.

Maria, for example, is a Bolivian national who joins her husband, Luca, who has an unlimited residence permit in Belgium for several years. The family reunification procedure took a long time to finalise because of the material requirements of Belgian law. Upon her arrival in Belgium, a disagreement arose. Luca confiscates Maria's passport and prevents her from going out and taking language classes. He later starts to insult her and threatens her. When she tries to defend herself or when she tells him that she will lodge a complaint, he threatens to inform the local authorities that she no longer lives with him so that she would no longer be able to stay in Belgium. Indeed, they have to live together for at least five years for her to be granted an autonomous and independent resident status. At a certain point, she leaves him, seeks refuge in a centre for victims of violence and asks for help. Her husband notifies the local authorities, which find that she is no longer living at the address. Will she be authorised to stay in Belgium?

This example illustrates a frequent situation for women counselled by the *Collectif des Femmes*, and a situation to which migrant women are sometimes confronted. Another frequent situation is that of foreign women married to a Belgian or EU citizen and who are victims of domestic violence. These women find themselves in a situation of double vulnerability. Firstly, they generally find obstacles in

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<sup>20</sup> We understand domestic violence as a violation of human rights and in particular women's rights, see J. Freedman, *Domestic violence through a human rights lens*, Routledge, 2021. This is the legal term we will use throughout the study. In the literature, the term "intimate partner violence" is used instead.

<sup>21</sup> While the aim of the overall project is to examine intimate partner violence, the legal framework only concerns certain intimate partners, as we shall see later. The legal framework for family reunification covers married couples, certain registered partnerships equivalent to marriage and legal cohabitation.

<sup>22</sup> The sponsor is the person who has residence status in Belgium.

<sup>23</sup> A migrant is any person who does not have Belgian nationality. Among these, a distinction is made between EU citizens and non-EU citizens. In this contribution, a foreign national is defined as a citizen of a country outside the European Union. We will examine these different situations provided for by the law of 15 December 1980 in the context of the family reunification procedure.

accessing their rights and a lack of information to assert these rights. Secondly, in the specific context of family reunification, they have an administrative dependence on their spouse or partner since their right to residency relies on a marital relationship and sustained cohabitation.

The Belgian legislation on family reunification provides specific protection for victims of domestic violence. In certain cases, victims of domestic violence can be granted an autonomous residence permit. However, this procedure lacks transparency and is difficult in practice. Because of their precarious residency and their administrative dependence on their partner, victims are often afraid to lodge a complaint or even to leave the marital home. They then face a dilemma: to lodge a complaint and protect themselves, or to continue to suffer violence until they obtain a permanent residency.

This article does not concern the fight against domestic violence as such, but attempts to respond to concerns linked to the fact that the law of 15 December 1980, through its strict legal framework and numerous conditions, sometimes creates situations of violence between partners, particularly in the context of family reunification. Paradoxically, the law addresses these situations of violence by specifically providing for this exception and the possibility of independent residence for victims of domestic violence. In other words, while the law sometimes generates violence, it comes to the rescue of these specific situations by offering an autonomous stay to protect victims from violence and administrative dependence. But at what cost? Often, the partner who has been a victim of violence will have to prove it, which means filing a complaint or having a medical examination as soon as possible. This leads to social and legal insecurity or possibly secondary victimisation.

In addition, marriage or specific partnership is required for family reunification. There is no right of residence for unmarried couples wishing to reunite, except in the case of family reunification with a sponsor who is a Union citizen (*de facto* partner). This excludes from the benefit of the provisions **couples who are not legal cohabitants or legally married**. For example, the law does not account for a *de facto* couple comprising a migrant and a Belgian. As a result, the right to family reunification is not recognised. In conclusion, the law does not consider foreign nationals who are victims of domestic violence outside this strict framework. This study will therefore focus on marriages and specific partnerships (see Chapter 1).

This article will also not cover people who come to Belgium to seek international protection because of domestic violence suffered in their home country. Many women flee their family home in their country of origin because of fear of forced marriage or domestic violence, without the national authorities taking any measures to protect them. It is not uncommon for a woman wishing to lodge a complaint with the police to be sent home on the grounds that it is a problem to be dealt with in the private sphere. These situations are taken into consideration by the Belgian asylum authorities, who examine the application for international protection and decide on the need for protection. These women are likely to obtain international protection because of their membership of the social group of women or because of a political opinion, for example. It should be noted that migrant women seeking international protection are sometimes also victims of violence on their migration journey and upon arrival in the host country.<sup>24</sup>

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<sup>24</sup> See two articles on the subject of women who are victims of violence on the migration and asylum route: S. Sarolea, Z. Crine, F. Raimondo, "Through the Eyes of the 'Vulnerable': Exploring Vulnerabilities in the Belgian Asylum System", VULNER, 2022 and J. Freedman, "Sexual and gender-based violence against refugee women: A hidden aspect of the refugee 'crisis'", 2016, Reproductive Health Matters, Published by Elsevier BV.

Finally, this contribution will look at the framework for family reunification, particularly for spouses and partners, and the implications for the couple's children.

We will examine the legislation on family reunification and the exception on grounds of domestic violence, as well as the application of these rules by the Aliens Office and in the rulings handed down by the competent court in the context of appeals by the Aliens Litigation Council (ALC<sup>25</sup>).

It should be recalled that any woman, whether Belgian or foreign, can lodge a complaint if she is a victim of violence. However, it is difficult for migrant women who do not legally reside in Belgium or who are in a precarious situation to lodge a complaint because of the fear that their administrative situation will be considered rather than the violence they have suffered. Administrative violence is therefore added to domestic violence.

In chapter 1, we will analyse the figures and a brief history of the right to family reunification, the concept of family and the conditions to obtain autonomous residency (independent of their spouse or partner), which responds to an initial concern (violence of the legislative framework *stricto sensu*). Chapter 2 will look at the protection clause in cases of domestic violence, the possibility of obtaining an autonomous residence permit and the difficulties associated with this procedure. Finally, chapter 3 will address the end of the legal stay, along with the limits linked to fundamental rights.

## **Chapter I: Regulatory Framework for Family Reunification and its Consequences**

This first chapter traces the history of and conditions for family reunification under the Aliens Law of 15 December 1980. Although family relations are not governed solely by this law,<sup>26</sup> certain provisions concern family reunification and are designed to be very restrictive. All of these rules govern the conditions under which non-nationals can obtain residency in Belgium, enabling them to join family members already living there. These conditions illustrate the difficulties and obstacles faced by the sponsor and the partner to reunite and form a family in Belgium. It is a demanding, potentially stressful, and uncertain process for the family members concerned. The conditions are strict and numerous. They differ according to the status of the sponsor as foreigner, sedentary Belgian (meaning that he or she has not experienced free movement in the EU), or EU citizen (as explained below).

The law sets out the definition of family, the conditions for family reunification and the procedure for applying, including proof of family ties. In this chapter, we will first analyse the situation of family members of a foreigner residing in Belgium, of a Union citizen, and of a Belgian.

After looking at the figures for long-stay visas granted on the basis of family reunification and a brief description of the Law of 15 December 1980 (section 1), we will examine the concept of spouse/partner (section 2), the material conditions (section 3) and the family reunification procedure (section 4) in order to report on the impact of this procedure on the couple (section 5).

### **Section 1: Figures and Brief Description of the Law**

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<sup>25</sup> The official name of this jurisdiction in French is, Conseil du Contentieux des étrangers (CCE). But will be referred to as Aliens Litigation Council (ALC).

<sup>26</sup> Law of 15 December 1980 on the entry, residence and removal of foreign nationals, *M.B.*, 31 December 1980. Other sources include the Civil Code, which lays down rules on preventing sham marriages and fraudulent recognition of filiation.

## a) Key Figures

Family reunification is one of the only legal ways to enter Belgium. It accounts for a significant proportion of migration to Belgium. According to the MYRIA report, 15,317 family reunification visas were issued in 2021, representing 43 % of all granted long-stay visas.<sup>27</sup> In 2021, 2,977 visas were granted for family reunification with a beneficiary of international protection (refugee or subsidiary protection applicant). More than half of these were granted to people of Syrian nationality (33 %) or Palestinian origin (21 %). The increase for Syrians and Palestinians contrasts with the sharp fall in Afghan beneficiaries (just under 12 % of these visas in 2021).

## b) Brief Description of the Law

The Law of 15 December 1980 is a complex piece of legislation that has evolved in line with the Belgian political context. Successive reforms have made the legal framework relating to family reunification more restrictive and selective, as well as increasingly complex.<sup>28</sup> As a result of these changes, it has become almost illegible. Major changes were made to the law as part of the transposition of the two directives on family reunification.<sup>29</sup> Initially, this transposition was only partial and did not require sponsors to meet any material conditions. In 2011, financial conditions and conditions relating to adequate accommodation were added. The Belgian system has therefore transposed the minimum standards set out in the directives.<sup>30</sup>

Sedentary Belgians who wish to bring their family over are treated in the same way as foreign nationals and are subject to the same conditions.<sup>31</sup> The rules applicable to the family of foreign nationals or sedentary Belgians are much stricter than those applicable to “Union citizens”, both in terms of the definition of the family and the material and procedural conditions (see below). The “reverse” discrimination that particularly affects nationals is still relevant following the 2011 reform of family reunification. However, the Constitutional Court views the difference in treatment between EU citizens and Belgians as justified.<sup>32</sup>

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<sup>27</sup> MYRIA, “La migration en chiffres et en droit”, *Les Cahiers du rapport annuel*, 2021.

<sup>28</sup> G. Orsini, S. Smit, J.-B. Farcy and L. Merla, “Institutional racism within the securitization of migration. The case of family reunification in Belgium”, *Ethnic and racial studies*, Vol. 45, No. 1, 02.01.2022, pp. 153–172.

<sup>29</sup> Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, *O.J.*, L 158, 30.04.2004, and Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, *O.J.*, L 251, 3.10.2003, pp. 12–18.

<sup>30</sup> Law of 8 July 2011 amending the law of 15 December 1980 on access to the territory, residence, establishment and removal of foreign nationals with regard to the conditions for family reunification, *M.B.*, 12.09.2011. Following this reform, the number of applications has decreased by 50 % for family members of Moroccan nationals. It has also decreased for Turkish nationals and family members of sedentary Belgians.

<sup>31</sup> Law of 15 December 1980, art. 40ter § 2. The law distinguishes between limited and unlimited stay. Limited stay typically concerns students or highly qualified workers whose residence is valid for one year and is renewable under certain conditions. Unlimited stay concerns third-country nationals such as refugees.

<sup>32</sup> C.C., 26 September 2013, no. 121/2013, B.49 to 55. The Court accepts the differentiated treatment between Belgians and EU citizens because the criterion for distinction is objective (the latter having exercised the right

Family reunification is a long and demanding process, particularly in the case of family members of third-country nationals. There are numerous formal and substantive requirements for applying, and the time limits for examining the application are not very precise (see below).<sup>33</sup> When family members finally obtain this right and arrive in Belgium, they have often not seen the sponsor in years. This is particularly the case for family reunification with persons benefiting from international protection. Asylum procedures can take several months or even years to be examined, which makes the separation between spouses or partners that much longer.

Once acquired, the right of residence under family reunification is temporary. The conditions for obtaining the right to family reunification must be met for a **period of five years** before residence becomes unlimited or permanent. Residence is “controlled” by the administrative authority.<sup>34</sup> It is therefore, by its very nature, precarious.

For the family member being reunited, this period is long and can generate a certain amount of anxiety due to the precariousness of the stay.<sup>35</sup> The law considers the couple, their “joint settlement” or actual cohabitation, and their economic independence (the criteria are slightly less demanding if the sponsor is an EU citizen). Such dependence on the couple for the acquisition of the right of residence is likely to create uneven power dynamics and dominance. This is also the case when settlement or integration in Belgium does not go as planned.

The law provides for situations where permanent residence can be obtained before the five-year period, in particular in cases of domestic violence.<sup>36</sup>

Furthermore, holding a temporary residence permit for five years also raises questions about integration, particularly through work. Even though there are provisions that exempt the family members from requiring a work permit,<sup>37</sup> access to work remains impossible for family members of students or salaried workers whose stay is restricted.

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to free movement, not the former). This easier access to nationality legitimised the conditions imposed on family reunification with a Belgian. The measures were therefore deemed proportionate.

<sup>33</sup> K. Melis, “Les méandres des délais en matière de regroupement familial”, *R.D.E.*, 2018, no. 199, pp. 347–363.

<sup>34</sup> See the Law of 15 December 1980, art. 10: in the case of third-country nationals, the minister or his delegate may carry out checks or have checks carried out with a view to extending or renewing the residence permit, in order to verify whether the foreign national meets the conditions of article 10.

<sup>35</sup> G. Bossu, “Does ‘transnational parenthood’ due to the asylum seekers migratory journey strengthen or distance pre-established family ties?”, Faculty of Psychology and Education Sciences, Université catholique de Louvain, 2017, Prom. Laura Merla.

<sup>36</sup> Law of 15 December 1980, art. 42*sexies*.

<sup>37</sup> Royal Decree of 2 September 2018 implementing the Law of 9 May 2018 on the occupation of foreign nationals in a special residence situation, *M.B.*, 17.09.2018, art. 10, 8°.

## Section 2: Concept of Family Member in Law

The migrant's family is clearly defined by law and is reduced to the nuclear family if the sponsor is a foreigner.<sup>38</sup>

As already mentioned, an unofficial relationship involving a migrant does not allow the spouse or partner to be brought in through family reunification. Consequently, only domestic violence in the situations envisaged by the law is eligible for protection.

What is the concept of spouse and which families are covered by family reunification?

### a) Spouse, Partnership equivalent to marriage, and Partner

The law refers to the spouse by marriage.<sup>39</sup> The marriage may take place before or after the applicant settles in the country of residence. The directive does not specify whether family reunification applies to heterosexual couples only. In a judgment of 5 June 2018, the Court of Justice ruled that "the concept of spouse is gender-neutral" and therefore "includes" same-sex spouses.<sup>40</sup>

In Belgian law, a couple therefore includes both homosexual and heterosexual relationships, based on marriage or partnership.<sup>41</sup> The concept of "partner equivalent to spouse" refers to partnerships that create a relationship that has the same legal effects as marriage (which is not existent in Belgium).<sup>42</sup> Other partners may also benefit from family reunification provided they meet additional conditions. In Belgium, it applies to legal cohabitation. The partners must be unmarried, living together, both single and not in a long-term relationship with a third party. Above all, they must prove that they have a stable and lasting relationship which is duly established.<sup>43</sup> This proof can be provided by various means: either the partners have cohabited in Belgium or in another country in a legal and uninterrupted manner for at least one year prior to the application; or they have known each other for at least one year and provide proof that they have maintained regular contact by telephone, mail or e-mail, that they have met three times prior to submitting the application and that these meetings lasted a total of forty-five days or more; or they have a child together.

Both spouses or partners must be over 21 years of age. This minimum age is reduced to 18 if the marriage or partnership predates the applicant's arrival in Belgium. If the couple does not meet this strict age requirement, family reunification will not be considered. On the other hand, if the sponsor is a citizen of the Union, the concept of partner also includes the *de facto* partner.<sup>44</sup>

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<sup>38</sup> L. Merla and S. Sarolea, "Migrantes ou sédentaires: Des familles ontologiquement différentes", in A. Fillod-Chabaud and L. Odassoin, *Faire et défaire les liens familiaux*, PUR, 2019, pt 14.

<sup>39</sup> Law of 15 December 1980, art. 10 § 1, 4°, 1<sup>st</sup> indent.

<sup>40</sup> CJEU (G.C.), 5 June 2018, *Coman and Others*, C-673/16, and M. Fallon, "Observations under CJEU, 5 June 2018, Gr. Ch., Coman, C-673/16, EU:C:2018:385", *Cahiers de l'EDEM*, June 2018.

<sup>41</sup> Law of 15 December 1980, art. 10, § 1, 4°, 1<sup>st</sup> indent.

<sup>42</sup> Civil Code, art. 1475 *et seq.*

<sup>43</sup> Law of 15 December 1980, art. 10 § 1, 5°.

<sup>44</sup> *Ibid.*, art. 47/1.

## b) Other Family Members

Only the nuclear family of the foreign sponsor is considered: biological or adopted minor children and disabled adult children. Since 2011, Belgians who have not exercised their freedom of movement and who wish to bring in their family have been treated in the same way as foreign nationals reuniting.<sup>45</sup> The Belgian's children must be under 21 to benefit from family reunification or must fulfil financial conditions. Only the ascendant of a Belgian minor child has the right to join the child.

For EU citizens, children over the age of 21 must be dependent on the Union citizen, and the family is also extended to the members of the household, without necessarily having to demonstrate any specific biological or legal link.<sup>46</sup> An EU citizen's ascendant is also authorised to join them, provided that they are dependent on the Union citizen. This is the notion of extended family.

## Section 3: Material Conditions

The other conditions are material conditions. To be eligible for family reunification, the sponsor must be well off and well housed. As already mentioned, the legislator did not require the sponsor to meet any socio-economic conditions before July 2011. In 2011 the material conditions of directive 2003/86 were transposed in the hope of reducing the number of people arriving on the basis of family reunification.<sup>47</sup> These include the obligation to demonstrate regular, stable and sufficient means of subsistence, adequate housing and health insurance.<sup>48</sup>

The law stipulates that, to be sufficient, the amount must represent 120% of the social integration income.<sup>49</sup> This is higher than the net minimum wage of a full-time worker.<sup>50</sup> This requirement does not seem to take account of the socio-economic realities of the labour market, in the case of third-country nationals who are in the process of integrating into society.<sup>51</sup> In addition, regular and stable

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<sup>45</sup> *Ibid.*, art. 40ter. This is reverse discrimination to the disadvantage of Belgians. The Constitutional Court accepts the difference in treatment between citizens of the Union and Belgians, based on the criterion of the sedentary nature of the Belgian citizen (C.C., 26 September 2013, no. 121/2013 and C.C., 24 October 2019, no. 149/2019).

<sup>46</sup> Law of 15 December 1980, art. 47/1.

<sup>47</sup> Proposed law amending the law of 15 December 1980, *Doc*, Ch. 2010-2011, no. 53-0443/018, p. 8: "The number of people settling on Belgian territory as part of family reunification considerably exceeds the number of asylum seekers. In 2009, the Aliens Office granted 9,993 visas for family reunification, while the diplomatic and consular services abroad processed approximately 14,000 applications. [...] This is why the proposed law aims to amend the law of 15 December 1980 [...]."

<sup>48</sup> Directive 2003/86, art. 15; Law of 15 December 1980, art. 40ter § 2.

<sup>49</sup> Law of 15 December 1980, art. 10 § 5.

<sup>50</sup> The social integration income was increased on 1 January 2023. For a person with a family, this corresponds to € 1,640; 120% of this amount is € 1,968 ([www.droitsquotidiens.be/fr/question/quel-est-le-montant-du-ris-pour-chaque-categorie](http://www.droitsquotidiens.be/fr/question/quel-est-le-montant-du-ris-pour-chaque-categorie)). This is a very substantial amount. For more on this subject, see C. Flamand, "Trajet migratoire et regroupement familial: obstacles et perspectives", in S. Sarolea (coord.), *Immigrations et droits, Questions d'actualités*, Brussels, Larcier, November 2018, pp. 45-97.

<sup>51</sup> S. Carpentier, "Lost in transition – Essays on the socio-economic trajectories of the social assistance beneficiaries, 2016.

resources seem to exclude temporary work and presuppose long-term employment.<sup>52</sup> It should be noted that the condition of sufficient resources does not apply if the foreign national or sedentary national is only joined by their minor children or those of their spouse or partner (assimilated to the spouse).

In addition to socio-economic conditions, adequate accommodation is required. Sufficient accommodation must meet “for the foreign national and for the members of his family applying to join him, the basic requirements of safety, health and habitability” set out in the Civil Code. It must exist on the date of the application for family reunification, even though the family members residing abroad will not arrive until months later. This places a considerable financial burden on the applicant.

A more favourable regime has been introduced for beneficiaries of international protection. In order to facilitate family reunification, the Belgian law transposing the directive exempts refugees and beneficiaries of subsidiary protection from the material conditions imposed on other foreign nationals, provided that the family ties predate their entry into Belgium.<sup>53</sup> It allows a period of one year for beneficiaries of this protection to apply without further conditions. This derogation is justified by the very nature of refugee status and is based on recital 8 of Directive 2003/86<sup>54</sup> and the case law of the European Court of Human Rights (ECtHR).<sup>55</sup>

## **Section 4: Procedure in Brief**

This section provides a brief overview of the family reunification procedure and describes the various stages involved.

### **a) Fees**

Since 2014, a financial condition has been required in order to apply for family reunification.<sup>56</sup> This fee cannot be imposed on a minor or on family members of beneficiaries of international protection. This amount adds to the other material requirements and is an undeniable obstacle to family reunification, with the immediate consequence of deterring immigration for more precarious families.

### **b) Integration Condition**

December 2016 saw the addition of integration conditions for third-country nationals as part of family reunification (minors, refugees and EU citizens and their families are exempt)<sup>57</sup>. The conditions seem to be limited to the signing of a declaration by which foreigners indicate that they understand the values and fundamental norms of society and that they will act in accordance with them. However, could non-compliance be considered to terminate the residence of the person reunited as

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<sup>52</sup> C. Flamand, “Trajet migratoire et regroupement familial”, *op. cit.*, pp. 45-97.

<sup>53</sup> Law of 15 December 1980, art 10 § 2, 5<sup>th</sup> indent.

<sup>54</sup> “The situation of refugees should be given particular attention, because of the reasons which forced them to flee their country and which prevent them from leading a normal family life there. More favourable conditions should therefore be provided for the exercise of their right to family reunification.”

<sup>55</sup> ECtHR, *Mungezi v. France*, 2014, § 54.

<sup>56</sup> This amounts to € 363 for any adult making a claim.

<sup>57</sup> Law of 15 December 1980, art. 1/2.

long as they are not in possession of an autonomous residence permit? The Court of Justice has pointed out that the integration conditions that a Member State chooses to impose aim to facilitate the integration of third-country nationals, and not to constitute an obstacle to obtaining a more stable residence permit.<sup>58</sup> It considers the measure to be proportionate. This was confirmed by the Constitutional Court, which found that the measure was not disproportionate.<sup>59</sup> Nevertheless, the inclusion of this provision adds further pressure on people seeking the right to live with their families.

### **c) Place of Applications**

People wishing to apply for family reunification must do so from their country of origin, unless they are already residing in Belgium.<sup>60</sup> Belgium does not provide for any procedure other than this appearance in person at the Belgian diplomatic representation in the country of origin or, in the absence of such a representation, the one in the nearest country. This posed numerous problems, particularly for the family members of a refugee applicant. Following a recent ruling by the Court of Justice,<sup>61</sup> the country will have to review its approach. The Court ruled that appearance in person cannot be required where it is not possible or is excessively difficult in a given context.<sup>62</sup>

### **d) Proof of Ties**

Family reunification requires proof of the alleged family ties. In principle, this proof can be civil status documents (birth certificate, marriage certificate) or judgments (child custody rights). Documents issued abroad are subject to a double legalisation procedure, by the foreign authorities that issued the documents and by the Belgian authorities (embassy or consulate), or must be apostilled.<sup>63</sup> Legalisation procedures are extremely lengthy and costly. They can take months, forcing family members to travel hundreds or even thousands of kilometres if there is no Belgian consulate in their country of residence (Moscow for Bishkek, for example; Addis Ababa for Mogadishu, etc.).<sup>64</sup> The documents are then subject to a recognition procedure by the Belgian authorities in accordance with

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<sup>58</sup> CJEU, *C and A*, 2018.

<sup>59</sup> C.C., 4 October 2018, no. 126/2018; J.-B. Farcy, “Conditions d’intégration et droit de séjour autonome en matière de regroupement familial: oui, mais...”, *Cahiers de l’EDEM*, November 2018.

<sup>60</sup> Law of 15 December 1980, art. 12bis § 1, para. 2.

<sup>61</sup> CJEU, 18 April 2023, *X., Y., A. and B. v. Belgian State (Afrin)*, Case C-1/23. The Court held that “[...] it is essential for the Member States to show, in such situations, the necessary flexibility to enable the persons concerned actually to be able to lodge their application for family reunification in good time, by facilitating the lodging of that application and by permitting, in particular, the use of remote means of communication” (§ 51).

<sup>62</sup> L. Leboeuf, N. Decabooter, I. Vandenberghe, “Member States may not, without exception, require personal appearance at a consulate abroad for the purpose of submitting an application for family reunification”, *Cahiers de l’EDEM*, May 2023.

<sup>63</sup> Law of 5 June 1975 approving the Convention Abolishing the Requirement that Foreign Public Documents be Legalised, and the Annex thereto, done at The Hague on 5 October 1961, *M.B.*, 7 February 1976, *err. M.B.*, 10 March 1976. The apostille is a simplified form of legalisation. List of countries covered by the apostille: [www.hcch.net/fr/instruments/conventions/status-table/print/?cid=41](http://www.hcch.net/fr/instruments/conventions/status-table/print/?cid=41).

<sup>64</sup> C. Flamand, “Trajet migratoire et regroupement familial”, *op. cit.*

the Code of Private International Law.<sup>65</sup> If these documents are not in one of Belgium's national languages or in English, they must be translated and certified.<sup>66</sup>

These formal conditions are intended to be interpreted loosely for family members of refugees due to the inherent difficulties in obtaining civil status documents in their country of origin.<sup>67</sup> The General Commissariat for refugees and stateless people (CGRS) is responsible for producing civil status documents for refugees and beneficiaries of subsidiary protection.<sup>68</sup>

Belgian law grants the minister discretionary power to assess the need to have recourse to other means of proof than official documents.<sup>69</sup> The case law considers that the possibility of carrying out investigations in place of a civil status record is not binding on the Belgian State. It is only a possibility when no official document can be produced.<sup>70</sup> However, when the authorities call into question the authenticity of a birth certificate, they must request other types of proof<sup>71</sup> such as interviews, investigations, or DNA tests (in the case of proof of parentage). These are costly and must be covered by applicants.

In addition, there are practical difficulties associated with obtaining a passport in the country of origin, as well as the fact that Belgian diplomatic posts are sometimes far away or non-existent in the country of origin, forcing people to travel to a neighbouring country to complete the paperwork.

The legal requirements and their practical application result in strong requirements in terms of family reunification, which is an immigration case, i.e. a case where the stay of one of the family members depends on the establishment of a relationship.

## e) Deadlines

Once the application has been completed, it is sent by the diplomatic representation to the Aliens Office for review. Review times are long. Although the law sets deadlines for examining these applications, these deadlines may be extended.<sup>72</sup> In the case of family members of foreign nationals, if a decision is not taken within 15 months, residency must be granted.<sup>73</sup>

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<sup>65</sup> J.-Y. Carlier and S. Sarolea, *Droit des étrangers*, Bruxelles, Larcier, 2016, p. 655. Law of 16 July 2014 on the Code of Private International Law, *M.B.*, 27 July 2004, art. 30.

<sup>66</sup> *Family reunification of recognised refugees in Belgium*, CBAR, Brussels, 2010.

<sup>67</sup> Directive 2003/86/EC, *op. cit.* art. 11.

<sup>68</sup> International Convention relating to the Status of Refugees, 28 July 1981, Geneva, art. 25.

<sup>69</sup> Law of 15 December 1980, art. 12bis; Royal Decree of 8 October 1981 on access to the territory, residence, establishment and expulsion of foreign nationals, *M.B.*, 27 October 1981, art. 44.

<sup>70</sup> ALC, 20 January 2011, no. 54 612.

<sup>71</sup> ALC, 24 October 2013, no. 112 748.

<sup>72</sup> Law of 15 December 1980, art 12bis§ 2 and § 3.

<sup>73</sup> C. Mascia, "Administrer le regroupement familial, Construire l'indésirable, justifier l'indésirabilité", Editions de l'Université de Bruxelles, 2022, p 64-68. CJEU, Diallo, 27 June 2018 (C-246/17) and CJEU, X, 20 November 2019 (C-706/18). The Court of Justice considers, however, that the automatic granting of a right of residence does not meet the requirements of the Directive and that Belgium should reconsider its approach.

For family members of EU citizens, this period is six months. At the end of this period, in the absence of a decision by the authorities, the law automatically grants the right of residence.<sup>74</sup>

## **Section 5: Impact of the Law's Conditions on Family Life**

This procedure can therefore take several months or even years to reach a favourable conclusion. It is a process over which the people concerned have little control. The timetable is dictated by the administration. This is a potential source of tension and insecurity for all family members, both in the country of origin and in the country of residence of the sponsor. In some cases, concerns about the ongoing procedure and the long wait will have changed the relationship between partners. This wait is sometimes added to a previous separation, particularly in the case of a sponsor who has refugee status. While the right to family reunification is an essential right for maintaining family life, the multiplicity of conditions makes this right difficult to access, creating obstacles that are sometimes insurmountable for migrants without means (material conditions are an obstacle to family reunification).

However, at the end of this procedure, the difficulties are not resolved. In fact, the conditions for acquiring residency must be met for five years before the family member obtains permanent and autonomous residency. Migrants face major challenges and their legal situation is precarious and unpredictable.

Family life is under pressure. It is not uncommon for the demands of the law to exacerbate tensions between partners or unequal power relationships within them, and end up creating conditions conducive to domestic violence. Women who are victims of violence then face a double violence: the violence they experience and an institutional violence linked to the current legislation and its consequences in terms of residency. Victims of violence feel insecure: having just arrived in the country, in addition to the violence they experience, they fear they will lose their residence permit, which adds to their ignorance of their rights in the face of the violence they have suffered. The result is increased vulnerability.

This strict and demanding legal context sets the scene for the reception of migrants in Belgium and their "undesirability". As Carla Mascia points out, the procedure is not facilitated because the migration is unwanted by the Belgian authorities.<sup>75</sup> It should be noted that the latest government agreement in 2020 will further review the conditions for family reunification.<sup>76</sup>

A study by Stoyanova has shown how the secure rules on family reunification reinforce the precariousness within migrant couples and, consequently, the escalation of tensions between

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<sup>74</sup> Royal Decree of 8 October 1981, Art. 52, § 4. However, this automatic system has been called into question by the CJEU, Diallo, 27 June 2018 (C-246/17) and CJEU, X, 20 November 2019 (C-706/18). The Court of Justice considers that the automatic granting of a right of residence does not meet the requirements of the directive and believes that Belgium should reconsider its approach.

<sup>75</sup> C. Mascia, *op. cit.* See also J.-B. Farcy, G. Orsini, S. Smit, Institutional racism within the state of exception: a study of the impact of law on migrants' everyday lives in Belgium, 2020.

<sup>76</sup> The right to family reunification is under pressure. The government agreement of 30 September 2020 provides for "assessing the conditions for family reunification in the light of the legislation of neighbouring countries and reviewing them if necessary in order to make them more consistent".

partners.<sup>77</sup> This is reflected from an analysis of the strict conditions imposed by the law, confirming the undesirability of migrants who do not fit the profile of a well-off, united family. According to Giacomo Orsini, “more restrictive rules regulating family reunification in the country must be understood as yet another institutional attempt to repress the arrival and residence of undesirable foreigners in Belgium”.<sup>78</sup>

## Chapter 2: The Protection Clause

After examining the conditions and procedure for family reunification, we will look at the residence obtained and the exceptions provided for by law, in particular that relating to domestic violence. After recalling the principle in law, we will look at the limits of the protection to victims and the procedure to be followed, which also raises difficulties.

### Section 1: Principle in Law

As already mentioned, all the conditions laid down by law must be met for a period of five years, in terms of both material conditions and living together.<sup>79</sup> The person reunited is issued with a one-year residence permit, an A card, which can be extended by the Aliens Office as long as the conditions are met. Residence obtained through family reunification is “controlled” by the administrative authority... and is therefore inherently precarious. This also has potential consequences for family life, given the resulting administrative dependence of couples and the possible domination of one partner over the other.

If a separation occurs before this deadline or if the sponsor can no longer justify certain material conditions (income or sufficient accommodation), the law provides that the Aliens Office may terminate the residency of the sponsored persons. The law makes an exception to this rule in cases of domestic violence.<sup>80</sup> This exception is known as the “protection clause”. It allows women to be protected in the event of an abusive relationship, so that they do not have to tolerate such violence in order to preserve their right to stay in the host country. The clause allows the person claiming domestic violence to be authorised to stay independently of the sponsor, provided that they can convince the Aliens Office that the violence is real.

It should be noted that the concept of cohabitation is interpreted differently in the case of a third country sponsor and an EU or Belgian citizen sponsor.<sup>81</sup> Cohabitation means **actual and lasting** cohabitation between the spouses when the sponsor is from a third country, i.e. living together under the same roof.<sup>82</sup> The law provides for residence to end if there is no longer any marital or family life. However, the concept of absence of family life is interpreted differently when the migrant

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<sup>77</sup> V. Stoyanova “On the Bride’s side? Victims of domestic violence and their residence rights under EU and Council of Europe Law”. *Netherlands Quarterly of Human Rights* 37(4): 311-3352019.

<sup>78</sup> Orsini, G. et al., *op. cit.*

<sup>79</sup> Since 2013, the period of time and maintenance of conditions before obtaining an independent residence has been increased from 3 to 5 years.

<sup>80</sup> Law of 15 December 1980, art. 11§ 2 and 42 *quater*§ 4, 4°.

<sup>81</sup> This is defined as actual cohabitation if the sponsor is a foreigner, and a joint installation if the sponsor is a citizen of the European Union or a Belgian.

<sup>82</sup> ALC, no. 25.007 of 25 March 2009; CE, no. 79.187 of 9 March 1999.

is a family member of an EU citizen. According to the case law, the joint residence required in this case does not imply permanent cohabitation, but it does **presuppose a minimum level of cohabitation and a willingness to settle with the EU citizen, which must be reflected in the facts.**<sup>83</sup> The end of residence is referred to for family members of EU citizens in the event of the end of joint residence, divorce, annulment of marriage or the end of a registered partnership.

### **a) Scope of the End-of-Stay Exception Due to Domestic Violence**

There is a little difference in the scope of the protection clause between the regimes applicable to family members of third-country nationals or family members of Union citizens (who are not European), in cases of domestic violence.

Under Article 42 *quater* which concerns the Belgian national or Union citizen, the exception applies only if there is a divorce, the end of a registered partnership or no joint residence.

On the other hand, under Article 11(2), in the case of a foreign sponsor, the exception applies to all situations in which the conditions of Article 10 are no longer met (except in the case of fraud). This includes, in particular, ending residence because lack of material conditions.

### **b) Description of Domestic Violence**

While the applicable directives set out particularly difficult situations, citing domestic violence as an example, the Belgian legislator seems to have retained, in the case of the family member of the third-country national, the exclusive situation of domestic violence. Domestic violence is stated and described differently depending on the family members concerned.

#### **1) Art. 11§ 2 of the Law of 15 December 1980**

Art. 11 of the law concerns the family members of the foreign sponsor and transposes Art. 15.3 of Directive 2003/86. It refers to the possibility for a Member State to grant an autonomous residence permit in the event of a “particularly difficult situation”.<sup>84</sup> Under the terms of article 11, the law provides for an exception to the termination of residence if the foreign national “proves that during the marriage or partnership he has been the victim of an act referred to in articles 375, 398 to 400, 402, 403 or 405 of the Criminal Code.”<sup>85</sup> In other cases, the minister or his delegate takes particular account of the situation of people who are victims of domestic violence, who no longer form a family unit with the person they have joined and require protection.” These are people who are victims of domestic violence or who have suffered violence covered by the Criminal Code. It should be noted that particularly difficult situations are no longer mentioned in the law following transposition of the directive, and that the legislator intends to restrict them solely to domestic violence.<sup>86</sup>

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<sup>83</sup> ALC, no. 194 262 of 26 October 2017; ALC, no. 153 706 of 30 September 2015; Doc. Parl. 2008–2009, no. 2845/001, p. 116.

<sup>84</sup> Article 15.3 of Directive 2003/86, *op. cit.*

<sup>85</sup> There is no reference to art. 410 of the Penal Code, inserted into the Penal Code by a subsequent law.

<sup>86</sup> Article 11 does not therefore refer to particularly difficult situations that are not linked to domestic violence, such as the widowhood of the person being reunited. The Belgian legislator has decided to reduce the scope of directive 2003/86 and to consider only cases of violence punishable under the Criminal Code in the context of marriage or registered partnership or domestic violence, for family members of a third-country national.

This provision covers several forms of violence and does not require to prove violence of a definite seriousness. This is reflected in the case law: the concept of victims of domestic violence is not limited to situations of physical violence.<sup>87</sup> **Psychological or verbal violence is sufficient to fall within the scope of this article.**<sup>88</sup> Thus, a ruling by the ALC indicates that even if the administration has broad discretionary powers with regard to whether or not to take into consideration situations of domestic violence, “the law does not limit these situations of violence to physical violence alone, so (that) by taking the view in the contested decision that the violence complained of by the person concerned was more of a verbal nature and that no physical violence supported by a medical certificate had been recorded, the defendant misinterpreted the *last sentence of* Article 11(2) and therefore infringed that article”.<sup>89</sup> Requiring physical violence exceeds the legal statute of limitations. Moreover, criminal proceedings are distinct from the implementation of the protection clause. It is not necessary that the partner has been convicted, for the facts to be taken into consideration<sup>90</sup> “Serious indications of domestic violence do not necessarily have to be supported by evidence or criminal proceedings, as the violence is not necessarily physical but can also be psychological, economic and sexual”.<sup>91</sup> However, the difficulty of proving such violence, especially psychological violence, remains (see below).

Case law emphasises the administration’s obligation to consider the information received and to carry out, and to invite the foreign national to be heard before withdrawing a residence permit.<sup>92</sup>

## 2) Art. 42quater of the Law of 15 December 1980

Directive 2004/38 refers to the exception to the end of legal stay when particularly difficult situations require so, for example having been a victim of domestic violence when the marriage or registered partnership was still in existence, without any further details.<sup>93</sup> Article 42quater transposes this exception to the end of residence for third-country family members of Belgians or EU citizens, in the event of particularly difficult situations such as “for example” “domestic violence”, OR having been the victim of rape, attempted homicide or bodily harm. To maintain residence, the law also requires proof of financial resources despite the violence suffered.<sup>94</sup> Case law considers that the acts must be

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<sup>87</sup> ALC, 10 July 2019, n° 223 839.

<sup>88</sup> ALC, 1<sup>er</sup> February 2016, n° 161 145.

<sup>89</sup> ALC, 28 December 2009, no. 36,610.

<sup>90</sup> In this respect, the situation differs from that in France, see chapter 4.

<sup>91</sup> ALC, 10 July 2019, n° 223 839.

<sup>92</sup> ALC, 22 November 2018, n° 212 690

<sup>93</sup> Directive 2004/38, art. 13.2 c).

<sup>94</sup> Article 42quater stipulates that the end of the stay will not be considered **when particularly difficult situations so require, for example, when the family member demonstrates that he or she has been the victim of domestic violence as well as acts of violence covered by articles 375, 398 to 400, 402, 403 or 405 of the Criminal Code, within the context of the marriage or registered partnership.** One reading of this article might suggest that these acts of violence should be interpreted cumulatively (victim of domestic violence as well as acts of violence covered by the Criminal Code). However, this does not seem to be the intention of the legislator and the case law does not seem to follow this path. In addition, it should be noted that these acts of violence are cited by way of example.

more serious than verbal/psychological violence. The judge points out that “the legislator necessarily intended the acts committed to reach a certain degree of seriousness, otherwise the very notion of domestic or conjugal violence would be trivialised”.<sup>95</sup> On the other hand, a one-off act is sufficient: the ALC has already ruled that “having been a victim of violence is sufficient, even if the violence is not repeated or frequent”.<sup>96</sup> Thus, the judge considered that the administration had misinterpreted the provision (art. 42 quarter) when it “considers that it requires systematicity in the event of acts of physical violence such as those denounced by the applicant”. By setting out as an example the acts of violence punishable under Article 398 of the Criminal Code, the legislator had in fact clearly demonstrated its intention to protect the victims and could not have intended that such acts should be repeated “systematically”. In another case, the judge considered that by noting a one-off event and requiring *a contrario* a repetition of the acts of violence, the administration was unduly restricting the scope of application of article 42<sup>quarter</sup> of the law of 15 December 1980, by imposing stricter conditions. This provision does not exclude the possibility that a single incident of domestic violence may constitute a particularly difficult situation.<sup>97</sup>

The judge considers that while it is up to the foreign national to demonstrate that he or she is in a situation that allows him or her to retain the right of residence, the administrative authority, informed of the existence of acts of domestic violence, must allow him/her to provide the necessary evidence in good time.<sup>98</sup> However, the authorities do not specify what evidence is required. It has no guidelines in this respect, and for women it is complex to be able to prove all the elements. What’s more, in the absence of any designation of the means of proof to be provided, the assessment of the evidence is left to the practice of the Aliens Office, which creates legal uncertainty and a state of anxiety for the victims. Their uncertain situation, coupled with a lack of knowledge of the procedure, makes them doubly vulnerable at the administrative level (see below).

### **c) Obligation to Produce Financial Means for Family Members of Union Citizens Who Have Suffered Domestic Violence**

Article 11 does not require proof of income in order to maintain the right of residence, the protection clause paradoxically allowing them to compensate for the lack of sufficient resources (article 11 of the law). Only the existence and proof of violence need to be demonstrated.

Article 42<sup>quarter</sup>, *on the other hand*, lays down a means test for the continued residence of a Union citizen’s foreign family member. The aim is to ensure that this person does not become a burden on the public funds. In addition to the particularly difficult situation of the victims of violence, the latter must prove that they have an income and that they are covered by health insurance that covers all risks in Belgium. This is therefore also the case, by assimilation, for the Belgian’s foreign family member.

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<sup>95</sup> ALC, 72 639 of 23 December 2011: *the legislator necessarily intended the acts committed to reach a certain degree of seriousness, failing which the very notion of domestic or conjugal violence would be trivialised*. ALC, n° 114 792 of 29 November 2013; ALC, n° 126 985 of 14 July 2014; ALC, n° 114 792 of 29 November 2013 ALC, n° 141 862 of 26 March 2015.

<sup>96</sup> ALC, 16 May 2019, no. 221 290

<sup>97</sup> ALC, n° 273 958 of 13 June 2022

<sup>98</sup> CE, n° 219 425 of 22 May 2012.

The Council of State referred a question to the Constitutional Court for a preliminary ruling on the obligation to produce proof of sufficient resources for the family member of a Belgian, in addition to proof of the violence suffered, in order to determine whether there was reverse discrimination in this case. If the victim was a family member of a Belgian, she would have to prove the existence of an income, whereas if she was married to a foreigner residing in Belgium, there was no such requirement. The Court held that the two provisions in question “give rise to a difference in treatment between third-country nationals who are divorced and who have been victims of domestic violence in the course of their marriage, depending on whether they were married to a third-country national or to a Belgian”.<sup>99</sup> As to whether this difference in treatment was based on an objective criterion, the Court held that “neither the objectives pursued by the legislature through the Law of 8 July 2011, nor the reasons given by the Council of Ministers can justify treating the two categories of foreign nationals compared differently, who find themselves in the same particularly difficult situations and for that reason require special protection”.<sup>100</sup> The Court therefore annulled this obligation to produce financial means for Belgian family members.

However, the Court of Justice, answering a question referred by the ALC<sup>101</sup> on the possibility of unequal treatment if the victim is a member of the family of a Union citizen compared with other cases, upheld the income requirement, finding that the situations were not comparable.<sup>102</sup>

In conclusion, while Leila, married to Ahmed, who is Afghan and has unlimited residence in Belgium, and Maria, ex-wife of Bob, a Belgian, do not have to show proof of income to obtain autonomous residence, the same does not for Fatoumata, mother of two children and wife of Giorgio, an Italian. Fatoumata will have to prove that she has income so that she and her children do not become a burden on the Belgian state. So, after the violence she has suffered, the proof of the violence and the steps taken to obtain custody of the children, if Fatoumata does not work or is not helped by a third party, she will not meet the conditions for this autonomous residence and the authorities will be able to terminate her residence. On the other hand, if she is working, there is every chance that her stay will be extended.

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<sup>99</sup> C.C., 7 February 2019, n°17/2019.

<sup>100</sup> *Ibidem*, point B.11.1-5.

<sup>101</sup> ECJ, 13 December 2019, No 230 182. The question referred for a preliminary ruling is worded as follows: “Does Article 13(2) of Directive 2004/38/EC [... infringe Articles 20 and 21 of the Charter of Fundamental Rights of the European Union in that it provides that divorce, annulment of marriage or termination of a registered partnership does not entail the loss of the right of residence of members of the family of a Union citizen who are not nationals of a Member State – in particular, where particularly difficult situations so require, for example the fact of having been a victim of domestic violence when the marriage or registered partnership was still subsisting – but only on condition that the persons concerned do not lose their right of residence, but only on condition that the persons concerned demonstrate that they are employed or self-employed or that they have sufficient resources for themselves and their family members not to become a burden on the social assistance system of the host Member State for the duration of their stay, and that they are fully covered by sickness insurance in the host Member State, or that they are members of the family, already constituted in the host Member State, of a person meeting these requirements, whereas article 15.3 of Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, which provides for the same possibility of maintaining a right of residence, does not make this maintenance subject to the latter condition”.

<sup>102</sup> CJEU (Grand Ch.), 2 September 2021, C-930/19.

What solutions are therefore possible to avoid this situation (section 2)? We will see in section 3 what limits there are to the possibility of the authorities terminating the stay.

## Section 2: Possible Solutions?

To try to harmonise these different conceptions of violence, but above all the conditions for their continued residence, one solution might be to refer to domestic violence as defined in the Istanbul Convention.<sup>103</sup> This seems all the more justified given that the EU has just ratified this Convention end of June 2023 and that family reunification is part of European law.<sup>104</sup> As a result, Member States will have to comply with the Istanbul Convention as part of the European acquis from October 2023. This will undoubtedly require adjustments to the various directives relating to family reunification.

Article 59 is one of the only provisions of the Convention concerning migrant women.<sup>105</sup> It stipulates the obligation to provide independent and **unconditional** residence for all victims of domestic violence and the suspension of expulsion procedures to enable them to apply for independent residence. Moreover, this provision applies to all women regardless of their residency status in the country where the violence occurred. The principle of non-discrimination, set out in article 4.3, obliges States to invest the same level of effort in preventing, prosecuting, investigating and punishing acts of violence against women in the same way as other forms of violence, in respect of all women, regardless of their status.<sup>106</sup>

With the implementation of the Istanbul Convention as part of the European acquis, this provision should be applied consistently and harmoniously in the States that have ratified the Convention. The Convention also provides a definition of domestic violence, which will help to harmonise this interpretation in law.

## Section 3: Pitfalls for Victims of Violence

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<sup>103</sup> Council of Europe Convention on preventing and combating violence against women and domestic violence (known as the “Istanbul Convention”), which entered into force in Belgium on 1 July 2016. The aim of the Istanbul Convention is to prevent and combat violence against women and domestic violence, protect the rights of victims and strengthen national and international cooperation against violence against women and domestic violence.

<sup>104</sup> The Istanbul Convention has been ratified by 37 countries and the EU (since 28 June 2023). The Istanbul Convention will enter into force for the EU on 1<sup>er</sup> October 2023. This convention has been implemented after the directives on family reunification

<sup>105</sup> Art. 59 reads as follows; “Parties shall take the necessary legislative or other measures to ensure that victims whose residence status depends on that of the spouse or partner as recognised by internal law, in the event of the dissolution of the marriage or the relationship, are granted in the event of particularly difficult circumstances, upon application, an autonomous residence permit irrespective of the duration of the marriage or the relationship. The conditions relating to the granting and duration of the autonomous residence permit are established by internal law.

2 Parties shall take the necessary legislative or other measures to ensure that victims may obtain the suspension of expulsion proceedings initiated in relation to a residence status dependent on that of the spouse or partner as recognised by internal law to enable them to apply for an autonomous residence permit.

<sup>106</sup> S. Forrez, “La Convention d’Istanbul: Un nouvel instrument de la lutte contre la violence à l’égard des femmes - impact sur le droit belge, impact sur le terrain”, asbl INTACT, 2016, p. 7. Available online only; <https://www.intact-association.org/images/analyses/Studie-Sophie-FR-Cvl.pdf>.

We will examine the difficulties in applying this clause in practice for victims of domestic violence. These are linked to the practical implementation of the protection clause, in particular its scope (a), the question of proof (b), sufficient information for people (c) and their access to rights or the definition of violence (d). In addition, the authorities are sometimes suspicious when examining these requests (e).

Before addressing these various points, it should be emphasised that migrant women who are victims of domestic violence are faced with a difficult choice between leaving an abusive and violent relationship or tolerating the abuse in order to preserve their rights of residence in the host country. Similarly, these restrictive standards and regulations make victims hesitate to report their abuser or to find shelter and protection, whether institutional or not, in the country.<sup>107</sup> As highlighted in a field study conducted in 2014, these women have to fight a battle at various levels, even though they are not equipped to deal with the many challenges: trying to protect themselves from violence, making a separation decision that may have an impact on their stay, demonstrating the reality of the violence, dealing with family pressure in the country and facing the gaze of social workers if they find help. What's more, they live in a country where they are often unaware of the administrative maze, the legislation, the social services or even the language.<sup>108</sup>

### **a) Scope of Application**

The proposed protection clause applies to women undergoing family reunification proceedings who are victims of domestic violence. However, it does not apply to all applicants for family reunification.<sup>109</sup> In fact, this exception to the withdrawal of residency via “protection clauses” does not apply if the violence occurs after the application has been submitted, when the victim has not yet obtained the right to one year’s residency in Belgium, or while her case is being examined. In other words, if the person is under a registration certificate and has not yet obtained a one-year residence permit, they cannot benefit from this exception. Yet domestic violence can occur during this period. The GREVIO expert report on Belgium criticised this situation, pointing out the lack of protection for women holding a registration certificate<sup>110</sup> under the family reunification procedure.<sup>111</sup> The law offers them no specific protection (even if the violence they report is proven).

In addition, the clause does not apply to all types of family reunification. For example, if the sponsor’s stay is limited on the basis of work or study,<sup>112</sup> this exception does not apply. Nor are there

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<sup>107</sup> G. Orsini, *op.cit.*

<sup>108</sup> B. Banza, N. Uwera, *Violence conjugale et regroupement familial : des femmes se mobilisent pour une sensibilisation préventive*, CPVF, 2014.

<sup>109</sup> It should also be remembered that this protection clause only applies in the strict context of family reunification and cannot therefore be applied to other foreign women who are victims of violence. For the latter, only a residence permit for exceptional reasons can be introduced (procedure 9bis, see below).

<sup>110</sup> Attestation d’immatriculation (in French)

<sup>111</sup> GREVIO, *Baseline Evaluation Report Belgium*, published on 21 September 2020, Strasbourg, pt.207.

<sup>112</sup> Law of 15 December 1980, art. 10 bis.

any exceptions if violence occurs in the context of family reunification between two EU citizens. This too is highlighted in the expert report.<sup>113</sup>

Lastly, this clause does not apply *a fortiori* to migrant women residing on a basis other than family reunification but who are victims of domestic violence. There is no legal provision for specific protection against violence against women, even though their situation is extremely precarious. This is a gap highlighted by the GREVIO report.<sup>114</sup> For all these people excluded from the scope of this clause, the only possible approach is to apply for a residence permit on the basis of article *9bis* of the law of 15 December 1980 for exceptional reasons (see below, chapter 3, section 4).

## **b) Lack of Information**

Victims of violence often have to cope with a number of problems relating to administration, housing, equipment, work and so on. For them, lack of knowledge and command of the language is both the cause and consequence of a large number of social problems. In the event of separation, which might be necessary in view of the circumstances, the question arises of access to a shelter that could take them in. It seems that the reception facilities do not have enough space to accommodate the victims, who are sometimes accompanied by children.<sup>115</sup> Without socio-legal support, access to information about their right to stay is inadequate.

These people will be informed that their stay is being withdrawn when they receive the letter asking for further information. This letter will be written in either French or Dutch. The importance of following up the matter will therefore not be perceived quickly if the person cannot read the letter or understand it without translation. This additional information should be sent to the Aliens Office within 15 days. Apart from the fact that victims have sometimes left their family home – which creates practical difficulties in recovering this mail – this 15-day period is particularly short for understanding what is at stake in the mail, gathering evidence so that the authorities can make an informed decision and forwarding it. Assistance is essential if you are to know your rights and respond appropriately to the questions asked. Indeed, the stakes are high, as it is the withdrawal of the residence permit that is being considered. What's more, the person concerned may not be aware of the regulations relating to the exception to the end of the stay linked to domestic violence or, worse still, may not realise that they are subject to them.

Furthermore, it is not uncommon for the spouse or partner who has perpetrated the violence to take the initiative in informing the woman that she has “abandoned” her home.

Finally, a migrant woman who leaves home and seeks accommodation in an emergency reception centre cannot be domiciled there, which adds to the administrative difficulties if the protection clause is rejected and she wishes to apply for regularisation on exceptional grounds.<sup>116</sup>

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<sup>113</sup> GREVIO, *op. cit.*, pt. 208.

<sup>114</sup> *Ibidem*

<sup>115</sup> *Ibidem*

<sup>116</sup> Law of 15 December 1980, art. 9bis.

### **c) Complaints Procedure and Evidence Gathering**

Although the exception for domestic violence does exist, it is extremely difficult for victims of domestic violence to report the violence they have suffered and to corroborate it sufficiently. The burden of proof lies entirely with the victim. It is vital that the victim receives support when filing a complaint, in order to reassure her about her administrative situation and help her to take this step. This is to avoid a refusal to register the complaint or to prosecute if the facts are difficult to prove. In fact, some police areas still regularly refuse to register complaints from victims of domestic violence, because they believe that a victim can only be a victim if she has been beaten (often severely and/or certified by a doctor).<sup>117</sup> Victims are therefore very reluctant to go to the police station to lodge a complaint. What's more, police officers are not informed or trained about the existence of this exception clause for migrants.

Furthermore, while the complaint is undoubtedly a form of evidence, the authorities do not specify what other useful evidence should be presented. It has no guidelines in this respect. These are often complex situations of psychological violence that are difficult to prove. Lack of knowledge of the evidence to be provided is an obstacle and creates legal uncertainty, which adds to the administrative vulnerability of migrant women. The burden of proof should be eased or at least lightened for the victim. And shared with the authorities, given her vulnerability.

The lack of transparency in the procedure was highlighted in the GREVIO report, indicating the lack of information from those involved about the nature of the evidence that could be submitted. For example, GREVIO observed that many of them were unaware that the Aliens Office accepts the accommodation certificate as irrefutable proof of domestic violence. With regard to the evidence that can usefully be submitted, the same report indicates police reports, a court conviction, a restraining order or protection order, medical evidence, a divorce order, reports from social services or even NGO reports on women.<sup>118</sup>

The lack of guidelines encourages a certain inconsistency in decision-making, also between the Dutch and French sections of the Aliens Office, which remains a matter of concern for the GREVIO expert group.<sup>119</sup>

Furthermore, the exception does not seem to apply to forms of violence such as the situation of women who are deceived or inconsiderate and who, at the risk of losing their residence permit if they separate from their spouse, have to continue living together for five years against all odds.

What's more, the individual has no control over the situation and no room to manoeuvre to influence the authorities. Their situation is suspended in time. Their case is subject to the discretionary power of the authorities, even if this is limited by respect for fundamental rights (see below). All they can do is add to the administrative file and wait for the outcome, possibly preparing for an appeal, but they have no control over the time needed for the administration to take a decision. This lack of a timeframe within which the person will be given a decision is another factor that makes them feel insecure.

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<sup>117</sup> AVEVI, 2022 activity report, ADDE.

<sup>118</sup> GREVIO, *op. cit.*, pt. 303.

<sup>119</sup> *Ibidem*, pt. 209

## d) Situation of Children

The precariousness of a stay due to separation also has implications for children, who sometimes witness the violence but also the administrative difficulties with which their parent struggles. Children are sometimes the only means of communicating with the authorities through their knowledge of the language or the education they have received in the country of residence. This integration must necessarily be included in the factors to be considered by the authorities when considering the best interests of the child.

## e) Suspicious Approach by the Administration

The Aliens Office approaches this issue with some suspicion, believing that the person is trying to circumvent the rules by invoking the protective clause to obtain an independent stay before the five years formally provided for by the law.<sup>120</sup>

In conclusion, in addition to the limited scope of the exception clause, there are many difficulties on the ground in implementing it. The victim, a migrant, is at the intersection of several personal and administrative vulnerabilities and does not always have the means to react adequately to the request for information. Moreover, the procedure concerning them lacks transparency, as highlighted in the GREVIO report on Belgium in 2020. The complexity and fragmentation of the applicable legislation is also criticised.<sup>121</sup>

# Chapter 3: Limits at the End of the Stay

In this chapter, we examine the precautions that must be taken by the competent authorities when deciding to terminate the stay. If the victim has not been able to convince the Aliens Office of the reality of the violence suffered, she will not be granted an autonomous stay and the authorities may put an end to her legal stay. However, certain procedural guarantees must be respected (section 1).

The person concerned may appeal to the ALC against the decision to withdraw their residence permit, but the question of the effectiveness of this appeal may be raised (section 2). The decision must respect fundamental rights (section 3). If the appeal is rejected and the domestic violence is not recognised, the only remaining option is to apply for regularisation (section 4).

## Section 1: Procedural Guarantees in the Context of the Withdrawal of Residence Permits

Few procedural guarantees are provided for foreign nationals when the administrative authority is considering terminating their residence. When the authorities become aware that the foreign national is no longer living together and wish to terminate his or her residence, they must first notify the person concerned and gather additional information. A letter will be sent to the person concerned, giving them the opportunity to put forward their arguments. The administration has a **duty to inform in** order to “inform the requesting party that a withdrawal measure is considered and to enable him/her to put forward useful *observations*”.<sup>122</sup> As mentioned above, the person concerned has 15 days to respond to this letter (see p. 20). The letter is written in one of the national

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<sup>120</sup> C. Mascia, *op. cit.*, p. 120

<sup>121</sup> GREVIO, *op. cit.*, pt. 210.

<sup>122</sup> ALC, no. 194,877 of 10 November 2017; 195,639 of 27 November 2017.

languages used by the authorities and does not contain any information about associations that might be able to help them.

Provided it is understood, this letter should enable the victim to respond appropriately to the request for further information and to invoke any exceptions provided for by law. This is therefore the crucial time to report the violence suffered and to provide evidence to substantiate what has been declared, if necessary by lodging a complaint. This enables the authorities to make an informed decision.

If the administration wants to withdraw the legal stay, the person concerned must be heard. A prerequisite for the **right to be heard** is to be able to communicate the facts and to be invited to do so by the administration.<sup>123</sup> This is a matter of respecting the principle of equality of arms, which is one of the migrant's rights of defence.<sup>124</sup> This principle was shaped by case law before it was translated into hard law. Indeed, if the administration was considering terminating the stay, it was obliged "to notify the applicant of its intention and to give him the opportunity to put forward the arguments it considers useful".<sup>125</sup> In order to be useful and effective, this invitation to be heard must be accompanied by certain guarantees, such as full information about the issues at stake and the decision that the administration proposes to take, the right to speak with counsel, targeted questions, etc.<sup>126</sup>

These are essential guarantees for migrants whose residency has been undermined because they no longer meet the conditions required for their stay. They have the opportunity to put forward their point of view and arguments, and have the assurance that these will be examined carefully and cautiously by the authorities, within the scope of their discretionary powers.<sup>127</sup>

While the administrative judge therefore considers that it is up to the foreign national to demonstrate that he or she is in a situation that allows him or her to retain the right of residence, the administrative authority, informed of the existence of acts of domestic violence, must allow the foreign national to provide the necessary evidence in good time.<sup>128</sup>

Case law insists on a duty of precaution and the obligation for the authorities to take account of the information received and the investigations to be carried out before withdrawing a residence permit.<sup>129</sup>

Although the person has the right to be heard after reacting to the letter, the law does not stipulate a time limit for this. Nor is the administration bound by any deadline for communicating a final decision. The procedure lacks transparency. In the meantime, the reunited family member whose

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<sup>123</sup> Law of 15 December 1980, art. 62 in force since 29 April 2017.

<sup>124</sup> C.E. (11<sup>e</sup> ch.), 29 October 2015, n° 232.758, X.; C.E. (11<sup>e</sup> ch.), 19 January 2016, n° 233.512, X.

<sup>125</sup> CE, no. 220 320 of 13 July 2012; CE, no. 203 711 of 5 May 2010.

<sup>126</sup> ALC, n° 188 517 of 16 June 2017.

<sup>127</sup> ALC, 28 May 2015, no. 146 616.

<sup>128</sup> ALC, n° 219.425 of 22 May 2012.

<sup>129</sup> ALC, n° 162 185 of 16 February 2015; n° 151890 of 7.09.2015

stay is called into question is left in a state of uncertainty as to his or her future or that of his or her family.

In reaching a final decision, the authorities have a discretionary power of appreciation, *in the exercise of which they are required to take account of all the factors brought to their attention*.<sup>130</sup> On several occasions, the ALC has ruled that the exceptional provision relating to domestic violence must be examined before the right of residence can be ended, and that a failure to observe the duty of care has been demonstrated on several occasions in the context of these provisions (principle of precaution).<sup>131</sup>

The Aliens Office's decision is subject to an obligation of formal motivation. In order to satisfy this obligation, the decision must enable the person to whom it is addressed to *know the reasons on which it is based, without the authority being obliged to explain the reasons for these reasons*. It is sufficient for the decision to make clear and unequivocal the reasoning of its author and to enable the addressee to understand the justifications for the decision, so that he or she can challenge them in the appeal and the court can exercise its review in this regard.<sup>132</sup>

The Council of State, for its part, has specified that it is up to the Aliens Office "to seek information enabling it to make a decision in full knowledge of the facts" and "to investigate the case and therefore to invite the foreign national to be heard on the reasons why the opposing party should not terminate his or her stay", since "only such an invitation offers the foreign national an effective and useful opportunity to put forward his or her point of view".<sup>133</sup> This is a form of procedural cooperation, which is all the more important in the context of the decision to terminate the stay.<sup>134</sup>

The person is in a very uncomfortable situation, as they know that a withdrawal procedure is underway but do not know when the decision will be taken. In addition, they are in an ambiguous position, since it is in their interest for the authorities to take time to examine the information submitted and the fact that this will extend their legal stay, but on the other hand, they would like the uncertainty surrounding their administrative situation to end, so that they can get on with their lives.

The integration elements, the person's paid or unpaid activities and the ties developed since arriving in Belgium are all elements that enable the Aliens Office to make an informed decision. Unfortunately, once this information has been submitted, there is no other possibility for the person to react, and this could possibly lead to anxiety. This, in turn can have an impact on the person's

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<sup>130</sup> C. Const, judgment no. 121/2015 of 17 September 2015, *op. cit.*

<sup>131</sup> ALC, n° 151890 of 7 September 2015; ALC, n° 151399 of 31 August 2015.

<sup>132</sup> ALC, n° 160697 of 25 January 2016; ALC, n° 157 132 of 26 November 2015; the judge considers that this possibility offered to the defendant by the aforementioned Article 42 is not a simple option, but is intended to enable it to carry out the needs assessment to which the same provision obliges it. Consequently, the defendant cannot criticise the applicant for failing to provide a complete file on his own initiative concerning the household's own needs, nor can it rely on the fact that this lack of information means that it is "unable to carry out the analysis *in concreto* provided for by Article 42, § 1, subparagraph 2 [of the Law]".

<sup>133</sup> CE, no. 230.293 of 24 February 2015; CE, no. 230.257 of 19 February 2015.

<sup>134</sup> ALC, no. 121846 of 31 March 2014. See also J. Hardy; "Les lignes directrices pour l'application de la directive 2003/86 relative au regroupement familial à l'aune de la jurisprudence récente", RDE, pp. 339–349.

family life and their ability to continue the integration process they have begun or maintain their usual activities. Depending on the information submitted, the authorities will either decide to withdraw the residence permit or grant an autonomous residence permit. In this case, the person will be able to look forward to a new life, but will often have to face many challenges related to socio-economic integration. It should be noted that autonomous residence is a one-year stay.

## **Section 2: End of the Stay and Respect for Fundamental Rights**

When considering withdrawing the residence permit of a family member of a third-country national or an EU citizen, the authorities must take account of the individual circumstances of the person concerned and duly justify their decision, such as the length of the person's stay in the Kingdom, their family and economic situation, their social and cultural integration in the Kingdom and the intensity of their links with their country of origin.<sup>135</sup> This requires the authorities to balance the interests at stake and take account of fundamental rights.

The provisions on family reunification must be applied with due respect for fundamental rights, in particular the right to family life<sup>136</sup> and the principle of the best interests of the child.<sup>137</sup> Any decision by an administrative authority to terminate a residence acquired through family reunification must therefore scrupulously respect these principles, given the potentially negative consequences for family life.

It is interesting to note the different approaches of the two European courts to this issue.<sup>138</sup>

### **a) European Court of Human Rights**

Article 8 of the ECHR<sup>139</sup> stipulates that everyone has the right to respect for his private and family life, his home and his correspondence. This is not an absolute right, but a relative one: any interference with these freedoms by the authorities must be assessed in the light of the principles of proportionality and reasonable justification. This presupposes that family life is protected from any unjustified interference by the authorities. The ECHR's interpretation of family life in the context of migration is a little hesitant.

The Court held that this right to private life does not imply a subjective right to family reunification or an obligation on the part of the Member State to respect the choice of families who decide to live in

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<sup>135</sup> Art. 11, §2 al. 5 of the law of 15 December 1980.

<sup>136</sup> European Convention on Human Rights, art. 8 and Charter of Fundamental Rights of the European Union of 18 December 2000, J.O.C.E, C 364/1, art. 7 and 24

<sup>137</sup> Communication from the Commission to the Council and the European Parliament on guidelines for the application of Directive 2003/86/EC on the right to family reunification, Brussels, 3.4.2014  
COM (2014) 210 final, pp. 3 and 13.

<sup>138</sup> European Court of Human Rights and Court of Justice of the European Union.

<sup>139</sup> European Convention for the Protection of Human Rights and Fundamental Freedoms, Rome, 4 November 1950.

another State. However, it may imply a positive obligation inherent in effective “respect” for family life.<sup>140</sup>

These principles are binding on the administration when examining any decision relating to residency, insofar as they are a guarantee and take precedence over the provisions of the law of 15 December 1980.<sup>141</sup> This means *that it is up to the administrative authority to examine the case as rigorously as possible before making its decision, based on the circumstances of which it is or should be aware.*<sup>142</sup>

It is up to the authority to demonstrate that it was concerned to strike a fair balance between the aim pursued and the seriousness of the infringement.<sup>143</sup> When withdrawing a residence permit, the authorities may not therefore disproportionately infringe the right to private and family life of the persons concerned. The European Court of Human Rights has also specified that the “necessity” of interference with the right to family and private life implies that the interference is based on a pressing social need and is proportionate to the legitimate aim pursued. This means that the interference must be examined not only from the point of view of immigration and residence, but also in relation to the *applicants’ mutual interest in continuing their relationship, and that the legitimate aim pursued must be weighed against the seriousness of the interference with the applicants’ right to respect for their family life.*<sup>144</sup> In a subsequent Grand Chamber case, the Court reiterated that where minors are concerned, the best interests of the child must be the **primary consideration in the** proportionality analysis.<sup>145</sup>

These rulings have consequences in terms of obligations of rigour and caution in the examination of individual situations by the administration. This allows for in-depth judicial review where fundamental rights are at stake.

The case law of the ALC examines the balance between the various interests at stake and checks whether the authorities have considered the impact of their decision on family life, especially when children are present.<sup>146</sup> The judge has already found a violation of Article 8 of the ECHR, criticising the

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<sup>140</sup> ECtHR, 21 December 2001, *Sen v Netherlands* (no 31465/96), pt 31. *Account must be taken of the fair balance to be struck between the competing interests of the individual and of society as a whole. By leaving the first two applicants only the choice of giving up the position they had acquired in the Netherlands or giving up the company of their eldest daughter, the respondent State failed to strike a fair balance between the applicants’ interests, on the one hand, and its own interest in controlling immigration, on the other.*

<sup>141</sup> European Court of Human Rights, 5 February 2002, *Conka v Belgium*, § 83; CJEU, C-540/03 of 26 June 2006; ALC, n° 192 842 of 29 September 2017.

<sup>142</sup> ALC, n°142 062 of 27 March 2015.

<sup>143</sup> ALC, n° 151 478 of 31 August 2015.

<sup>144</sup> European Court of Human Rights, 21 June 1988, *Berrehab v. Netherlands*, application no. 10730/84 § 28.

<sup>145</sup> Eur. D.H. (gde ch.), *Jeunesse v. Netherlands*, 3 October 2014.

<sup>146</sup> ALC, 59 982 of 19 April 2011.

authorities for failing to carry out a careful and rigorous examination of the private life of which they were aware when they issued the order to leave the country.<sup>147</sup>

## **b) Court of Justice of the EU**

The Court of Justice considers that there is a subjective right to family reunification and that it is a fundamental right, enshrined in the Charter of Fundamental Rights.<sup>148</sup> The directives on family reunification define the concept of family and set out the conditions for implementing this right. The Commission regularly reiterates that the objective of family reunification is to foster the family unit.<sup>149</sup> It considers that family life cannot be restricted by migration, which is the very objective of the right to free movement of Union citizens. According to recital 4 of the directive, family reunification is a necessary means of enabling family life. It contributes to the creation of sociocultural stability facilitating the integration of third-country nationals in the Member States, which also helps to promote economic and social cohesion, a fundamental objective of the Community set out in the Treaty. This teleological and pragmatic interpretation of the directives on family reunification by the Court runs through all its case law on the subject.<sup>150</sup>

As regards taking account of the interests of the child, the Court of Justice considers the Convention on the Rights of the Child to be an integral part of Union law as a general principle of Community law. It recalls the obligation of the Member States to consider, when assessing each particular situation, the best interests of the child, family life, the state of health of the person concerned and the principle of non-refoulement.<sup>151</sup>

## **Section 3: Appeal to the ALC: An Effective Remedy?**

Any negative decision by the Aliens Office may be challenged before the ALC, an administrative court, as part of the annulment procedure.<sup>152</sup> To be admissible, this appeal must be lodged with the ALC within 30 days of notification of the decision. It has automatic suspensive effect.<sup>153</sup> The ALC exercises a marginal power to review the legality of administrative decisions. This review is limited to

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<sup>147</sup> Similar situation where withdrawal of residence is considered due to lack of sufficient resources: ALC, no. 194 012 of 20 October 2017. The situation of the common minor child was not considered when the administration made its decision. The Council considers that the defendant did not, in the present case, carry out as rigorous an examination of the case as possible, in the light of the circumstances of which it was or should have been aware at the time of making the order to leave and the territory complained of, and that the alleged breach of article 8 of the ECHR must, therefore, be considered to be well-founded in this respect.

<sup>148</sup> Charter of Fundamental Rights, *op.cit.*, art. 7

<sup>149</sup> CJEU, Chakroun, 2010; and K and A, 2018

<sup>150</sup> CJEU, 16 July 2020, B. M. M. ea v Belgian State, joined cases C-133/19, C-136/19 and C-137/19. This case highlights the extremely long time taken by the ALC to examine family reunification applications (3 years and 9 months in the case in question). The Court was surprised that the ALC did not give priority to cases involving children (pt. 43). Ch. Flamand, "Regroupement familial : Effectivité des recours et garanties procédurales au nom de l'intérêt supérieur de l'enfant", *Cahiers de l'EDEM*, August 2020.

<sup>151</sup> CJEU, C-249/13, 11 December 2014.

<sup>152</sup> Law of 15 December 1980, art. 39/2.

<sup>153</sup> Law of 15 December 1980, art. 39/79. It does not have suspensive effect in the case of a visa refusal or a refusal to submit the application in Belgium on exceptional grounds.

“verifying whether the authority has taken as established facts that are not apparent from the administrative file and whether it has given an interpretation of the said facts, in both the substantive and formal grounds of its decision, that does not result from a manifest error of assessment”.<sup>154</sup> The administrative court’s review therefore relates solely to the formal reasoning of the decision or to any manifest error of interpretation by the administration.

The appeal is therefore examined in part by the ALC. Its jurisdiction is limited to verifying the legality of the decision (for example, compliance with the principles of formal motivation), but the court cannot go back over the facts or the assessment of them, in the absence of full jurisdiction (as is the case in asylum matters).

Because of this limited jurisdiction, the ALC cannot substitute its assessment power for that of the administration. In addition, the legality of an administrative act is assessed on the basis of the factors known to the authority at the time it takes its decision<sup>155</sup> or with reference to the legislation in force at the time it was adopted.<sup>156</sup>

Consequently, all the circumstances must be known to the administration at the time it takes its decision.<sup>157</sup> Conversely, the authorities must take account of the information submitted and may not disregard it on the sole grounds *that it is declaratory and unsubstantiated, even though its content corroborates and is supported by the other information on “family” life or, at the very least, on private life and integration submitted.*<sup>158</sup>

In view of the ALC’s limited powers in the context of its review of the legality of the decision taken by the administration, the procedural collaboration referred to above is all the more important.<sup>159</sup>

This limited jurisdiction raises the question of the effectiveness of the appeal. Indeed, if the court cannot go back over the facts or consider information provided by the claimant after the appeal has been lodged, the issue merits consideration. As the GREVIO report points out, the legal deadline of fifteen days prescribed by law<sup>160</sup> to provide evidence of the violence is considered “very short and although an extension of this deadline is possible in principle, it is left to the discretion of the officer in charge of the case within the Aliens Office. If an application is rejected for lack of evidence, it is not possible for the victim to produce new evidence (however convincing) as part of the appeal to the ALC, since the jurisdiction of this appeal court is limited to reviewing the legality of the Aliens Office’s

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<sup>154</sup> ALC, 16 March 2023, n° 286 219; C.E. (11<sup>e</sup> ch), 6 July 2005, n° 147.344, X.

<sup>155</sup> ALC, no. 1940444 of 27 October 2017; CE, no. 110.548 of 23 September 2002.

<sup>156</sup> CE, n° 234 615 of 2 May 2016; ALC, n° 196 945 of 21 December 2017.

<sup>157</sup> ALC, n° 185 593 of 20 April 2017.

<sup>158</sup> ALC, no. 184 573 of 28 March 2017.

<sup>159</sup> CE, no. 235,582 of 4 August 2016. This ruling reiterates that the ALC’s judgment must state the reasons on which it is based and requires it to respond, explicitly or implicitly, to any request, any exception, any defence and any plea or argument put forward by the parties. The purpose of this rule is to enable the parties to the proceedings and the Council of State to ensure or check that the court has fully examined the elements of the case and has effectively responded to the arguments presented to it.

<sup>160</sup> Law of 15 December 1980, art. 62.

decision and does not extend to the merits of the case.”<sup>161</sup> The ALC considers that it cannot question the Aliens Office’s assessment of the facts of a given situation.<sup>162</sup>

Can the remedy be considered effective if the court cannot remedy the situation but can only annul the measure? An effective remedy is an essential right to guarantee the exercise of migrants’ rights. This principle has its source in European Union law, more specifically in the Charter of Fundamental Rights (art. 47), and in the general principles of law.<sup>163</sup> Directive 2003/86 on the right to family reunification does not provide any information on the effectiveness of appeals. It requires Member States to ensure “that the sponsor and/or his/her family members have the right to challenge in court decisions rejecting applications for family reunification, decisions not to renew or withdraw residence permits, or decisions to issue expulsion orders”. A wide margin of manoeuvre is reserved for the Member States: “the procedure and powers for exercising the right referred to in the first paragraph shall be determined by the Member States concerned.”

It should be pointed out that the absence of an opportunity review seems to be at odds with the European Commission’s guidelines, which recommend that appeals against refusals of residence for family reunification purposes should comply with the principle of an effective remedy.<sup>164</sup> This review is defined by the Commission as an “exhaustive judicial review which must be available as to the substance and legality of decisions” and requires that “decisions may be challenged not only on points of law, but also on the facts of a particular case”.

Finally, if the ALC annuls a decision taken by the Aliens Office, a new decision must be taken by this same Office. This decision may not disregard the grounds of the judgment annulling the first decision. Once annulled, the contested act is deemed not to have existed.<sup>165</sup>

This is followed by a “carrousel” that can take several months, extending the uncertainty surrounding the final decision.

## **Chapter 4: Women Victims of Domestic Violence Outside the Legal Framework**

The previous chapters dealt with the issue of women victims of violence who were legally in Belgium as part of the family reunification process. However, women who are not in the relationships described or who are staying illegally cannot benefit from this protection clause. This is problematic. While they have the right to lodge a complaint against the perpetrator, there is currently no mechanism to protect them in terms of removal (Section 1). In terms of residence, they only have the possibility of applying for regularisation (Section 2). This is despite the fact that the Istanbul Convention requires States to suspend all expulsions in cases of domestic violence. There is therefore

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<sup>161</sup> GREVIO, *op.cit*, pt. 210.

<sup>162</sup> ALC, 13 December 2018, no. 213 813. “In the context of its review of legality, it is not for the Council to call into question the assessment made by the Aliens Office of the elements at issue.”

<sup>163</sup> J.-Y. CARLIER and S. SAROLEA, *op. cit.* p. 118.

<sup>164</sup> Communication from the Commission to the Council and the European Parliament on guidelines for the application of Directive 2003/86/EC on family reunification, Brussels, 3 April 2014, COM (2014) 210 final and J. HARDY, *op. cit.* pp. 339–349.

<sup>165</sup> C.C., 27 May 2008. n° 81/2008, B.16.3.

a legal vacuum that needs to be filled since the EU ratified the Istanbul Convention on 28 June 2023<sup>166</sup>.

## Section 1: Illegal Immigrants

Anyone who has been the victim of violence can lodge a complaint against the perpetrator. Apart from the difficulty of making such a complaint (such as shame etc.), there is the whole issue of how the complaint is received by the police authorities. While great efforts are being made to train these people to receive complaints, the reality is that it is more the residence status of the migrant that is considered. However, as already noted, the Istanbul Convention states that the right of women to be protected and to obtain independent residence in the event of domestic violence applies to all women *regardless of their residence status*.<sup>167</sup> This means that States have an obligation to invest the same level of effort in preventing, prosecuting, investigating and punishing acts of violence against women in the same way as other forms of violence against all women, regardless of their status. Given the current lack of precision in the law regarding the granting of a residence permit (or at least a suspension of expulsion), there is a legal vacuum concerning all migrant women who are victims of violence and who fall outside the scope of the law or women who are not in a marital relationship or recognized partnership. To fill this legal vacuum and consolidate this right, this obligation should be specified in the law of 15 December 1980, in order to make it effective.

## Section 2: Application for Regularisation

If the person cannot invoke the protection clause, either because it has not been recognised or because the situation falls outside the scope of the law, the only possibility is to submit regularisation request on exceptional grounds<sup>168</sup>. In all these situations, only this type of application for regularisation can be submitted to obtain residence in Belgium. It should be remembered that the victim can of course lodge a complaint against the perpetrator of the violence, but will not be protected in terms of residence.

The request is made to the mayor of the municipality of residence. In this case, the victim has no rights during the procedure, which makes his or her situation particularly delicate. The application is left to the discretion of the Aliens Office and is not subject to any time limit. However, the State is obliged to take account of fundamental rights, as mentioned above.<sup>169</sup>

As the GREVIO expert committee report on Belgium points out, article *9bis* of the law of 15 December 1980 is formulated in a generic way for any person residing illegally, without referring to the specific situation of migrant victims of domestic violence.<sup>170</sup> In addition to the obligation to pay a fee of 385 euros to apply for regularisation, the victim must present an identity document and provide the address of a fixed abode (which cannot be the address of a refuge). According to the

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<sup>166</sup> It will enter into force on 1 October 2023 in the EU.

<sup>167</sup> Istanbul Convention, *op. cit.* art. 4.3 and 59.

<sup>168</sup> Law of 15 December 1980, art. 9 *bis*.

<sup>169</sup> CE, 11 March 2022, no. 14782, point 3.1.1.2 and ALC, 11 August 2022, no. 275 870. The existence of a discretionary power of assessment on the part of the defendant, when it applies Articles 9 and *9bis* of the Aliens Law, does not per se imply an arbitrary exercise of that power of assessment, provided that it is exercised under the control vested in the ALC and that the defendant is under an obligation to state the reasons for its decision.

<sup>170</sup> GREVIO, *op. cit.* pt. 211.

report, “these conditions do not take into account the specific situation of victims of violence, such as financial exploitation preventing payment of the fee, the retention of official identity documents by the aggressor or the impossibility for victims to provide an address after fleeing violence”. The report also sets out, on the basis of ALC case law, the threshold for admissibility of an application under Article 9bis, which is particularly high: an applicant must establish that it is “impossible or particularly difficult” to return to his or her country of origin. Furthermore, pending consideration of an application for regularisation, there is no guarantee that a victim is protected from the risk of being arrested or placed in detention.

In view of this description, the Law of 15 December 1980 should include a mechanism enabling a victim of violence to apply for a residence permit on the basis of domestic violence using a specific procedure that is distinct from the procedure provided for in art. 9bis.

## **Chapter 5: The Situation in Other EU Countries**

### **Section 1: France**

In France, the renewal of a residence permit issued on the basis of family reunification is subject to continued cohabitation unless this is the result of the death of the French spouse.<sup>171</sup> However, where cohabitation has ceased as a result of domestic violence suffered by the spouse, the administrative authority may not withdraw the residence permit and may renew it. In the event of violence committed after the foreign spouse’s arrival in France but before the temporary residence permit was issued for the first time, the foreign spouse will be issued with a temporary residence permit marked “vie privée et familiale” (private and family life)<sup>172</sup> unless his or her presence constitutes a threat to public order. They must live together for five years if they are married to a French national, or four years if they have benefited from family reunification, before acquiring an independent and unlimited right to residence.

In France, protection for foreign women who are victims of violence has improved significantly over the years.<sup>173</sup> For a long time, such women were not protected against refusal to renew their residence permit if they broke up their relationship,<sup>174</sup> even if this was due to violence. Subsequently, this protection began to be granted to married victims who had obtained residence through the family reunification procedure. Henceforth, a breakdown in cohabitation linked to domestic or family violence entitles the holder to a renewed residence permit.<sup>175</sup> However, for women in civil

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<sup>171</sup> Code de l’entrée et du séjour des étrangers et du droit d’asile, art. 313-12. This article was amended by the Law of 9 July 2010 on violence against women, domestic violence and its impact on children.

<sup>172</sup> Carayon, Lisa, "Derrière le masque du droit : la femme parfaite du droit des étrangers", in Femmes et droit. Des discriminations invisibles, dir. J. Houssier and M. Saulier, coll. Thèmes et commentaires, Dalloz, forthcoming.

<sup>173</sup> *Ibidem*

<sup>174</sup> Residence permits for family reasons, whether within or outside marriage, are conditional on the existence of cohabitation. As a matter of principle, renewal of a permit acquired on this basis therefore requires proof of the continuity of this cohabitation. See art. not. art. L. 423-3 et - 17 CESEDA.

<sup>175</sup> Art. L. 423-5 and -6 for spouses of French women and -18 for people benefiting from family reunification. Note that, on the basis of the same texts, if the break-up due to violence occurs *before the* issue of the first

partnerships or cohabiting couples, this protection against withdrawal only applies if a **protection order** has been issued.

Whereas in Belgium, there is a legal vacuum for women who have arrived in Belgium and are victims of violence before they have obtained a one-year residence permit (under IA), French law provides that in cases of domestic violence, the foreign spouse can be issued with a temporary residence permit bearing the words “vie privée et familiale” (“private and family life”), unless his or her presence constitutes a threat to public order.

As in Belgium, this residence permit is temporary and women who are victims of domestic violence are limited to one-year residence permits. However, in France, if they have succeeded in becoming “**real victims**” (i.e. following a complaint against the perpetrator of the violence, the perpetrator is convicted), they are entitled to a ten-year residence permit. This rule does not seem to take into account the many obstacles, both social and legal, that can lead to a lack of conviction in cases of domestic violence: fear of lodging a complaint, refusal to register the complaint or to prosecute if the facts are difficult to prove and, also, referral of the case to one of the many alternative measures to prosecution that are not considered as “convictions” under the Aliens law. In addition, the right to work is automatically included in the granting of the right of residence.

Finally, unlike the situation in Belgium, the death of a spouse is considered as a particularly difficult situation.

## Section 2: Spain

Family reunification is governed by Organic Law 4/2000 of 11 January on the rights and freedoms of foreign nationals in Spain<sup>176</sup> and its implementing regulations, approved by Royal Decree 557/2011 of 20 April 2000.

In Spain, a spouse or partner who arrives as part of a family reunification process can obtain an independent residence permit. To do so, they must demonstrate that they have sufficient financial resources or a work contract.

The regulation also adds the possibility of an independent residence and work permit in case of domestic violence. To obtain this authorization, the applicant must have reported being a victim of gender-based violence, provide a **protection order** issued by the competent judicial authority within the framework of the criminal proceedings, or a **report from the Public Prosecutor's Office** indicating the existence of indications of gender-based violence, which would result in a provisional authorization. Just like in other countries described before, migrant women face difficulties to lodge a complaint based on domestic violence<sup>177</sup>. The provisional authorization for temporary residence and work, granted to a woman involved in a gender-based violence procedure as a victim, will have a

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residence permit as the spouse of a French national or as the “reunited” spouse, the permit is issued despite the break-up.

<sup>176</sup> Organic Law 4/2000 of 11 January on the rights and freedoms of foreign nationals in Spain, Art. 19 and Regulation of the law on foreigners, Art. 59.2

<sup>177</sup> “Gender Violence against Migrant Women living in Spain” 2021. <https://asociacionportimujer.org/wp-content/uploads/2022/03/Informe-final-PICUM-Violencia-de-Genero-2021.pdf> and “Migrant women face the hostility of an administrative and legal system that perpetuates racist attitudes when they file a complaint and initiate legal proceedings for gender-based violence” <https://www.pikaramagazine.com/2023/06/al-denunciar-no-sabes-que-ese-sistema-va-a-ser-devastador/>

one-year duration and will have to be extended if it expires before the end of the criminal proceeding that supports it.

In order for the authorization to be definitively granted, it will be required that the criminal proceeding in which gender violence is denounced concludes with a condemnatory sentence or with a judicial resolution from which it is deduced that the woman has been a victim of gender-based violence, including the closing of the case due to the accused being at an unknown location or the provisional dismissal due to the expulsion of the denounced person. This residence permit will also be granted in the event of the death of the sponsor, which, unlike in Belgium, is recognised as a particularly difficult situation.

In the event of a non-conviction, the authorization will be denied and will imply the loss of the effectiveness of the provisional authorization in case it was granted. An administrative sanctioning proceeding will also be initiated for being irregularly in Spanish territory without a residence authorization<sup>178</sup>. Which would probably end with the removal from Spanish territory.

The definitive residence and work authorization, on the other hand, will have a duration of 5 years. Unlike in Belgium, but more like the situation in France, the right to stay is closely linked to the judicial proceedings and a criminal conviction. This is also in breach with the Istanbul Convention, that recommends an autonomous residence and a suspension of removal in case of domestic violence.

## Conclusion

As we can see, the situation of migrant women is particularly complex and at the intersection of different realities: vulnerability as a woman, as a migrant, as a victim of violence and subject to numerous administrative requirements because of her residency status. As Lisa Carayon points out, “resilience is ultimately one of the great qualities of the perfect woman in immigration law”. Resilience in the face of violence and the administrative and socio-economic obstacles that come with a possible separation.

In Maria’s case, presented at the beginning of the study, if she can prove that she has been subjected to violence, she will be able to obtain a one-year stay after the Aliens Office has examined her case. If she fails to do so, her residence permit will be withdrawn and she will have to appeal against this decision. If the ALC confirms that her residence permit has been withdrawn, she will find herself without a legal residence permit and will have no option but to apply for regularisation, which will not give her any rights pending the decision.

This contribution showed that family or domestic violence sometimes occurs because of the legal framework and the administrative dependence created by the law between the person being reunited and the person reuniting them. In addition, the technicality and complexity of the law of 15 December 1980 as well as the successive amendments it has undergone over the years seem to reflect the undesirability of foreign nationals coming to join their families in Europe. Foreign nationals will only “deserve” their right of residence if they have “held out” during the five-year period following the granting of the right to family reunification. As we have seen, the pressure that the law puts on family life can have perverse effects and create tensions within the couple. This considerably weakens any autonomy that the person being reunited may have wanted.

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<sup>178</sup> Organic Law 4/2000 of 11 January, *op.cit.*, art. 53.1 a.

However, the purpose of the directives in question is to encourage family reunification and to ensure that it remains effective. The Court of Justice points out that the right to family reunification is a subjective right which requires the administration to issue a residence permit when the conditions are met.<sup>179</sup>

As a first recommendation and in order to comply with the Istanbul Convention, **protection should be extended to all migrant women** and, if they arrive through family reunification, to all the women concerned. If the migrant victim is an illegal resident, a similar procedure specific to her situation should be provided. As mentioned above, the general procedure for applying for regularisation on the basis of article 9 bis of the law is not adapted to the situation of victims of violence. A specific and adjusted procedure must be put in place to guarantee the rights of these people during the procedure. In addition, any removal or expulsion of a victim complaining of domestic violence should be suspended or prohibited, in accordance with art. 59 of the Istanbul Convention.

At the end of this study, it is clear that the legal context of family reunification produces vulnerabilities that are likely to generate tension in the couple and *ultimately* lead to domestic violence. Although the law attempts to alleviate this situation by providing for an exception at the end of the stay, it has been shown that the requirements to apply the exception are high and do not always make it possible to respond adequately to the situation. In fact, even if the stay is maintained, the person faces numerous challenges related to their socio-economic situation (finding accommodation, work) or their own personal reconstruction.

It is also important to avoid secondary victimisation of the victim by not taking this violence into account or by issuing a decision to end the stay because the victim has not been able to substantiate the violence suffered.

Additional protection against the administration would be to **strengthen the ALC's control** over the Aliens Office's decisions by envisaging full jurisdiction in matters relating to family life or residence in general. This would extend the review to the appropriateness of the decision in the light of the facts of the case.

In the context of the procedure for withdrawing residence permits, the protection of persons claiming to be victims of domestic violence should be strengthened, in particular by extending the time limits for responding to a request for information and by providing for a more transparent procedure in this context. Evidence should be made more flexible **and the burden of proof should be shared**, as should the elements of integration in the broadest sense. For example, the fact that a person lives in a centre should be one element among others proving that the woman is a victim of violence.

Migrant women who do not have a residence permit in the host country should be entitled to a moratorium on removal, as provided for in the Istanbul Convention.

With the passing of the law criminalising femicide in Belgium<sup>180</sup> and the EU's ratification of the Istanbul Convention,<sup>181</sup> the perspectives are promising. This ratification should result in the "operationalisation" or concrete implementation of the Convention's somewhat abstract provisions,

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<sup>179</sup> CJEU, C-578/08 of 10 March 2008, § 41 and 43.

<sup>180</sup> On 29 June 2023, Belgium adopted a law penalising femicide.

<sup>181</sup> The EU [ratified the Istanbul Convention on 28 June 2023](#)

such as the right to independent residence in the event of domestic violence. In addition, the Court of Justice will be able to monitor compliance with the provisions of the Istanbul Convention, if only by answering questions referred for a preliminary ruling. It should also make it possible to harmonise practices in the various States with a view to providing effective protection for foreign victims of violence, in terms of access to independent residence, methods of proof and access to reception facilities. In any case, it seems essential to grant unconditional rights to victims of domestic violence in order to protect them from violence.

Only under these conditions will women victims of violence be adequately protected and reassured about their administrative situation.

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# General conclusion

In conclusion, this analysis highlights crucial aspects of family and domestic violence, particularly within migrant or mixed couples. Simplistic beliefs attributing such behavior to traditionalist cultures are called into question. This questioning makes it irrelevant to attempt to measure or approach social gender norms in relation to intimate partner violence, as has been done in much sociological literature (see appendices).

Contrary to popular belief, it is clear that the strict constraints of the legal framework and the administrative dependency created between migrants and their hosts can exacerbate such violence. Indeed, Belgian legislation itself can impose relational patterns that contribute to tensions between partners.

The complexity of the law of 15 December 1980, with its amendments over time, seems to reflect a certain reticence towards foreign nationals joining their families in Europe, unless they correspond to an ideal family norm. Access to residence for victims of violence depends not only on the help they can receive, but also on the burden of proving the violence they have suffered, a burden that weighs heavily on people who are already vulnerable because of their status as foreign women in precarious situations.

The ratification of the Istanbul Convention by the European Union will probably pave the way for a better understanding of intimate partner violence. However, despite the efforts of organizations such as the FRA to collect data and identify the risk factors and consequences, the implementation of concrete interventions for the populations concerned, particularly vulnerable migrant women, remains limited, especially at the international level.

By approaching these issues from a psycho-social and intersectional perspective, this study has filled certain epistemological gaps and proposed pragmatic reflections to guide future research into intimate partner violence among migrant women. It is imperative that European public policies take these complex realities into account and propose measures that are both theoretically and empirically supported in order to respond effectively to the needs of those vulnerable populations.

# Annexe 1

## Overview of tools for Exploring and Measuring Social and Gender Norms

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## INTRODUCTION

Primary prevention of Gender-Based Violence aims to facilitate change by addressing the underlying causes and drivers of this phenomenon at the population level in order to effectively prevent the occurrence of violence in the long term. According to Inter-Agency Standing Committee (IASC) 2015, Gender-Based Violence is "any harmful act perpetrated against a person's will and based on socially ascribed (i.e. gender) differences between women and men". A more general definition has been proposed by the **United Nations Declaration on the Elimination of Violence against Women**<sup>182</sup> in these terms: "Sexual and gender-based violence (SGBV) is a form of violence directed against a person because of their sex, gender identity or gender expression".

SGBV includes acts causing physical, mental or sexual harm or suffering, the threat of such acts, coercion and other deprivations of liberty. Perpetrators often use force, coercion, deception or manipulation.

Effective prevention of gender-based violence is (also) about addressing the underlying causes and drivers of violence against women and girls (Perrin et al., 2019; Alexander-Scott, M. Bell, E. and Holden, J., 2016) . Such violence is generally grounded in social norms that tend to justify and support its acceptance. Identifying these social norms and measuring their extent (or the extent of individual adherence to them) is an indispensable step in efforts to transform them as part of the prevention of gender-based violence.

In this research, we take stock of the tools that have been developed by researchers or field actors to identify and/or "measure"<sup>183</sup> the dominant social norms in the cultural context. We begin by describing the approach taken in preparing this report, then define and categorise social norms, and conclude by presenting the tools used to measure them.

### Démarche méthodologique

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<sup>182</sup> [Journée internationale pour l'élimination de la violence à l'égard des femmes | Nations Unies](#)

<sup>183</sup> As with any abstract concept, social norms are difficult (if not impossible) to measure. The aim is therefore to approach them as a latent variable, with a view to identifying indicators or items that can be used to approximate - through the study of their perceptions - their extent within a given population.

In preparation for this report, we identified various literatures on social norms (see for example Mackie et al, 2015; Marcus, 2018; Alexander-Scott and Holden, 2016; Lockett and Bishop (ActionAid, nd,...) and attempts to measure them (Pulerwitz and Barker, 2008; Perrin et al., 2019; The Collaborative Learning Network for Advancing Social Norms Change, 2019; Chantler and Gangoli, 2011; etc).

This brief literature review enabled us to define key concepts such as social norms, gender norms, and gender-based violence. On the basis of these definitions, we reviewed the various attempts to measure social norms, particularly those related to gender, with a view to selecting those with properties close to the aims of our project.

## **Some Definitions**

### **1. Social Norm**

In order to detect, measure and evaluate changes in social norms, it is essential to understand many aspects of this phenomenon: what they are, what behaviours are influenced by them, how often they occur, how strong or influential they are under what conditions, who maintains them in a social group, and what the rewards (or penalties) are for following (or not following) them. In other words, the assessment of social norms is complex, and that's why before proceeding to measure social norms, it's important to establish a common understanding of what is meant by social norms by going through the conceptual definitions proposed in the literature.

Several definitions have been suggested for the concept of "social norm".

According to Perrin et al. (2019), *social norms are contextual and social collective expectations of appropriate behaviour.*

These are shared perceptions of what others do and approve of, or beliefs about appropriate behaviour within a given social group.

Harmful social norms that sustain GBV include the sexual purity of women, the protection of family honour over the safety of women, and the power of men to discipline women and children.

Various academic disciplines have developed different theories to explain the complexity of social norms and their influence on behaviour. Perrin et al. (2019) resort to social norm theory as developed in social psychology (Cialdini, Kallgren and Reno, 1991), which conceptualises social norms as beliefs of two types:

- an individual's beliefs about what others generally do in a given situation (i.e., a **descriptive** norm); and
- their beliefs about what others expect of them in a given situation, about what others approve of (i.e. the **injunctive** norm).

In order to illustrate these two types of social norms and how they do or do not influence individual behaviour, The Collaborative Learning Network for Advancing Social Norms Change (2019) offers the following illustrations:

If you want to know whether a person's behaviour is influenced by social norms, you can ask the question "Why does so-and-so behave differently?"

If the person answers, "I behave this way because other people do," he or she is expressing the influence of a descriptive social norm, or a perception of what people usually do.

If the person answers: "I behave this way because others expect me to", it expresses the influence of an injunctive social norm, or a perception of what people should do.

In the operationalization and measurement of social norms as a latent variable, these two dimensions are, as we shall see later, integrated into measurement scales.

## 2. Gender Norms

Gender norms are defined as the set of social expectations about the (expected) behaviours of women versus men. According to ALIGN<sup>184</sup>, gender norms can be defined as "social norms that express the behaviour expected of people of a particular sex, and often age, in a given social context". These expectations are generally inequitable, unequal between men and women, and grounded in unequal social relations between these two groups.

It is increasingly recognized that adherence to negative gender norms can influence women's health and reproductive health, unsafe sexual behaviour and violence against women (Pulerwitz and Barker, 2008). A growing body of empirical evidence shows that men's collective and individual attitudes towards gender norms, as well as the social reproduction of these norms in

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<sup>184</sup> Align, Gender Norms Theory FAQs, [www.alignplatform.org](http://www.alignplatform.org). ODI: Project Align, 2018.

cultural institutions and practices, are directly linked to many of men's behaviours, with implications for their health and that of their partners. Existing literature supports the idea that boys and young men are socialised around a constellation of gender norms related to sexual and reproductive health and risk, sexuality, fatherhood, the use or acceptability of violence against women and participation in domestic tasks (Marcus, 2018). Gender norms, which are transmitted to boys and young men by their families, peer groups and social institutions, among others, are interpreted and internalised by individual men. Individuals also "reconstruct" these norms, essentially giving their own "subjective spin" to the gender norms around them (Barker, 2001 cited in Pak-IMAGES 2018), and as members of society, these individuals also influence wider norms.

### 3. Measuring Social Norms

Measuring social norms is a unique challenge. Social norms are intangible, invisible, generally unverballed and unwritten. When individuals are asked to account for the existence of social norms in their communities, what is actually measured are their **perceptions of norms**.

Perceived norms thus represent an individual's interpretation of the collective norms in force, both descriptive and injunctive. This is where our research comes in, as we'll be looking at how the participants in our study perceive norms (or interpret their actions/behaviours in relation to these norms). Perceived norms are important because people act according to their perceptions, which can be erroneous.

There are "packages" of tools and exercises for exploring social norms, such as Oxfam's Social Norms Diagnostic Tool, IRH/Passages' Social Norms Exploration Tool (SNET) and CARE's Social Norms Analysis Framework (SNAP). In addition to these social norms exploration tools, there are numerous tools for quantifying perceived norms, including single-object measures, indices and scales, as well as vignettes (when used as part of a quantitative questionnaire).

Drawing on the report by the Collaborative Learning Network for Advancing Social Norms Change (2019), we take a successive look at these exploration tools and those used to measure social norms in different contexts.

1. Social norms diagnostic tools (OXFAM): see page 13.
2. Social Norms Exploration Tool: see page 14.
3. Social Norms Analysis Plot (SNAP): see pages 15-16.

## I. SOCIAL NORMS DIAGNOSTIC TOOLS (OXFAM)

Oxfam's Social Norms Diagnostic Tool is a set of exercises designed to help program designers identify and discuss social norms, perceptions and expectations with community members. Oxfam developed this tool for its economic development programs. It therefore focuses specifically on the social norms, perceptions and expectations that shape, limit or promote young women's economic empowerment and participation in economic development initiatives. The tool provides guidance on participatory techniques and processes for identifying social norms relating to gender, gender roles, marriage, reproduction, gender-based violence, perceptions of normative change and influences on norms.

## II. SOCIAL NORMS EXPLORATION TOOL

The SNET ("Social Norms Exploration Tool") - developed by the Institute for Reproductive Health (IRH) - is a participatory, learning-and-action approach whose practical exercises can help program planners and implementers rapidly develop a preliminary understanding of social norms in a given setting. IRH initially created the guide and toolkit to address family planning outcomes among young couples, but it can be adapted to other behaviours. Since its creation, SNET has been tested, improved and revised in a wide range of contexts and behaviours. It guides users to gather information on: (a) the most relevant social norms affecting behaviours of interest in a specific setting, and (b) the groups or individuals who influence these behaviours (reference groups). It presents an organised process that users can follow to set objectives, train staff, select and develop tools from a series of participatory exercises, carry out data collection, analyse data and report results. SNET envisages a rapid process for exploring social norms.

## III. SOCIAL NORMS ANALYSIS PLOT (SNAP)

CARE developed the SNAP ("Social Norms Analysis Plot") framework to identify the key elements of a particular norm, to understand its influence on the behaviour(s) of interest, and to measure whether and how the norm is changing (see page 16). SNAP was originally conceived as a qualitative exercise using vignettes to frame discussions about norms and behaviours. However, it is incorporated into these quantitative tools because it is considered particularly useful in the exploration stage preceding the quantification phase. That said, SNAP can be used at several points: to identify norms (exploration), to understand how these might respond to the particular interventions of the program under consideration, or to develop and refine the qualitative and/or quantitative measures that will be used to measure norms and assess change (actual measurement phase). The SNAP framework builds on the basic components of norms discussed in the introduction, and takes into account additional components that could influence behaviour: more specifically, the strength of a norm, its flexibility or rigidity (including when exceptions to compliance are allowed). The SNAP framework gathers information on :

- I. What behaviour is considered typical or habitual in the target group?
- II. What behaviour is considered approved in this group?
- III. If someone behaves in a way that violates the norm, what social punishment is expected?
- IV. To what extent do the social sanctions for violating the norm influence people's behaviour?
- V. Is it acceptable for some people (or all people at certain times) to behave in a way that is not customary or approved within the group?

The following paragraphs present the tools used (increasingly) to "measure" social norms, particularly those relating to gender-based violence. It should first be noted that the development of scales for measuring social norms is still in its infancy. Very few studies to date have attempted to follow all the stages in the development of a measurement scale as recommended by specialists (see, for example, Churchill's paradigm, 1979; De Vellis, 2011). The Collaborative Learning Network for Advancing Social Norms Change (2019) groups these tools into three. We present them below, before discussing a few rare empirical studies that have used them after a factor analysis approach (often only exploratory).

### 1. SINGLE-OBJECT MEASUREMENT

The simplest and most common measures of perceived norms are survey questions that ask about a perceived norm in relation to one assumed reference group at a time. These are known as "single-object measures". When using this tool, the researcher should be aware of two subtleties:

Firstly, in addition to measuring the social norm itself, the individual behaviour(s) assumed to be influenced by the descriptive or injunctive norm must be measured (the norm (adherence to) is seen as a driver of behaviour, but so are individual attitudes towards the social norm being measured). The Collaborative Learning Network provides excellent illustrations of the applications of this tool: page 29-31, Descriptive vs Injunctive Norms).

### 2. INDICES AND/OR SCALES

Insofar as indices are built from scales, the two can be seen as complementary, although they are presented as two different tools. Both indices and scales use multiple questions to create a

single measure for a phenomenon that is not directly measurable with a single question or test. An index typically adds up the values of responses to questions to create a "score" (a very simple index might count the number of "yes" answers to a series of yes/no questions). A scale is constructed from several questions that use the same Likert scale responses, and the questions are combined using statistical techniques (usually some form of factor analysis). For indices and scales, it's important to start by having a clear idea of the theoretical constructs we're trying to measure and their likely relationships to each other. This will be done on the basis of the conceptual model developed through the literature review. To date, there is no consensus on the minimum number of individual measurements required to effectively measure the presence of a perceived social norm.

Many theorists and researchers of social norms argue for the need to measure, at the very least, both descriptive and injunctive norms, and outcome expectations. Even so, it goes without saying that when measuring complex concepts such as social norms, more than one measure or indicator is needed to deal with a concept, and that all these indicators have to be interpreted as a single concept.

Multi-item scales are the most commonly used measures in questionnaires. They provide quantitative measures that lead to greater validity and reliability, easier statistical analysis and improved interpretation processes. In addition, by using previously tested scales, researchers ensure their validity and reliability. From a methodological point of view, any modification (addition, deletion or reformulation of items) should lead to a repeat of the assessment of the scale's psychometric properties in terms of validity and reliability. It should be noted, however, that in the context of this research (purely exploratory, and therefore deliberately non-generalizable), the formative (exploratory) phase will certainly lead us to modify the scale to take account of the particular context of the study, but will not oblige us (in the immediate future) to redo the psychometric refinement of the study.

#### *Adapting scales from individual to community level*

The GEM scale ("Gender-Equitable Men") is a widely known and validated scale for measuring attitudes to gender. This scale is sometimes referred to as the Gender Norms Scale, but it is important to bear in mind that since the questions on this scale relate to individual attitudes (and not to attitudes within a wider community), they are not social norms. Nevertheless, this report does include (page 33) an adaptation of the GEM scale to measure social norms (at community level). The study by Barker and Pulerwitz (2008) is an interesting application of this scale to

the measurement of social gender norms in Brazil (see below, empirical work); and it has been replicated by Buduri S. et al. (2023) in Indonesia.

#### *Developing new scales at community level*

The "Change Starts at Home" project in Nepal worked to change social norms to prevent intimate partner violence. Researchers at the Rollin School of Public Health used the results of a literature review and formative research to develop the Partner Violence Norms Scale (PVNS) to examine relevant injunctive norms. They piloted the PVNS prior to its implementation. Participants were asked not about their own beliefs, but about their perception of how many members of their community believed each statement. Although further psychometric testing is required before conclusive statements can be made about the usefulness and reproducibility (validity and reliability) of the PVNS, analyses of the survey results suggest that higher scores on the PVNS are strongly associated with reporting more cases of physical and sexual violence. This suggests that **it holds promise as a useful scaled measure of the social norms associated with intimate partner violence** (See page 34).

When choosing an approach to measuring social norms, we need to consider programmatic objectives, as well as the logistics of data collection, analysis and use (see summary table of selection criteria, page 40).

#### IV. EMPIRICAL WORK ON SCALE CONSTRUCTION

As we noted earlier, research into the development of scales for measuring social norms on gender is scarce and very recent. In the following section, we present some of this work.

1. Nancy Perrin, Mendy Marsh, et al. (2019) "Social norms and beliefs about gender based violence scale: a measure for use with gender based violence prevention programs in low-resource and humanitarian settings". In *Conflicts & Health*.

Harmful social norms that sustain GBV include the sexual purity of women, the protection of family honor over women's safety, and the power of men to discipline women and children. This article sought to develop a brief, valid and reliable measure to examine the evolution over time of harmful social norms and personal beliefs that maintain and tolerate sexual violence and other forms of GBV against women and girls in complex, low-resource humanitarian contexts.

As is customary in any work developing measurement scales (Churchill, 1979; De Vellis, 2011), this scale was developed in two stages: 1) a formative phase of qualitative inquiry to

identify the social norms and personal beliefs that sustain and justify the perpetration of GBV against women and girls; and 2) a testing phase using quantitative methods to conduct a psychometric evaluation of the new scale in targeted areas of Somalia and South Sudan.

The formative research collected a great deal of information in the form of texts. This information was analysed independently by two researchers, trying to identify themes and sub-themes; a total of 30 items/indicators. After discussion of these themes, sub-themes and related indicators/items, 12 items were eliminated, leaving 18. These 18 items comprised the 2 aspects of social norms: descriptive norms and injunctive norms.

The injunctive elements of social norms began with "How many people whose opinion matters most to you...". with the following response scale: 1 - None of them, 2 - Some of them, 3 - About half of them, 4 - Most of them and 5 - All of them.

Personal belief items began with "We'd like to know if you think any of the following statements are wrong and should be changed in your community. We'd also like to understand how ready or willing you are to take action by speaking out on issues you think are wrong" and used the response scale: 1 - Agree with this statement, 2 - I don't know if I agree or disagree with this statement, 3 - I disagree with the statement but I'm not ready to tell others, and 4 - I disagree with the statement and tell others it's wrong.

The psychometric analysis of the scale on these two sub-domains made it possible - for both descriptive and injunctive norms - to retain only 15 items, divided into 3 dimensions which are:

1. Response to sexual violence
2. Protection of family honour
3. Husband's right to use violence to "discipline" his wife

### **Social Norms and Beliefs about Gender-Based Violence (GBV) Scale**

Injunctive Norms: For each of the following questions, please tell us how many people whose opinion matters most to you:					
	None of them	Few of them	About ½ of them	Most of them	All of them
1. Expect a husband to abandon his wife if she reports that she has been raped	1	2	3	4	5

2. Expect the family to ignore/reject a daughter if she reports that she has been raped	1	2	3	4	5
3. Accept sexual violence against women and girls a normal part of life	1	2	3	4	5
4. Blame women/girls when they are raped	1	2	3	4	5
5. Think that a man should have the right to demand sex from a woman or girl even if he is not married to her	1	2	3	4	5
6. Expect women/girls to not report rape to protect the family dignity	1	2	3	4	5
7. Expect that a woman/girl's reputation will be damaged, if she reports sexual violence to the authorities or elders	1	2	3	4	5
8. Fear stigma if they were to report sexual violence	1	2	3	4	5
9. Expect sexual violence to be handled within the family and not reported to authorities	1	2	3	4	5
10. Expect a husband or father to retaliate against the alleged perpetrators	1	2	3	4	5
11. Expect women and girls to only report sexual violence if they have serious physical injuries	1	2	3	4	5

12. Think that when a man beats his wife, he is showing his love for her	1	2	3	4	5
13. Think that a man has the right to beat/punish his wife	1	2	3	4	5
14. Think it is okay for a husband to beat his wife to discipline her	1	2	3	4	5
15. Expect a husband to force his wife to have sex when she does not want to	1	2	3	4	5

Personal Beliefs: For each of the following questions, please tell us the extent to which you agree or disagree with the statement and your willingness to tell others about your belief

	Agree with this statement	Not sure if I agree or disagree	I disagree but am not ready to tell others	I disagree and am telling others
16. Husbands should abandon/reject/divorce their wife if she reports that she has been raped	1	2	3	4
17. A man should have the right to demand sex from a woman or girl even if he is not married to her	1	2	3	4
18. A woman/girl would be stigmatized if she were to report sexual violence	1	2	3	4
19. A woman/girl should be blamed when she has been raped	1	2	3	4

20. Sexual violence against women and girls should be accepted as a normal part of life	1	2	3	4
21. Families should ignore/reject a daughter if she reports that she has been raped	1	2	3	4
22. Women/girls should not report rape to protect the family dignity	1	2	3	4
23. A woman/girl's reputation will be damaged if she reports sexual violence to the authorities	1	2	3	4
24. Sexual violence should be handled within the family and not reported to authorities	1	2	3	4
25. A husband or father should retaliate against the alleged perpetrators	1	2	3	4
26. Women and girls should only report sexual violence if they have serious physical injuries	1	2	3	4
27. When a man beats his wife, he is showing his love for her	1	2	3	4
28. A man has the right to beat/punish his wife	1	2	3	4
29. It is okay for a husband to beat his wife to discipline her	1	2	3	4

30. A husband should force his wife to have sex when she does not want to	1	2	3	4
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Scoring Instructions: Create three subscales for social norms and three subscales for personal beliefs by taking the mean of the items within each subscale.

Response to Sexual Violence Social Norm (items 1-5)

Protecting Family Honor Social Norm (items 6-11)

Husband's Right to Use Violence Social Norm (items 12-15)

Response to Sexual Violence Personal Belief (items 16-21)

Protecting Family Honor Personal Belief (items 22-26)

Husband's Right to Use Violence Personal Belief (items 27-30)

2. Barker et Pulerwitz (2008) Measuring attitudes towards Gender Norms among young men in Brazil: Development and Psychometric Evaluation of the Gender Equitable Men (GEM) Scale. In: Men and Masculinities, Vol.10, n°3.

This article develops and psychometrically evaluates a twenty-four item scale to measure attitudes towards gender norms in young men: the Gender-Equitable Men (GEM) scale. Scale items on gender norms related to sexual and reproductive health, sexual relationships, violence, domestic work and homophobia are designed. The items are based on qualitative research previously carried out in a community, and on a literature review, then administered to a household sample of 742 men, including 223 young men aged between fifteen and twenty-four, in Rio de Janeiro, Brazil.

Based on the Gender Equitable Men, a formative search was conducted, followed by an exploratory factorial analysis. Analysis of the responses given by young people aged 15 to 24 revealed a 2-dimensional factor structure: "Inequitable Gender Norms" and "Equitable Gender Norms", with high levels of reliability (Cronbach's Alpha > 0.70), and high predictive validity (assessed by demonstrating, for example, that scores on GEM were inversely proportional to history of intimate partner violence).

## CONCLUSION

The primary aim of this research was to identify existing scales in the literature for the identification and evaluation (measurement) of social gender norms. Since the aim of the project is not to develop a scale for measuring norms (or even to adapt existing scales, both of which would require a lengthy process of re-evaluation of the psychometric properties of the new scale), the next step will be either to identify a scale that can be applied without modification, or to modify (on the basis of formative research) the scale with a view to applying it in a specific context - that of Belgium - without any pretension of generalisation.

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## Annex 2: Focus group methodology

Feminist psychologists (Wilkison, 1999) have criticized traditional research methods, first, for their artificiality; by putting the emphasis on experimental methods and test scales, which did not focus on the reality of social interactions and experiences. Second, for their decontextualization, where most experiments were stripped of natural context, which led to a richer understanding. Instead, feminist research aims at transmitting participants' voices while staying true to their story. Finally, for the exploitation of research participants, where in feminist research, the relationship between the researcher and participant needs to stay equal and reciprocal instead of hierarchical. Wilkinson argues that feminist methods should be naturalistic, contextual, and respectful of participants' voices.

Qualitative approaches, including focus groups, are considered essential in feminist research for capturing the complexities of human experiences and social interactions (Liamputtong, 2023). Focus groups offer a valuable means of engaging in more equal and reciprocal relationships with informants, allowing researchers to understand the social context and everyday experiences that shape people's lives.

Specifically, in the subject of Intimate Partner Violence (IPV), focus groups are essential in order to explore the complexities of the issue, capture diverse experiences, provide context and depth, identify barriers and challenges, generate new insights, inform policy and practice, empower participants, offer real-time feedback, and complement quantitative data as shown through different feedbacks by authors who adopted the focus group method (Pösö, Honkatukia, & Nyqvist, 2008; ). By creating a safe space for open discussions, focus groups enable researchers to gain rich, qualitative data and a comprehensive understanding of the topic, contributing to the development of effective interventions and support systems for survivors of IPV (Hesse-Biber, 2013).

The above explanations agree with the conclusions made in the previous systematic review which explains the lack of intersectionality and adapted analysis of contextual details and deeper understanding of the complexities of the issue especially concerning migrant women in the context of IPV. Therefore, focus groups, joining both European and migrant women, discussing deeply the topic of IPV, will give us a better understanding and a more in-depth analysis all while conserving the personal aspect of participants.

The following table explains the different aspects of our methodological plan for a focus group.

Theme	<p>IPV</p> <p>Identifying the links between social norms and IPV in migrant couples:</p> <ul style="list-style-type: none"> <li>- taking into account the influence of transnational contexts</li> <li>- intergroup/intercultural comparison</li> <li>- Link with conclusions of the literature review</li> </ul>
Participants	<ul style="list-style-type: none"> <li>- 7 women per group<sup>185</sup></li> <li>- Adults</li> <li>- Women victims of violence (IPV) - stage post violence</li> </ul>
Groups & Division	<ul style="list-style-type: none"> <li>- 7 participants per group*</li> <li>- Division*: <ul style="list-style-type: none"> <li>- 2 group mixed</li> <li>- Auto-definition of the participants' origin</li> </ul> </li> <li>- minimum 4 groups for women</li> </ul>
Collaborators	<p>1 collaborator and 1 co-facilitator<sup>186</sup> (psy)</p> <p>Co-facilitator in specific groups ideally of the</p>

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<sup>185</sup> Focus groups are typically from 4-8 participants. The number of participants should be based on: enough diversity, balanced participation, group dynamic, easier investigation (of non-verbal and verbal) and logistics (time constraint etc.) (Kitzinger, Markova & Kalampalikis, 2004).

<sup>186</sup> IFG : Interpretive focus group, suppose un co-facilitateur venant du même groupe socio-économique que les sujets dont on analyse les données - et qui doit participer au debriefing d'interprétations des données recueillies (évite les interprétations des chercheurs euro-centrés) (Hesse-Biber & Leavy, 2007).

	<p>same identification<sup>187</sup></p> <p>Collaborator with background in gender studies and co-facilitator background in psychology</p> <ul style="list-style-type: none"> <li>- Formed: <ul style="list-style-type: none"> <li>- Theme of IPV</li> <li>- Intersectionality</li> <li>- Dealing with group dynamics</li> <li>- Racially informed</li> <li>- Inclusive and non-judgmental language</li> <li>- Attitudes</li> <li>- Being Present (verbally and non verbally)</li> <li>- Conflict resolution</li> <li>- Relational Responses (reformulation, reflection etc.)</li> <li>- Impartial Approaches</li> </ul> </li> </ul>
<p>Sub-themes per group</p>	<ul style="list-style-type: none"> <li>- Understanding Violence against women</li> <li>- Social (Gender) Norms playing a role in IPV</li> <li>- Political contribution and barriers in seeking help</li> <li>- Support system, ressources and seeking prevention</li> </ul>

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<sup>187</sup> Hesse-Biber et Leavy (2007) in *Feminist Research Practice* : “homogeneity of the group serves the feminist approach of research because homogenous groups members are more likely to share minority status characteristics and minority voices are privileged rather than silenced” (p.184)

\* To allow a point of comparison between immigrants only groups and mixed groups (in a way to simulate the european reality with the mixed groups all while giving a voice to women in where they identify)

<p>Things to be aware</p>	<p>Justify why men are not included in this design:          Another study following this one, will tackle the conclusions drawn up by this focus group and design a focus group study focusing on men's perspective of IPV and social norms.</p>
<p>Course of action</p>	<ul style="list-style-type: none"> <li>- Individual session:  <b>NOT THERAPEUTIC GOAL</b>   <i>Let the session be interactive and not investigative style. Ask the person to talk about herself in general and then semi-directive with the questions to gather the information needed.</i></li> <li>- Demographic Information: such as age, gender, ethnicity, education level, occupation, and marital status.</li> <li>- Cultural and Social Background: Learn about participants' cultural or social backgrounds, including their country of origin, language(s) spoken, length of time in a particular community or country, and any specific cultural or social identities they associate with. Also, get information on socioeconomic status BEFORE/AFTER</li> <li>- <b>ASK WHICH COMMUNITY THEY IDENTIFY WITH (for choice of focus group)</b></li> <li>- Relevant Experiences: Identify any relevant experiences – in this case violence they lived through (get some context: recency, severity, type, etc. )</li> </ul>

- Support System and resources:  
Question on the entourage and who is considered a +
- Attitudes and Beliefs: Gain an understanding of participants' attitudes, beliefs, or values.
- Accessibility and Accommodation Needs: Inquire about any specific accessibility or accommodation needs participants may have (language, disability, relevant illness). Psychological or Psychiatric antecedents if relevant.
- Informed Consent: Ensure that participants are informed about the purpose of the research, the voluntary nature of their participation, and any potential risks or benefits involved. Obtain their consent to participate and make sure they understand how their information will be handled confidentially. Explain that the VIOLENCES PLURIELLES centers are open to support them throughout or even after the process.

4 focus groups that will be held for two hours with a small break at one hour.

- Recommendation to offer snacks to make the environment more welcoming and allow informal moments.

	<ul style="list-style-type: none"> <li>- The focus groups will be held in the same time period depending on the number of moderators and co-facilitators recruited. <ul style="list-style-type: none"> <li>- IDEALLY: Simultaneously; same day and same hour.</li> </ul> </li> <li>- Time lapse in between the sessions: IDEALLY everyday the same week to guarantee stable participation (or at least not a lot of time in between sessions).</li> <li>- Thank you note and satisfaction questionnaire sent by email.</li> </ul>
<p>Discussion Guide</p>	<ul style="list-style-type: none"> <li>- 1st Group: <ul style="list-style-type: none"> <li><b><u>Understanding Violence against women</u></b></li> </ul> </li> </ul> <p><i>Introduction</i></p> <ul style="list-style-type: none"> <li>- Welcome participants and introduce yourself and any co-facilitators.</li> <li>- Provide a brief overview of the purpose of the focus group: to explore experiences of violence against immigrant women in Europe.</li> <li>- Emphasize the importance of their insights and assure confidentiality.</li> </ul>

	<ul style="list-style-type: none"> <li>- Remind that the Violences plurielles centers are open to welcome the participants if they need any kind of support</li> </ul> <p><b><i>Icebreaker</i></b></p> <ul style="list-style-type: none"> <li>- Start with a warm-up question to create a comfortable atmosphere and encourage participants to share their thoughts. “Get to know” participants</li> </ul> <p><b><i>Background Info</i></b><sup>188</sup></p> <ul style="list-style-type: none"> <li>- Auto-definition they chose for identification</li> <li>- What is considered IPV to them</li> <li>- Views on IPV</li> <li>- Exploring perception on difficulties linked to IPV (what are the violences lived by women, what can contribute to vulnerability)</li> <li>- Feminist reflections linked in violence</li> <li>- how does relationships and love play a role in that</li> </ul> <p><b><i>Conclusion</i></b></p> <ul style="list-style-type: none"> <li>- Thank everyone for coming</li> <li>- Conclude with last thought or words/ if there are any questions</li> </ul>
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<sup>188</sup> Hesse-Biber et Leavy (2007) : “participants can help each other figure out what the questions means to them and the researcher can examine how different participants hear possibly vague or ambiguous questions” (p.183)

- ask everyone how they are feeling (each person has to answer)
- Remind that the Violences plurielles centers are open to welcome the participants if they need any kind of support
- Introduce next focus group

- 2nd group

**Social (Gender) Norms playing a role in IPV**

*Intro*

- Welcome everyone
- Reminder on procedure, participants and collaborators
- Ask how they are and if they want to share something since the last time we saw them
- re-introduce today's theme
- Remind that the Violences plurielles centers are open to welcome the participants if they need any kind of support

*Background*

- perception on the gender roles they adopt
- exploration on how those gender roles apply in the different contexts (context

	<p>of origin vs immigration)</p> <ul style="list-style-type: none"> <li>- Intersectionality (multiple social categories &amp; compounding effects)</li> <li>- views on family, marriage, couple life</li> <li>- Changing gender norms (resistance and challenges)</li> </ul> <p><b><i>Conclusion</i></b></p> <ul style="list-style-type: none"> <li>- Thank everyone for coming</li> <li>- Conclude with last thought or words/ if there are any questions</li> <li>- ask everyone how they are feeling (each person has to answer)</li> <li>- Introduce next focus group</li> <li>- Remind that the Violences plurielles centers are open to welcome the participants if they need any kind of support</li> </ul> <p style="text-align: center;">- <b>3rd group :</b></p> <p><b>Political contribution and barriers in seeking help</b></p> <p><b><i>Intro</i></b></p> <ul style="list-style-type: none"> <li>- Welcome everyone</li> <li>- Reminder on procedure, participants and collaborators</li> <li>- Ask how they are and if they want to share something since the last time we saw them</li> <li>- re-introduce today's theme</li> </ul>
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- Remind that the Violences plurielles centers are open to welcome the participants if they need any kind of support

### ***Background***

- Knowledge on political and administrative system
- Contextual socio-economic (before/after) interpretation
- What are some reasons why immigrant women might hesitate to seek help when facing violence?
- Are there cultural, social, or language-related barriers that make it difficult for immigrant women to access support services?

### ***Conclusion***

- Thank everyone for coming
- Conclude with last thought or words/ if there are any questions
- ask everyone how they are feeling (each person has to answer)
- Introduce next focus group
- Remind that the Violences plurielles centers are open to welcome the participants if they need any kind of support

**- 4th group**

## **Support system, resources and seeking prevention**

### *Intro*

- Welcome everyone
- Reminder on procedure, participants and collaborators
- Ask how they are and if they want to share something since the last time we saw them
- re-introduce today's theme  
(focus on the notion of humanity and not tangible solutions that have already been proposed. Focus on what the person really wants for themselves even if it was too 'ideal' and unrealistic, explore why it is considered unrealistic – in addition, stress on the fact that emancipation is ONE of many solutions that are taken and even if it was the one decided it doesn't mean it was the one wanted → so how did they live with and impact on current reality)

Remind that the Violences plurielles centers are open to welcome the participants if they need any kind of support

***Background***

important: No expectations here, we want to know about personal experiences, and center more on humanity, feelings, experience and intersectionality: we are not looking for ‘moral’ responses, we want to push them to talk about the reality of their thoughts and experience even if it contradicts the procedure they took.

- Discuss strategies to empower immigrant women and prevent violence.

Possible questions:

- What do you think can be done to raise awareness and educate immigrant women about their rights and available resources?
- Personal experiences on their resources that helped them in their situation & what would they have liked as specific initiatives or policies that you believe would be effective in addressing this issue?

***Conclusion***

- Thank everyone for coming
- Conclude with last thought or words/ if there are any questions
- ask everyone how they are feeling (each person has to answer)
- Give contact details if they need to follow-up or ask something.
- Remind that the Violences plurielles

	<p>centers are open to welcome the participants if they need any kind of support</p>
<p>Logistics</p>	<ul style="list-style-type: none"> <li>- Recruitment process (4 psychology interns for staff, and announcement for women)</li> <li>- Filming (if yes, consent form needed)</li> <li>- Sitting in a circle with nothing in the middle, co facilitator and facilitator sitting across from each other.</li> <li>- recruit more people and put on the waitlist</li> <li>- Waitroom for kids</li> <li>- Hour should correspond to everyone (afternoon)</li> <li>- Recommendation to offer snacks to make the environment more welcoming and allow informal moments.</li> </ul>
<p>Supporting material</p>	<p><a href="#"><u>Shifting Social Norms to Tackle Violence Against Women and Girls (VAWG).</u></a>  <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/507845/Shifting-Social-Norms-tackle-Violence-against-Women-Girls3.pdf"><u>(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/507845/Shifting-Social-Norms-tackle-Violence-against-Women-Girls3.pdf )</u></a></p> <p>Other PDFs will be sent by email to the concerned personnel.</p>

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“The group environment created a comfort level around very personal subject matters because no one felt all the attention was on her alone” (p.183)

“In a focus group where some members have a majority standpoint and some have a minority standpoint, social relations of dominance may be replicated (p.183)

*You will find, attached in the appendixes:*

*Appendix 1: Consent forms in ENGLISH and FRENCH*

*Appendix 2: Recruitment letter for participants*

*Appendix 3: Recruitment letter for interns/student jobs*

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APPENDIX 1



ENGLISH :

*Migrants social norms in intimate partner violence*

**IPV Migrants**

.....

Confidentiality and Participation Consent Form for Focus Group Research

Dear Participant,

You are invited to participate in a focus group as part of the research project titled [Research Project Title]. The purpose of this research is to explore social constructs related to Intimate Partner Violence (IPV) and how each participant's experience was lived personally, culturally, and within society. The focus group will be conducted by..... and will take place on ..... at .....

By signing this form, you indicate your understanding of the following:

- 1. Voluntary Participation: Your participation in this focus group is entirely voluntary. You have the right to decline to participate or to withdraw your participation at any time during the focus group without providing any reason. You have the right to decline to be video recorded at any time during the focus group without providing any reason, and your decision will not affect your participation in

the study. Your decision will not affect your relationship with [Your Institution or Research Organization].

2. Confidentiality: All information obtained during the focus group, including your identity, opinions, and personal experiences, will be treated with strict confidentiality. Your responses will be anonymized, and any identifying information will be removed or coded to ensure your privacy. The data collected will be used only for the purpose of research and will be accessible only to the research team.

3. Use of Data: The information collected during the focus group will be used solely for research purposes. The data may be analyzed, compiled with data from other participants, and presented in research reports or academic publications. However, your individual responses will be kept confidential.

4. Recording: The focus group will be recorded to ensure the accuracy of data collection and analysis. The video recordings will only be used for research purposes. They will be securely stored and accessible only to the research team. The recordings may be used for data analysis, transcription, and writing research reports or publications. The recordings will be securely stored and accessible only to the research team. The recordings will be transcribed, and the transcriptions will be used for analysis.

5. Pseudonyms: To protect your identity further, we will assign pseudonyms to participants in any reports or publications based on this research. Your real name will not be used in any research outputs.

6. Safeguarding: All research materials, including recordings, transcripts, and consent forms, will be stored securely in password-protected files and will be accessible only to the research team.

7. Data Retention: The research data will be kept for ..... and will then be securely destroyed. Any identifiable information will be permanently deleted.

8. Research Outputs: We will share the research findings with you if you wish to be informed about the results of the study.

9. Support from 'Collectif des Femmes - Violences plurielles': We want to assure you that a team of psychologists from the 'Collectif des Femmes - Violences plurielles' will be present independently of the study. They are available to accompany you if needed and provide support whenever you need.

By signing below, you indicate your consent to participate in the focus group and your understanding of the confidentiality measures in place.

Participant's Signature: \_\_\_\_\_

Participant's Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

Researcher's Signature: \_\_\_\_\_

Researcher's Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_ .



FRENCH VERSION :

*Influence des normes sociales sur la violence au sein du couple dans les familles issues de migrations.*

*IPV Migrants*

.....

Formulaire de Consentement pour la Confidentialité et la Participation à la Recherche en Groupe de Discussion

Cher(e) Participant(e),

Vous êtes invité(e) à participer à un groupe de discussion dans le cadre du projet de recherche intitulé [Titre du Projet de Recherche]. Le but de cette recherche est d'explorer les constructions sociales liées à la Violence entre Partenaires Intimes (VPI) et la manière dont l'expérience de chaque participant(e) a été vécue personnellement, culturellement et dans la société. Le groupe de discussion sera animé par ..... et se tiendra le ..... à .....

En signant ce formulaire, vous indiquez votre compréhension des points suivants :

1. Participation Volontaire : Votre participation à ce groupe de discussion est entièrement volontaire. Vous avez le droit de refuser de participer ou de retirer votre participation à tout moment pendant le groupe de discussion sans fournir de raison. Vous avez le droit de refuser d'être filmé(e) à tout moment pendant le groupe de discussion sans fournir de raison, et votre décision n'affectera pas votre

participation à l'étude. Votre décision n'aura aucun impact sur votre relation avec

.....

2. Confidentialité : Toutes les informations obtenues lors du groupe de discussion, y compris votre identité, vos opinions et vos expériences personnelles, seront traitées avec la plus stricte confidentialité. Vos réponses seront anonymisées, et toute information permettant de vous identifier sera supprimée ou codée pour assurer votre confidentialité. Les données collectées seront utilisées uniquement à des fins de recherche et ne seront accessibles qu'à l'équipe de recherche.

3. des Données : Les informations collectées lors du groupe de discussion seront utilisées exclusivement à des fins de recherche. Les données pourront être analysées, compilées avec les données des autres participants et présentées dans des rapports de recherche ou des publications académiques. Cependant, vos réponses individuelles resteront confidentielles.

4. Enregistrement Audio/Vidéos : Le groupe de discussion sera enregistré afin de garantir l'exactitude de la collecte et de l'analyse des données. Les enregistrements vidéo seront utilisés uniquement à des fins de recherche. Ils seront stockés de manière sécurisée et accessibles uniquement à l'équipe de recherche. Les enregistrements pourront être utilisés pour l'analyse des données, la transcription et la rédaction de rapports de recherche ou de publications. Les enregistrements seront stockés de manière sécurisée et accessibles uniquement à l'équipe de recherche. Les enregistrements seront retranscrits, et les transcriptions seront utilisées pour l'analyse.

5. Pseudonymes : Pour protéger davantage votre identité, nous attribuerons des pseudonymes aux participants dans tout rapport ou publication basé sur cette recherche. Votre vrai nom ne sera pas utilisé dans les résultats de la recherche.

6. Protection : Tous les matériaux de recherche, y compris les enregistrements, les transcriptions et les formulaires de consentement, seront stockés de manière sécurisée dans des fichiers protégés par mot de passe et seront accessibles uniquement à l'équipe de recherche.

7. Conservation des Données : Les données de recherche seront conservées pendant.....et seront ensuite détruites de manière sécurisée. Toute information identifiable sera supprimée de façon permanente.

8. Résultats de la Recherche : Nous partagerons les résultats de la recherche avec vous si vous souhaitez être informé(e) des conclusions de l'étude.

9. Soutien du 'Collectif des Femmes - Violences plurielles' : Nous tenons à vous assurer qu'une équipe de psychologues du 'Collectif des Femmes - Violences plurielles' sera présente de manière indépendante de l'étude. Elles sont disponibles pour vous accompagner en cas de besoin et vous apporter un soutien.

En signant ci-dessous, vous indiquez votre consentement à participer au groupe de discussion et votre compréhension des mesures de confidentialité mises en place.

Signature du Participant : \_\_\_\_\_

Nom Imprimé du Participant : \_\_\_\_\_

Date : \_\_\_\_\_

Signature du Chercheur : \_\_\_\_\_

Nom Imprimé du Chercheur : \_\_\_\_\_

Date : \_\_\_\_\_

APPENDIX 2

*Migrants social norms in intimate partner violence*

*IPV Migrants*



## Call for Participation in Research Study on Intimate Partner Violence (IPV)

Dear Women,

You are invited to participate in a research study titled "[Research Project Title]," which aims to explore social constructs related to Intimate Partner Violence (IPV) and how each participant's experience was lived personally, culturally, and within society.

### **Who can participate:**

- Women above the age of 18.
- Not currently experiencing active violence in their intimate relationships.
- Past experience of violence (however shape or form it took place in)

### **Study Details:**

- The research will consist of one individual session before the focus groups, followed by four focus groups, each lasting between 1.5 to 2 hours. Specific dates for the focus groups will be announced later, and they will take place between October and December.
- If you have children and wish to participate, we have made arrangements to provide professional babysitting services during the focus group sessions to ensure your comfort and convenience.
- A team of psychologists from the 'Collectif des Femmes - Violences plurielles' will be present during the discussions to provide support and assistance if needed.

**Confidentiality and Flexibility:**

- Your confidentiality is guaranteed throughout the study. All information collected during the research will be treated with strict confidentiality, and your identity will be kept anonymous.
- You have the right to withdraw from the study at any moment without providing a reason, and your decision will not impact your relationship with our institution.

**How to Participate:**

If you are interested in participating in this important study and sharing your experiences, please contact us at [Contact Information] to express your interest. We will provide you with further information about the study and answer any questions you may have.

Your participation will contribute significantly to advancing our understanding of IPV and its impact on individuals and society. We look forward to having you as part of this meaningful research.

Sincerely,

[Contact Information]



French :

*Influence des normes sociales sur la violence au sein du couple dans les familles issues de migrations.*

*IPV Migrants*

## **Appel à la Participation à l'Étude sur la Violence entre Partenaires Intimes (VPI)**

Chères Femmes,

Vous êtes invitées à participer à une étude de recherche intitulée "[Titre du Projet de Recherche]," qui vise à explorer les constructions sociales liées à la Violence entre Partenaires Intimes (VPI) et la manière dont l'expérience de chaque participante a été vécue personnellement, culturellement et dans la société.

### **Critères de Participation :**

- Femmes de plus de 18 ans.
- Ne vivant pas actuellement une violence active dans leurs relations intimes.
- Ont déjà vécu la violence entre partenaires (sous quelque forme que ce soit)

### **Détails de l'Étude :**

- La recherche comprendra une séance individuelle avant les groupes de discussion, suivie de quatre groupes de discussion, d'une durée de 1,5 à 2 heures chacun. Les dates spécifiques des groupes de discussion seront annoncées ultérieurement et auront lieu entre octobre et décembre.
- Si vous avez des enfants et que vous souhaitez participer, nous avons pris des dispositions pour assurer une garde professionnelle pendant les séances de groupe de discussion afin de garantir votre confort et votre tranquillité d'esprit.

- Une équipe de psychologues du 'Collectif des Femmes - Violences plurielles' sera présente pendant les discussions pour vous offrir du soutien et de l'aide si nécessaire.

**Confidentialité et Flexibilité :**

- Votre confidentialité est garantie tout au long de l'étude. Toutes les informations recueillies pendant la recherche seront traitées de manière strictement confidentielle, et votre identité restera anonyme.

- Vous avez le droit de vous retirer de l'étude à tout moment sans avoir à fournir de motif, et votre décision n'aura aucune incidence sur votre relation avec notre institution.

**Comment Participer :**

Si vous êtes intéressée à participer à cette étude importante et à partager vos expériences, veuillez nous contacter au [Coordonnées] pour exprimer votre intérêt. Nous vous fournirons de plus amples informations sur l'étude et répondrons à toutes vos questions.

Votre participation contribuera grandement à faire progresser notre compréhension de la VPI et de son impact sur les individus et la société.

Cordialement,

[Contact Information]

## APPENDIX 3

Recruitment of Interns

*Influence des normes sociales sur la violence au sein du couple dans les familles issues de migrations.*

*IPV Migrants*



## **Recrutement de Stagiaires en Psychologie pour le Projet de Recherche+Clinique en domaine de Violences Conjugales**

Chers étudiants en psychologie,

Nous sommes ravis de vous annoncer une opportunité de stage enrichissante pour les étudiants en Master 2 en psychologie dans le cadre de notre projet de recherche intitulé "[Titre du Projet de Recherche]." Ce stage offre une expérience précieuse dans le domaine de la recherche qualitative et de l'étude des Violences entre Partenaires Intimes (VPI).

### **Détails du Stage :**

- Durée : maximum 300 heures – Septembre – Décembre (négociable)
- Rémunération : à négocier
- Responsabilités : Les stagiaires auront l'occasion de co-animer des groupes de discussion, d'assister à des séances psychologiques et de contribuer à l'analyse des données qualitatives collectées auprès des groupes de discussion.

### **Description du Projet :**

Le projet de recherche vise à explorer les constructions sociales liées aux Violences entre Partenaires Intimes (VPI) et la manière dont l'expérience de chaque participant a été vécue personnellement, culturellement et dans la société. En tant que stagiaire, vous jouerez un rôle essentiel en aidant l'équipe de recherche à mener des groupes de discussion, à soutenir les séances psychologiques et à contribuer à l'analyse des données.

### **Exigences :**

- Être inscrit(e) dans un programme de Master 2 en Psychologie ou dans des domaines connexes.
- Intérêt pour les méthodologies de recherche qualitative et les sujets liés aux VPI.
- La maîtrise de l'anglais et du français est préférable.

**Avantages du Stage :**

- Expérience pratique dans la conduite de groupes de discussion et de recherches qualitatives.
- Exposition aux applications du domaine de la psychologie dans le contexte de la recherche sur les VPI.
- Opportunités de mentorat et de conseils de chercheurs expérimentés dans le domaine.

**Comment Postuler :**

Si vous êtes intéressé(e) par cette opportunité de stage, veuillez soumettre votre candidature à [Coordonnées]. Votre candidature devra inclure :

- Un mail exprimant votre intérêt pour le stage et vos qualifications pertinentes.
- Un CV actuel détaillant votre parcours académique et toute expérience pertinente.
- Tout autre document de soutien que vous jugez pertinent.

**Date limite de Candidature :**

La date limite de candidature est le **[Date limite]**. Les candidats présélectionnés seront contactés pour un entretien peu de temps après la date limite.

Nous vous encourageons à saisir cette opportunité de contribuer à une recherche significative dans le domaine de la psychologie et des VPI. Ce stage vous offrira des expériences et des connaissances précieuses qui enrichiront votre parcours académique et professionnel.

Si vous avez des questions ou avez besoin de plus d'informations, n'hésitez pas à nous contacter à [bugandwa.deogratias@collectifdesfemmes.be](mailto:bugandwa.deogratias@collectifdesfemmes.be) .

Cordialement,

[bugandwa.deogratias@collectifdesfemmes.be](mailto:bugandwa.deogratias@collectifdesfemmes.be)