

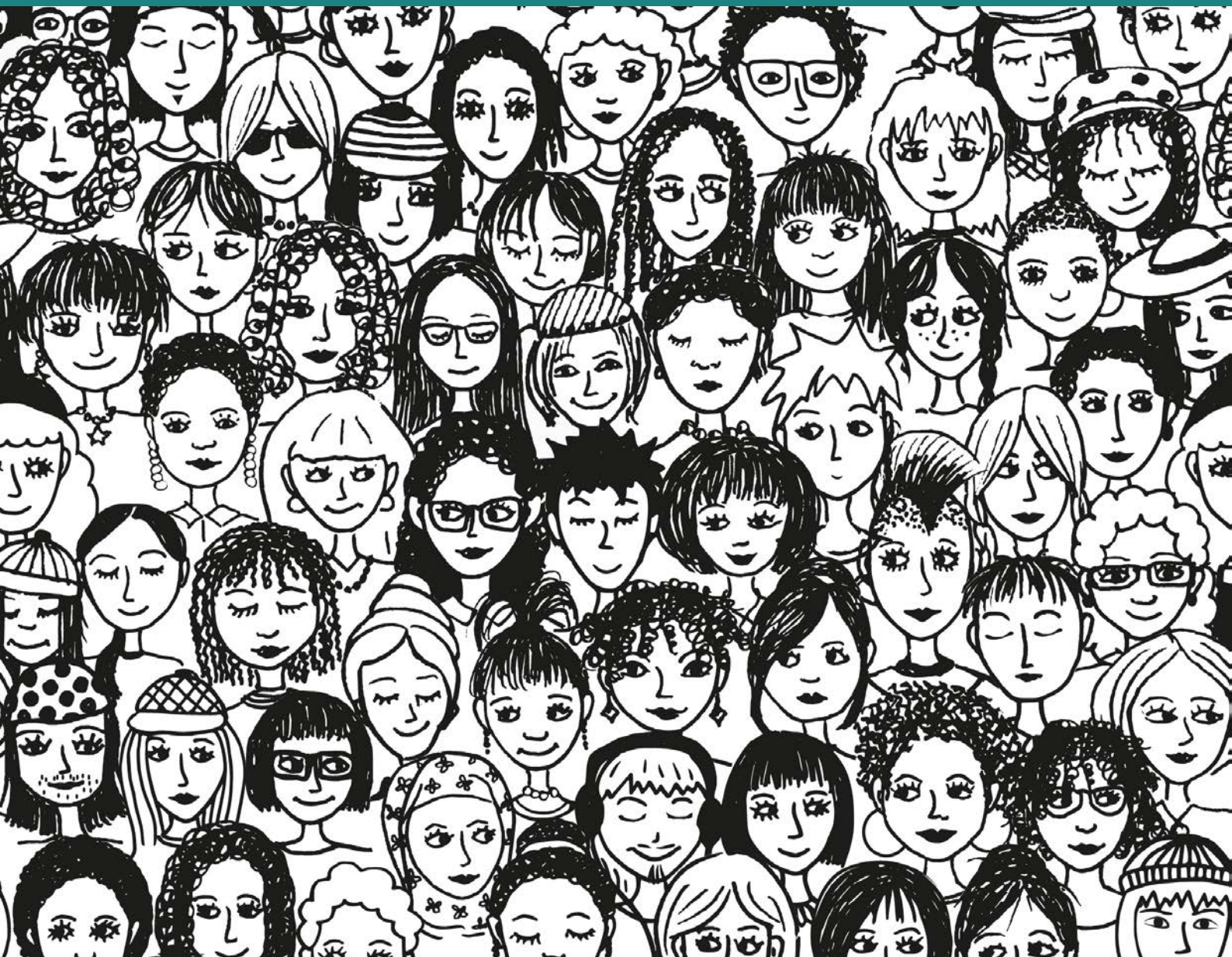


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My Voice - My rights:

Young, marginalised
and empowered by the law



The IARS International Institute

IARS PUBLICATIONS

14 Dock Offices, London, SE16 2XU, United Kingdom

+44(0) 207064 4380, contact@iars.org.uk www.iars.org.uk

The IARS International Institute is a leading, international think-tank with a charitable mission to give everyone a chance to forge a safer, fairer and more inclusive society. IARS achieves its mission by producing evidence-based solutions to current social problems, sharing best practice and by supporting young people to shape decision making. IARS is an international expert in restorative justice, human rights and inclusion, citizenship and user-led research.

IARS' vision is a society where everyone is given a choice to actively participate in social problem solving. The organisation is known for its robust, independent evidence-based approach to solving current social problems, and is considered to be a pioneer in user-involvement and the application of user-led research methods.

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Authors

Mohannad Abusalah (*RAS Romanian Alumni Association*)

Mehrana Ahmadi (*RAS Romanian Alumni Association*)

Ioana Barbu (*RAS Romanian Alumni Association*)

Licia Boccaletti (*ANS - Anziani e non solo*)

Salvatore Milianta (*ANS - Anziani e non solo*)

Ioana Moldovan (*RAS Romanian Alumni Association*)

Anthoula Papadopoulou (*KISA Action for Equality, Support and Anti-racism*)

Natalia Paszkiewicz (*IARS International Institute*)

Emilia Piechowska (*SIP The Association for Legal Intervention*)

Romy Wakil (*KISA – Action for Equality, Support, Antiracism*)

Abused no More Partners



THE IARS INTERNATIONAL INSTITUTE
(PROJECT COORDINATOR) UNITED KINGDOM
www.iars.org.uk



STOWARZYSZENIE INTERWENCJI PRAWNEJ
POLAND
www.interwencjaprawna.pl



ACTION FOR EQUALITY, SUPPORT, ANTIRACISM
CYPRUS
www.kisa.org.cy



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ITALY
www.anzianienonsolo.it



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ROMANIA

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PREFACE

Dr Howard Williamson CVO CBE

Professor of European Youth Policy

University of South Wales

I am writing this brief Foreword just two weeks before the UK Referendum on membership of the European Union. The debate has heated up and has become peppered with misleading, mischievous and sometimes downright malicious political commentary on immigration. It would appear, from some accounts, that it is immigration that is fundamentally the root cause of, amongst other current social and economic pathologies, wage stagnation, pressures on public services, illegal behaviour and spiralling housing costs. Not the banks, not public policy, not private sector practices – just immigration. Migrants – usually classified as one homogenous group, rather than carefully distinguished and differentiated, except in terms of their coming (freely and uncontrolled) from the EU or (with more regulation) from further afield – have been increasingly vociferously and often viciously blamed. The UK needs to reclaim its borders and its sovereignty, so the Leave campaign has maintained.

Elsewhere in Europe, there have been different perspectives expressed about migration. An excellent analysis has depicted ‘illegal bodies on the move’¹, most young, escaping from poverty and conflict, in search of a better life. Formally, in terms of institutional declarations, conventions and protocols, they still have a ‘right to rights’ but are routinely denied them, subjected instead to a range of stigmatising and exclusionary practices.

I have also just returned from a symposium on (Un)Equal Europe? Responses of the Youth Sector, held in Budapest in June 2016 and organised by the Partnership between the European Union and the Council of Europe in the field of youth. As we know the ‘youth divide’ (as Gill Jones termed it in 2002²) has worsened over the past few decades, as well as the generational divide, with some young people being left far behind. And those furthest behind, who were given particular attention in the discussions at the symposium, were young refugees and asylum-seekers, in the context of European commitments to diversity and inclusion, celebrated most recently in the European Commission’s Inclusion and Diversity Strategy in the field of youth³.

Whatever the documentation that lays down principles and aspiration for a fairer Europe for all its young people, the sadness is, as the co-ordinator of the project reported in this text, ‘persistent inequalities, marginalisation and poverty continue to define their lives and future’. Abused no more is an initiative to strengthen the legal capacity to challenge the unfair discrimination against Europe’s most marginalised and vulnerable young people. This is the project’s first report, signposting the issues and its commitment to address them.

Of course, the ‘evidence base’ from the five participating countries (Italy, Cyprus, Poland, Romania and the UK – a good selection from the European mosaic) is very mixed, with often only rather limited literature on the type, prevalence and volume of discriminatory practices against vulnerable groups. Moreover, the project itself sought, quite rightly, to ‘focus down’ on specific forms of discrimination (gender based violence, for example). In contrast, however, for this Foreword, I want to ‘open up’ and point to the broader youth work framework that no doubt has implicitly informed this project but also needs to learn from it.

¹ See Pisani, M, (2016), “Illegal bodies” on the move – a critical look at forced migration towards social justice for young asylum-seekers, Perspectives on Youth [Healthy Europe: Confidence and Uncertainty for Young People in Contemporary Europe], pp.83-98

² Jones, G. (2002), The Youth Divide: diverging paths into adulthood, York: Joseph Rowntree Foundation

³ European Commission (2014), Inclusion and Diversity Strategy – in the field of youth, Brussels: European Commission

First, there is the methodology – asserting the criticality of building on the lived experience and perspectives of victimised young people themselves, within their particular local contexts and circumstances. Gender, culture, faith, social class, education and family background are both, as the report points out, barriers and opportunities. The report avoids any kind of deficit model of young people, despite the many categories and interlocking nature of disadvantage it considers; instead its launch pad is ‘starting from strengths’ – let young people define the challenges and point to the issues that demand attention, both to equip them with greater agency and capacity, and to develop better capacity in those organisations that are seeking to ‘meet their needs’.

Secondly, as I read the report, two clusters of ‘A’s sprang to mind. The first was from an old report on youth work in England⁴, but it captures some of the key ideas that emerge from this study:

- Association – so that vulnerable young people can come together to share their experiences
- Activities – ways of working that enable these young people to acquire legal literacy and capacity, thereby fomenting their ‘active citizenship’
- Autonomy – the important of providing safe spaces where they young people can feel in control of their lives
- Advice – the need for awareness and information
- Advocacy – people to work alongside, to support, advise and ‘represent’

And another set of ideas were those that I once scribbled on a table napkin to explain to a European Commissioner the journey that needs to be taken by more disadvantaged young people, one that is too often characterised by stops and starts, if it ever starts at all:

- Awareness – young people need to know what opportunities and possibilities exist: in this case, through human rights education and information
- Access – they need to have routes to these possibilities, and this report provides some ideas
- Action – something needs to happen: the report stresses the importance of not remaining passive in the face of discrimination, but acting on it, through, for example, training, education, social action and the exchange of good practice
- Accreditation – recognition that a process has been followed (in this report, the concern would be to do with quality assurance – the right focus, at the right time, in the right way)
- Advancement – somewhat contrived, I confess, but to do with young people moving forward in their lives with greater competence, confidence, certainty, and security.

Thirdly, the report resonates powerfully with the 2nd European Youth Work Declaration⁵. In short, this consolidates the idea that youth work is fundamentally about a twin role of both providing **spaces** for young people (to meet, discuss, reflect, plan, and consider their lives in the present) and helping to build **bridges** for young people (through support and advice, into the future). The Declaration identifies the twin challenge for youth work in the future lies in understanding and responding to ever broadening and deepening multiculturalism and making appropriate connections through new technologies and social media. All these ideas and issues thread through ‘My Voice – My Rights’.

I have always resisted policy proposals to focus non-formal education (youth work) solely on more excluded groups. It is a popular political idea. I have always argued the case for what one UK youth policy called a ‘universal service differentiated according to need’. Of course, all young people need to be alert to their rights and informed as to how to act on them if they are breached or threatened. But for many young people, this is rarely a pressing issue, either because their circumstances are relatively safe or because others are attentive to protecting their interests. This, sadly, is not the case for the groups of young people considered in this project. Their need for ‘legal capacity’ through ‘public legal education’ (which might also be called active citizenship education or, indeed, human rights education) is urgent and immediate, if their

⁴ Department of Education and Science (1982), *Experience and Participation: report of the review group on the youth service in England [The Thompson Report]*, London: Her Majesty’s Stationery Office

⁵ Declaration of the 2nd European Youth Work Convention: *Making a World of Difference*, Brussels, April 2015

subjugation and experience of violence and discrimination is to be curtailed and ended.

The report is but the first to emerge from this strategic partnership supported by the EU Erasmus + programme. It holds much promise. It is an exciting project at exactly the right time. As inequality in Europe worsens and the migration 'crisis' deepens, we need more creativity and initiative in supporting those young people who are most adversely affected by it.

Dr Howard Williamson CVO CBE

Professor of European Youth Policy

University of South Wales



FOREWORD

Mr. Antonio Silva Mendes Director for Youth and Sport at Directorate General for Education and Culture, European Commission

The recently published EU Youth Report 2015¹ showcased some alarming findings. Out of the nearly 90 million young people currently residing in Europe, 27 million are at risk of poverty or social exclusion with particular emphasis of young people with a migrant background are considerably more likely to be at risk of exclusion compared to their native-born peers (48% vs. 28%).

This generation of young people is better educated than ever but the crisis has created new divisions. The economic and societal changes of the recent past, namely the economic crisis, have contributed to an increasing divide in our societies and this goes, in particular, for young people with a disadvantaged background as they are most exposed to these developments. They, therefore, need more and more targeted support. At the European level, our policies and programmes aim at creating a positive environment which fosters the talents each young person has and enable them to realize their full potential. Lifting a young person out of the margins and bringing them back to the society is at the core of our policies as young people represent a great asset for our societies' future instead of a problem to be solved. Increased social inclusion is the answer we need to provide in order to progress while maintaining our social cohesiveness.

Social exclusion of young people is one of the biggest contemporary challenges Europe is facing. It is a multi-faceted issue and requires a multiple response. "Abuse no more", introduces the somewhat abandoned notion of legal literacy in our formal education systems, in a rather innovative way to prevent marginalisation and social exclusion. It aims at making marginalised young people aware of their rights and empowering them so that they can face injustices and discrimination in their everyday lives. Interestingly, the evidence based research suggests that legal literacy not only contributes to the individual's well-being but also to the societal one.

It is quite well understood that marginalisation of young people has several aspects and multiple responses which need to be combined in order to prevent it. The report highlights how law can contribute to that matter. Moreover, it gives us the opportunity to re-discover our legal systems and seek in there solutions but more importantly it makes us realize that individual rights are not merely a tool of preventing marginalisation but at the same time a reflection of our European values such as freedom, tolerance and non- discrimination. Re-exploring our roots and our common cultural heritage can indeed be an effective answer to the multiple crises Europe is facing.

Mr. Antonio Silva Mendes

Director for Youth and Sport at Directorate

General for Education and Culture, European Commission

¹ http://ec.europa.eu/youth/library/reports/youth-report-2015_en.pdf



NOTE FROM THE YOUTH ADVISORY BOARD

Faisal Kassim
Chair of the IARS YAB

The IARS International Institute's Youth Advisory Board welcomes the first report from the Erasmus+ funded '[Abused no More: Safeguarding Youth and Empowering Professionals](#)' project. We feel particularly privileged to have been given the opportunity to be actively involved and participate in such a much needed project for young people.

The need for legal literacy amongst young people is more immediate than ever, especially for young people from marginalised backgrounds that are more likely to face unfair treatment, discrimination and abuse. Over the last eight months, the Abused No More project worked in partnership with young people with the goal of identifying their specific needs in this area and addressing them in a youth-led and organic way.

Throughout this journey, the IARS Youth Advisory Board has strived to ensure that the voices of young people were represented and listened to throughout the project. As a team of 8 young people, from very diverse backgrounds but with a common commitment to creating a fairer and more inclusive future for ourselves and our peers, we worked alongside the partnership to bring to the project our personal experiences, thoughts and views as well as the views of our peers that we consulted with.

We worked in partnership with researchers, interns and volunteers to scrutinise the project's research objectives and the methods that were used to achieve these. We co-designed research tools including questionnaires and case studies in order to ensure that their content was youth-relevant and that the language used was appropriate in order to effectively engage young people.

The project itself created a platform for us to discuss discrimination in a broader context and reflect on our experiences and approaches in dealing with them. Our involvement represented a journey of learning and empowerment and we feel privileged and proud to present this report.

The IARS Youth Advisory Board is committed to continuing to lead on this project by playing an active role in the development and delivery of the skills development training material that will follow this report. We will strive to ensure that the project remains true to the real needs of migrant youth.

Faisal Kassim

Chair of the IARS International Institute's Youth Advisory Board

Youth Advisory Board





INTRODUCTION & ACKNOWLEDGEMENTS: Dr. Theo Gavrielides

Over the last year, Europe has seen the biggest refugee and migrant wave since World War II. According to the UN Refugee Council (UNHCR), just in 2015, over 1.1 million individuals arrived in the region mainly coming from Syria, Afghanistan and Iraq. At the time of writing, the rate of new arrivals is 60,000 per month (180,000 new refugees arrived since January 2016). 34% of them were children and it is estimated that over 50% of them were young people. The vast majority are women challenged not only by their visa status, but also by an intersection of barriers such as economic, cultural, language, disability and mental health. There is also evidence to suggest that this particular group is far more exposed to abuses at the individual and state level. In a difficult financial climate, their troubles often feature at the bottom of government agendas and public services.

Take the example of the 'Greek depression'. With a debt of over €323bn, it is said that hope has become as rare as gold for Greeks. Since 2011, over 20,000 Greeks became homeless while in 2015 the unemployment rate reached 26%. The well-known strong traditional Greek family structure and the values that underlie it came under strain, often unable to bear the burden of increasing numbers of unemployed and homeless relatives. Against this backdrop, just in the last 3 months, over 141,149 refugees arrived in Greece (over a million arrived in 2015). In a country of 11 million and with a youth unemployment rate at 60%, help for these young migrant and refugees and respect of their human rights became someone else's problem. Here at IARS, we have made it our problem!

As an international Institute that was originally set up by young people with a dream to inform and change policies and practices from the bottom up, IARS brought together a strong partnership from four other countries to run a new programme, focusing on some of the most marginalised youth groups of our European societies.

This e-book is written within the framework of this new 3 year youth-led programme titled '[Abused no More: Safeguarding Youth and Empowering Professionals](#)' (AnM) which is funded under the Erasmus + Key Action 2 for Youth. The project is delivered in partnership with four other countries and in particular Stowarzyszenie Interwencji Prawnej (Poland), Action for Equality, Support, Antiracism- KISA (Cyprus), Anziani e Non Solo (Italy), and the Romanian U.S. Alumni Association (Romania). The [IARS International Institute](#) is the coordinator. A dedicated website has also been set up with research, training and awareness raising material <http://www.abusednomore.org>

I have always believed that there are enough resources for everyone in modern Europe. Dorling noted: "It is an established fact that "we do have enough for everyone's needs as we know with some precision how many of us there are on the planet, and we have a good idea of how many of us there soon will be" (Dorling, 2011: 14). We also know that further increases in our wealth and resources will not necessarily bring us greater happiness, make us better and informed citizens, give us healthy lives or free our minds. The world, and this includes Europe, does have enough for everyone's needs, but not for our greed. I have argued elsewhere (Gavrielides, 2012) that greed is the primary reason for inequality, community tensions and crime including the collapse of the human rights project. (Gavrielides, 2015)

It is true that when it comes to the European Union, we do not all agree about its purpose, value and indeed future. In fact, at the time of writing, the UK is waiting for the results of a referendum that will determine its future EU membership. However, I am yet to meet at least one European who would disagree with the original vision of the EU for building a regional democracy where all individuals would enjoy equal access to basic

rights and freedoms. To this end, we use the lever of the law in the hope that through regional conventions and social policies we can create a baseline of minimum standards that everyone must respect. Of course, there has been some progress in achieving this objective, but for some groups, persistent inequalities, marginalisation and poverty continue to define their lives and future.

It is a privilege and indeed an honour to be acting as the co-ordinator of the AnM project which started in September 2015. AnM aims to increase the legal capacity in the areas of gender-based discrimination, exclusion and abuse against some of the most marginalised youth groups and in particular those who tend to be disadvantaged due to their gender and cultural differences (e.g. immigrants, refugees, descendants from immigrant families) and other social obstacles e.g. sexual orientation and ethnicity.

Inspired and motivated by the priorities of the EU Youth Strategy, the AnM project brings together young people and professionals to establish a cross-sector, transnational strategic partnership in order to design and implement innovative practices and come up with a set of reference documents (online & in print) that will empower marginalised youth and increase the capacity of service providers, notably in the areas of integration, equity and inclusion, gender-based abuse and discrimination.

Focusing on the Europe 2020 Strategy, AnM aims to foster, migrant integration, social equity and inclusion through a two-tier approach i.e. by empowering and involving directly marginalised youth in its delivery, while at the same time increasing the capacity of organisations servicing them. In line with the provisions of the Lisbon Treaty to “encourage the participation of young people in democratic life in Europe”, through non-formal learning activities and the development of an evidence-based training programme, AnM will promote innovation, exchange of experience and know-how between different types of organisations providing services to youth with fewer opportunities.

[The IARS International Institute](#) is committed to producing only evidence-based outputs that are informed by the lived experiences of those whose lives we aim to improve. This e-book represents our first attempt to create an evidence base before we proceed with the designing and piloting of the tools that will empower our target audiences for AnM. When we set out to understand the concept of young people’s legal capability, we were clear about what we could not do, or were simply not interesting in doing. Sterile data collection that helps develop theoretical models for academia and other commentators was not our aim. Through genuine, youth-led, in-depth research, we aimed to explore what a group of marginalised young people think about the issue, in the hope that this new knowledge will help us formulate evidence-based recommendations for our intended educational tools as well as for informing policy and practice. I have argued elsewhere that robust research by professionals is often hampered by the inability to relate with the sample. From our long experience in youth policy, even the most skilled researcher might fail to collect data from young people if the right language and attitude is not adopted. At IARS, we share the belief that this kind of research is best done by young people themselves. We were fortunate to be able to transfer this belief to our partners who also adopted a youth led research methodology for their findings. We consider this to be one of the key contributions of this e-book, which we hope will start a constructive debate in this under-researched and under-developed area.

Through this e-book, we confirm the timeliness and pertinence of our project. Our research has highlighted significant gaps in the ability of Europeans to understand their basic rights and the justice process. Marginalised youth tend to be mostly affected by these gaps as evidence suggest that they can result in entrenched social exclusion and increased risk of rights’ violations and discrimination. At present, school education in the law and basic rights that would allow young people to lead their lives equally in modern European societies is almost non-existent. For example, in the UK, there is limited legal education through the Citizenship Curriculum which due to budgetary cuts is now being reduced further.

However, research supports that when people are given basic legal literacy to deal with everyday situations not only they stand a better chance in society, but also avoid consuming public services unnecessarily (IARS, 2010). The question of what make us legally literate becomes particularly timely in the current financial climate where more and more young people are struggling to cope, and the demand for legal advice is

ever increasing. For young people, a legal problem – let that be crime or debt related, domestic violence or employment – will have a bigger impact. Starting out in life presents young people with enormous new challenges. Marginalised youth are even less likely to receive help or want to engage with the system and what is available to the mainstream population.

Evidence also suggests a lack of coordinated support and knowledge-sharing on effective mechanisms to improve learning and information that encompasses the full range of capabilities that individuals need to demand fundamental rights, especially the needs of vulnerable and minority groups. However, communicating law related information to marginalised youth and those servicing them through formal education or training is not an easy task. International projects (e.g. Street Law, PLENET, Youth Empowerment Project) have shown that to achieve legal literacy, education must be carried out organically, informally, flexibly and in a youth-led fashion.

I am grateful to the project teams of IARS (Andriana Ntziadima, Natalia Paszkiewicz and Hatixhe Demushi), Anziani e non Solo (Licia Boccaletti, Salvatore Milianta, Elena Mattioli, Rita Seneca and Federica Mazzocchi), KISA (Doros Polykarpou, Anthoula Papadopoulou and Romy Wakil), SIP (Emilia Piechowska, Witold Klaus and Aleksandra Chrzanowska) and the US Romania Alumni Association (Ioana Barbu and Ioana Moldovan). Many thanks also go to all those who participated in the fieldwork, the young people and the professionals. Our project would not be as unique without the involvement and scrutiny of our standing [Youth Advisory Board](#). Finally, many thanks to our funder Erasmus + and the staff team of the UK National Agency.

Dr. Theo Gavrielides, June, 2016

Founder & Director, The IARS International Institute

EU Programme Coordinator, Abused no More

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Executive Summary: Comparative findings from the UK, Poland, Italy, Romania and Cyprus

1. Background

This is the executive summary of the five national reports that we produced as part of the Erasmus KA2 funded **Abused no More** (AnM) project. The reports were written by the partners in their local languages covering Italy, Cyprus, Poland, Romania and the UK. AnM is an EU funded 3-year programme that started in September 2015 and which aims to create, support, develop and serve strategic partnerships in the area of youth-led training, educational and awareness raising activities that will allow better integration of marginalised youth, particularly those from migrant groups, and with an emphasis on gender based violence.

AnM is youth-led, and IARS Youth Advisory Group is being consulted at every stage of the programme. YAB is a team of young volunteers aged 15 – 25 from different backgrounds who are aware of the problems facing young people in today's society, and who are interested in an opportunity to do something positive about these issues. This is the comparative executive summary of the five national reports.

Our partnership believes that in Europe, a gap is identified in the field of training, education and youth that could be filled through the free dissemination of a youth-led programme for educational/training providers and young people with the aim of increasing their legal capability. This e-book will help to bridge this gap. It provides the evidence base for the construction of material that will increase the legal capacity in the areas of gender-based discrimination, exclusion and abuse against some of the most marginalised youth groups and in particular those who tend to be disadvantaged due to their gender and cultural differences (e.g. immigrants, refugees, descendants from immigrant families) and other social obstacles e.g. sexual orientation and ethnicity.

The objective of this research report is three-fold. Firstly, it aims to assess the legal literacy of marginalised youth at risk of social exclusion in the UK, Italy, Cyprus, Poland and Romania in relation to multiple and intersectional discrimination. Particular emphasis was put on different types of abuse faced by young migrant women. Secondly, it seeks to identify the gaps in existing services in relation to anti-discrimination and training needs of young marginalised people in order to inform the development of a youth-led evidence-based training programme for marginalised youth and service providers. Thirdly, it aims to promote youth empowerment by providing marginalised youth with an opportunity to take a leadership role in the design and implementation of the research and to inform the design of a training programme that meets their immediate needs with regard to discrimination.

2. Methodology

All national reports were written by adopting the same research methodology. Following an inception meeting, a project steering group was created to agree the shared research hypothesis and how this would be tested at a national and European levels. It was agreed that all partners will carry out their research using local resources and languages while paying attention to the Europe wide dimension and implications of the project. Therefore, everyone first completed a thorough literature review by accessing sources in their own languages. It was important that the issue at hand is first understood within the local context. Subsequently, the partners were able to describe the current state of the art and proceed with an identification of current

gaps and key research questions that had to be explored through primary research. When considering the research strategy of the project, qualitative research was thought to be the most appropriate method. It was not the intention of the research to paint a quantitative picture of young peoples' legal capability. If such a study was ever possible, it would require an incredible amount of resources and time. Figure 1 presents the stages that were adopted for producing this e-book.



According to Miles and Huberman (1994: 41), qualitative research can “persuade through rich depiction and strategic comparison across cases, overcoming the abstraction inherent in quantitative studies”. The qualitative approach also demanded that an adequate level of freedom was left to the respondents, allowing them to discuss and think at length and in their own terms about issues that are important to them and are related to the discussed topic. This could not have been achieved through the application of a quantitative design mainly because this would have approached the investigated matters not through the examination of the substance of the sample’s responses but of variables (Punch 2003). In addition, the small-scale project had to allow the possibility of issues emerging spontaneously from the data without being forced through fixed theoretical frames. Although the questions were intended to follow up the preliminary data from the literature, they merely aimed at stimulating imagination, providing an opportunity of identifying the sample’s thoughts, images, hopes, and fears.

The research design aimed to combine various qualitative methods with a view to ensuring that the results were as accurate as possible. The research adopted the ‘non-probability sampling’ methodology and the rules governing ‘convenience sampling’ more specifically. Therefore, it was essential that the limitations surrounding this approach were acknowledged. Bryman (2004), for instance, warns that the generated data cannot be used as the only basis for generalised conclusions. The yielded information, he said, “will only provide an insight into the sample’s views and attitudes towards the discussed topics” (ibid: 100). However, concerns about external validity and the ability to generalize do not loom as large within a qualitative research strategy as they do in quantitative research¹.

Figure 1: Research Methodology

According to Shaw (1999), studies that are carried out with non-probability sampling are not interested in working out what proportion of the population gives a particular response, but rather in obtaining an idea of the range of responses regarding ideas that people have. More importantly, according to Shipman (1997), the dangers inherent in any generalisation of data derived from the responses of a non-probability sample will be minimised if analysed in conjunction with evidence from the extant literature. To achieve this, a ‘triangulation’ of the collected information will have to be attempted (Bryman 2004; Shipman 1997). According to Bryman (2004: 454), triangulation is the process whereby, “the results of an investigation employing a method associated with one research strategy (e.g. questionnaires) are cross-checked against the results of using a method associated with another research strategy (e.g. interviews)”². Accepting that the survey’s data derived from personal perceptions and did not constitute universal truths, the project employed triangulation to mitigate the limitations of its sampling methodology.

Each national project was left to apply the most appropriate qualitative research tools. Table 1 summarises the tools that were applied as well as the sample that was reached.

¹ In qualitative research, the orientation to sampling is more likely to be guided by a preference for theoretical sampling than with the kind of statistical sampling. Bryman (2004: 102) concludes that “There is a much better fit between convenience sampling and the theoretical sampling strategy of qualitative research”.

² In terms of what is achieved through triangulation, Guion (2002: 1) explains that this “is a method used by qualitative researchers to check and establish ‘validity’ in their studies”. ‘Validity’ in qualitative research relates to whether the findings of a study are ‘true’ and ‘certain’(ibid). Guion (2002: 1) suggests that ‘true’ should be interpreted to mean “findings accurately reflecting the real situation”, while ‘certain’ could be read to mean “findings being backed by evidence” (i.e. the weight of evidence supports the conclusions). Deacon et al (1998:47) said that “Increasingly, triangulation is also being used as a process of cross-checking findings deriving from both quantitative and qualitative research”.

COUNTRY/ ORGANISATION	METHODOLOGY	SAMPLE
UK The IARS International Institute	4 in-depth interviews	4 young people
	4 in-depth interviews	4 professionals – service providers
Italy ANS	3 in-depth interviews	3 professionals – service providers
	1 focus group	14 young people
	2 in-depth interviews	2 young people
Romania Romanian US Alumni Association	12 in-depth, vignettes based interviews	12 young people of migrant and refugee background
	2 focus groups	8 organisations (service providers)
Poland SIP	4 group interviews (4 schools)	30 young people
	4 In-depth interviews	4 professionals – educators
Cyprus KISA	2 focus groups	4 young people
	1 case study	1 young person
	10 in-depth interviews	10 young people
	2 follow up focus groups	3 and 4, total 7 young people

Table 1: Research tools and sample size

3. Defining “public legal education”

Although the term ‘legal capability’ is not in our everyday vocabulary, and this is especially true for young people, it refers to the basic ingredients that make an active citizen who is able to fully participate in everyday life. Being legally capable simply means to be able to perform our role as equal members of society while being aware of our basic rights and responsibilities. It is not about complex legal concepts; it is about empowerment and proper education. That is why our partnership wanted to explore public legal education (PLE) as a tool for empowering some of the most marginalised youth in our societies.

This reports shows that PLE, and to a wider extent, legal capability, currently have limited research and policy development. As a result, there are few available and relevant documents for review. This relates not only to the English speaking sources that we reviewed but also documents written in Italian, Romanian, Polish and Greek.

In 2007, the UK PLEAS Task Force, provided a working definition for PLE: *“PLE provides people with awareness, knowledge and understanding of rights and legal issues, together with the confidence and skills they need to deal with disputes and gain access to justice. Equally important, it helps people recognise when they may need support, what sort of advice is available, and how to go about getting it ... PLE has a further key role in helping citizens to better understand daily life issues, making better decisions and anticipating and avoiding problems”* (PLEAS Task Force, 2007:9)

This definition incorporates the basic idea of using various educational methods to make people more capable to deal with law-related issues by ‘up-skilling’ or ‘capacity-building’ them. PLE is therefore the mechanism through which people’s capacity to deal with law-related issues is improved. PLE can be seen as part of a wider goal to achieve social justice by providing people with the ability to access justice. It has been consistently argued that there can be no substitute for a well- resourced legal aid system. “Public funding of legal services should be a central government priority because they ‘provide an important counterbalance to the evident

inequalities in society', and thereby help to secure equal access to justice for all'" (Wallach, 1992). Thus, the idea of improving people's legal capability is a fundamental goal of PLE.

There is a wide variety of PLE activities, with no one right or definitive method. Examples include: campaigns, leaflets or a pack, a training course, classroom teaching, a theatre production, a TV programme, a mentoring scheme, a website, and. Although not a comprehensive assessment, PLE activities can be categorised into three types. Firstly, there is the provision of information. This normally takes the form of generic and targeted leaflets on different problems with a legal element, from understanding a tenancy agreement, to human rights, or how the court system works. Information can be distributed either in paper form or via dedicated websites. Information is therefore freely available but "requires a reasonable level of literacy in English and demands intellectual motivation (Ardill, 2002:2). Secondly, there are community-based approaches, which are mostly led by the civil society, and include outreach courses covering basic legal rights. Provision of this sort of PLE is often patchy and difficult to sustain due to funding constraints. Thirdly, there are self-help activities or projects which aim to equip people with the skills to deal with problems with a legal element by themselves. This approach can come in a number of forms. There are off-the-shelf packs on legal issues such as drafting a will, to intensive projects that work with people to ensure they have the necessary abilities to manage their own legal issues. The issues that PLE activities seek to address can be incredibly varied and "are not abstract 'legal problems'. They are not problems familiar only to lawyers or discussed in tribunals and civil courts, they are for the most part the problems of 'everyday life'" (Pleasance, 2006:1).

4. Key comparative findings

- The intersection of race and gender inequalities means that young minority ethnic women are a particularly marginalised group in European societies. The mental and physical health problems often associated with forms of gender-related persecution also means that the needs of ethnic minority women are often multiple and complex. Therefore, increasing legal literacy of these young women as a core social and social skill in Europe is of paramount importance and a gap that is yet to be addressed in the field of education, training and youth. Furthermore, capacity-building organisations and service providers working with them can help achieve the KA2 Erasmus + objectives by bringing positive and long-lasting effects not only on the participating organisations and countries, but also on EU-wide polices and youth service providers.
- There is a knowledge gap in relation to youth empowerment through public legal education for socially excluded groups of migrant background, especially young women, and models of community-led approaches to combating gender-based violence.
- Young people, particularly those who are aged 16-25 and who suffer from multiple disadvantages, are some of the most excluded people in society. They would seem more likely to suffer from the negative effects of unresolved legal problems. The young people who participated in the research reported having more than one legal problem, and those who are "socially isolated" were far more likely to suffer more problems.
- It has been suggested that "many young people fail to respond to law-related events, but even when they do, they may not achieve favourable outcomes. Those without any academic qualifications were more likely to report that they did not know their legal rights and legal processes
- It is apparent from the literature that the burden of unresolved legal problems falls more heavily on the socially excluded "who are less likely than the average citizen to take any action or seek help with their problems" (Robins, 2007).
- Young people and especially women, especially migrants who come as dependents, should be given appropriate training and awareness service which would help them to build on their legal capacities when

they face abuse and threats of divorce by husbands and other family members in the family.

- Integration requires more than simply knowledge of local language. Public legal education should provide young people with hard and soft skills needed to develop their confidence, fulfil their potential and participate more in the society.

- Any support in the form of empowerment must be tailored to the target's real lives and challenges. Top down educational material will most likely fail to achieve their objectives. Youth led models of empowerment and education have more chances in reaching young people particularly those from marginalised groups (including migrant women). Anti-discriminatory actions should be based on working with students' attitudes and appeal to their own emotions. Should be focused on, not so much passing on knowledge but on teaching students empathy and compassion. Should help in understanding what feelings accompany a discriminated person.

- So far, the focus has been on understanding the phenomenon, less has been done in order to put young people in the condition to react in case they are victims or witnesses of discrimination, know how to seek for help or what can be done to remove the inequality.

- Despite the law acknowledges their civil rights, young migrants are exposed to multiple and intersectional discrimination in employment, housing, education, institutional and family contexts.

- Considering the important role of NGOs and informal networks within migrant communities, greater use could be made of these structures to provide legal information and education to marginalized migrant youth because of their, credibility, commitment, language ability, and cost-effectiveness. Thus, it is recommended to build their capacity to recognize and tackle discrimination-related issues, including GBV in a gender and cultural sensitive way.

The United Kingdom



1. Key objective of the country report

The report investigates the UK context, and has a particular angle given the country's long history of migration, and a well-established presence of Black, Asian and Minority Ethnic (BAME) groups. Consequently, it examines key concepts such as gender-based violence (GBV) including Female Genital Mutilation (FGM), forced marriage and other Harmful Traditional Practices such as honour-based violence (HBV); public legal education; discrimination and gaps in service provision for BAME women fleeing sexual violence. The three main forms of VAWG that we are focusing on all disproportionately affect young women and girls. Young age adds up to further vulnerability of women who are at risk of violence and abuse.

2. Methodology

A qualitative methodology was chosen to carry out this piece of research because the aim of the project is to explore and begin mapping a relatively new topic. Following a thorough literature review, it was decided that face-to-face vignettes-based interviews with young people would allow for an in-depth and frank discussion of the issues. The scenarios examined differing degrees a young person's knowledge, skills and attitudes to resolve the issue. The vignettes are not designed to be interpreted as having either 'right' or 'wrong' answers, but rather to illicit their thinking process and whether a deficiency in one domain would impact upon another and overall legal capability. They describe different forms of violence against women and girls. We carried out four in depth interviews with four young women of minority ethnic backgrounds and four in depth interviews with female practitioners who work with young women affected by sexual violence.

3. Findings from the literature review

The literature review concludes that there is a knowledge gap in relation to empowerment through public legal education for socially excluded youth of migrant background (both first and second generation), especially young women, and models of community-led approaches to combating gender based violence. Furthermore, and crucially, this lack of knowledge may prevent effective services and policies from being developed. The mental and physical health problems often associated with forms of gender-related persecution also mean that the needs of ethnic minority women are often multiple and complex. Better knowledge of rights and legal issues can be particularly empowering for young women of migrant background, enabling them to take more control over their lives, deal with their problems, including gender-based violence, and get involved in shaping the decisions that affect them. Lack of legal capability creates barriers to effective access to justice and leaves those women to suffer in silence.

Furthermore, the literature review demonstrates that there is a growing body of literature that explores violence against women and girls, including abuse of women from migrant and ethnic minority backgrounds. Relatively new forms of sexual violence such as gang initiations involving young girls in the inner city context and abuse in teenage relationships, including physical abuse of boys by girls, remain under researched.

Moreover, public legal education is not sufficiently covered, and there is no evidence of the existence of public legal education aimed at young migrant women and tackling gender based violence. In our fieldwork we therefore focused on constructing a public legal education model that would reflect the needs of migrant youth, especially young women who may be facing gender-related abuse. We identified life skills and social competences that can be acquired through provision of gender and culturally sensitive public legal education, and ultimately, determined forms of support that young people need in order to reclaim their rights and tackle gender based violence in their communities.

4. Findings from the fieldwork

With regards to the fieldwork, the young women who participated in the research demonstrated a good level of understanding of gender-based violence, its legal context and services available, but were not aware of the concept of public legal education. Instead, they referred to “awareness raising campaigns”, “training”, “workshops”. This was also the case with the professionals who were more concerned about limited services rather than lack of information about them. They pointed out to funding cuts affecting women’s services as well as legal aid cuts, and an urgent need for culturally and linguistically specific targeted services which include consultations and creating awareness through campaigns led by experts by experience. The young women we interviewed were deeply dissatisfied with the inadequate level of service provision and the generally punitive approach of the state in relation to gender based violence in BAME communities. They raised the problem discussed in the literature review, namely that the services do not provide a real long term solution for women fleeing abusive relationships; as a consequence, women go back to their violent partners.

When discussing the vignettes, young women were emphasizing the role of school staff, and expressed mistrust of the police force, that reflects the findings from literature review. Both young women and professionals mentioned that in their experience police tend to respond in an ad hoc way, on one hand pressing charges when there is no need to do so, and on the other, not following up serious cases when a woman’s life is in danger. In general, young women favoured community-based approaches, such as compulsory orientation programmes for parents, awareness raising campaigns led by experts by experience in community centres, schools and town halls.

A common thread which runs through this report is the notion that gender, culture, religion, class, education and family background can all serve as both barriers and opportunities. Limited social networks, lack of information and a variety of other integration challenges arose as the main obstacles for newly arrived migrant women, rather than their cultural background per se.

As mentioned earlier, the young women who were interviewed for this project already have a good level of understanding of their rights and services available to them but voices of those women who are not active in the public sphere unfortunately remain silenced. There is a greater need for more work to reach out to migrant communities with households in which women remain constantly in the home.

5. Key Recommendations

- Young people and especially women, especially migrants who come as dependents, should be given appropriate training and awareness service which would help them to build on their legal capacities when they face abuse and threats of divorce by husbands and other family members in the family.
- Parallel legal systems including Sharia courts must be banned and one secular law should be applied to deal with cases of abuse, gendered violence and discriminations against women.
- One of the ways to ensure age sensitivity of strategies and services is to appoint advocates/ case work-

ers, counsellors and outreach workers of different age who could engage in and understand young survivors. It is essential to cover age gaps between the case worker/counsellor and the victim.

- There should be specialist information centres set up which would provide information in relation to legal support, counselling and services to victims of VAWG, including FGM.
- There is a need for more free helplines staffed by specialists on different forms of GBV.
- The role of community centres in providing advice and support needs greater recognition, and better efforts need to be made not only to protect them from funding cuts, but also to invest more in those offering innovative integration initiatives for young migrant women, including provision of public legal education.
- A concerted effort between different local authorities is needed in creating safe spaces for women.
- Integration requires more than simply knowledge of local language. Public legal education should provide young women with hard and soft skills needed to develop their confidence, fulfil their potential and participate more in the society.
- Any support in the form of empowerment must be tailored to the target's real lives and challenges. Top down educational material will most likely fail to achieve their objectives. Youth led models of empowerment and education have more chances in reaching young people particularly those from marginalised groups (including migrant women).



1. Key objective of the report

The Erasmus+ - Youth programme aims to support the participation to European democratic life of youth, including the most marginalized ones. Active citizenship implies being able to know and enjoy own rights and discrimination is one of the most important obstacles to be removed to reach this aim. Discrimination is also very often the fertile ground leading to abuse and mistreatment. Accordingly, marginalized young persons – particularly girls – can be often affected by multiple forms of discrimination when trying to exercise and fulfil their social, economic and personal rights and ultimately live their life as European citizens to all intents. Therefore, the aim of the Italian research was to identify and describe, through a literature review and fieldwork, the context of legislations and services against discrimination in Italy, the discriminations which are more specifically associated with young age and the training needs of young persons concerning discriminations.

2. Methodology

First, a literature review was conducted in Italian and English with the purpose to get a state of the art of research and practice concerning different forms of discriminations and their impact on youth in the Italian context. We used Google Scholar, Researchgate and the internet in general using as key word: “discrimination” in combination with “gender-based”, “racial”, “religious”, “for sexual orientation”, “LGBT”, “age”, “disability” and in combination with “youth”. As mentioned, these terms have been searched in Italian and in English together with the word “Italy”. We included all articles, book chapters and reports referring to Italian data which included a stratification based on age (and, whenever possible, gender) while we excluded those referring exclusively to foreign experiences or researches referring in general to discrimination. 17 relevant documents were found and examined. We also consulted the legal database Pluris – Wolters Kluver for the precedents review, searching as key-words “discriminatory”, “illicit”, “unlawful”, “equality” and “age” in Italian..

As far as the field work was concerned, we interviewed three stakeholders (dealing with discrimination in a LGBT association, in a trade-union and in a public service) with the aim to investigate their experiences on (multiple) discrimination involving young persons and asking them to report cases or specific training initiatives they were aware of. We also organized a focus group with 14 youth (4 male and 14 female) aged 13-23 and 2 individual interviews (one boy aged 16 and 1 girl aged 18) using a scenario-based methodology. Three real cases of multiple discrimination were presented and participants were asked to identify them and to guess how these discriminations could be removed or addressed.

3. Findings from the literature review

The literature review has shown that in Italy there are certainly forms of discrimination specifically involving younger persons, either for:

- their context: schools are often a setting of discrimination, particularly for that related with sexual orientation (69% of LGBTs have declared that they disguised their sexual orientation before the age of 18 because of the hostile context they perceived in school) and bullying, especially that based on physical appearance (50% of students declare they have been victim of bullying at least once in the last 12 month);
- their relation with that phase of life-course: many researches show that segregations based on gender and racial origin are frequent in the scholastic context. Vocational high schools are predominantly attended by pupils of migrant origin, in spite of their attainment in the previous educational cycle. This is mainly ascribed by a discriminatory counselling provided to children and parents from migrant families when it comes to choose the secondary school. This form of discrimination is considered particularly severe because of its potential impact on the transition to upper education and work;
- because the young age contributes to disguise other forms of discrimination (for example, multiple discriminations in working contexts linking age, gender and racial origin are more difficult to detect in the current context of widespread youth unemployment).

From the gender point of view, it's interesting to see that young men are in many cases more discriminated than young women. On the other hand, it should also be mentioned that girls from the younger age group (16-24) are – according to statistics – most frequently victims of sexual violence.

In Italy, there are specific legislations protecting from gender-based and racial discrimination in all contexts, and from all forms of discrimination in the working context. On the other hand, multiple/intersectional discriminations are not mentioned in the Italian legislation.

From the point of view of services and practices, in Italy we have a national office against racial discrimination – UNAR (that, in spite of the name, intervenes on all forms of discrimination); several support services promoted by NGOs, associations and trade-unions; state-funded hotlines on specific forms of discrimination and abuse (trafficking, gender-based violence and discrimination) and in every Province public authorities (named Equality Counsellors) to protect from inequalities in the working domain. As far as education on this topic is concerned, the Government promotes and finances annuals “Weeks against discrimination and racism” where schools can organize awareness rising initiatives. Moreover, according to the recently approved plan against gender-based violence, schools have to integrate the topic of equal opportunities and antidiscrimination within their standard educational offer.

4. Findings from the fieldwork

The fieldwork had the aim to explore the training needs of young persons on the topic of discrimination, involving both professionals and youth themselves. As far as professionals are concerned, the key finding from their interviews was a general under-reporting of discrimination episodes by youth, both as victims or witness of discriminatory practices. There is a general fear to report, but also a lack of awareness about what can be practically done to remove discriminations. Another important outcome underlined by one of the experts was that while young persons are rather able to identify when they are victims of discrimination, it more difficult for them to realize when they are themselves perpetrators of discriminatory practices towards other persons.

As far as youth are concerned, as mentioned they were asked to analyse case-scenarios of discrimination and engaged in a discussion about the types of discrimination described and how the discriminatory practice could be removed. Participants were able to detect the majority of discriminations depicted in the vignettes, indicating that young persons are nowadays often aware and sensitive concerning the topic of discrimination probably thanks to the many initiatives promoted in schools and in informal educational contexts. This could be read as a success of public efforts aimed to raise attention, especially on gender-based and racial discrimination. As mentioned, other forms of unequal treatment were harder to find out, as less commonly

studied. Among them age discrimination was certainly the more difficult to identify for them.

On the other hand, young people seem to have little knowledge about how to react when they face discriminatory situations as they are unaware of available support services, legislation and options to remove the discrimination encountered. A common feedback was that *“it’s unfair but there is nothing that can be done”*.

5. Key recommendations

There is certainly a lack of studies focusing on discrimination towards young persons in Italy. The majority of available research and surveys do not differentiate among age groups and often also not on the base of gender, making it difficult to understand how these variables intersects. Therefore, it would be important to always include age (and gender) as a variable in studies. Nevertheless, in spite of the limited data available, it’s clear that there are forms of discrimination that are more frequent among youth, either for the context where they happen (such as bullying in schools), or because they are linked to that specific life-stage (such as discriminatory educational and professional guidance). These results strengthen the idea that the phenomenon has to be further explored and dedicated intervention strategies should be developed.

As far as precedents are concerned, we were only available to find a few referring to young persons as victims of discrimination, thus confirming the under reporting and the lack of recourse to the judicial system to remove the discrimination by youth. Reporting of discriminatory practices by youth should therefore be encouraged.

Moreover, our research has shown that there are forms of discrimination which have been neglected but would deserve attention because they are emerging (such as religious discrimination), more difficult to challenge (institutional discrimination) or particularly relevant for our target group (like age discrimination). It would therefore be advisable to dedicate specific attention to these forms.

If it’s true that in the last year, significant steps forward have been taken on awareness rising and that schools and informal education context are now aware of the need to train students on this topic, our research has shown that there is still room for improvement. Indeed, while so far the focus has been on understanding the phenomenon, less has been done in order to put young people in the condition to react in case they are victims or witnesses of discrimination, know how to seek for help or what can be done to remove the inequality. It seems therefore necessary to make an effort to empower young persons and to make them aware of the importance of not remaining passive in front of a discrimination, but also providing them with practical knowledge and with concrete references at local level to get support and guidance.



1. Key objective of the report

In Romania, there is a dearth of research and knowledge on young migrant youth affected by multiple and intersectional discrimination, and particularly young women subject to gender discrimination. The objective of this research report is three-fold. Firstly, it aims to assess the legal literacy of migrant youth at risk of social exclusion in Romania in relation to multiple and intersectional discrimination. Particular emphasis was put on GBD faced by young migrant women in various contexts including, access to the labour market, education, health services, housing, and family life. Secondly, it seeks to identify the gaps in existing services in relation to anti-discrimination and training needs of young migrant women in Romania in order to inform the development of a youth-led evidence-based training programme for both migrants and service providers. Thirdly, it aims to promote youth empowerment by providing migrants with an opportunity to take a leadership role in the design and implementation of the research and to inform the design of a training programme that meets their immediate needs with regard to discrimination.

2. Methodology

The planning, steering and carrying out the research process was performed during December 2015 -March 2016 and it involved two young migrants in Romania, multidisciplinary young members of RAS, and the project team. The active involvement of young migrants in this process is consistent with the core theme of the project.

The research process was conducted in two stages. Firstly, it involved reviewing the literature provided by the academia, public sector (including legal framework on discrimination and integration), policy outputs and NGOs. The search was focused on key concepts including: discrimination of migrant youth in Romania (multiple, intersectional, GBD related to domestic life, housing, education, health services, employment), public legal education, gaps in service provision (in the public and private sector) with a particular focus on women subject to GBD.

One relevant limitation is the scarcity of Romanian academic literature on different forms of discrimination affecting young migrants from a gender perspective. Thus, most material reviewed draws on grey literature documenting migrants' discrimination in Romania in the wider context of migration based on a gender-neutral approach.

Secondly, fieldwork was conducted with both young people and professionals. Twelve face-to-face vignettes-based interviews were carried out with young people of migrant and refugee background in order to find out what do they know about gender discrimination and how can it be addressed. Five vignettes were developed based on real-life case stories involving gender discrimination of migrant youth in employment, housing, and medical services, racial & ethnic discrimination, and domestic violence.

Also, 2 focus groups were conducted with 8 service providers in order to grasp their perspective on multiple and intersectional discrimination faced by migrant youth in Romania, available services aimed at increasing legal capability of migrants and training needs.

3. Findings from the literature review

Romania has an overarching legal framework on facilitating migrants' integration and combating discrimination and racism. Although fundamental civil rights of immigrants are acknowledged, the lack of public education schemes in a language that they understand create barriers to effective access to justice and leave them disempowered in their day-to-day interactions (Lazarescu, et al., 2015; Alexe & Paunescu, 2011; ECRI, 2014, Voicu, et al., 2015).

Also, there are no specific provisions targeted specifically at preventing and combating intersectional discrimination of immigrants from a gender-sensitive approach (Lazarescu, et al., 2015; Voicu et al., 2015).

A number of studies underline that policies that are not gender-sensitive and do not recognize the multiple forms of discrimination faced by migrant women, including asylum seekers and refugees are destined to fail (Sansonetti, 2016; Crooms, Falcón, & Haldane, 2011; Smith & Klaus 2011; Ertürk, 2006).

Migrant women are extremely vulnerable to gender-specific challenges, including GBV (Sansonetti, 2016). Gender vulnerability is heightened by the intersection with other identifying characteristics such as race, colour, ethnicity, religion, age, immigration status, disability etc. (Crooms, Falcón, & Haldane, 2011; Crenshaw, 1991). In addition, individual trajectories and reasons for migration (fear of persecution in home countries in the case of refugees and better economic prospects, education or family reunion in the case of migrants) influence risks of experiencing violence in both private and public spheres after arrival in the host country (Sansonetti, 2016; IOM, 2013).

In the private sphere, women in migrant households face higher exposure to domestic violence as a result of husband or male partner's job insecurity and financial difficulties (Dutton et al., 2000). Also, young women are at risk of experiencing harmful practices such as FGM as a way of consolidating traditional gender roles and controlling women's behaviour and sexuality (IOM, 2013). Most victims of GBV refrain from reporting their experience due to victim shaming, limited access to services, and legal vulnerability which may worsen the psychological trauma and foster isolation and social, economic, and cultural dependency (Sansonetti, 2016; IOM, 2013). In Romania, there is a general lack of data concerning GBV but it is also pointed out that migrant women do not often identify their experience as such either (Lazarescu, et al., 2015).

Young migrants are mostly exposed to instances of multiple and intersectional discrimination as a result of race, ethnicity, gender, age, immigrant status, sexual orientation, age, religion, disability etc. in the labour market, education, health services, and housing (Lazarescu, et al., 2015; Voicu et al., 2015; FutureLab, 2015). Although Romanians have a relatively positive perception of immigrants, 1 out of 3 migrants has experienced multiple discrimination and 33 % of migrants (both men and women) went through physical assaults (FutureLab, 2015, p. 22). In addition, immigrants are largely excluded from the national political system as they do not have any political rights (Idem, p. 21).

Also, there are no implementation and monitoring mechanisms in place (ECRI, 2014, p. 47). The National Council on Combating Discrimination, (public body charged with formally deciding on complaints related to discrimination by legally binding decisions or recommendations) has not recorded any case of discrimination against migrants last year, no complaints or requests for legal advice (Voicu, et al., 2015, p. 42).

Studies underline the need to increase migrants' public awareness and knowledge via PLE in order to help them recognise when they may need support, what sort of advice is available and where, and how to go about getting it.

5. Findings from the fieldwork

The fieldwork findings revealed that young migrants in Romania have low levels of legal literacy of GBD and

related laws, responsible institutions and available services, as there are no PLE schemes in place. Similarly, service providers and professionals in the NGOs lack adequate training on dealing with discrimination-related issues from a gender-based perspective and in a cultural-sensitive way. The need for training for professionals in the NGOs and public system was emphasized.

The information provided by public authorities is gender –neutral and limited civil rights related to the labour market, education, housing, healthcare, welfare etc. Moreover, it is mostly available in leaflets with legal jargon content in Romanian or English and most migrants, especially newcomers have difficulties in making use of it in their daily life. Findings from the vignettes-based interviews revealed that although migrants are generally aware of their rights, they do not recognize instances of multiple or intersectional discrimination and do not know what to do when confronted in real-life situations.

Another finding is that housing, employment and education are the main areas in which young migrants are subject to discrimination based on gender, race, and religion. Also, young migrants, including refugees and asylum seekers are subject to institutionalized discrimination embedded in the operating procedures of public institutions (mainly in Employment Agencies and School Inspectorates), language barrier, absence of assigned staff, length in responding to claims etc. As a result, they lack trust in the public system and generally refrain from accessing public services or lodging claims. In most cases, when confronted with a case of discrimination, young migrants opt to ignore it and do not resort to legal remedies. The research also found that highly-educated migrants aged over 25 and in steady employment are more prone to resort to a legal remedy when exposed to discrimination.

In line with the literature findings, it was pointed out that young migrant women, including refugees and asylum seekers are extremely vulnerable to intra-group discrimination and GBV (in the form of battering, sexual violence, abuse, FGM etc.). Overwhelmingly, when confronted with the GBV stories depicted in the vignettes, women's answers revealed that they fail to report it as a result of many barriers related to cultural norms, emotional tool, victim shaming, lack of tailored services for migrant victims of GBV (psychological assistance, interpreters, shelters, financial assistance etc.), cultural norms, and financial dependency etc.

Another finding was that migrants rely on informal (ethnic-based or religious) networks which are often sources of misinformation and the limited services made available by the NGOs (mostly information and legal counselling, SGBV sessions, psychological assistance in Romanian). Also, the availability of services within NGO sector is limited considering their struggle for financing counselling services, lack of trained staff etc.

6. Key recommendations

Despite the law acknowledges their civil rights, young migrants are exposed to multiple and intersectional discrimination in employment, housing, education, institutional and family contexts. They have limited knowledge and understanding of their rights and available services to tackle legal issues affecting their lives and report cases of discrimination and violence which leaves them disempowered in their day-to-day interactions.

The need for public legal education and training schemes for marginalized youth on discrimination based on a gender-sensitive approach and available in a language that they understand is critical to help recognise when they may need support, what sort of advice is available and where, and how to go about getting it. Equally important, proactive campaign to educate Romanians about migrants, including refugees' rights is a practical and powerful way to increase public understanding about their rights and prevent instances of discrimination.

Considering the important role of NGOs and informal networks within migrant communities, greater use could be made of these structures to provide legal information and education to marginalized migrant youth because of their, credibility, commitment, language ability, and cost-effectiveness. Thus, it is recommended to build their capacity to recognize and tackle discrimination-related issues, including GBV in a gender

and cultural sensitive way. The availability of modern resources for professionals including online training manuals, workshops, good practice seminars and exchanges are highly recommended.

At the policy level, considering the particular vulnerabilities and GBV facing migrant women actions should be taken to introduce gender mainstreaming and develop tailored programs for victims based on their specific needs (information, training, legal and psychological assistance, shelters, interpreters, financial support etc.) and closer monitoring of the phenomenon.



1. Key objective of the country report

The Polish research was conducted in February and early March of 2016. The aim of the research was to provide insight into what was perceived by young people as discrimination - what they considered as discriminating and how they felt about it. We also raised a question of what kinds of discrimination they encountered and which kinds of discriminatory practices they have been exposed to the most. The goal of the study was also to elicit the imagined reactions against discriminatory practices, which is a good indicator of the students' legal awareness in the researched field.

Recently a lot of attention has been given to the problem of discriminatory practices among youngsters and a number of research in this field has been conducted (Pyżalski 2012, Gawlicz et al.). However, in those studies little space is devoted to the experiences of the young people and their perception of this phenomenon.

2. Methodology

Following a thorough review of the extant Polish and English literature, the fieldwork adopted a qualitative study consisting of four group interviews with the selected youth and four interviews with teachers or pedagogues from the sampled schools. In two of the schools, significant number of students are foreigners, which in Poland is exceptional. The research was carried out by a group of young researchers all with background in social sciences. All the interviews were recorded and transcribed. Supplementary field notes followed each interview.

Bearing in mind the fact that the topic is extremely sensitive and can easily trigger unpleasant memories or experiences, we developed a research method aimed at reducing the amount of questions asked directly. We conceived an idea of creating a group interview scenario which consisted of several active methods and exercises. The interview was mostly story-based, depicting a boy discriminated against based on his nationality, a girl excluded from the peer group due to her economic status, and a girl discriminated against based on her gender. The characters were also junior high students making them more relatable for the participants. Follow-up questions, e.g. about the motifs of the perpetrators, the possible reactions of the person in question or a hypothetical course of action of a similar incident in the sampled school allowed us access to their knowledge, experiences and imagination about discriminatory practices and ways to react to them. Additionally, we also decided to interview teachers or pedagogues from the schools where group interviews were taken to assess if they were able to recognize discriminatory practices and ways to address them.

The research was conducted in four junior high schools³ on small group of respondents (30 students, 4 adults), however it brought some general conclusions about the phenomenon, which can be applicable also in the wider perspective. The study is an overview of how discrimination is present, perceived, and addressed in schools by both students and teachers. It has shown significant differences in approaches to discriminatory practices between youngsters of both groups, especially when it comes to reaction to discrimination.

³ Two schools were located in Warsaw, two in the smaller towns close to the city

3. Key findings from the literature review

Behaviours of a discriminatory nature are common among Polish teenagers. Studies show that in groups of teens between the age of 13 and 16, the percentage of people experiencing violence, mostly of a discriminatory nature, is very high – two third of students have experienced verbal aggression, 45% have experienced aggression from within their relations, 24% have experienced cyber-aggression and on average 10% were subjected to bullying and long-term harassment (Komendant-Brodowska 2014: 43). Discrimination is most commonly experienced by socially and economically underprivileged teenagers and those of a non-heterosexual orientation (Gawlicz et.al 2015: 98-102). At the same time it does not mean that other social groups are not subjected to discrimination. The common explanation that discrimination is experienced by individuals labelled as “others,” being outside of the normal social environment seems not up-to-date. Studies show, that the reason for discrimination can be almost anything (Gawlicz et al. 2015: 97). In other words, one can be completely socially “normal” and still experience discrimination.

The question of discrimination appearing within relations between students has recently gained researchers’ attention. Each year new studies regarding aggression among peers, violence at school, and the problem of bullying are being published. Still there are very few comparing to the scale of the phenomenon. Most of the studies on the problem of peer relations are based on quantitative research. They allow for estimating the scale of the problem and they give important data regarding the role of age and gender in the victim or perpetrator of such behaviours. However, the regarded studies do not attempt a holistic analysis or detailed description of the problem. Therefore these kinds of studies neither help answer questions about the nature of the phenomenon, nor give the knowledge that could help find effective solutions to the problem. This kind of information could be provided by qualitative research, which few have been done among youth recently.

Recently in Polish studies on the phenomenon of discrimination among youth, there seems to be new multi-sided and holistic analysis taking into account not only the voice of experts, but of young people, who experience or perpetuate discrimination.

4. Key finding from the field research

The study has established that discriminatory practices are commonly encountered by youngsters in their daily lives. The intensification of the phenomenon can be exemplified by a quote from one of the interviews: „it is so common that it is not even worth speaking about it“. Youngsters seemed to be utterly helpless in the face of what they encounter, alone in dealing with discrimination, and convinced that the situation cannot be changed.

Youngsters did know what the discrimination was and were able to speak about it on the theoretical level as well as recognize it on simple examples. They were able to identify feelings which might accompany a person who is subjected to discrimination and demonstrate their compassion. However, it seemed that they did not fully understand the mechanism of discrimination and were not able to recognize it around them. It was difficult for them to show such examples referring to their lives, school, environments, etc.

It was striking that young people did not see any role of adults in helping them to deal with the discrimination they experience. Youngsters were convinced that their peers experiencing this kind of situations should deal with them themselves – e.g. find ways to show the group other aspects of their personality. They also proposed to ignore the assaulting and offensive behavior of their peers believing that this would change the attitude of the perpetrators: “Janek took it too personally. He should have been more cool about it, then maybe they would have just let go, they would have stopped doing it, the teasing, the laughing, you know. The more angry he was, the more he shouted, the more mean they became“. Ignoring assaulting behavior was in some cases recommended also by the teachers. They also believed that students should be more assertive and able to secure their well-being themselves.

The youngsters seemed also noticeably distrustful of teachers. They did not perceive them as people who could help them when they experience difficulties in relations with other peers. Moreover, they believed response could only worsen the situation. They were convinced that the teachers could not influence their peers to change their behaviour.

Asked what kind of reaction to discriminatory practices would be effective the youngsters mentioned that it should come from the peer group. But at the same time they noticed that a person standing up for someone can also end up being excluded or assaulted.

During the research we observed different reactions of the youngsters towards different kinds of discrimination. In most of the cases discrimination based on gender triggered the strongest emotions among the participants. Unwillingness to work with this topic was significant. Although the girls claimed that they were treated equally to boys, the examples they provided suggested something contradictory.

Discrimination based on race or ethnicity was the easiest to recognize for the participants and surfaced most often while explaining what discrimination was. Surprisingly, all the topics related to discrimination based on ethnicity were notably absent from the schools located close to asylum centers, although, it is obvious that there are a lot of tensions between Polish and foreign students there. All statements considering foreign students were self-censored for the sake of misconstrued political correctness and tried to create an impression that the frictions between them and the peers from other countries did not exist.

Teachers and pedagogues in most of the cases recognized the discriminatory character of situations which happen among teenagers, but they also seemed to be helpless about them, which resulted in partial acquiescence and acceptance of these practices. It seemed that teachers underestimate the significance of discrimination, and try to justify it by referring to general statements like “it is typical of junior high students” or “it is a universal behavior”. Alarming, according to some teachers the best reaction is just to “grin and bear it”.

It would be unfair to allege the teachers dismiss discriminatory practices en masse. However, the measures they undertake do not bring satisfactory outcomes. Among the most common remedial practices are a disciplining talk, summoning parents, a referral to a psychologist, sending for the police dealing with juvenile delinquency, all of which prove ineffective with the latter being the ultimate signal for the students that the school is unable to deal with situation.

5. Key Recommendations

In anti-discriminatory actions, strong impact has to be placed on showing students the mechanism that governs discrimination. Statements made by surveyed students suggested, that they are able to recognize discrimination, if they have heard earlier about this type of it. It shows that the participants – instead of understanding the mechanism – remembered that discrimination is an unequal treatment based on specified, named traits. This prevented the students from recognizing discrimination in more difficult situations, where the traits were not accentuated. This shows that anti-discriminatory actions should focus particularly on showing the mechanism that governs this phenomenon.

Anti-discriminatory actions conducted in student groups should refer not only to the general societal context but also to the situation in school. This could allow the students to recognize discrimination in their environment.

The efforts counteracting discrimination should encompass the entire school community, not only the perpetrators and victims of discrimination. Building strong aware groups, with leaders, would allow creating mechanisms of self-control in those groups and not permitting for inappropriate treatment of its members. The efforts should be directed towards building better relations between students and teachers based on partnership and trust.

Anti-discriminatory actions should be based on working with students' attitudes and appeal to their own emotions. Should be focused on, not so much passing on knowledge but on teaching students empathy and compassion. Should help in understanding what feelings accompany a discriminated person.

The efforts should concentrate also on discrimination based on gender and show the structure and expressions of such form of discrimination, which are often not apparent and difficult to recognize.

The responsibility of handling discrimination cannot be placed on students that are experiencing it. The message sent to a particular group of students by adults, including teachers, cannot recommend individual reactions or waiting out or not reacting at all.

There is a need of trainings for teachers that show most of all how to recognize the symptoms of student discrimination. The trainings should also show the correct way of reacting to such an event and show how to counteract discrimination amongst students.

A change has to be made in methods of intervention currently accepted and used by teachers. Solving difficult situations should take place primarily in the school community and concentrate on deeper involvement of all the community members. Due to that, police should not be invited to schools because the intervention in those cases is mostly based on terrorizing students, which does not instill respect. Commonly used teacher student talks should be addressed to all students not only to perpetrators and victims of discrimination. Those should also be only an introduction to anti-discriminatory actions.



1. Key objective of the country report

Research on discrimination faced by young migrant and refugee women in Cyprus is scarce, mainly because migration is falsely viewed as a gender neutral issue (Trimikliniotis & Demetriou, 2014; KISA, 2009a). As women constitute 57% of the migrant population, this report focuses on the intersectional and multiple discrimination that migrant and refugee women face (gender, ethnicity, legal status and racial background) in Cyprus, specifically, GBD (KISA, 2009a).

The objective of this research project is three-fold. Firstly, at national level, it aims to present an innovative stepping stone in the betterment of assessing and implementing community-led schemes advocating for Public Legal Education (PLE) for marginalised youth in Cyprus. Initially, KISA conducted interviews and focus groups in which numerous young migrant and refugee women were given the opportunity to either draft or discuss their reactions to vignettes which illustrate GBD in the institutional, employment, educational and familial contexts. Secondly, the project purported to meaningfully engage young migrant and refugee women and men in the research process so as to make it youth-led. More precisely, KISA recruited young migrant and refugee youth (primarily women) to contribute as either co-researchers and participants. This youth-led approach aims to promote empowerment of young people from vulnerable communities and provide them with a platform in which they can contribute towards combating the GBD faced by marginalised youth in Cyprus. More specifically, the results will be used to inform the educational and skills development course material aimed towards increasing the legal literacy of young migrants and refugees vulnerable to experiencing gender-based abuse. Thirdly, this project was developed in line with the Action and Erasmus + Programme, which endeavour to contribute towards the Europe 2020 Strategy and the EU Youth Strategy. More precisely, the Europe 2020 strategy aims to concurrently “deliver high levels of employment, productivity and social cohesion.. concrete actions at EU and national levels underpin the strategy” (European Commission, 2016).

Finally, this partnership collaborates in an effort to bridge, at both EU and national level, the “ gap [that] is identified in the field of training, education and youth ... through the free dissemination of a youth-led programme for service providers and young people with the aim of increasing their legal capability” (Abused no More, 2016) The research findings will also inform the training manuals and courses to be developed and implemented by the project partners at a later stage.

2. Methodology

The methodological paradigm was twofold. Firstly, a literature review of key concepts such as public legal education and GBD was conducted from a variety of sources mainly academic research provided by the public sector, grey literature and journalistic outputs of NGOs and the public legal education network website (PLEnet). Key words such as ‘discrimination’ specifically ‘institutional, employment, familial, and educational discrimination’, and ‘migrant and refugee youth’ were conducted. The youth-led research method focused primarily on the Cypriot context as well as GBD within the EU context. The fieldwork that ensued was a mixed methods design. All internet searches were conducted mainly in English and a limited search in Greek.

English is the language most commonly used by all migrant and refugee communities in Cyprus, including the

majority of the young people engaged in the project. It is also noted that most research, reports and other materials in Cyprus are also published in English. Migrants and refugees in the areas under the control of the Republic of Cyprus do not usually learn Greek, largely as a result of the restrictions imposed by the rigid and strict migration and asylum policies and the very limited approach to and measures for integration. This leaves migrants and refugees in a position where the only available language of communication is English.⁴ Initially, five co-researchers participated in two vignette based focus groups [two participants per focus group led by two facilitators], and one case study [one participant led by two facilitators], in which all co-researchers drafted a vignette on gender-based discrimination in familial, institutional, educational and employment contexts. Subsequently, ten participants engaged in semi-structured face-to-face interviews, seven of whom consequently participated in focus-groups [three in one focus group and four in another focus group, both of which were led by two facilitators]. As this project is youth-led, marginalised youth (specifically women of migrant backgrounds and refugees) were recruited.

A Participatory Learning Action (PLA) model was adopted in order to facilitate empowerment of marginalised youth by providing the participants with a platform in which their opinions could be expressed through their roles as either co-researchers or interviewees (Appel, Buckingham, Jodoin, & Roth, 2012). The epistemological position of the fieldwork is social constructionism as KISA was interested in investigating the social construction of the phenomena of PLE for marginalised youth in Cyprus. More precisely, the interpretative analysis of the participants' responses to the vignettes was of utmost importance for two reasons. Firstly, it highlights KISA's ontological commitment towards understanding and, consequently, improving the limited knowledge of PLE of marginalised youth regarding GBD (Schwandt, 2000). Secondly, considering the youth-led research approach enabled the participants' empowerment by engaging them within an environment in which their experiences of GBD and opinions would be used for the development of training materials geared towards increasing young people's legal capability, specifically in regards to GBD.

Considering the young demographic of the participants, BACP's (2010) ethical considerations of fidelity, beneficence, non-maleficence and self-respect were adopted during all stages of the research process (McLeod, 2003).

3. Key findings from the literature review

The literature review underlined that young migrant and refugee women [aged 17-24] are most at risk to GBD due to intersectional discrimination of racism, sexism, ageism (KISA, 2014b; PRIO & GAT Advisory Team, 2012). The differences between a 'refugee' and 'migrant' are clarified as refugees flee persecution in their countries and migrants relocate to better their lives either through education, or employment opportunities (Edwards, 2015). GBD in institutional, employment, educational and familial contexts in Cyprus is defined as well as the negative psychological impacts of GBD such as internalised disempowerment and hopelessness. The unavailable community-led schemes on PLE and psychological well-being is also elaborated upon. More precisely, PLE is defined to "provide people with awareness, knowledge and understanding of rights and legal issues, together with the confidence and skills they need to deal with disputes and gain access to justice" (Public Legal Education Taskforce, 2007, p.9).

The highly discriminatory social attitudes on migrant women which are riddled in xenophobia are also described especially in consideration to how these misinformed and distorted social attitudes correlate to the discriminatory treatment and behaviour towards migrant and refugee women (KISA, 2013).

These literature findings are linked to how PLE would provide a stepping stone in attaining social justice by enhancing young people's legal literacy. PLE would also serve to empower marginalised youth living against a backdrop of a society which contributes towards their disempowerment through limited prospects for integration, employment and education (IARS, 2009). Additionally, the 'us' versus 'them' dichotomy which

⁴ Even though English is known, to varying degrees, by many migrants in Cyprus, especially from Asia, Africa and Eastern Europe, there are many others, especially refugees of Arab origin, who have no knowledge of this language. This renders them even more vulnerable to abuse, exploitation and violation of their human, employment and social rights.

is ever-present within Cypriot society is also described to contribute towards the inexistence of community-led initiatives and empowerment schemes for marginalised youth from migrant and refugee backgrounds (KISA, 2013b).

4. Key findings from the fieldwork

The fieldwork findings echoed the highlighted reality in the literature review. Participants' responses in the semi-structured interviews and focus groups indicated the limited knowledge, skills and attitudes young migrant and refugee youth have of PLE, especially regarding GBD.

More precisely, the majority of the participants recognised that the protagonists within the vignettes were being subjected to GBD and consequently having their human rights violated. However, whilst the interviewees recognised the unfair treatment towards the protagonists within the vignettes and in many circumstances even identified with them, they disclosed having little comprehension as to what constituted their legal rights in Cyprus. Additionally, all participants were unaware as to which services were available to them to request help in their plight against GBD. Furthermore, language difficulties, specifically their total lack of knowledge of Greek and very rudimentary knowledge of English, tend to dishearten them from seeking help. It is important to note that this research highlights the reality for migrant and refugee youth residing in the areas under the control of the Republic of Cyprus.

This research does not include the experiences of migrant and refugee youth residing in the area not under the control of the Republic of Cyprus, in which Turkish is the predominant language. This is a regrettable limitation imposed by the de facto division of Cyprus. In brief, the most prevalent findings highlighted that there were five barriers to their knowledge, skills and attitudes regarding their legal literacy: language barriers, internalised disempowerment, lack of faith in the system, little knowledge of their rights, little knowledge of where to access their rights and psycho-social support.

5. Key recommendations

The empowerment that was experienced by marginalised youth when sharing their experiences of GBD at the focus group discussions highlights the potential prominence of social cohesion when providing training on legal education. The need for inclusion and integration within the local community was also a prominent talking point amongst the participants when discussing their requirements for combatting GBD.

A common theme which arose from the literature review and fieldwork was the importance of national and EU level educational and training practices on legal literacy for marginalised youth on discrimination, specifically in the context of GBD. More precisely, in order for young migrants and refugees to effectively pursue their rights, dissemination of information in the national languages [i.e. Greek and Turkish, as well as in English, Arabic, French, Hindi, Farsi, Russian, Singhalese and Tagalog] on their legal rights and training on the adequate knowledge, skills and attitudes is absolutely necessary.

Cultivating the values of antiracism and the acceptance of cultural, religious and ethnic diversity is also recommended as a tool within the educational contexts to trigger modernisation and to promote multiculturalism within the forthcoming generations. Providing these tools to individuals who work with migrants and refugees, within the public and private fields (e.g. Migration Department, Asylum Service, Social Welfare Services, the Police, NGOs) on the appropriate cultural and social sensitivities that are required when working with this vulnerable population is also highly recommended (KISA, 2009b). As the bulk of the violations of the rights of migrants and refugees, the systemic discrimination against them, their exclusion and marginalisation are embedded in the migration model, policies, structures and administrative practices in place in Cyprus; it is of critical significance that they are drastically changed (Γρηγορίου, 2008).

Future research which analyses stakeholders' reactions to the four vignettes drafted by migrant and refugee

youth is suggested to provide a more in-depth understanding of GBD of the professionals who work with marginalised youth. Finally, providing free online and face to face training on PLE and organising seminars with EU partners to exchange good practices on tackling discrimination and minority youth disempowerment on EU level is also proposed.

Provision of this training is intended to be aligned with the opportunities available in the labour market and also to establish minority ethnic youth with closer links to the business and social community. In brief, the education and training programmes that will be designed based upon the findings of this report as well of the other national reports produced by all partners are intended to promote an institutional and cultural shift, at EU and national level in regards to improving the opportunities provided to marginalised youth.

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COUNTRY REPORTS



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The report investigates the UK context, and has a particular angle given the country's long history of migration, and a well-established presence of Black and Minority Ethnic (BAME) groups. Consequently, it examines key concepts such as gender-based violence (GBV) including Female Genital Mutilation (FGM), forced marriage and other Harmful Traditional Practices such as honour-based violence (HBV); public legal education; discrimination and gaps in service provision for BAME women fleeing sexual violence. The three main forms of violence against women and girls (VAWG) that we are focusing on all disproportionately affect young women and girls. Young age adds up to further vulnerability of women who are at risk of violence and abuse.

The literature review concludes that there is a knowledge gap in relation to empowerment through public legal education for socially excluded youth of migrant background, especially young women, and models of community-led approaches to combating GBV. Furthermore, and crucially, this lack of knowledge may prevent effective services and policies from being developed.

In our fieldwork we focused on constructing a public legal education model that would reflect the needs of migrant youth, especially young women who may be facing GBV. We carried out vignettes-based interviews with four young women of minority ethnic backgrounds and four in depth interviews with female practitioners who work with young women affected by sexual violence.

In conclusion, better knowledge of rights and legal issues can be particularly empowering for young women of migrant background, enabling them to take more control over their lives, deal with their problems, including gender-based violence, and get involved in shaping the decisions that affect them. Lack of legal capability creates barriers to effective access to justice and leaves those women to suffer in silence.

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Abused No More Erasmus +

The IARS International Institute

United Kingdom

Legal literacy in relation to gender-based violence affecting young Black and minority ethnic women in the UK

Natalia Paszkiewicz

1. The Abused No More project

The Abused No More project is an EU funded 3 year programme that aims to create, support, develop and serve strategic partnerships in the area of youth-led training, educational and awareness raising activities that will allow better integration of marginalised youth, particularly those from migrant groups, and with an emphasis on gender based violence. The core theme of AnM is developing innovative, youth-led, non-formal methods to increase young people's awareness of their legal rights, in particular pertaining to discrimination, exclusion and abuse. The project also aims to improve services that are being provided to young people making them legally literate in order to resolve daily issues. It is supported by Erasmus+ (Key Action 2), and is delivered in partnership with four European Partners: Stowarzyszenie Interwencji Prawnej (Poland), KISA – Action for Equality, Support, Antiracism (Cyprus), Anziani e Non Solo (Italy) and Romanian U.S. Alumni Association. Each country chooses their own focus for the research, in order to reflect their particular cultural and socio-political context.

There is a knowledge gap in relation to empowerment through public legal education for socially excluded youth of migrant background, especially young women, and models of community-led approaches to combating gender-based violence. The Abused no More (AnM) project will help to bridge this gap by focusing on increasing legal capacity in the areas of gender-based discrimination, exclusion and abuse against some of the most marginalised youth groups, and in particular those who tend to be disadvantaged due to their gender and cultural differences (e.g. immigrants, refugees, people of immigrant background) and other social obstacles e.g. sexual orientation and ethnicity.

2. Literature review

The literature review is an element of Workstream 1, namely theoretical development and scoping exercise. It investigates the UK context, and has a particular angle given the country's long history of migration, and a well-established presence of Black and Minority Ethnic (BAME) groups. Consequently, the review examines key concepts such as gender-based violence (GBV) including Female Genital Mutilation (FGM), forced marriage and other Harmful Traditional Practices such as honour-based violence (HBV); public legal education; discrimination and gaps in service provision for migrant women fleeing violence. The aim of this literature review is to provide a context for the Abused No More project, and to identify existing gaps in knowledge so that research questions for the fieldwork in the UK can be refined. The search has included the following sources: academia, research, policy and journalistic output of third-sector organisations and public sector research, policy output and other grey literature.

The project is youth-led, and IARS Youth Advisory Group is being consulted at every stage of the programme. YAB is a team of young volunteers aged 15 – 25 from different backgrounds and circumstances who are aware of the problems facing young people in today's society, and who are interested in an opportunity to do something positive about these issues. This is an excellent opportunity for young people to get their voices heard and to address issues that are important for them.

3. Introduction

Over the past 10 years, it has become widely acknowledged that women are particularly vulnerable to gender-related forms of persecution, including rape and sexual violence, domestic violence, female genital mutilation, trafficking, discrimination, forced marriage, forced sterilisation and forced abortion (Querton, 2012). Violence against women, including domestic violence (*CEDAW GR 19 VAW as a key form of discrimination against women 1992*) is understood as a violation of human rights in the Council of Europe 'Convention on preventing and combating violence against women and domestic violence' (the 'Istanbul Convention' 2011), and freedom from violence is a fundamental right under the European Charter of Fundamental Rights (2000). The United Nations (UN) similarly defines violence against women as "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" (United Nations, 1993). In the UK, the Crown Prosecution Service (CPS) developed a Violence Against Women and Girls (VAWG) strategy. This was partially a result of the importance the Service places on improving prosecutions of these crimes and supporting victims, but was also in recognition of the United Nations, Council of Europe and End Violence Against Women Campaign initiatives and as part of the cross-government VAWG strategy. This CPS strategy includes VAWG work in relation to domestic violence; forced marriage; honour-based violence; female genital mutilation (FGM); rape and sexual offences; prostitution; trafficking; child abuse; and pornography.

The intersection of race, age and gender inequalities means that young minority ethnic women are a particularly marginalised group in European societies. The three main forms of VAWG that we are going to focus on below (female genital mutilation, honour based violence and forced marriage) all disproportionately affect young women and girls. Young age adds up to further vulnerability of women who are at risk of violence and abuse. Intersectionality, a term coined by Kimberlé Crenshaw (1993), refers to the interrelations of different social divisions in peoples' lives and implies that the relationships between gender, sexuality, ethnicity, class, disability, age and nationality are intertwined. For Crenshaw, intersectionality indicates the diverse processes of marginalisation of women of colour in which gender, ethnicity, class, race and nationality are lines that cut through another line, and can be seen as intersecting paths. Brah and Phoenix (2004) define intersectionality as a concept to signify the complex, irreducible, diverse and variable effects that follow when multiple 'axes of differentiation' – such as the economic, political, cultural, psychic, subjective and experiential – intersect in historically specific contexts. Intersectionality requires an understanding that the different dimensions of so-

cial life cannot be separated out into 'distinct or pure strands'. Villalon (2010) notes that "Immigrant women are particularly vulnerable to abuse: the intersection of their gender, sexuality, class, race, ethnicity, religious and political orientations, and immigration status stimulates nationalistic anxieties and multiplies the effects of both interpersonal and structural violence". This means that gender cannot be understood in any fixity, and needs to be seen in a broader context.

This literature review examines gender based violence with a particular focus on Black and Minority Ethnic (BAME) communities in Britain, and explores the adequacy of legal and policy frameworks available in the UK for ensuring the safety of migrant, refugee and ethnic minority women. The review concludes that there is a knowledge gap in relation to empowerment through public legal education for socially excluded youth of migrant background (both first and second generation), especially young women, and models of community-led approaches to combating gender based violence. Furthermore, and crucially, this lack of knowledge may prevent effective services and policies from being developed. The mental and physical health problems often associated with forms of gender-related persecution also mean that the needs of ethnic minority women are often multiple and complex. Therefore, increasing legal literacy of these young women as a core social and social skill in Europe is of paramount importance and remains a gap that is yet to be addressed in the field of education, training and youth.

3. Violence against Migrant Women

Of the many forms of violence against women, ranging from forced marriage to rape by a stranger, some disproportionately affect young migrant and BAME women. These include:

a. Female Genital Mutilation (FGM)

Female genital mutilation (FGM) is a serious form of violence against women and girls, an "extreme form of discrimination against women" (WHO) and a violation of Human Rights. In the UK, social and political recognition of these facts is growing. Women who undergo FGM are usually young girls however the practice may be repeated on older women after they have given birth. Tanya Barron of Plan UK stated that, to many, "it's shocking to see the extent of FGM here in the UK" and that we are only "now waking up to the scale of this terrible practice." Indeed "more than 1,000 women [were] seen by the NHS in a three-month period after having their genitals mutilated" (Plan UK). FGM involves the total or partial removal of the external parts of the female genitals, in some cases the vagina will be sewed closed afterwards, with only a small hole left for urination. The NHS states that "there is no medical need for FGM" and that it may have "serious health effects." Plan UK found that FGM "causes untold physical and emotional trauma while enforcing the inherent gender inequality found in cultures" and further that FGM causes an "increased risk of stillbirth, infants that need resuscitation and low birth weight babies. FGM is [also] estimated to lead to an extra one or two baby deaths per 100 deliveries worldwide". FGM may be performed for a variety of reasons. It can be seen as an important rite of passage to womanhood, as a necessary sign and guarantee of purity and virginity to enable a woman to make a good marriage, or it may be considered linked to ideas of cleanliness, or may be performed for other social and religious reasons. Though FGM is illegal in the UK it has been found that migrant BAME girls may be taken out of the UK during school holidays to have the FGM procedure, and this problem becomes particularly acute during the summer holidays; a time often referred to as the 'cutting season' (Plan UK). Perhaps in response to the recent increased awareness and political focus on the possibility of young girls being subjected to FGM on such 'holidays,' the UK Border Force has noted that this trend is changing, with 'cutters' now travelling to the UK to perform the procedure (Plan UK).

There has been a succession of legislation clamping down on the prevalence of FGM in the UK. FGM has been a specific criminal offence in the UK since 1985 when the (UK wide) Prohibition of Female Circumcision Act

("the 1985 Act") was passed. This was updated with the 2003 Female Genital Mutilation Act which "makes it illegal to take girls who are British nationals or permanent residents of the UK abroad for FGM whether or not it is lawful in that country, makes it illegal to aid, abet, counsel or procure the carrying out of FGM abroad includes a penalty of up to 14 years in prison and, or, a fine" (gov.uk). New legal measures are also introduced to close the loophole in the 2013 legislation which excluded FGM performed on girls who are not 'ordinarily' resident in the UK.

In 2014 the UK Parliament Home Affairs Committee chaired by Labour MP Keith Vaz delivered a report on why there have been no successful prosecutions for FGM in Britain. The Committee highlighted the absence of coordination between organisations and lack of training of practitioners. Following the report, the Home Office set up the FGM Unit in an effort to "coordinate efforts across Government and provide outreach support to local areas" (gov.uk). Further in 2014, legislation to make the reporting of FGM mandatory came into effect. This was aimed primarily at teachers and health and social care professionals. The Act has also brought into existence the Female Genital Mutilation Protection Order ('FGMPO'), which is a protective order that can be obtained from either the Family Court or the Criminal Court. On 22 June 2014 the UK Prime Minister, David Cameron, co-hosted with UNICEF the first Girl Summit in London. It brought together community leaders, grassroots organisations, governments, international organisations and the private sector to support a global movement to end FGM and child marriage in a generation. UK-wide law requires uniform interpretation and application across the board; at present, the eradication of FGM in the UK is not a fully coordinated effort (Burrage 2015).

It is mostly accepted that these efforts to combat FGM in the UK will have little major effect until the practice is appropriately combatted in the countries of origin across areas of Africa, the Middle East and Southern Asia. However, those working against FGM have urged that education is a key factor in changing attitudes towards recognition that this practice deeply harmful. Plan UK advocate this view, suggesting that this education must constitute "educating women about their bodies and their rights, and educating the wider community about the harmful effects of FGM."

b. Honour-based violence

So-called 'honour based violence' (HBV) is another form of violence against women which disproportionately affects women of migrant and BAME backgrounds. Under UK law honour-based violence does not designate a particular offense but "can be described as a collection of practices, which are used to control behaviour within families or other social groups to protect perceived cultural and religious beliefs and/or honour" (cps.gov.uk). The Crown Prosecution Service's guide to 'honour-based violence' states that HBV is "a violation of human rights and may be a form of domestic and/or sexual violence. There is no, and cannot be, honour or justification for abusing the human rights of others" (cps.gov.uk). Honour based violence usually occurs in the context of forced marriage, when a young girl disagrees with her family's choice of a spouse, or when she engages in premarital sex or goes out with someone who is deemed an inappropriate partner. Honour based violence can also be inflicted on a girl who transgresses certain cultural norms, for example wears revealing clothes and make up. Some girls and women are locked up, threatened, beaten mutilated, or even murdered in the name of family "honour". The government estimates that there are 12 "honour" killings per year in the UK, but it does not collect data on how many people are affected by other forms of HBV. In 2011 Iranian and Kurdish Women Rights Organisation (IKWRO) undertook research which found out that over 2800 incidents were reported to police across the country in 2010. It is likely that many more went unreported.

c. Forced Marriage

Forced Marriage is sometimes categorised as a form of HBV, in the sense that it may be motivated by similar reference to ideas of 'honour.' A forced marriage is defined by one or both people not consenting to the marriage, where pressure or abuse is used. The pressure put on people to marry against their will can be physical (including threats, actual physical violence and sexual violence), emotional, psychological or financial abuse. The Forced Marriage Unit (FMU) is a joint Foreign and Commonwealth Office and Home Office unit which was set up in January 2005 to lead on the Government's forced marriage policy, outreach and casework. It operates both inside the UK, where support is provided to any individual, and overseas,

where consular assistance is provided to British nationals, including dual nationals. Between January and December 2014, the FMU gave advice or support related to a possible forced marriage in 1267 cases. 79% of cases involved female victims and a total of over 88 different countries, including Pakistan (38.3%), India (7.8%) and Bangladesh (7.1%). Anitha (2011) carried out a study on arranged and forced marriages in the UK. The migrant spouses were subject to physical and emotional abuse both by their spouses and the spouses' family, including preventing the victim from speaking with her own family, withholding money and long hours of domestic servitude. Isolation was one of the biggest issues for those women. Most importantly, the 'sponsoring' families' refused to apply for citizenship for the abused woman, making her completely dependent on her new family. On the other hand, some women who took part in the research reported a feeling of 'gratitude' and debt, referred to as the 'sponsorship debt', which may deter them from seeking help.

When young people are forced to marry they are frequently withdrawn from education, restricting their educational and personal development. They may feel unable to go against the wishes of their parents and be threatened with disownment if they do. Forced marriage in this context constitutes a form of child abuse and should be treated as such. Many victims of reported honour based violence and forced marriage in the UK are under 18 years old (cps.gov.uk).

4. Migration as a factor that exacerbates violence against women and girls (VAWG)

Europe is experiencing a significant movement of displaced people fleeing conflicts and human rights violations. In the period between January 2015 and November 2015 there were 950,469 arrivals recorded; approximately 24% of those people were children and 16% were women (UNHCR 2016). However, there is no specific EU legislation protecting refugee and migrant women. This can only descend from the EU legislation and other measures in the framework of international protection; tackling discrimination based on race and gender; and gender equality measures in particular in relation to gender-based violence, FGM, and trafficking in and exploitation of human beings (Sansonetti 2016). 'Ecological' models of gender based violence (e.g. Merali, 2008, Keygnaert et al, 2012, Ghafournia, 2011) identify individual, interpersonal, organisational and societal (structural) factors that determine risk of abuse. According to Merali (2008), women's socio-economic and cultural contexts are key factors in influencing the occurrence and consequences of abuse.

Asylum-seeking women

According to UNHCR (2016) women and children now make up 60% of arrivals seeking sanctuary in Europe, compared to less than 30% recorded in June 2015. Women who make gender-related asylum claims defined by UNHCR (2002) as encompassing "acts of sexual violence, family/domestic violence, coerced family planning, female genital mutilation, punishment for transgression of social mores, and discrimination against homosexuals" face even more challenges as the Geneva Convention Relating to the Status of Refugees 1951 does not include gender as one of the grounds on which it is possible to be recognised as a refugee. Adolescent girls constitute a particularly vulnerable group among female refugees and asylum seekers. During wars and displacements, girls are more exposed to GBV, including early and forced marriage: approximately 20% of women report being victims of some forms of sexual violence as children, with prevalence rates over 35% reported in some parts of the world; more than 60 million 'child brides' are forced to marry before the age of 18; and married girls are at risk of intimate partner violence, the most common form of gender based violence, which affects almost one third of women worldwide (Sansonetti 2016). Furthermore, young women are trafficked in Europe without their consent and primarily for sex work (Craig et al, 2007). Trafficking for sex work is a form of gender-related persecution as laid out by the UNHCR (2002). Trafficked young women have often experienced physical and emotional violence including rape, torture and beatings (Zimmerman et al, 2006). Also of importance is that there are no provisions for 'residency relief' for undocumented migrant women who are not married, except in the case of trafficked women who must prove cooperation with the criminal justice system before being able to qualify for residency. As such it is essential that there are safe-

guards in place to protect all women and girls in the UK from violence, regardless of their immigration status.

When assessing any claims for asylum, the Home Office should take into account any relevant gender issues, including the specific Asylum Policy Instructions under Gender Issues for Asylum claims. However, in practice, there is discrepancy between the ways that women with a right to remain in the UK are treated as opposed to those with uncertain immigration status. The UK has not ratified the Istanbul Convention which came into force in August 2014, which, among other provisions aimed at tackling violence against women and girls, calls for the development of 'gender sensitive reception procedures and support services for asylum-seekers'. This needs to be urgently addressed if women and girls seeking asylum are to live in dignity and safety while they wait for a decision on their asylum claim as they are not allowed to work and do not have access to mainstream benefits which puts them at risk of survival sex and other forms of abuse.

Family migration

Family migration into the UK comprises around 17% of all immigration from outside the European Union (Migration Observatory 2012), and it is mainly young women who join their UK-born spouses. According to Kofman, there are three basic types of family migration in the European context (Kofman 2004: 245–247):

- Family reunification, in which members of the nuclear family join the primary migrant already residing in the country of destination;
- Migration due to family formation or marriage migration. On the one hand, there are permanent residents or citizens who bring in a partner they have met during a stay abroad. On the other hand, it includes 'second and subsequent generations of children of migrant origin (citizens and non-citizens) who bring in a fiancé(e)/spouse from their parents' homeland or diasporic space';
- Family migration where the entire family migrates simultaneously. Migrants of this category are often only allowed to have long-term residence permits, although exceptions are made for the highly skilled.

In the UK in general, the largest number of family migrants are of South Asian origin, with the top two nationalities among all family route migrants being Pakistani and Indian (Jayaweera 2013: 7), whilst according to the Migration Observatory (2012), the majority of non-EEA family reunification migrants are women. Only members of the immediate nuclear family are eligible to enter the UK provided that they will be adequately supported, and migrant partners are permitted to work but have no recourse to public funds for at least the first five years. Furthermore, sponsorship rules require a migrant spouse to remain in the relationship for a minimum of 2 years. In the case of non-European Economic Area (EEA) nationals who enter or stay in the UK as a result of marriage or partnership with an EEA national, the marriage/partnership must have lasted for at least three years, both parties must have lived in the UK for at least one year of the marriage/civil partnership, and the EEA national must have been exercising Treaty rights during that time.

If a marriage deteriorates within the above time limits, the woman is not entitled to remain in the country unless she can prove that she is a victim of domestic violence (this provision also applies if the abuse is from persons other than the sponsor, for example, where the sponsor fails to protect the victim from abuse by members of the his extended family). However, the standards set to prove domestic violence are in many cases extremely difficult for the victim to meet, and include police cautions, convictions, and medical reports. Even if this is feasible, the victim has to provide evidence that they are working or are self-sufficient which clearly puts most vulnerable women without any economic means in the situation of having to remain in an abusive relationship. This also has serious implications in terms of access to services: women who come to the UK on spouse visas are excluded from mainstream services such as jobcentres, and are classified as 'overseas students' when accessing education. Two main pillars of integration – language acquisition and support to enter the labour market – are then directly undermined by this policy.

In November 2010 the UK government introduced a pre-entry English language test for people applying to come to the UK as spouses and partners, and in July 2012 it issued further new measures amending the rules on family migration. These included a new minimum income threshold for family sponsorship, and

an extended period from two to five years before spouses can apply for settlement. The £18,600 minimum income requirement is based on the income level at which a two partner family is no longer eligible for in-work benefits (Kofman and Wray 2013); for a partner and one child it is £22,400 and an extra £2,400 for each additional child. The Family Migration Rules changed again in June 2013: cuts to legal aid were implemented, and the right of appeal for refused family visit applications was revoked. The government's objective was to reduce net migration, promote integration, reduce any burden on the UK taxpayer and stop abuse. Certainly in this last point, these policies achieved quite the opposite: the increasingly restrictive policies on English language acquisition, limited access to legal aid and the appeal process facilitate the practice of Transnational Marriage Abandonment (Anitha, Roy and Yalamarty, 2016). Transnational Marriage Abandonment refers to foreign-born wives being abandoned by their British husbands in their countries of origin, usually Pakistan, India and Bangladesh. According to Anitha (2015) some men "explicitly utilise threats related to women's immigration status to prevent them from seeking help and to reinforce their absolute power and control over them." In this sense at least, Thronson's (2012) identification of immigration law as a contributing factor in the 'power and control' dynamic which makes women especially vulnerable to domestic violence rings true.

Gender based violence is also strongly correlated to mental distress, self-harm and depression (e.g. WHO, 2013). Three UK based studies (Anitha, 2011, Chantler et al, 2001 and Chantler, 2012) illustrate how insecure immigration status combined with domestic abuse exacerbates self-harm and mental distress. In the UK, there is a high suicide and self-harm rate among South Asian women (Soni-Raleigh, 1996; Bhui, McKenzie and Rasul, 2007). Cooper et al's (2010) study showed that Black African and African-Caribbean women aged 16-39, had the highest rate of presentation to accident and emergency departments compared to white and South Asian women. Following the passing of the Serious Crime Act in 2015, a new offence of "coercive or controlling behaviour" has come into force. The Home Office explains that this offense aims to close "a gap in the law around patterns of coercive or controlling behaviour in an ongoing relationship between intimate partners or family members." Again, these abuses are likely to go unreported.

Due to the impact immigration status can have the experience of domestic violence, the possible responses to it and any help-seeking behaviour immigrant and BAME women exhibit will likely differ from those found among the host majority group.

5. Barriers to help-seeking behaviour

The above explored how immigration status may exacerbate the incidence of gender based violence (GBV); this section explains some of the ways in which being an immigrant (especially of BAME background) may also create great barriers to any help-seeking behaviours in the wake of GBV.

Migrant women's agency is often restricted by unfamiliarity with the host society and/ or by traditional interpretations of gender norms. Young girls and female adolescents are often treated differently to their male siblings in the household: young boys are more often encouraged to integrate in the host society whereas there is a pressure on girls to maintain their original cultural identity (Sharma, 2011). This is the main reason why young migrant women in particular find it harder to have access to services, job opportunities, training, and language courses in the host country. Not recognizing their own rights discourages women from admitting their suffering or pursuing legal justice, and lack of information on where to seek help further contributes to their vulnerability; this includes not knowing how and where to report gender-related violence. Therefore preventing isolation of migrant women is a precondition to ensuring their wellbeing.

Non-immigrant women often explain that a key motivation for not reporting their experiences of domestic violence is the belief that such acts of violence are essentially 'private matters,' to be dealt with by the family. Such views may be similarly held by migrant women, but the realm of privacy may extend beyond the family to the immigrant community. Where a case of domestic violence has been judged by a non-immigrant woman as no longer being able to remain within only the family she may choose to seek help from the formal services of the Criminal Justice System, or the woman's sector. For the immigrant woman however, the way in which she chooses to escalate her help-seeking behaviour is more likely to be to the extended cultural im-

migrant community rather than any formal services of the receiving country. Many migrants may come from cultures that value collective and community more than individualism, and consequently, may prefer to resolve disputes internally, asking for help from other community members and seek consensus sometimes at the expense of their own well-being. In line with this cultural preference, public legal education could allow women of migrant background to prevent and resolve conflicts privately or with a minimal level of external involvement (Mah, 2011).

Despite this possibility, the non-reporting of crime to the police has several social implications (Skogan, 1984) such as lack of access to important ameliorative services and reduction of the possible deterrent effect of the criminal justice system. For instance, reluctance to be identified as a victim of FGM is believed to be one of the reasons for the low incidence of reporting of this offence. In order to tackle this, Section 71 of the 2015 Act amends the 2003 Act to prohibit the publication of any information that would lead to the identification of an alleged victim. However there are further potential issues for migrant women if they expose themselves as a victim of VAW, especially domestic violence. The CPS acknowledges that women “may be reluctant to come forward to seek help as they may fear deportation and/or destitution. Some stay in, or return to, abusive relationships, as they fear removal to their country of origin and the risk of further abuse, harassment and acts of violence. In some cultures, separated or divorce women are ostracised and harassed for bringing shame and dishonour on their families and communities (cps.gov.uk)”. Non-reporting of violence against immigrant women and girls, as well as lack of research about the problem, leads to the neglect of protection for immigrant women in domestic violence and general VAW situations. It is this last idea which will be explored here, the additional barriers and challenges migrant women who have been victims of gender-based violence face.

Migrant women may feel unable to leave an abusive relationship because of dependence on their partner due to difficulties associated with entering the labour market, often regardless of educational achievements. According to “Is Britain Fairer?” (2015) report, people of ethnic minority backgrounds in general outperform white people educationally but still face higher unemployment. Furthermore, all women regardless of their ethnicity are underpaid as compared to men, even though they are generally better educated (ibidem). For Black, Asian and minority ethnic (BAME) women, this is further compounded by racism: research has suggested that as high as 25% of unemployment among ethnic minority groups can be ascribed to racial discrimination (Heath and Li, 2015). Migrants also report expectations of discrimination from the criminal justice system and social services in receiving country and fear racist responses to any reports of abuse. Previous experiences with the criminal justice system in the in home country of migrant women may colour their expectation of responses to reports of abuse in host country. This is presumably particularly pertinent for refugee women who are fleeing oppressive regimes. Sadly this expectation of discrimination is often supported by first or second hand experience of negative or racist responses from the services. Women from ethnic minority backgrounds also report being treated with stereotyped responses in line with their membership of certain cultural or social groups, including the assumption of acceptance of violence in those groups. Those cultural stereotypes and scepticism may lead professionals to mistrust a claim of domestic violence, or be reluctant to intervene when a migrant woman is concerned.

Migrant women may be resistant to seek help in relation to gender based violence they experience at the hands of someone within their cultural group. They may fear being thought disloyal to their culture and accused of being “westernised”, and being seen to reinforce negative stereotypes that the host society may have about their minority group’s treatment of women. Research finds that immigrant women are more likely than immigrant men to alter their gender role ideologies to live according to the more egalitarian Western gender roles (Raj & Silverman, 2002). This may in turn lead to a man increasing his control over a woman, sometimes resorting to the use of violence (Archer, 2006; Colucci and Montesinos, 2013; Erez et al., 2009). Furthermore, victims are less likely to report their assailant if that assailant is known to them (Hautala, Dombrowski and Marcus, 2015). Research which shows that within the Hispanic community in America the idea of ‘criminality’ only seems to be applied to those outside of the community, i.e. those who are not Hispanic; in this case, the idea of reporting only unknown assailants may extend to the community in general. In the UK women have reported feeling that allegations of abuse sully the status of the community, and Muslim women especially may choose to protect the way that their communities are seen in the context of Islamophobia. The notion of community is usually represented as a positive phenomenon, and people undoubtedly gain

a great deal of meaning, support and indeed personal identity from the various communities to which they belong. However, a more critical approach recognizes that community is not only an inclusive but also an exclusive entity: since it reflects a system of social relations and moral order, it implies an element of coercion (Purdue et al. 2000: 3). Notions of social control are of particular significance when discussing migrant women because they are typically expected to preserve and pass on cultural norms and traditions. It has been argued that the biological role of females in reproduction and the socially and culturally defined role as mothers, bearers and nurturers of children provide the basis for their subordination (Rosaldo 1974). Transgressing traditionally defined gender norms in 'socially encapsulated' populations (Peach 2006) may therefore be particularly challenging for women as they often face a 'cultural glass ceiling' (Biseswar 2008: 138), that is a network of cultural, traditional and religious belief systems which can restrict their agency. Keeping a low profile in the community may be a strategic decision, a tactic adapted by women in order not to overtly challenge patriarchal structures. Thus personal empowerment which comprises developing self-confidence, encouraging involvement in the community and developing the necessary knowledge and skills is a prerequisite to acquiring legal capability. Given the fact that migrant women need to overcome obstacles such as communicating in a language which is not their mother tongue and understanding a new cultural reality, confidence seems to be at the forefront of soft skills which they need to acquire.

Hamby's (2008) holistic risk assessment suggested that, in addition to considering the risk of personal physical harm, women in abusive relationships who are considering leaving also weigh a number of risks, including the risk of harm to others, and the financial, social, and legal risks. Most services that are available to women of migrant background in the UK are not adequately equipped to deal with those issues in a culturally sensitive way, and lack training in immigration law and advocacy (Bhuyan 2012). There is a definite lack of appropriate specialist services which specifically cater to and understand the needs of minority ethnic and immigrant women. Those that did exist are closing down in droves, under the austerity measures of the current government: there were 31% funding cuts across the domestic and sexual violence sector between 2010/11 and 2011/12, and services provided for Black and minority ethnic (BAME) women have been disproportionately cut by 47%. The decline in services comes at a time of increased demand: 80% of BAME services reported a 20-50% increase in referrals in that period. This means that women from ethnic minority backgrounds will be more likely to remain in abusive situations. Overall, in 2012, the UK had only 65% of the family places recommended by the Council of Europe as needed for women fleeing domestic violence, and as a result many organisations had to turn women away.

Further, the possible difficulties arising from language barriers between migrant women and those services which could potentially help them when they experience gender based violence are keenly felt. Women Against Violence in Europe (WAVE) highlights the absence of multilingual services in domestic violence shelters in a number of European countries as a key barrier for migrant women (WAVE, 2009, 2010, 2012). Though the Crown Prosecution Service notes that "prosecutors should be aware that the difficulties and trauma associated with these crimes can be exacerbated by language difficulties" (cps.gov.uk) it is rare that appropriate interpreters can be supplied, certainly at the average General Practitioner (GP) in Britain outside few multicultural cities such as London, Birmingham or Manchester. The CPS further cautions that "Experience has led us to be concerned about interpreters and translators who are not on the approved list and who may often be part of the family or linked to the group suspected of carrying out the crime" (cps.gov.uk). Sometimes children and members of victim's community are asked to translate for the women, which may contribute to a deep sense of shame and even deeper social ostracism.

6. Public Legal Education as a potential remedy

Public legal education (PLE) aims to equip people with the knowledge, skills and confidence to successfully resolve the problems they encounter in day to day life. Public legal education refers to informative content and/or any activity that allows individuals or groups to better understand and use the law. It does not include legal advice, legal aid, or training intended specifically for lawyers.

'Legal capability' is about basic ingredients that make an active citizen who is able to fully participate in ev-

everyday life. The definition incorporates the idea of using various educational methods to make people more capable to deal with law-related issues by 'up-skilling' them. In case of working with BAME youth, it is about making them feel part of the wider society that is governed by decision making structures and an enforcement machinery of law and order as there is a clear correlation between rights and active participation in civic life and democracy.

Legal education and information proposals have appeared in a variety of policy initiatives and proposed reform activities in the UK – from professional regulation to provision for litigants in person (Roy, 2013; Civil Justice Council, 2011), to reform propositions in employment regulation and welfare reform initiatives (Justice Select Committee 2015). Despite this increased attention on public legal education solutions, there has yet to be a coherent response to the growing body of evidence that preventative and early intervention options require substantial and sustained investment to achieve economies of scale (PLEAS Task Force, 2007; Barendrecht, 2011).

In 1989 the United Nations agreed the Convention on the Rights of the Child which sets out what governments must do to ensure children and young people have a good life. The UK ratified the Convention in 1991 whilst the Human Rights Act 1998 came into force in the United Kingdom in October 2000. It is composed of a series of sections that have the effect of codifying the protections in the European Convention on Human Rights into UK law. All public bodies such as courts, police, local governments, hospitals, publicly funded schools, and other bodies carrying out public functions have to comply with the Convention rights. This means that individuals can take human rights cases to domestic courts rather go to the European Court of Human Rights in Strasbourg. Here are some articles that are of particular relevance to the lives of young people:

- **Article 3:** the right not to be tortured or treated in an inhuman or degrading way (absolute right). Some examples relating to young people include: child abuse and neglect, severe bullying, abusive treatment in institutional care, excessive restraint in custody and poor conditions in institutions (including custody)
- **Article 8:** the right to respect for private and family life, home and correspondence (qualified). This article also relates to respect for a person's home and family. Examples where this principle may be breached include: young people not being able to participate in important decisions about their lives, abuse or mistreatment of children.
- **Article 9:** the right to freedom of thought, conscience and religion. This right contains two aspects – the freedom to hold a religion and belief and the freedom to manifest it (i.e. put it into practice). The second part of the right can be restricted in order to take account of the rights of others. Examples relating to children and young people include: religious clothing and school uniforms, religious or cultural practices (praying during school hours).
- **Article 14:** the right not to be discriminated against. This is where we bring in equality - in the sense of non-discrimination. This right cannot be used on its own and can only be used in the context of another article of the HRA. Examples include young people not being allowed in certain public spaces, discrimination faced by certain groups of children.

In the UK the Public Legal Education and Support Task Force (PLEAS) convened in 2006. The Task Force reported that "public legal education provides people with the awareness, knowledge and understanding of rights and legal issues, together with the confidence and skills they need to deal with disputes and gain access to justice. Equally important it helps people to recognise when they need support, what sort of advice they need and where to get it" (PLEAS Task Force 2007: 13). The UK definition places an emphasis on legal capability as the goal of public legal education interventions and highlights the social benefits these interventions can offer: "[PLE] has a key role in helping citizens to understand the law and to use it more effectively in their daily lives, bringing many different individual and social benefits. PLE is the missing element in the creation of the legally-enabled citizen" (PLEAS Task Force 2007: 15). There is also potential for PLE to be of growing significance in the effective management of limited resources in the context of legal aid cuts in Britain. That is because education initiatives that help people recognise and deal with legal issues earlier, before those problems escalate, may result in less costly solutions.

The literature in the area of PLE is scarce and usually associated with the field of financial capability on which more extensive research has been conducted. PLE includes the same elements as financial capability, namely

knowledge, skills and confidence (PLEAS Task Force 2007). There is, however, a substantial body of research which shows that significant numbers of people are unaware of the legal dimensions of every-day life, do not act upon experiencing a legal problem, handle problems alone or try and fail to seek advice (e.g. Genn 1999, Pleasence 2006). In addition, legal issues frequently occur in combination both with other legal issues (Pleasence et al, 2014) and wider problems of social exclusion (Buck et al, 2005), as well as have knock-on effects on health and other public services (Pleasence et al. 2007). For instance, research on outreach advice for debt problems has highlighted how financially and socially excluded groups were unaware of Citizens Advice Bureaux or solicitors in their local area (Buck et al., 2008); and how clients lacked knowledge about what specific support a particular advice service might offer. Vulnerability to legal problems increases as a consequence of low income, age, reduced education qualifications and ill-health (Wintersteiger 2015: 3). Younger people (16–24) fall into lower capability brackets, as do greater numbers of people from Black and minority ethnic backgrounds (BAME). 12% of people from BAME backgrounds are in the lower group, compared to only 5% in the higher capability group. The findings underline the strong link between existing vulnerabilities and risk of social exclusion and low levels of legal capability as the people who need PLE most are those who already experience some social disadvantage, for example migrants and ethnic minorities. Social exclusion and lack of legal capability are entwined in a vicious circle: 35% of the young respondents who took part in the *English and Welsh Civil and Social Justice Survey*, conducted by the Legal Services Research Centre (2007) reported having more than one legal problem, and those who were “socially isolated” were far more likely to suffer more problems. In general, lack of legal capability compounds underlying social disadvantage (Law for Life 2015).

According to IARS (2009) report on measuring young people’s legal capability, those who are aged 16-25 and who suffer from multiple disadvantages, are some of the most excluded people in society. This includes young people of migrant backgrounds. In 2011, there were 594,000 foreign-born children aged 0-15 years living in England and Wales. A further 897,000 people were foreign born young adults aged 16-24. Of the total foreign-born population in England and Wales, children made up 8%, while young adults made up 12%. In other words, approximately 20% of the foreign born population was younger than 25 years old (Markaki, 2015). Among foreign-born who arrived in the UK in the year preceding the 2011 Census, half were under the age of 25. Data from the Labour force Survey suggest this trend has been consistent over time: between 2004 and 2015, the share of people who arrived within the past year who are under 25 years old has fluctuated between 45% and 54%. Immigrant youth in particular are an important audience for proactive and preventive legal information because they tend to learn the new language sooner than their parents, and may be required to act as interpreters as well as an information source for the family (Morse, 2005). Therefore, providing legal information to young people of migrant background can provide them, and subsequently their families, with the information and resources to better recognize where one can go to seek help in dealing with legal matters (Mah, 2011).

Youth education programmes began in the twentieth century, when scientists recognized childhood and adolescence as special periods of learning and development (Catalano, Berglund, Ryan, Lonczak, & Hawkins, 1998). Programs directed at reducing juvenile crime and “troubled youth” increased in the 1950s and 1960s, when intervention programs were considered the primary response for challenging youth substance abuse, conduct disorders, delinquency, anti-social behaviour, academic failure, and teenage pregnancy. Many sources acknowledge that public legal education has only just started in the United Kingdom, and recommend Canada and Australia as jurisdictions with more promising practices in this field. In general, in the UK there is an acute shortage of quality legal advice and representation for vulnerable groups, including young women of migrant background. According to Law for Life (2015: 25) report, the quality of legal education is patchy and lacks the identification of good practice. Ongoing cuts to legal aid mean that people in the country are left with little or no expert support, having to negotiate a complex legal system on their own. Those programmes that exist focus on juvenile delinquency, anti-criminality, and anti-gang behaviour. There is no training, however, that would cover violence against women and girls. The only specialist programme focused on the rights of migrant, asylum-seeking and refugee children and young people is Migrant Children’s Project at Coram Children’s Legal Centre in London. Their free advice line offers advice on the rights of migrant children and young people, including unaccompanied minors, and the website hosts legal fact sheets and contact information for free legal advice. CLC also undertakes research and policy advocacy to promote and protect the rights of migrant children in UK legislation and policy; however, they do not offer public legal education

to young people of migrant background. Young people who took part in the IARS study (2009) placed a great importance on getting help from people they know and trust and in a place that is familiar and preferably used by youth. Content and delivery of legal public education should be youth-led and match young people's age, gender and other demographic characteristics, as well as background knowledge and experience (Mah, 2011). As such, the youth-led element is of particular importance in relation to young people of migrant background.

Better knowledge of rights and legal issues can be particularly empowering for young women of migrant background, enabling them to take more control over their lives, deal with their problems, including gender-based violence, and get involved in shaping the decisions that affect them. Lack of legal capability creates barriers to effective access to justice and leaves those women to suffer in silence. Breslin et al (2006) introduced a notion of 'effective citizenship' defined as informed engagement of individuals around issues relating to the public domain. Intersecting with the identity as a migrant, young women have to take the gendered nature of the public domain into account. Dominant family role patterns transform public space in a masculine realm, and may push young women to the feminine spaces of the household. In effective citizenship, emphasis is placed on the processual and dynamic character of political incorporation (Hochschild and Mollenkopf 2009; Minnite 2009), and it is linked to political literacy which develops through 'civic enculturation' (Tillie 2004) comprised of skills such as debating, reading newspapers and being interested in political affairs. Less conventional types of participation such as involvement in informal support mechanisms, for instance 'neighbourliness' (Goodlad 2005) should not be excluded from the analysis. Migrant women are more likely to participate in such informal structures (McIlwaine and Bermudez 2011: 1500) as research indicates that they feel more attached to their neighbourhoods but are also less inclined to be actively engaged in politics (Devadason 2011). It is therefore useful to initially foster self-confidence by teaching women about their own 'inherent' skills in their extended families and religious communities (Blackwell, no date), in order to encourage transferring those to the public sphere. This should be included in programmes raising awareness and understanding of their rights among young migrant women and those with precarious residency rights, including trafficked women. However, legal services for disadvantaged groups are unlikely to meet their complex needs in isolation, and require joined up health, social and legal support to be effective.

7. YAB feedback

Young people often suffer from misinformed decisions and policies that are made without their input, and youth-led research empowers young people by providing them with the tools to develop and validate knowledge and to direct the development of the programmes designed to serve their needs. Engagement in research offers young people opportunities to build their skills, to investigate and explore issues that are important to them, and influence decisions.

We want to ensure true participation of young people in every stage of the project so that it truly reflects their lived experience especially that most members of YAB are themselves of BAME background. In the UK, members of BAME communities are less likely than white people to be involved in local decision-making, campaigning or community organisation. The rationale behind our youth-led research is threefold:

- **Inclusion & responsibility:** Eberstein et al. (2003) highlight how the youth-led approach encourages the participation and engagement of marginalised young people who might, otherwise, fall outside the position of contact with any adults with decision making powers. Kirby et al. (2003) also argue that the youth-led approach promotes the moral and social development of young people. This is facilitated by the process of young people being encouraged to take responsibility for a certain aspect of a project, and being provided with appropriate support to ensure positive outcomes.

- **Policies & practices with a buy in:** The approach also enables young people to establish a sense of ownership of the proposed policy/ practice and its outcomes. Youth-led policy does not mean 'consulting' with young people; it involves a process of empowerment that enables them to translate their experiences and

needs into real change and outcomes for the given policy.

■ **Breaking down stereotypes:** The youth-led approach is also unique in the way that it promotes inter-generational cooperation, and breaks down negative stereotypes of young people. Eberstein et al. (2003) argue in favour of youth-led action to enhance community development stating that, “without authentic interaction between adults and youth, negative media stereotypes of young people dominate and alienate community relationships.”

The YAB meeting regarding Abused No More project was held on 29 January 2016, and was followed by e-consultation in March 2016. We asked our Youth Advisory Board to discuss the following questions:

- a) One of the key objectives of the project is to design Public Legal Education Training for BAME young people; how do you envision the training sessions and material?
- b) After reading the methodology section please let us know whether the case studies (vignettes) that will be given to the interviewees are relevant taking into consideration their age and experiences.
- c) Please read and give us your feedback on the questionnaire addressed at stakeholders and service providers. Would you add any questions? Would you rephrase the existing ones?

According to YAB, the training programme should cover the following issues:

- What rights young people have and the importance of these rights
- What practices are illegal in the UK, and the consequences of breaking the law
- The benefits of knowing your rights, and how hugely they affect your everyday life
- People and support systems within the community that can help
- Ways of reaching out in young people’s own communities in order to educate more people on their rights
- The importance of respecting different communities/beliefs and remaining impartial, so as not to deter anyone when they in turn approach others and teach them about their rights

YAB emphasized the importance of avoiding legal jargon when working with young people, and suggested that technical concepts such as rights, liberties and specific UK policies relating to discrimination, exclusion and abuse should be explained in accessible English that young people are familiar with. As discussed earlier, BAME youth may feel ashamed when seeking help, but this stigma can be dislodged by fostering a sense of pride and achievement. Young people need to be reassured that their situation is difficult and that in upholding basic rights there are demonstrating bravery and resilience. If PLE sessions are run by people from similar ethnic backgrounds who have themselves overcome similar problems, this will inspire and motivate the participants.

YAB pointed out that young people from ethnic minority and migrant backgrounds are more likely to challenge discrimination, exclusion and abuse if it makes them feel closer to their culture and gives them a sense of belonging. For that reason there needs to be an emphasis on differentiating between positive aspects of their culture and the negative aspects so that young people understand that in upholding their basic rights they do not need to lose touch with their cultural background. Legal rights against discrimination, exclusion and abuse should be promoted as fundamental human rights, not an alien concept that is a feature of western culture. The history of rights such as the Human Rights Act should be taught to these young people to inspire and empower them, and give them the confidence to make the right choice. Given the emphasis on family values among BAME groups, individuals dealing with discrimination, exclusion and abusive relationships must be reassured that PLE can be used to strengthen familial relationships. They should not have the misconception that such training is in place to help them ‘defeat’ their parents or spouses etc. but rather that it exists to transform them into better people they can maintain healthy relationships with. Ideally, PLE should not only focus on the young victims but ought to be an inclusive project involving all family members:

parents/ spouse should be taught the importance of respecting basic rights whilst the victim is taught how to uphold them confidently. This would challenge emotional pressure that relatives might place on young people, which could indirectly prevent them from seeking help.

On a more practical level, YAB has also recommended that the training sessions consist of a series of classes ideally in a group and with some one-to-one training. The participants should be given literature to take home, websites they can look at, films to watch and telephone numbers they can call for more information/ advice. In the group sessions there could be aspects of role play etc. to educate young people on their rights whilst providing a more enjoyable and a less intimidating environment. The groups could consist of people of the same ethnic background/communities (some may only feel comfortable discussing those issues in their own community) or different ethnicities (a chance for them to understand the differences and similarities among different communities). There could also be a separate group for young men. The one-one sessions would be confidential, and would provide a chance for more specific questions as well as discussing any particular things affecting youth or people they know within their community.

8. Implications for the fieldwork

The literature review demonstrates that there is a growing body of literature that explores violence against women and girls, including abuse of women from migrant and ethnic minority backgrounds. Relatively new forms of sexual violence such as gang initiations involving young girls in the inner city context and abuse in teenage relationships, including physical abuse of boys by girls, remain under researched. Moreover, public legal education is not sufficiently covered, and there is no evidence of the existence of public legal education aimed at young migrant women and tackling gender based violence. In our fieldwork we therefore focused on constructing a public legal education model that would reflect the needs of migrant youth, especially young women who may be facing gender-related abuse. We identified life skills and social competences that can be acquired through provision of gender and culturally sensitive public legal education, and ultimately, determined forms of support that young people need in order to reclaim their rights and tackle gender based violence in their communities.

We examined the following:

1. How legally capable are of young people from BAME backgrounds, particularly young women?
2. What abilities does the 'ideal' legally capable young person have?
3. What gender-related issues do these young women commonly encounter?
4. How can we develop a baseline indicator in order to measure legal capability?
5. How can public legal education activities improve young people's legal capability and empower them to live independent and confident lives?
6. Do these young people have any special needs which the designers of public legal education activities need to take into account?

A qualitative methodology has been chosen to carry out this piece of research because the aim of the project is to explore and begin mapping a relatively new topic. It was decided that face-to-face vignettes-based interviews with young people would allow for an in-depth and frank discussion of the issues. According to Barter and Renold (1999: 1), vignettes may be used for the following purposes:

- to allow exploring problems in a concrete, situational context;
- to clarify people's judgments, often in relation to moral dilemmas;
- to provide a less threatening way of exploring sensitive issues;
- to enable participants to define the situation in their own terms.

Vignettes are simulations of real events and are used to elicit responses to written accounts of hypothetical situations, hence providing important data for the study of perceptions and beliefs (Hughes 1998). Using case vignettes facilitates comparing participants' responses as all of them are asked to provide answers (i.e. how would they deal with a GBV-related situation described) to the same realistic scenarios. This highlights assumptions on which interviewees base their decisions, and also reveals what resources are available to them, what their level of legal knowledge is etc. The advantage of using vignettes is their potential to aid the study of difficult topics of enquiry: responding to vignettes allowed young women to elaborate more freely on GBV as they were not asked to talk about their own experience. In such a way vignettes can help to desensitize aspects of these for participants (Hughes and Huby 2002) because commenting on a story might be easier than talking about a direct, personal experience.

This chosen methodology had an impact on how the questions could be asked. It was decided that 'testing' and discussing young people's responses to scenarios depicted in vignettes would give the clearest indicator of legal capability. The scenarios examined differing degrees a young person's knowledge, skills and attitudes to resolve the issue. The vignettes are not designed to be interpreted as having either 'right' or 'wrong' answers, but rather to illicit their thinking process and whether a deficiency in one domain would impact upon another and overall legal capability. They describe different forms of violence against women and girls.

Vignettes

FGM Fatima is 11 years old and lives in London. Her mother told her that next summer she is going to their home country to become a woman like the rest of her female family. Her mother told her that she should just tell people she is going on holiday to visit relatives. Fatima has been taught about FGM at school and knows that it is bad and illegal, and that girls from her country are cut. Fatima knows that her mother would not do anything bad to her, but her mother also told her to lie to her friends and school and this makes her confused. Fatima knows that none of her friends at school are expected to undertake this kind of ceremony and she is scared and full of doubts, even though her mother said it is for her own good. As summer approaches Fatima becomes more and more worried, but she does not want to disappoint her family or get them in trouble.

Forced marriage Krittika is a 16 year old girl who lives in Birmingham. Her best friend, Gheeta, is funny and energetic and always knows how to make her laugh. Gheeta comes from an important family and has many sisters but Krittika has never met them because they are older and live in India with their husbands. Krittika notices that her best friend has stopped studying for her exams and seems suddenly unconcerned by the consequences of failing them. It seems that Gheeta has lost interest not only in school, but also in her social life. When Krittika asks her about her exams, Gheeta replies that she will soon leave for India to be a wife. Krittika is shocked because Gheeta is the same age as her and Krittika thinks she is too young to be a wife. Krittika also does not want her friend to leave and is worried that Gheeta seems unhappy but she does not know what to do. Gheeta has told Krittika not to tell anyone because that would get them in trouble and her parents will get really mad.

Honour-based violence Bani is a 17 year old girl who lives in Manchester. She is happy because she has finally started to look like a woman. Little by little she is getting used to more girly outfits and she starts wearing her hair down like the other girls in her class. She likes to go out on Saturdays with some friends to the local shopping mall where they hang around the shops and have fun trying on make-up and high heels. However, her aunt saw her with the other girls in town, in make-up and short skirt and told her parents about it. Her mother is very upset and her father says she has dishonoured her whole family. Her family has stopped her from seeing her friends and when Bani tries to complain her father beats her. Bani knows that her father is not allowed to hurt her like that, and she is upset and confused. She does not want to disappoint her parents but she is angry because she just wanted to do what the other girls were doing.

Questions for focus groups with professionals

1. How often do you encounter GBV in your work? Which communities have the highest prevalence and why?
2. Can you give some hypothetical/anonymous examples of work you have done with young BAME women in situations of gender based violence - what kind of cases would normally arise? Do you recognise any key similarities and difference between such cases?
3. In what ways are you usually able to help these young women? What services /solutions do you offer?
4. Do you know of examples of services/schemes that have been proven to work in other countries/communities?
5. What key services/ schemes do you think are missing in the UK that could help reduce or combat the incidence of GBV against young BAME women?
6. How do you ensure your strategies are sensitive to the differences in age, gender and migrant status of these young women?
7. What are the key abilities that 'ideal' legally capable young people have?
8. Can you explain some key barriers that prevent young BAME people from reaching this ideal legal capacity threshold?
9. What are some strategies that might be employed to combat these issues?
10. What are the most common barriers/pressures that stop young BAME women from speaking out against GBV and make them suffer in silence? If they can't speak to their parents/family about issues where they are mostly likely to turn to after, is there anywhere/one?

9. Fieldwork findings

We carried out four in depth interviews with four young women of minority ethnic backgrounds and four in depth interviews with female practitioners who work with young women affected by sexual violence. When discussing the vignettes, young women were emphasizing the role of school staff, and expressed mistrust of the police force, that reflects the findings from literature review. Both young women and professionals mentioned that in their experience police tend to respond in an ad hoc way, on one hand pressing charges when there is no need to do so, and on the other, not following up serious cases when a woman's life is in danger. In general, young women favoured community-based approaches, such as compulsory orientation programmes for parents, awareness raising campaigns led by experts by experience in community centres, schools and town halls. Public education programmes would therefore fall into this category.

●● *If you criminalize FGM, separate family and put them in prison, it's not gonna stop. To stop it, you have to go to the source, educate people, do some campaign in school, ask people why they are doing it to girls, don't put them to prisons. You have to explain to them that it's not good, that the times have changed. If you put one person to prison, another one is going to take over. Education is gonna take long but it's more powerful.* ●●

The harsher measure included suggestion of introducing ban on travelling as a safeguard for those under 18, however this is clearly in breach of civil liberties. Both the women and the practitioners emphasized the importance of acting very fast on the cases involving VAWG – this is often made impossible by the statutory services' bureaucracy.

The young women demonstrated a good level of understanding of gender-based violence, its legal context and services available but were not aware of the concept of public legal education. Instead, they referred to “awareness raising campaigns”, “training”, “workshops”. This was also the case with the professionals who were more concerned about limited services rather than lack of information about them. They pointed out to funding cuts affecting women's services as well as legal aid cuts, and an urgent need for culturally and linguistically specific targeted services which include consultations and creating awareness through campaigns about domestic violence, dress code, early and arranged marriage, nikah (Islamic marriage that is not recognised by the state), divorce under Sharia, discrimination against women in a family court (under Sharia), abuse by husband and other members of husbands family/friends, and transnational marriage abandonment. Moreover, legal services aimed at preventing enforcement of certain dress code, verbal abuse (such as brothers/fathers and husbands calling women names like ‘whore’ and ‘unworthy’), marital rape and divorce under Sharia are rare. In case of foreign spouses married to UK citizens, community organisations need to liaise with immigration lawyers to prevent those women from being sent back home where they can face honour based violence. All of these services need to be made accessible in order to combat gender based violence.

When women experience any of the above, an NGO would raise a campaign within the community and would reach out to other women's rights organisation which can provide legal advice to the victim. If a woman comes to a professional individually for advice and support, they would normally be advised contact with a legal firm and put them in touch with women's rights organisations such as Southall Black Sisters and Iranian and Kurdish Women's Rights Organisation (IKWRO). This also entails putting them in touch with a women's rights solicitor, preferably also a female, who can help them with taking legal action against a perpetrator. Community centres and other civil society organisations play a huge role in combating gender based violence and supporting the survivors, and this needs greater recognition: central government, local authorities and charitable funders need to make better efforts not only to protect them from funding cuts, but also to invest more in those offering innovative integration initiatives for migrant women. On the other

hand, one could argue that cuts to services make the need for public legal education even more urgent so that young people can sort out as many issues as possible by themselves, within a family or a community. But this is more applicable to preventing abuse from happening, rather than seeking redress after it has happened. Our research shows that sometimes, when a young woman prefers to stay in the family and wants to avoid court and police, a professional would negotiate with the family in person and remind the abuser about the consequences that they may face if the woman takes legal action against them. The practitioners reported that in most cases this “softer” approach fails but many women prefer to go apply it before the case has gone worse. But when an incidence of violence against women and girls does occur, this obviously needs to be dealt with by relevant services.

The young women who participated in the research were deeply dissatisfied with the inadequate level of service provision and the generally punitive approach of the state in relation to gender based violence in BAME communities. They raised the problem discussed in the literature review, namely that the services do not provide a real long term solution for women fleeing abusive relationships; as a consequence, women go back to their violent partners:

●● *I know lots of people who used those services, but in the end it didn't help them much. They end up going back to the same problem, they say the system has let us down. I have one friend, she was abused by her partner. They took her to the women's shelter, but when she was there, there was no help available. She was there all day in the house with her son, there is no activity, no going out, you're locked up. Also, she wasn't getting along with the other woman who was there. She wanted to get out of that place as soon as possible, she said she was depressed, she wasn't well, her son wasn't doing well at school because he couldn't get enough sleep, that's how noisy it was. So it was worse than outside. They found her another house, and she didn't get along with the landlord who was always complaining. Her partner managed to track her there, and he was coming there as well and abusing her verbally. She called the police but they didn't do nothing. And the guy managed to convince her to go back and live with him. And then she went back again to the first shelter.* ●●

In some cases, the support provided can be so inadequate that it further exacerbates the already vulnerable position that a woman is in:

●● *I have a friend, she is a lesbian and she was targeted by the people from her community. Everyday she was receiving verbal abuse, they were calling her names. So the local authority sent her far away, she was in Croydon. She can't go to college there, there is no financial support, there is no emotional support. She felt lonely and she tried to commit suicide. One of the people she lived with took her to hospital on time and she survived.* ●●

Furthermore, the young women raised the issue of women whose immigration status is not regularised and who have no recourse to public funds and who are not treated in the same way that the British women are treated:

●● *I think services are there but they are not following up on a person until the end especially if you are an asylum seeker, migrant, if you have no status, they can't do much. But these are people who should be the priority, because they have been through so much and they are being let down again.* ●●

Those women who come to the UK on spouse visas are not able to access some mainstream services and often find it hard to understand their entitlements. The government's policy on no recourse to public funds requires a careful rethinking as it limits the opportunities for migrant women to integrate. GP surgeries are places accessed by migrant women with no recourse to public funds, and therefore should be used for both outreach and provision of information about services for migrant women. ESOL provision for migrants with

no recourse to public funds should be expanded and made more easily accessible. It must be ensured that migrant women can get access to classes compatible with work and family commitments.

Building self-esteem is an important element particularly for newly arrived migrant and asylum seeking women because it can facilitate a sense of control over new cultural reality. That sense of control takes time to develop. Very different skills are needed for this to happen, and include language skills, understanding work culture in a host country, familiarizing with services etc. Voluntary organizations working with migrant women are trying to do two jobs, not only actual training programmes, but also putting women psychologically in a position where the training can be beneficial to them.

The young women who participated in this research have relatively high levels of engagement with public life through community activism and voluntary work. They are also able to critically think about their own cultural backgrounds:

●● *The culture is me, the culture is you, we should work to improve it, just like laws are being made better.* ●●

The women argued that socially conservative parents should not push their children to lead double life or to run away from home, with serious consequences like drug addiction and prostitution. Their main line of consideration was that a child's happiness should be more important than tradition:

●● *When asked, we should give children a reason, not use culture as an excuse.* ●●

●● *In educating children, parents have to be involved as well, even if they have different views compared to western ones. It can be difficult for them to adapt, but their kids were born here or grew up here, it's different. Everyone needs lots of education and information, leaflets, booklets, anything.* ●●

Among the South Asian communities in the UK, young women and teenage girls are sometimes forced to wear hijab and are being sent to girls only schools. Young women from socially conservative families may find it hard to say no; some are withdrawn from sex education classes. If they refuse to follow the rules and dress codes in and outside home, they may be forced to leave school and be locked at home, expected to serve the family (to cook and look after children and the elderly in the family). If they protest or fail to perform the expected roles they would be beaten up by male members of the family, usually father and brothers and may be forced to an early marriage to a man chosen by the family and following Sharia law.

On the other hand, some parents and families (including husbands and brothers) prefer their daughters/sisters and wives to be educated in order to earn money. However, women's higher education, professional degree and profession are normally chosen/ influenced by their families. For example, majority of educated Muslim Bengali/Bangladeshi-British women become doctors, nurses and receptionists in medical centres and hospitals, pharmacist, school teachers, or carers, child-minders and house-keepers. They chose these professions because they are seen as appropriate for women and are encouraged by most of families as they relate to care giving. Majority of these women would still be expected to maintain dress codes at work place too.

Culture, religion and socio-economic background tend to be conflated with each other and one needs to untangle these intersections carefully instead of sweeping them aside. Furthermore, cultures are dynamic and not static, reified entities, and undergo transformation, particularly in the context of displacement. This approach will have to guard itself from charges of seeing culture as a prison, and this research calls for recognition of social changes within Black and minority ethnic populations.

●● *Culture is not abstract, it should suit us, not imprison us.* ●●

A common thread which runs through this report is the notion that gender, culture, religion, class, education and family background can all serve as both barriers and opportunities. Limited social networks, lack of information and a variety of other integration challenges arose as the main obstacles for newly arrived migrant women, rather than their cultural background per se:

●● *Despite of different cultures, GBV is around the same issues, it's about control, and there are always many of layers of control, about money, isolation, domestic abuse.* ●●

Migrant women need wider support from both family and community, and this requires greater involvement from schools, GP surgeries, places of worship, as well as a better coordination between those services, as well as creating more women-only spaces. In order to facilitate social inclusion in the local community, ESOL provision should be made more accessible and converting overseas qualifications needs to be easier. Migrant women need to be made more aware of the skills that they have, and the ways in which western society is changing in terms of valuing women's qualities and contributions. Also, existing civil society organizations and policy makers should strive to include voices of migrant women because it is they themselves who are experts on what drives their own communities.

One professional pointed out that there is knowledge about rights and services among her client group but young women are not applying it and not seeking help because they are afraid of losing community support, and being left alone to face racism in the society. In case of young women from South Asian backgrounds, they often don't have anywhere to turn to other than going to a friend or neighbour who may be equally vulnerable as the victim. Some of these young women may choose sex work as a way of survival away from their family and community. The lack of access to justice, religious boundaries, social stigma and above all legal aid cuts have all made it difficult for many young women to seek redress. It is important to underline that professionals do not convince women to leave abusive relationships, but provide safe confidential space for them to make their own decisions. They usually approach the service by phone, and it takes them a very long time to reach out, as demonstrated in the literature review findings.

One practitioner admitted that there is too much focus on working only with women in the situation of domestic abuse, and on changing their behaviour in order to adapt to the expectations of a man. In line with the principles behind the systemic therapy model which is now gaining importance in the UK, what is needed is joint work with whole families and couples; that is because Eurocentric individualistic approach is not working, especially not for BAME communities, and it is not cost effective either. According to one professional, often young people who were born in the UK would not interfere with their friends' lives if something bad happens to them because of highly individualistic cultural values in the British society. She gave an example of children sharing naked pictures of their colleague in a school for weeks before it came to the knowledge of teachers. They did not inform the staff because they did not feel responsible for a humiliated peer, and, from the legal point of view, did not know they are engaging in illegal child pornography. A more holistic and values-based approach should be applied to public legal education, which should teach young people about being responsible for others, managing social situations, and differentiating between rights versus entitlements. According to the professionals that we interviewed, young women who were born in the UK are usually confident enough to express what they find uncomfortable, constraining or wrong in terms of treatment in the family and beyond. Then they will stand up to say what they like or dislike, and what legal action such treatment may involve. Practitioners witnessed girls as young as 14 warning their families including fathers, brothers, mothers and husbands that they would report to school/local police station unless abuse has stopped. They also recounted working with migrant women from the Indian subcontinent who warn their husbands that they would report to the UKBA that husband is abusive to them which would then prevent the men from extending their visa and gaining permanent residency in the UK.

The issue of marrying abroad is the subject of a separate study but what needs to be highlighted here is that having a supportive husband and sympathetic extended family makes a huge difference to a migrant woman who arrives in the UK. Women who were interviewed for this project already have a good level of understanding of their rights and services available to them but voices of those women who are not active in the public sphere unfortunately remain silenced. There is a greater need for more work to reach out to migrant communities with households in which women remain constantly in the home.

Recommendations:

1. There should be specialist information centres set up which would provide information in relation to legal support, counselling and services to victims of VAWG, including FGM.
2. There is a need for more free helplines staffed by specialists on different forms of GBV.
3. Young women, especially migrants who come to the UK as dependents, should be given appropriate training and awareness service which would help them to build on their legal capacities when they face abuse and threats of divorce by husbands and other family members in the family.
4. Parallel legal systems including Sharia courts must be banned and one secular law should be applied to deal with cases of abuse, gendered violence and discriminations against women.
5. One of the ways to ensure age sensitivity of strategies and services is to appoint advocates/ case workers, counsellors and outreach workers of different age who could engage in and understand young survivors. It is essential to cover age gaps between the case worker/counsellor and the victim.
6. The role of community centres in providing advice and support needs greater recognition, and better efforts need to be made not only to protect them from funding cuts, but also to invest more in those offering innovative integration initiatives for young migrant women, including provision of public legal education.
7. A concerted effort between different local authorities is needed in creating safe spaces for women.
8. Integration requires more than simply knowledge of English. Public legal education should provide young women with hard and soft skills needed to develop their confidence, fulfil their potential in the UK and participate more in the society.

Appendix

Main organisations working to protect children’s and young people’s human rights in England:

Children’s Legal Centre gives advice on all issues relating to children.

 Website: www.childrenslegalcentre.com

Children’s Rights Officers and Advocates are working for the Convention on the Rights of the Child to be put into practice across England.

 Website: www.crae.org.uk

Connexions Direct offers instant, confidential advice on anything that affects teenagers.

Website: www.connexions-direct.com

National Society for the Prevention of Cruelty to Children (NSPCC) is the UK’s leading charity specialising in child protection and the prevention of cruelty to children. The NSPCC’s core values are based on the UN Convention on the Rights of the Child.

 Website: www.nspcc.org.uk/kidszone

National Youth Advocacy Service offers advice, information and support to children and young people on their rights about any matter that affect them. This includes legal advice for children and young people on family, care, education and immigration.

 Website: www.nyas.net

Office of the Children’s Commissioner gives independent voice for all children and young people in England.

 Website: www.childrenscommissioner.org

Refugee Council provides support and advice to unaccompanied refugee children.

 Website: www.refugeecouncil.org.uk

Save the Children is a children’s rights development agency primarily focused on education, poverty, refugee and asylum issues.

 Website: www.savethechildren.org.uk

UK Youth Parliament aims to give young people aged 11 to 18 a voice in national and local issues.

 Website: www.ukyouthparliament.org.uk

Voice offers support to children and young people in care and in custody as well as to young asylum seekers.

 Website: www.vcc-uk.org

The Children’s Rights Alliance for England is a group of over 380 organisations in England that work together to get the Convention on the Rights of the Child put into practice everywhere. They were set up in 1991, the year the UK Government agreed to follow the Convention in all matters affecting children.

 Website: www.crae.org.uk

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This research has identified, through a literature review and a qualitative field work, discriminations which are specifically associated with young age and the training needs of youth concerning the topic of discrimination. After an introduction where we illustrate the available statistical data and national legislation, we describe some of the most significant precedents and services and practices currently available at local level. Later, we describe the results of available research reports connecting discrimination with young age, reading – whenever possible – the outcomes from a gender perspective. Finally, through the field work that involved 16 young persons aged 13 to 23, we explored the training needs of this specific age group concerning discrimination.

Key words: youth, antidiscrimination, multiple discrimination

02

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Via Lenin 55, 41012 Carpi, MO, Italy

+39-059-645421- progetti@anzianienonsolo.it

GIOVANI E DISCRIMINAZIONI MULTIPLE: STATO DELL'ARTE E BISOGNI FORMATIVI

*Licia Boccaletti,
Salvatore Milianta*

Abstract

Questa ricerca ha identificato, tramite una rassegna della letteratura e una indagine qualitativa sul campo, le discriminazioni che si associano in modo specifico alla giovane età e i fabbisogni formativi delle generazioni più giovani rispetto alle tematiche discriminatorie. Dopo un'introduzione in cui vengono illustrati i dati statistici disponibili e la normativa nazionale, vengono riportati alcuni casi giurisprudenziali particolarmente significativi e i servizi e le pratiche attualmente attivati sul territorio rispetto a questo target specifico. Successivamente sono descritti gli esiti delle ricerche attualmente disponibili che mettano in relazione le principali forme di discriminazione con l'età giovanile, offrendo anche - quando disponibile - una lettura di genere degli esiti. Infine, tramite un'attività di lavoro sul campo che ha coinvolto 16 giovani tra i 13 e i 23 anni, sono stati esplorati i fabbisogni formativi di questa specifica fascia d'età rispetto al tema della discriminazione.

Parole chiave: giovani, antidiscriminazione, discriminazioni multiple

1. Contesto

In questo capitolo cercheremo di illustrare sinteticamente il contesto in cui in Italia si contrastano e si prevencono le discriminazioni verso le persone più giovani, rappresentando la dimensione del fenomeno a livello statistico, il contesto giuridico (normativa e giurisprudenza) ed i principali servizi ed iniziative esistenti sul territorio. Citeremo altresì dati ed informazioni relativi alla violenza verso le donne e verso i minori, che, benché non siano il focus di questa indagine, con esso hanno una stretta correlazione. Questi elementi, li metteremo poi in relazione con lo stato dell'arte della formazione dei giovani – in particolare di quelli in situazioni di svantaggio – su queste tematiche: le esperienze già in essere e i gap di conoscenze che l'indagine ha messo in evidenza. Ciò in coerenza con gli obiettivi del programma Erasmus+ – Gioventù che mirano a sostenere la partecipazione alla vita democratica in Europa anche dei giovani maggiormente marginalizzati.

2. Le discriminazioni verso i giovani in Italia – dati statistici

A livello nazionale una prima fonte importante sono le segnalazioni ricevute dall'Ufficio Nazionale Antidiscriminazioni Razziali (UNAR)¹ che si riferiscono alla fascia d'età 15-24 anni. Nel 2014, il 4,91% (nr.14) dei casi di discriminazione con vittime "*persone fisiche*" ha riguardato giovani con età compresa tra i 16 e i 24 anni; il 5,08% (nr.22) nel 2015. Nel 2014, il *ground* discriminatorio ha riguardato con nettissima prevalenza (85,7%) l'ambito etnico-razziale. Nel 2015 gli ambiti sono stati maggiormente distribuiti: disabilità (18,18%), orientamento sessuale (27,27%) ed etnico-razziale (45,45%). Circa il genere delle vittime, la distribuzione è sostanzialmente equa, con una prevalenza di uomini nel 2014 e di donne nel 2015 (57,14% vs. 42,86% nel 2014; 45,45% vs. 54,55% nel 2015).

Vi è poi un'indagine Istat (Istat, Dipartimento Pari Opportunità, 2012) – sulle percezioni dei cittadini stranieri che tiene conto delle dimensioni di età e di genere. Dall'indagine emerge che complessivamente gli uomini stranieri sembrano subire lo svantaggio più delle donne (31,5% uomini e 27,1% donne), ma le donne straniere più degli uomini dichiarano di essere state esposte a trattamenti discriminatori nel corso degli studi (14,2% contro 11%). La percezione discriminatoria in ambito scolastico si accentua tra gli 11 e i 19 anni, in particolare essere discriminati a scuola o all'università per il semplice fatto di essere straniero o di avere origini straniere è più frequente tra i 14-19enni (17,4%), seguono i ragazzi tra gli 11 e i 13 anni (15,5%).

Per quanto riguarda le persone disabili giovani, secondo un'indagine del Censis (Censis, 2014) le maggiori disuguaglianze si riscontrano in ambito educativo. Ad esempio nei bambini Down tra i 7 e i 14 anni l'inclusione scolastica raggiunge il 97,4%, ma già tra i 15 e i 24 anni la percentuale scende a poco meno della metà. Tra i ragazzi affetti da disturbi dello spettro autistico, fino a 19 anni è il 93,4% a frequentare la scuola, ma il dato scende al 67,1% tra i 14 e i 20 anni, e arriva al 6,7% tra chi ha più di 20 anni. D'altro canto, secondo un report di Disabled People's International e Consiglio Nazionale Disabilità (DPI Italia, CND, 2012) il titolo di studio raggiunto non è influenzato dalle differenze di genere. Infatti, le persone con disabilità, maschi e femmine, con nessun titolo di studio presentano dei valori abbastanza simili, rispettivamente il 17,7% e il 15,3%. Differenze di genere si riscontrano invece relativamente all'occupazione: tra le persone con disabilità dai 15 ai 44 anni le donne occupate sono il 15,5% contro il 29,4% degli uomini. D'altro canto, la differenza di genere sembra essere irrilevante per quanto riguarda la ricerca del lavoro se si fa riferimento alla fascia d'età che va dai 15 ai 44 anni: le donne con disabilità alla ricerca di un'occupazione sono infatti il 13% e gli uomini 13,1%.

Il 9,1% dei giovani tra gli 11 e i 17 anni, è colpito con cadenza settimanale da fenomeni di bullismo (ma oltre il 50% ne è stato vittima almeno una volta negli ultimi 12 mesi). La percentuale sale per coloro che vivono in zone considerate disagiate e per le ragazze rispetto ai maschi. Le femmine sono anche più fre-

¹ Dati forniti da UNAR su nostra richiesta.

quentemente (7,1% vs. 4,6%) vittime di *cyberbullismo*, ma questo sembra doversi ricollegare alla maggior propensione delle ragazze a utilizzare il telefono cellulare e a connettersi a Internet, che le espone di più ai rischi della rete e dei nuovi strumenti di comunicazione. Le prepotenze più rilevanti rispetto al tema della discriminazione possono essere individuate nella derisione per l'aspetto fisico e/o il modo di parlare (6,3%) e l'esclusione per le proprie opinioni (4,7%) (Istat, 2014).

Un'indagine specifica sul bullismo omofobico (Prati, Coppola, & Saccà, 2010, p. 10) nelle scuole superiori ha evidenziato come gli insulti scritti e verbali a sfondo omofobico, così come gli atti di aggressività ed isolamento siano frequenti. Tuttavia, dal punto di vista della differenza di genere, emerge chiaramente come i ragazzi ne siano vittime in misura maggiore (doppia o tripla) rispetto alle compagne femmine.

Per quanto riguarda la discriminazione basata sull'età, l'unico dato reperito riguardante l'Italia è del 2006 e si riferisce alle disuguaglianze nella ricerca del lavoro. Secondo questa indagine, l'età sarebbe il primo fattore di discriminazione (28%), seguito dal genere (13%). In particolare, emerge che il 63% dei giovani under 20 dichiara di essere stato vittima di discriminazione nella ricerca di un lavoro, a fronte del 72% di coloro tra i 45 e i 52 anni (Rymkevitch & Villosio, 2007, p. 4).

Rispetto alla violenza di genere, i dati Istat (Istat, Dipartimento Pari Opportunità, 2014) mostrano come siano le donne più giovani (16-24 anni) ad aver subito in percentuale maggiore: violenza fisica o sessuale da parte di un uomo, psicologica da parte di un ex-partner o stalking da parte di persone diverse dall'ex partner. Rispetto all'indagine precedente realizzata nel 2006, comunque, risultano in diminuzione sia i casi di violenza fisica che psicologica. Per tutte le forme di violenza, le donne straniere risultano maggiormente vittimizzate, tuttavia questo dato non è disgregato per fasce d'età.

Dai dati relativi alle chiamate pervenute al numero verde nazionale contro la violenza di genere² si evince che solo il 6,7% delle vittime ha un'età compresa tra i 18 e i 24 anni (una percentuale che sale all'8,43% per le vittime di stalking) e lo 0,96% ha meno di 18 anni. Ancora, il 12,59% delle donne vittime con figli minori ha dichiarato che la violenza subita si estende anche ai figli, ma oltre il 50% riferisce che i bambini sono vittime di violenza assistita. Rispetto agli autori di violenza, nel 3,5% dei casi essi sono compresi nella fascia d'età 18-24 anni.

Infine, i dati relativi al numero verde Servizio 114 Emergenza Infanzia (114, 2014) si evince come i bambini vittime di situazioni di emergenza/disagio siano quasi equamente distribuiti per genere (maschi 47,5% – femmine 52,5%) e la fascia d'età più colpita (59,2% dei casi) sia quella compresa tra 0 e 10 anni. Un quarto delle segnalazioni ricevute dal servizio riguarda bambini di origine straniera.

3. La normativa anti-discriminazione in Italia

In Italia, il principio di non discriminazione, se inteso come parità di trattamento e come rispetto della dignità della persona e del diritto alla realizzazione personale, trova un suo riconoscimento rispettivamente negli articoli 3 e 2 della Costituzione. Non esiste, tuttavia, una norma di legge che preveda e che sanzioni, in maniera trasversale, la discriminazione in ogni sua manifestazione e nella generalità dei settori dell'ordinamento (Bilotta, 2010).

Il nostro legislatore è intervenuto o in particolari settori, garantendo trattamenti non discriminatori a tutti i soggetti di un settore (come nel lavoro), o a favore di classi di soggetti, in tutti i settori (come nel caso dei disabili o delle donne), o per tipi di discriminazione, privilegiando la tutela in determinati ambiti (come per la discriminazione etnica o razziale).

Per quanto riguarda l'ambito lavorativo, le disposizioni sono quelle presenti nel d.lgs. n.286/98 – Testo Unico Immigrazione – (artt. 2, 41, 43, 44) e nello Statuto dei Lavoratori (L. 330/70, art.15) originario e successive modifiche e integrazioni.

² Analisi, elaborazione e rappresentazione dei dati statistici raccolti dai Contact Center dipartimentali tematici (1522 contro violenza alle donne, Numero verde antitratto, e Contact Center antidiscriminazione) nel 2014 e sui comportamenti discriminatori – All. 1

La tutela contro le discriminazioni di genere, con già un riferimento costituzionale (art.37), ha i suoi strumenti principali nel c.d. Codice delle Pari opportunità fra uomo e donna (d.lgs. n.198/2006) che è l'ultima tappa di un processo cominciato con la c.d. legge di parità, la L. 903/1977 (scopo: attuare la parità di trattamento tra uomini e donne in materia di lavoro), proseguito con la L. 125/1991 (previsione di azioni positive). In seguito, a loro volta, modificati e integrati dai d. lgs. n. 196/2000 e n. 145/2005. Il codice poi è stato modificato con il D.Lgs. 5/2010, per dare attuazione alla direttiva 2006/54/CE.

Per quanto riguarda le discriminazioni diverse da quelle per genere, il legislatore nazionale ha emanato i D.Lgs. 215/2003 e D.Lgs. 216/2003 per dare attuazione alle direttive comunitarie n. 2000/78/CEE e 2000/43/CEE. Con il D.Lgs. 215/2003 il legislatore è intervenuto a tutela della parità di trattamento fra persone indipendentemente dalla razza e dall'origine etnica; con il D.Lgs. 216/2003 è invece intervenuto a tutela della parità di trattamento in materia di occupazione e condizioni di lavoro (per i fattori di età, orientamento sessuale, handicap, religione e convinzioni personali).

Questi ultimi hanno introdotto novità di particolare rilievo nel nostro sistema di tutele: la principale è la creazione di un ufficio nazionale di contrasto al fenomeno discriminatorio: l'Unar (Ufficio Nazionale Antidiscriminazioni Razziali) che – nonostante il nome – opera con riferimento a tutte le forme di discriminazione previste dall'ordinamento.

Se le discriminazioni legate all'orientamento sessuale sono tutelate, come detto, in ambito lavorativo, l'Italia non ha invece ancora una legge specifica contro l'omofobia³. Ad oggi, solo la Regione Toscana ha una propria legge regionale contro le discriminazioni per orientamento sessuale e identità di genere (Legge regionale n. 63 del 15 novembre 2004).

In ultimo, con riferimento alle discriminazioni basate sulla disabilità, oltre alla L. n.104/1992 –Legge-quadro per l'assistenza, l'integrazione sociale e i diritti delle persone handicappate – vige nel nostro ordinamento una specifica legge (L. n.67/2006 Misure per la tutela giudiziaria delle persone con disabilità vittime di discriminazione) che offre strumenti di tutela giudiziaria dedicati per i disabili vittime di discriminazione in ambiti diversi da quello lavorativo “al fine di garantire alle stesse il pieno godimento dei loro diritti civili, politici, economici e sociali”. Questi strumenti di tutela giudiziaria, originariamente previsti solo per le discriminazioni per disabilità, sono poi stati estesi anche alle altre previsioni in materia di discriminazione (art. 28 D.Lgs. 150/2011).

Le discriminazioni multiple non sono riconosciute in modo specifico dalla legislazione italiana (Alldred & Biglia, 2015, p. 667).

La discriminazione verso i giovani nella giurisprudenza

Per avere uno scorcio di come i casi concreti di discriminazione aventi come vittime persone giovani siano trattati, seguirà una minima rassegna di casi tra i più recenti e degni di nota. Prima della loro rappresentazione, per ciascuno di essi si accennerà alle ragioni di significatività per il presente lavoro.

Tra i casi più significativi si segnala quello di cui alla sentenza della Corte di Cassazione n. 1126 del 2015. Il caso è di particolare importante per almeno tre profili.

- Il primo profilo riguarda il clamore mediatico che il caso ha suscitato: ne ha parlato tanto la carta stampata quanto tutti i notiziari radio televisivi con una copertura che nessun altro caso prima aveva avuto.
- Il secondo profilo riguarda il merito della questione: la Cassazione ha annullato la condanna al soggetto discriminante perché troppo esigua. Nel dettaglio, la Corte d'Appello aveva ridotto il risarcimento accordato dal giudice di primo grado da 100.000 Euro a 20.000 Euro, la Corte di Cassazione ha ritenuto quella riduzione ingiustificata e anche per quel motivo (oltre ad altri) ha ritenuto di dover annullare la sentenza della Corte d'Appello e gli ha rinviato il caso perché stabilisse un adeguato risarcimento non limitato a soli 20.000 euro.

³ Esiste una legge approvata alla Camera nel 2013 ma che non ha ad oggi ancora concluso l'iter parlamentare

■ Il terzo profilo attiene agli strumenti giuridici utilizzati. Nella motivazione della sentenza pur descrivendo la circostanza come una nella quale la parte lesa sia stata “vittima di un vero e proprio (oltre che intollerabilmente reiterato) comportamento di omofobia” (2015), la violazione su cui si regge il risarcimento del danno e quindi l’illiceità della condotta sanzionata non è una delle norme predisposte appositamente dal legislatore e viste nel paragrafo precedente, nel cui raggio d’azione, il caso non poteva rientrare. Il Giudice, ciononostante, vi arriva indirettamente partendo dalla violazione delle norme della Costituzione (art. 2 e 3)⁴ e della normativa sulla riservatezza all’epoca vigente (L 675/1996 art. 1 e 27, ora trasfuso del d.lgt. 196/03)⁵. La significatività del caso sta in questo: anche dove il diritto predisposto dal legislatore in una data materia (la legislazione) non arrivi, il diritto nel suo complesso (l’ordinamento) come recepito e applicato riesce a trovare strumenti di tutela anche se indiretti.

Fatta questa premessa, questo è il caso.

Il sig. M.D.G. nel corso della visita di leva, quindi quando appena diciottenne, sostenuta presso l’Ospedale Militare di Augusta, aveva dichiarato di essere omosessuale. Per questo lo esonerano dall’obbligo di leva. Dopo alcuni mesi, l’ufficio della Motorizzazione Civile gli manda una comunicazione con la quale lo invitava a presentarsi presso i loro uffici affinché fosse sottoposto ad un nuovo esame di idoneità psico-fisica alla guida, perché l’Ospedale Militare di Augusta aveva comunicato alla Motorizzazione Civile che il ragazzo gli aveva dichiarato di essere omosessuale e per questo, la Motorizzazione Civile lo ha ritenuto mancante dei requisiti psicofisici richiesti per la guida degli automezzi.

Questo il ragionamento:

- a. per poter guidare si deve avere e mantenere i requisiti psichici e fisici prescritti
- b. i requisiti psichici e fisici previsti dalla legge non sono considerati persistenti in caso di malattia fisica o psichica o minorazione psichica anatomica o funzionale
- c. essere omosessuale è una malattia fisica o psichica o minorazione psichica anatomica o funzionale tale da impedire di condurre con sicurezza veicoli a motore

⁴ Art. 2 La Repubblica riconosce e garantisce i diritti inviolabili dell’uomo, sia come singolo sia nelle formazioni sociali ove si svolge la sua personalità, e richiede l’adempimento dei doveri inderogabili di solidarietà politica, economica e sociale.

Art. 3. Tutti i cittadini hanno pari dignità sociale e sono eguali davanti alla legge, senza distinzione di sesso, di razza, di lingua, di religione, di opinioni politiche, di condizioni personali e sociali.

È compito della Repubblica rimuovere gli ostacoli di ordine economico e sociale, che, limitando di fatto la libertà e la uguaglianza dei cittadini, impediscono il pieno sviluppo della persona umana e l’effettiva partecipazione di tutti i lavoratori all’organizzazione politica, economica e sociale del Paese.

⁵ 1. La presente legge garantisce che il trattamento dei dati personali si svolga nel rispetto dei diritti, delle libertà fondamentali, nonché della dignità delle persone fisiche, con particolare riferimento alla riservatezza e all’identità personale; garantisce altresì i diritti delle persone giuridiche e di ogni altro ente o associazione.

2. Ai fini della presente legge si intende:

- a) per «banca di dati», qualsiasi complesso di dati personali, ripartito in una o più unità dislocate in uno o più siti, organizzato secondo una pluralità di criteri determinati tali da facilitarne il trattamento;
- b) per «trattamento», qualunque operazione o complesso di operazioni, svolti con o senza l’ausilio di mezzi elettronici o comunque automatizzati, concernenti la raccolta, la registrazione, l’organizzazione, la conservazione, l’elaborazione, la modificazione, la selezione, l’estrazione, il raffronto, l’utilizzo, l’interconnessione, il blocco, la comunicazione, la diffusione, la cancellazione e la distruzione di dati;
- c) per «dato personale», qualunque informazione relativa a persona fisica, persona giuridica, ente od associazione, identificati o identificabili, anche indirettamente, mediante riferimento a qualsiasi altra informazione, ivi compreso un numero di identificazione personale;
- d) per «titolare», la persona fisica, la persona giuridica, la pubblica amministrazione e qualsiasi altro ente, associazione od organismo cui competono le decisioni in ordine alle finalità ed alle modalità del trattamento di dati personali, ivi compreso il profilo della sicurezza;
- e) per «responsabile», la persona fisica, la persona giuridica, la pubblica amministrazione e qualsiasi altro ente, associazione od organismo preposti dal titolare al trattamento di dati personali;
- f) per «interessato», la persona fisica, la persona giuridica, l’ente o l’associazione cui si riferiscono i dati personali;
- g) per «comunicazione», il dare conoscenza dei dati personali a uno o più soggetti determinati diversi dall’interessato, in qualunque forma, anche mediante la loro messa a disposizione o consultazione;
- h) per «diffusione», il dare conoscenza dei dati personali a soggetti indeterminati, in qualunque forma, anche mediante la loro messa a disposizione o consultazione;
- i) per «dato anonimo», il dato che in origine, o a seguito di trattamento, non può essere associato ad un interessato identificato o identificabile;
- l) per «blocco», la conservazione di dati personali con sospensione temporanea di ogni altra operazione del trattamento;
- m) per «Garante», l’autorità istituita ai sensi dell’articolo 30

27. Trattamento da parte di soggetti pubblici.

1. Salvo quanto previsto al comma 2, il trattamento di dati personali da parte di soggetti pubblici, esclusi gli enti pubblici economici, è consentito soltanto per lo svolgimento delle funzioni istituzionali, nei limiti stabiliti dalla legge e dai regolamenti.

2. La comunicazione e la diffusione a soggetti pubblici, esclusi gli enti pubblici economici, dei dati trattati sono ammesse quando siano previste da norme di legge o di regolamento, o risultino comunque necessarie per lo svolgimento delle funzioni istituzionali. In tale ultimo caso deve esserne data previa comunicazione nei modi di cui all’articolo 7, commi 2 e 3 al Garante che vieta, con provvedimento motivato, la comunicazione o la diffusione se risultano violate le disposizioni della presente legge.

3. La comunicazione e la diffusione dei dati personali da parte di soggetti pubblici a privati o a enti pubblici economici sono ammesse solo se previste da norme di legge o di regolamento.

4. I criteri di organizzazione delle amministrazioni pubbliche di cui all’articolo 5 del decreto legislativo 3 febbraio 1993, n. 29, sono attuati nel pieno rispetto delle disposizioni della presente legge

d. siccome M.G.D. si è dichiarato omosessuale, non è in possesso dei requisiti di idoneità psicofisica legalmente richiesti per la condotta di automezzi.

La Motorizzazione Civile, vale a dire il Ministero dei trasporti, cioè lo Stato (apparato) Italiano ha considerato l'omosessualità una malattia o una minorazione anziché l'esercizio del diritto inviolabile a esprimere liberamente la propria identità sessuale. Avendo compreso e, quindi, leso quel diritto è stato condannato a risarcire il danno per la cui quantificazione in 20.000 euro sono sembrati alla Cassazione troppo pochi.

Altro caso che pare significativo è quello di cui all'ordinanza 898/2010 del Tribunale di Lodi del 13.05.2010 (ASGI, 2010).

Il caso appare rilevante per quanto qui interessa non solo per la presumibile giovane età del discriminato ma anche perché:

- riguarda in pieno una delle norme richiamate nel paragrafo precedente (D.lgs. 286/1998, art. 43);⁶
- si tratta di una discriminazione nel mondo sportivo, in particolare in quello del calcio, che è risaputo essere praticato da molti giovani e da molti giovani seguito, con il carico di interesse, interessi, valenza educative ed emulative che esso porta con sé.

Il caso: S.I.B.K. è un calciatore professionista nato a Lomé (Togo), arrivato in Italia perché fuggito dal suo Paese di origine a seguito di persecuzioni politiche. Per questo ha presentato richiesta di asilo o protezione sussidiaria, domanda che però è diventata oggetto di un giudizio pendente dinanzi al Tribunale. In pendenza di giudizio, gli viene dato un permesso di soggiorno per la durata di cinque mesi, di volta in volta prorogato in attesa della definizione del giudizio avanti al Tribunale. Nel frattempo S.I.B.K. inizia a giocare nella squadra dell'oratorio dove è ospitato e chiede dunque di essere tesserato presso la FIGC. La FIGC è la federazione che associa le società calcistiche e queste possono avvalersi solo dei giocatori tesserati dalla FIGC.

Il tesseramento, però, gli viene negato perché un articolo della Federazione richiede che, in caso di cittadini non italiani, per essere tesserati, i giocatori devono avere un "permesso di soggiorno valido almeno fino al termine della stagione sportiva" in cui sarebbero impegnati. Il permesso di S.I.B.K, essendo di cinque mesi non copre il periodo di una stagione sportiva. Quindi S.I.B.K. non potendosi tesserare, non poteva nemmeno praticare l'attività calcistica. S.I.B.K. si rivolge al Tribunale chiedendo che fosse riconosciuto che ai suoi danni si fosse consumato un trattamento discriminatorio e per, l'effetto, che fosse ordinata la cessazione del comportamento discriminatorio e che quindi fosse ordinata la sua iscrizione alla FIGC. Il Tribunale riconosce come discriminatorio il diniego del tesseramento, non solo in relazione ai cittadini italiani ma anche verso gli altri extracomunitari, rispetto ai quali ultimi non si vede perché sia necessario avere un ulteriore requisito (quello temporale) oltre al possesso di un regolare permesso di soggiorno, pur essendo il ricorrente nella stessa loro condizione se non addirittura in una condizione più sfavorevole e come tale meritevole di maggio-

⁶ Art. 43 (Discriminazione per motivi razziali, etnici, nazionali o religiosi)

1. Ai fini del presente capo, costituisce discriminazione ogni comportamento che, direttamente o indirettamente, comporti una distinzione, esclusione, restrizione o preferenza basata sulla razza, il colore, l'ascendenza o l'origine nazionale o etnica, le convinzioni e le pratiche religiose, e che abbia lo scopo o l'effetto di distruggere o di compromettere il riconoscimento, il godimento o l'esercizio, in condizioni di parità, dei diritti umani e delle libertà fondamentali in campo politico, economico, sociale e culturale e in ogni altro settore della vita pubblica;

2. In ogni caso compie un atto di discriminazione:

a) il pubblico ufficiale o la persona incaricata di pubblico servizio o la persona esercente un servizio di pubblica necessità che nell'esercizio delle sue funzioni compia od ometta atti nei riguardi di un cittadino straniero che, soltanto a causa della sua condizione di straniero o di appartenente ad una determinata razza, religione, etnia o nazionalità, lo discriminino ingiustamente;

b) chiunque imponga condizioni più svantaggiose o si rifiuti di fornire beni o servizi offerti al pubblico ad uno straniero soltanto a causa della sua condizione di straniero o di appartenente ad una determinata razza, religione, etnia o nazionalità;

c) chiunque illegittimamente imponga condizioni più svantaggiose o si rifiuti di fornire l'accesso all'occupazione, all'alloggio, all'istruzione, alla formazione e ai servizi sociali e socio-assistenziali allo straniero regolarmente soggiornante in Italia soltanto in ragione della sua condizione di straniero o di appartenente ad una determinata razza, religione, etnia o nazionalità;

d) chiunque impedisca, mediante azioni od omissioni, l'esercizio di un'attività economica legittimamente intrapresa da uno straniero regolarmente soggiornante in Italia, soltanto in ragione della sua condizione di straniero o di appartenente ad una determinata razza, confessione religiosa, etnia o nazionalità;

e) il datore di lavoro o i suoi preposti i quali, ai sensi dell'articolo 15 della legge 20 maggio 1970, n. 300, come modificata e integrata dalla legge 9 dicembre 1977, n. 903, e dalla legge 11 maggio 1990, n. 108, compiano qualsiasi atto o comportamento che produca un effetto pregiudizievole discriminando, anche indirettamente, i lavoratori in ragione della loro appartenenza ad una razza, ad un gruppo etnico o linguistico, ad una confessione religiosa, ad una cittadinanza. Costituisce discriminazione indiretta ogni trattamento pregiudizievole conseguente all'adozione di criteri che svantaggino in modo proporzionalmente maggiore i lavoratori appartenenti ad una determinata razza, ad un determinato gruppo etnico o linguistico, ad una determinata confessione religiosa o ad una cittadinanza e riguardino requisiti non essenziali allo svolgimento dell'attività lavorativa.

3. Il presente articolo e l'articolo 44 si applicano anche agli atti xenofobi, razzisti o discriminatori compiuti nei confronti dei cittadini italiani, di apolidi e di cittadini di altri Stati membri dell'Unione europea presenti in Italia.

ri agevolazioni, invece che di maggior ostacolo, così da avere pari occasioni di esprimere la propria personalità, di reddito professionale e di integrazione sociale. Il Tribunale ha ordinato poi l'iscrizione del giocatore alla Federazione. Questo caso ha, insieme ad altri, indotto la FIGC ad abrogare l'articolo discriminatorio.

Un altro caso rilevante per il tema che ci occupa ma al contempo particolare. Particolare per due motivi: (1) perché origina da un atto emesso col dichiarato intento di contrastare fenomeni di islamofobia, che è invece stato considerato esso stesso fonte di discriminazione; (2) perché l'ente emanante, il Garante regionale dei diritti della personalità (di seguito G.R.D.P.) non è un ente giurisdizionale ma è un ente amministrativo indipendente istituito presso il Consiglio Regionale della Regione Friuli Venezia Giulia (l'organo legislativo). Istituito, oltre che per altre finalità, anche per operare "nei confronti di chiunque, per ragioni di ascendenza o di origine nazionale o etnica, appartenenza linguistica o culturale, convinzioni personali e religiose, condizioni personali e sociali, comprese le condizioni di disabilità temporanee o permanenti, età, appartenenza, identità di genere o orientamento sessuale, sia destinatario di comportamenti lesivi dei diritti della persona" (Legge regionale 16 maggio 2014, n.9, art. 10). Tra le operazioni che svolge vi è anche la formulazione, "nelle materie di propria competenza, su richiesta o di propria iniziativa, osservazioni e pareri su progetti di legge, su atti di pianificazione o di indirizzo della Regione, degli enti da essa dipendenti o degli enti locali" (Legge regionale 16 maggio 2014, n.9, art. 7, comma 1 lett. e). Ciò a sottolineare che la via giurisdizionale non è l'unica predisposta nel nostro ordinamento né l'unica efficace.

Il caso è stato il seguente: un dirigente di un istituto scolastico friulano, visto l'accentuarsi nel proprio istituto di casi di bullismo, aggressioni e insulti a sfondo razziale e religioso ai danni di allievi di origine araba dopo i fatti terroristici di Parigi del 2015, per contrastarli, vieta l'ostentazione e l'esibizione dei segni della propria confessione religiosa, appuntandosi in particolare sul costume di indossare il velo islamico perché letto come gesto provocatorio dell'ostilità degli altri ragazzi. Il G.R.D.P. considera questa circolare come illegittima e discriminatoria.

Illegittima, in quanto: non coperta da una norma di legge che consenta la limitazione al diritto di manifestazione della libertà religiosa, come invece richiederebbe l'art. 9 della Convenzione Europea per i diritti dell'Uomo⁷ e inoltre contraria all'art. 19 della Costituzione⁸.

Discriminatoria perché in contrasto con gli art. 43 del d.lgs. 286/98 e contraria all'art. 1 e ss. Del 215/03. Ne chiede pertanto il ritiro che, poi, avviene.

Servizi e pratiche contro la discriminazione verso i giovani

SERVIZI ANTIDISCRIMINAZIONE

Rispetto ai servizi antidiscriminazione, in Italia si registrano diverse esperienze rilevanti ma pochissime, a quanto ci consta, dedicate in modo specifico ai giovani.

A livello nazionale, il principale punto di riferimento contro la discriminazione, a prescindere dall'età della persona che ne è vittima, è il già menzionato UNAR che gestisce un contact center multilingue a cui possono rivolgersi coloro che ritengono di aver subito una discriminazione per ottenere informazioni, orientamento, supporto psicologico ed essere accompagnati nel percorso giurisdizionale, qualora decidano di agire in giudizio per l'accertamento e la repressione del comportamento lesivo.⁹ Alcune Regioni Italiane, in accordo con UNAR, hanno poi istituito dei Centri Regionali Antidiscriminazione che costituiscono il punto di coordinamento delle rispettive Reti Regionali Antidiscriminazioni, a loro volta composte da un numero variabile di nodi territoriali, con diversa copertura geografica, istituiti presso enti locali o associazioni di settore, in base al modello di governance adottato dalla Regione.¹⁰

⁷ 1. Ogni persona ha diritto alla libertà di pensiero, di coscienza e di religione; tale diritto importa la libertà di cambiare di religione o credo e la libertà di manifestare la propria religione o credo individualmente o collettivamente, sia in pubblico che in privato, mediante il culto, l'insegnamento, le pratiche e l'osservanza di riti. 2. La libertà di manifestare la propria religione o il proprio credo non può essere oggetto di altre limitazioni oltre quelle previste dalla legge e che costituiscono misure necessarie in una società democratica, per la sicurezza pubblica, per la protezione dell'ordine pubblico, della salute o della morale pubblica, o per la protezione dei diritti e della libertà altrui.

⁸ Tutti hanno diritto di professare liberamente la propria fede religiosa in qualsiasi forma, individuale o associata, di farne propaganda e di esercitarne in privato o in pubblico il culto, purché non si tratti di riti contrari al buon costume

⁹ Sito internet: http://www.unar.it/unar/portal/?page_id=231

¹⁰ Sito internet: http://www.unar.it/unar/portal/?page_id=5723

La Regione Friuli nel 2014 (Legge Regionale 16 maggio 2014 n. 9) ha istituito la figura del Garante delle Persone a Rischio di Discriminazione con la funzione di raccogliere segnalazioni e di promuovere iniziative utili a contrastare comportamenti discriminatori e a favorire le pari opportunità nei settori lavorativi, etico-sociali, economici, civili e politici.

Oltre alle esperienze istituzionali degli Sportelli Antidiscriminazione, vi sono le iniziative di numerose associazioni locali o nazionali che offrono supporto a vittime di discriminazione. A titolo di esempio, Arcigay ha spesso presso le proprie sedi degli sportelli antidiscriminazione e promuove attività dedicata a persone a rischio di discriminazione multipla, come i migranti LGBT. Diverse associazioni che si occupano di disabilità hanno sportelli dedicati a coloro che subiscono discriminazioni in virtù del proprio handicap. Alcuni sindacati (tra cui ad esempio CGIL e CISL) hanno degli sportelli antidiscriminazione nelle loro articolazioni territoriali che si concentrano sul tema delle discriminazioni subite in ambito lavorativo. L'Associazione Italiana per gli studi Giuridici sull'Immigrazione (ASGI) promuove diversi sportelli locali per assistere le vittime di discriminazione razziale e religiosa.

Per quanto riguarda la discriminazione di genere, è utile sottolineare che in ottemperanza alla legge 125/1991, a livello nazionale, regionale e provinciale sono nominati i Consiglieri di Parità che svolgono funzioni di promozione e controllo dell'attuazione dei principi di uguaglianza, di pari opportunità e di non discriminazione per donne e uomini nel contesto lavorativo.

Rispetto a tutti questi servizi che, come detto, non si rivolgono in modo specifico ai giovani, fanno eccezione gli sportelli antidiscriminazione nati presso alcune Università (Ferrara, Napoli, Salerno) per prevenire la discriminazione basata sull'orientamento sessuale e di genere. Nel caso dell'Università di Ferrara, il servizio è esteso a tutte le forme di discriminazione. All'interno di tutte le Università operano inoltre i C.U.G. (Comitati Unici di Garanzia)¹¹ per le pari opportunità, la valorizzazione del benessere di chi lavora e contro le discriminazioni. Si tratta di comitati istituiti in ottemperanza alla norma per la parità di trattamento all'interno delle pubbliche amministrazioni che, nel caso degli Atenei, estendono la propria azione, oltre che ai dipendenti, agli studenti.

Il tema del bullismo è invece quello su cui si concentrano i servizi promossi in ambito scolastico e diffusi su tutto il territorio nazionale.

Relativamente alla violenza, come già citato, il Ministero delle Pari Opportunità gestisce dei Numeri Verdi multilingue dedicati a vittime di tratta e violenza di genere e promuove un numero verde dedicato ai minori vittime di violenza destinato a chi vuole segnalare situazioni di disagio riguardanti l'infanzia e l'adolescenza. Si tratta di servizi di prima informazione e sostegno rivolti alle vittime ma anche ai testimoni o agli operatori territoriali.

Pratiche per contrastare e prevenire la discriminazione verso i giovani

In Italia, esistono diversi programmi nazionali volti ad educare bambini e ragazzi alla diversità e all'antidiscriminazione.

In primo luogo c'è la legge 169/2008 che reintroduce l'insegnamento di Cittadinanza e Costituzione in tutte le scuole di ogni ordine e grado. La norma ribadisce il ruolo della scuola nell'educare alla legalità, ai diritti umani, alle pari opportunità, al pluralismo, al rispetto delle diversità ma non vengono date indicazioni specifiche riguardo al genere (Guerrini, 2013, p. 253).

In attuazione di un Protocollo di intesa siglato il 30 gennaio 2013 tra il MIUR e il Dipartimento per le Pari Opportunità della Presidenza del Consiglio, ogni anno viene promossa nelle Istituzioni Scolastiche di ogni ordine e grado la "Settimana nazionale contro la violenza e la discriminazione" nell'ambito della quale le scuole (sostenute tramite finanziamenti dedicati) sono invitate ad attivare opportuni e significativi percorsi di sensibilizzazione, di informazione, di prevenzione e di contrasto dei fenomeni di violenza e di discriminazione, sulla base del genere, della religione, della razza o dell'origine etnica, della disabilità, dell'età, dell'orientamento sessuale e dell'identità di genere.

¹¹ Art. 21 della Legge 4 novembre 2010 n. 183

Analogamente, UNAR promuove annualmente la “Settimana d’Azione Contro il Razzismo”, giunta alla XII° edizione. L’iniziativa coordina eventi su tutto il territorio nazionale e non esclusivamente rivolti ad un target giovanile, tuttavia in collaborazione con il MIUR annualmente le scuole vengono invitate ad aderire ad iniziative esistenti o a promuoverne di proprie.

Il Piano d’azione straordinario contro la violenza sessuale e di genere, adottato nel Luglio 2015 in ossequio alla legge contro il femminicidio del 2013, prevede tra le sue linee d’azione quella dell’educazione. Specificamente, il Piano prevede che nelle scuole di ogni ordine e grado siano promosse attività di sensibilizzazione, informazione e formazione degli studenti al fine di prevenire la violenza nei confronti delle donne e la discriminazione di genere¹². Questo aspetto è altresì integrato nella legge di riforma del sistema di istruzione e formazione (la c.d. “Buona scuola”)¹³.

Parallelamente ai progetti nazionali troviamo una variegata programmazione sulla valorizzazione delle differenze a livello interregionale, regionale, provinciale e comunale che evidenzia fra l’altro come le scuole percepiscano il bisogno di offrire opportunità formative in tal senso. Una ricerca in proposito condotta sul territorio veneziano ha evidenziato ad esempio che “negli anni i Laboratori Antidiscriminazioni effettuati nelle scuole sono aumentati e le richieste da parte degli istituti risultate di concreto sempre più insistenti. Un fatto perciò curioso se si considera l’accurato lavoro di cernita effettuato attualmente dai collegi docenti nella scelta dei progetti esterni” (Viola, 2012-2013, p. 94).

4. Metodologia

In questo capitolo verranno illustrate le metodologie utilizzate per realizzare questo report: una rassegna della letteratura e una ricerca qualitativa tramite interviste a giovani e testimoni privilegiati. È stata prima realizzata la rassegna della letteratura e, successivamente, i risultati sono stati integrati e riscontrati con le testimonianze.

Metodologia per la rassegna della letteratura

Questa rassegna ha inteso verificare lo stato dell’arte della ricerca sul tema giovani – discriminazioni (multiple) e alfabetizzazione legale in Italia, cercando di comprendere: su quali problematiche si concentri in Italia il tema giovani e discriminazione, quale sia il livello di conoscenza dei giovani italiani rispetto agli strumenti legali per proteggersi, quali risposte siano già oggi disponibili sul territorio per questo specifico gruppo target e quali siano i gap. Per ricercare le fonti sono stati utilizzati strumenti quali Google Scholar, Researchgate e la rete internet nel suo complesso. Le parole chiave utilizzate sono state le seguenti: “discriminazione” in combinazione a “di genere”, “razziale”, “religiosa”, “per orientamento sessuale”, “LGBT”, “età”, “disabilità” in combinazione a “giovani”. Questi termini sono anche stati cercati in lingua inglese in combinazione alla parola “Italy”.

Abbiamo inoltre consultato la banca dati giuridica Pluris - Wolters Kluwer.

Criteri di inclusione degli articoli

Sono stati considerati gli articoli e i documenti che includessero una lettura per età e genere e, se in lingua inglese, che si riferissero anche al contesto Italiano.

Criteri di esclusione degli articoli

Sono stati esclusi gli articoli e i documenti riferiti in generale al tema delle discriminazioni i cui contenuti non fossero riconducibili ad una fascia d’età giovanile (under 30).

¹² Piano d’azione straordinario contro la violenza sessuale e di genere (articolo 5 del decreto legge n. 93 del 14 agosto 2013, convertito nella legge n. 119/2013) è stato adottato con Decreto del Presidente del Consiglio dei Ministri del 7 luglio 2015 e registrato dalla Corte dei Conti il 25 agosto 2015.

¹³ LEGGE 13 luglio 2015, n. 107 - Riforma del sistema nazionale di istruzione e formazione e delega per il riordino delle disposizioni legislative vigenti. Comma 16.

5. Metodologia per il lavoro sul campo

Il lavoro sul campo è stato effettuato tramite interviste ad alcuni testimoni privilegiati, con la richiesta di segnalare in modo particolare casi da loro seguiti o iniziative specifiche da loro intraprese rispetto al tema delle discriminazioni, in particolare se multiple, verso i giovani.

Inoltre sono stati realizzati: un focus group con 14 ragazzi e ragazze (maschi N4, femmine N10) di età compresa tra i 13 e i 23 anni e due interviste individuali a un ragazzo di 16 anni e ad una ragazza di 18. Complessivamente dunque sono stati coinvolti 16 ragazzi. In entrambi i casi, ai giovani sono stati sottoposti dei casi reali di discriminazione (riportati in appendice), tratti in due casi dalla giurisprudenza e in un caso dalla pratica operativa di servizi gestiti da Anziani e non solo.

Dopo una breve introduzione volta a illustrare il progetto Abused No More e la sue finalità, senza fornire preliminarmente informazioni circa la discriminazione e le sue manifestazioni, sono stati loro presentati i casi, ed è stato chiesto loro di individuare la presenza o meno di discriminazioni e di suggerire come la persona discriminata avrebbe potuto intervenire per rimuovere la discriminazione subito. Al termine dell'analisi dei casi, è stato fatto un de-briefing e sono stati forniti ai ragazzi dei chiarimenti rispetto ai casi esaminati.

6. Risultati

In questo capitolo riportiamo i risultati ottenuti dalla rassegna della letteratura e dal lavoro sul campo.

Dalla rassegna della letteratura

La ricerca ha prodotto 17 risultati utili, che hanno consentito di mettere in evidenza i temi su cui più si concentrano gli studi che, in Italia, hanno trattato il tema delle discriminazioni, incluse quelle multiple, che coinvolgono le persone più giovani.

Discriminazioni (multiple) in contesto educativo

Nelle ricerche esaminate per questo studio emerge frequentemente il tema della segregazione per genere e origine etnica che si verifica in ambito scolastico e formativo. Si tratta di una forma di discriminazione molto grave se si pensa alle conseguenze che può avere sulle opportunità di occupazione ed emancipazione sociale dei giovani che ne sono colpiti.

In primo luogo, i dati mostrano che i giovani migranti si iscrivono nelle scuole superiori tecnico-professionali più spesso che gli autoctoni, anche quando avevano conseguito votazioni elevate al termine delle medie (Santero, 2009-2010, p. 320). Si tratta di una percentuale che raggiunge oltre l'80% (Centro Studi e Ricerche IDOS, 2013) e che, come sostiene Einaudi, "prefigura una parziale riproposizione tra i giovani di origine straniera della difficoltà dei loro genitori a uscire dalla segregazione lavorativa di professioni poco qualificate" (Einaudi, 2000, p. 359).

La causa di questo fenomeno sembra doversi riscontrare in prevalenza nell'orientamento fornito dagli insegnanti al termine delle scuole medie: infatti, come emerge sempre dalla ricerca di Santero (Santero, 2009-2010, p. 327), anche nei casi in cui gli studenti migranti siano riusciti ad apprendere la lingua italiana in tempo per conseguire un buon risultato finale all'esame per la licenza media, il liceo è rappresentato in primis come un percorso estremamente difficile. Anche chi, terminata l'istruzione tecnica, intende proseguire gli studi universitari, spesso si trova ad aver acquisito una preparazione inferiore a quella liceale, trovandosi svantaggiato nell'accesso a facoltà a numero chiuso. I processi di scelta e riorientamento avvenuti anni prima, dunque, tornano a influenzare la seconda transizione scolastica, "rischiando di intrappolare i migranti meno motivati nelle qualifiche più professionalizzanti di livello secondario" (ivi, p. 329).

Tra i fattori che influenzano il rendimento scolastico dei giovani stranieri, oltre al già citato condizionamento dell'orientamento scolastico, sono segnalate le scarse competenze linguistiche di chi è arrivato più recentemente (gap che difficilmente si riesce a superare a causa della carenza di interventi di sostegno linguistico per

i nuovi arrivati) (Centro Studi e Ricerche IDOS, 2013) e l'elemento del capitale socio-culturale della famiglia¹⁴. Secondo Casalbore & Fiorucci (2012), solo l'11,3% degli studenti stranieri può far affidamento sui benefici derivanti dal possedere questo tipo di capitale.

Quando spostiamo l'attenzione sulle ragazze di origine straniera, i dati sono comunque un po' diversi: ad esempio una ricerca condotta sugli studenti stranieri delle scuole superiori di Roma mostra come le ragazze seguano prevalentemente percorsi liceali (40%), mentre i ragazzi scelgono in maggior numero gli istituti tecnici (50,1%) (ivi, p. 41). Tuttavia, come emerge da una ricerca condotta su sei Paesi Europei tra cui l'Italia, le ragazze straniere conseguono dei risultati scolastici in media migliori dei maschi stranieri, ma peggiori di quelli delle loro coetanee native (Farris & De Jong, 2013, p. 9). Il successo rispetto ai ragazzi andrebbe quindi spiegato in un più generale contesto di risultati scolastici migliori delle femmine rispetto a i maschi.

Gli stereotipi di genere, a prescindere dall'origine etnica, influenzano comunque le scelte scolastiche dei giovani: la presenza femminile nelle scuole secondarie superiori è dell'85% negli indirizzi socio pedagogici, del 65% negli indirizzi artistici e del 44% negli istituti tecnici. Lo stesso andamento del fenomeno permane nella scelta della Facoltà universitaria (Guerrini, 2013, p. 250). A proposito di formazione universitaria, poi, è necessario segnalare che gli atenei italiani sono ai gradini più bassi per il numero di studenti stranieri iscritti (solo il 3,1% contro il 17,9% del Regno Unito o l'11% di Francia e Germania) (Viola, 2012-2013, p. 35).

Discriminazioni (multiple) nel contesto lavorativo

Anche per quanto riguarda il mondo del lavoro, in letteratura si riscontrano diverse forme di discriminazione (multipla) rispetto ai giovani, già a partire dalla fase di tirocinio.

Come evidenziato da Farris e De Jong (Farris & De Jong, 2013, p. 14), i giovani di origine straniera faticano maggiormente dei coetanei nativi a trovare opportunità di stage. Questo aspetto può avere un impatto particolarmente negativo se si pensa che questo gruppo frequenta, nella maggior parte dei casi, dei percorsi di studio professionali in cui il tirocinio può essere obbligatorio per il conseguimento del titolo.

Queste difficoltà continuano poi nella fase di ricerca del lavoro in quanto, come affermato precedentemente, i giovani stranieri hanno un capitale sociale inferiore rispetto ai ragazzi italiani e questo li rende svantaggiati nell'accesso ad opportunità di selezione. In questo contesto, risultano ulteriormente svantaggiate le ragazze. Una ricerca su sei Paesi, tra cui l'Italia, rispetto all'accesso al lavoro delle giovani velate ha evidenziato come il rifiuto da parte dei potenziali datori di lavoro influenzi le loro scelte in termini professionali (ad esempio orientandosi verso professioni senza contatto con il pubblico) o riconsiderando la scelta di portare il velo, in questo modo celando la discriminazione subita (ivi, p. 15).

Di per sé, la giovane età può essere un ulteriore motivo di disparità di trattamento per i giovani stranieri: come evidenziato da Pizzalunga (2011, p. 19) gli uomini stranieri di ogni fascia di età più alta guadagnano più di quelli di 15-24 anni, anche se l'aumento non è progressivo. Tra le donne, invece, solo chi ha tra i 25 e i 34 anni ha un salario maggiore delle più giovani; per le altre fasce di età la differenza non è statisticamente significativa. L'autrice ipotizza che la causa di questo andamento sia da ritrovare nelle difficoltà di carriera nei lavori che esse ricoprono.

Differenze salariali orarie ridotte (7,42%) ma inspiegabili – secondo l'autrice – se non da discriminazione di genere si riscontrano anche tra uomini e donne straniere. Mentre l'effetto doppio negativo che le donne straniere subiscono nei confronti degli uomini italiani è stimato nel 56%-62%. Di esso, la maggior parte è dovuta a discriminazione etnica, tenendo però presente che il differenziale salariale di genere è prevalentemente non spiegato (ivi, p. 44).

A proposito dell'influenza del genere nelle scelte professionali delle giovani straniere, secondo Farris e De Jong (Farris & De Jong, 2013, p. 16) si ripropone in questa fase l'orientamento selettivo già citato per l'ambito scolastico, che fa sì che i servizi per il lavoro orientino le ragazze – anche quelle con titoli di studio più elevati – verso settori come la cura o le pulizie. Inoltre, si ripropone tra le giovani straniere – come tra le italiane –

¹⁴ L'indice "Capitale socio-culturale" somma cinque variabili contenute in altrettante domande, appositamente inserite nel questionario utilizzato nella ricerca citata: il titolo di studio dei genitori; il lavoro dei genitori; i libri posseduti in casa; la frequenza con cui si acquistano i giornali in casa; la partecipazione a mostre, spettacoli teatrali o musicali,

l'influenza degli stereotipi di genere sulle scelte professionali con una sovra-rappresentazione della categoria nei settori del sociale e della cura.

A discriminare l'accesso nel mondo del lavoro, tuttavia, non sono soltanto il genere o l'origine etnica. Secondo una ricerca di Busetta e Fiorillo (2013, p. 14) volta a determinare l'influenza dell'aspetto fisico nella selezione di candidati in risposta ad un annuncio di lavoro, un aspetto fisico considerato non attraente – in particolare per le donne - è ben più determinante della provenienza etnica nel ridurre le opportunità di selezione.

Discriminazioni (multiple) sulla base dell'orientamento sessuale

Sulla base di ciò che emerge da indagini europee, la discriminazione sulla base dell'orientamento sessuale è particolarmente frequente tra le persone più giovani e particolarmente in ambito scolastico (European Youth Forum, Multiple discrimination and young people in Europe, 2015): secondo un'indagine dell'Agenzia Europa per i Diritti Fondamentali (FRA, 2014) in Italia il 19% del campione dichiara di essersi sentito discriminato in ambito scolastico o universitario negli ultimi 12 mesi e il 69% ha nascosto il proprio orientamento sessuale a scuola prima dei 18 anni a causa del clima ostile alle persone LGBT. La pressione sulle persone LGBT è così elevata che, secondo una ricerca condotta da Buffoli e Colucci (2014, p. 1) sul suicidio nei giovani LGBT italiani, l'80% del campione ha riferito di aver avuto pensieri suicidari nel corso della vita e il 20% dichiara di aver tentato una o più volte il suicidio.

L'atteggiamento discriminatorio è accentuato quando le persone LGBT sono anche migranti. Infatti, se da un lato – per timore di culture omofobiche – si verifica un allontanamento dalla comunità d'appartenenza che potrebbe sostenerli nei loro momenti di bisogno, dall'altro anche nei luoghi dell'associazionismo gay, l'immigrato omosessuale diviene oggetto di visioni stereotipate collegate al suo essere individuo d'origine straniera (Magnarin, 2011-2012, p. 86). D'altro canto, la socializzazione nell'ambiente omosessuale sembra molto significativa per i ragazzi di origine straniera che, intervistati in una ricerca di Arcigay (Pozzoli & Lelleri, 2009, p. 36), hanno dichiarato di frequentare in assoluta maggioranza persone italiane gay. Il capitale sociale dei soggetti, dunque, non è connotato etnicamente e questo, come già detto (si veda il capitolo sul contesto educativo/formativo), può agire come fattore protettivo rispetto ad alcune forme di discriminazione.

Fenomeni di razzismo tra le giovani generazioni

Nella nostra indagine abbiamo identificato alcune ricerche focalizzate sul tema della discriminazione verso giovani appartenenti a minoranze etniche in alcune delle principali città Italiane (Roma, Milano e Venezia) dalla quale emerge che i ragazzi non ritengono frequentemente di essere vittime di razzismo o discriminazione. Nessuno dei ragazzi intervistati a Milano dichiara di aver subito atti di razzismo (Rebughini, 2004, p. 24), mentre nella ricerca effettuata in Veneto sui giovani cinesi si legge che “tra i giovani ben inseriti la discriminazione non sembra essere una minaccia tale da scuotere i loro progetti di vita” (Giacometti, 2012-2013, p. 98). Infine, la ricerca di Roma da cui emerge che oltre il 56% dei ragazzi intervistati non ha mai subito atti di razzismo, verbali o fisici e solo una piccola percentuale (3,8%) ha dichiarato di essere spesso vittima di questo tipo di azioni (Casalbore & Fiorucci, 2012, p. 45). Quest'ultima ricerca considera anche la variabile di genere, evidenziando come siano i maschi ad essere vittime di razzismo più frequentemente delle femmine (ivi, p.46).

Nonostante, quindi, i dati appaiano confortanti è interessante notare come il timore di essere discriminati sia comunque presente, ad esempio i ragazzi citano dei casi in cui sono stati trattati diversamente per la loro origine sui mezzi pubblici, nel rapporto con i controllori oppure per strada nel contatto con la polizia che – a loro dire – li ferma per dei controlli più frequentemente di quanto accada ai coetanei italiani (Rebughini, 2004, p. 25). Inoltre, i già citati dati sulla discriminazione in ambito lavorativo ed educativo, fanno pensare ad un gap tra la realtà e la percezione da parte dei ragazzi intervistati, forse da attribuirsi a scarsa consapevolezza rispetto al configurarsi di situazioni discriminatorie.

Conoscenze dei giovani circa le discriminazioni e fabbisogni formativi

Dalle scarse fonti trovate rispetto a questo tema, sembra che i giovani italiani siano piuttosto consapevoli di cosa siano le discriminazioni. Una ricerca condotta a Brescia rivela che ragazzi e ragazze intervistati hanno ben presente cosa si intenda per discriminazione e più della metà dichiara di averne fatto esperienza. D'altro

canto, ai ragazzi sembra non essere molto chiara la distinzione tra discriminazione e razzismo (Avigo, 2012, p. 206).

Un'altra fonte interessante è il Report circa le segnalazioni di discriminazione ricevute dall'UNAR¹⁵ dal quale emerge che, in generale, solo il 12,5% delle 1627 segnalazioni ricevute nel 2014 è stato catalogato come "non pertinente", a indicare quindi che nella stragrande maggioranza dei casi quelli segnalati sono correttamente individuati come casi di discriminazione. Tuttavia, rispetto al nostro tema, occorre rilevare come a denunciare siano soprattutto adulti e anche quando le vittime sono minori solo nel 10,9% dei casi sono loro a segnalare le situazioni. Come si legge nel report, "sebbene le discriminazioni riguardino anche i giovani, appare chiaro che la scelta di denunciare un caso di discriminazione risulta collegata con l'acquisizione di una maggiore maturità e consapevolezza personale" (ivi, p.11). A ciò va aggiunto il fatto che le persone che denunciano hanno solitamente un livello di istruzione superiore. Come conseguenza di questa analisi è la stessa UNAR a rilevare una probabile situazione di *under-reporting* per quanto riguarda situazioni discriminatorie che coinvolgono i giovani e quindi l'esigenza di supportare l'emersione, anche migliorando la capacità dei possibili testimoni di individuare situazioni di discriminazione a danni di coetanei. Questo, anche al fine di incentivare il supporto del gruppo dei pari, che può essere un antidoto ai processi di vittimizzazione che possono seguire l'esperienza della discriminazione (ivi, p. 12).

Un'ultima risorsa informativa, anche se un po' datata perché risalente al 2008, è un Eurobarometro sulla discriminazione (Eurobarometer, 2008) che chiede agli intervistati se sono consapevoli dei diritti che avrebbero nel caso fossero vittime di discriminazioni. Complessivamente, gli italiani rispondono positivamente meno frequentemente rispetto alla media UE (31% contro 33%) ma non si evidenziano differenze significative tra i rispondenti 15-24 anni e quelli più adulti (anzi, sono proprio gli over 55 ad avere il più basso tasso di risposte positive), né in relazione al genere. Più significativo invece è il livello di istruzione che connota in modo significativamente negativo le conoscenze rispetto alla normativa antidiscriminazione.

7. Dal lavoro sul campo

La ricerca sul campo ha avuto la finalità di esplorare i fabbisogni formativi dei giovani in tema di antidiscriminazione, analizzando al contempo ciò che i ragazzi già sanno e le opportunità di approfondimento del tema che hanno in contesto scolastico e non.

L'opinione dei testimoni privilegiati

Nell'ambito della ricerca sul campo, sono stati contattati tre testimoni privilegiati, due appartenenti ad organizzazioni del territorio (Arcigay¹⁶ e il sindacato CGIL¹⁷) e uno in rappresentanza della Rete Regionale Antidiscriminazioni della Regione Emilia Romagna.¹⁸ Nei primi due casi, lo scopo è stato di comprendere le percezioni degli interlocutori rispetto al tema giovani e discriminazione, anche al fine di confermare quanto emerso dalla rassegna della letteratura, nel terzo il focus è stato in particolare sugli interventi formativi promossi sul territorio a favore di un target giovane.

Dai colloqui effettuati emerge in generale una scarsa visibilità dei giovani vittime di discriminazione che – pur avendo una discreta consapevolezza del fenomeno, grazie anche alle opportunità offerte dalla scuola – sembrano essere ritrosi a fare segnalazioni e avere una scarsa conoscenza delle opportunità di sostegno offerte sul territorio e una ancor più scarsa propensione alla denuncia (quando ciò accade è di solito per volontà ed iniziativa dei genitori). Questo è particolarmente vero per quelle discriminazioni che il giovane non condivide con la sua famiglia (come l'orientamento sessuale), mentre sembra esserci maggiore facilità a riferire al

¹⁵ Analisi, elaborazione e rappresentazione dei dati statistici raccolti dai Contact Center dipartimentali tematici (1522 contro violenza alle donne, Numero verde antitratto, e Contact Center antidiscriminazione) nel 2014 e sui comportamenti discriminatori

¹⁶ Ezio De Gesu di Arcigay, referente del Progetto Scuola Cassero (che dal 2002 realizza percorsi di educazione all'alterità e prevenzione del bullismo a sfondo omofobico nelle scuole bolognesi)

¹⁷ Tiziana Santoro, referente del servizio antidiscriminazione della CGIL di Modena

¹⁸ Anna Paola Sanfelici, Servizio Politiche per l'Accoglienza e l'Integrazione Sociale, Regione Emilia-Romagna

proprio nucleo familiare di aver subito discriminazioni su base etnica, razziale o per provenienza geografica.

Rispetto ai fabbisogni formativi, viene anche sottolineato come i ragazzi abbiano pochi strumenti per capire quando sono loro ad essere portatori di stereotipi verso altri.

Circa il tema delle discriminazioni multiple, il referente di Arcigay riferisce di alcuni, rari casi di discriminazione multipla verso giovani LGBT di origine straniera segnalati in ambito scolastico.

Un altro caso specifico che viene segnalato è quello dei giovani affetti da dislessia e disturbi dell'apprendimento. In particolare, viene evidenziato come i giovani che ne sono colpiti siano tutelati in ambito scolastico grazie ad una specifica legge (Legge 8 ottobre 2010, n. 170 Nuove norme in materia di disturbi specifici di apprendimento) ma come questa tutela cessi nel momento in cui si lascia la scuola per entrare nel mondo del lavoro.

Infine, per quanto riguarda le iniziative formative promosse a livello regionale, viene confermata la rilevanza delle "Settimane contro il razzismo" come occasione per la promozione di iniziative anche in ambito scolastico.

I risultati dei focus group e delle interviste ai giovani

Lo scopo del lavoro sul campo con i ragazzi è stato di acquisire informazioni circa i fabbisogni formativi, al fine di informare di conseguenza lo sviluppo dei contenuti didattici che saranno oggetto delle successive fasi del progetto Abused No More.

Ciò che è emerso con chiarezza è in primo luogo una discreta familiarità con il concetto di discriminazione, dovuto ad una trattazione in ambito scolastico e/o in altri contesti educativi. Tutti i partecipanti, ad esempio, conoscevano il significato del termine e non si è reso necessario fornire spiegazioni in tal senso. D'altra parte, con difficoltà e solo dopo sollecitazioni i ragazzi hanno collegato il concetto di discriminazione a quello di pari opportunità.

Circa la capacità di identificare le discriminazioni subite dai protagonisti dei casi sottoposti, i risultati sono stati meno univoci. La discriminazione di tipo razziale è stata individuata rapidamente dalla stragrande maggioranza dei partecipanti nei casi 1 e 3 (ma non è stata identificata nel caso 2), con maggiori difficoltà è stata riscontrata la discriminazione di genere e solo dopo essere stati incalzati dai conduttori hanno individuato la discriminazione per età, che in sostanza non viene percepita come tale dai ragazzi.

Lacune molto più significative sono state identificate rispetto al tema di come agire per rimuovere la discriminazione. I partecipanti hanno dimostrato di non conoscere affatto né le previsioni normative in materia di discriminazione, né i servizi intermedi disponibili sul territorio (quali ad esempio gli sportelli attivati presso le organizzazioni di volontariato, associative e sindacali; la consigliera di parità, la rete regionale antidiscriminazione etc.). In maniera molto generica viene citata l'opzione giudiziaria, ma senza convinzione e senza un'idea della procedura e delle effettive implicazioni, sia in termini di azione repressiva/sanzionatoria, sia rispetto a tempi, modalità e costi della via del contenzioso.

Ancora di più, ha colpito i conduttori una sostanziale rassegnazione dei ragazzi rispetto all'opportunità di rimuovere – o almeno di provare a farlo – le discriminazioni individuate attraverso azioni di segnalazione, denuncia o ricorso ad organizzazioni deputate. Di fatto, si è registrata una sostanziale sfiducia rispetto all'utilità di queste azioni e un generale ricorso a vie "alternative" quali attendere un'altra opportunità di lavoro (caso 1) o cambiare locale (caso 3). Rispetto al caso 2, è invece apparsa evidente e generalizzata l'idea che "le norme si rispettano", senza mettere in nessun caso in discussione il fatto che potenzialmente esse siano ingiuste o non rispettose dei principi di pari opportunità e non discriminazione.

Di fatto, ciò che è emerso dai focus group e dalle interviste con i giovani, pur permanendo l'esigenza di fornire ulteriori chiarimenti ed approfondimenti sul concetto di discriminazione affinché possa essere acquisito in modo completo, è soprattutto un forte fabbisogno formativo in termini di alfabetizzazione giuridica affinché la discriminazione – una volta individuata, subita o assistita – possa essere anche affrontata nell'ottica di una sua rimozione.

8. Implicazioni per le pratiche e le politiche

L'analisi condotta ha messo in evidenza come il tema della discriminazione sia ancora scarsamente affrontato se messo in relazione ai giovani, dal punto di vista della ricerca. Sarebbe necessario quindi che il fattore età venisse sempre tenuto in considerazione nell'analisi dei fenomeni discriminatori per poter meglio comprendere quanto questo elemento si interseca ad altri per creare condizioni di disparità di trattamento.

In ogni caso, pur nella scarsità di dati di riferimento, sembra evidente che vi siano alcuni fenomeni discriminatori particolarmente connessi alla giovane età o perché esacerbati da fenomeni di bullismo (si pensi in particolare alla discriminazione per orientamento sessuale) o perché collegati alla scuola e quindi a quella fase di vita (e ci riferiamo in particolare all'increscioso fenomeno, ampiamente riscontrato, dell'orientamento scolastico basato sul genere e soprattutto sull'origine etnica). Ciò rafforza quindi l'idea che il fenomeno vada approfondito, anche al fine di definire strategie di intervento più efficaci per la rimozione di queste situazioni.

D'altra parte, occorre dire che è proprio la scuola il contesto in cui i giovani hanno occasione di formarsi e di comprendere il significato e le implicazioni della discriminazione. Se è vero che negli ultimi anni sono stati compiuti notevoli passi avanti in questo senso e sia ormai diffusa una sensibilità dei contesti scolastici ed educativi rispetto alla necessità di affrontare questi temi, la nostra indagine sembra aver mostrato che vi è ancora molto da fare. In particolare, sembra che l'attenzione fin ora sia stata posta soprattutto rispetto alla sensibilizzazione e alla comprensione del fenomeno e meno su come intervenire nel caso si sia vittime o testimoni di discriminazione per cercare aiuto e per provare a rimuovere la disparità di trattamento subita.

In questo senso, quindi, sembra necessario compiere uno sforzo ulteriore per far comprendere ai ragazzi l'importanza di non restare passivi davanti ad una discriminazione vista o di cui si è vittime e dando loro dei riferimenti concreti sul territorio per cercare supporto e guida.

Inoltre, la nostra ricerca ha messo in evidenza come vi siano delle forme di discriminazione più sconosciute e neglette, che meriterebbero tuttavia attenzione in quanto emergenti (es. la discriminazione religiosa), più difficili da mettere in discussione (es. la discriminazione istituzionale) o particolarmente rilevanti per il gruppo target (es. la discriminazione per età).

Sarebbe quindi utile che venisse dedicata un'attenzione specifica a queste forme di discriminazione, senza naturalmente dimenticare quelle su cui fino ad oggi si è investito di più (come quella razziale o di genere).

9. Sintesi e conclusioni

La ricerca effettuata ha messo in evidenza come vi siano dei fenomeni discriminatori che colpiscono in modo particolare le generazioni più giovani, in particolare per il contesto in cui vengono agite (quello scolastico) o perché legate a quella fase di vita (come quelle che riguardano la scelta della scuola superiore) o perché difficilmente riconoscibili in quanto inserite in un contesto complesso (come la discriminazione per età in ambito lavorativo che si camuffa e rafforza in quella etnica e si mescola e si mimetizza ad un più generalizzato contesto di disoccupazione giovanile). Inoltre, in controtendenza rispetto ad altre fasce d'età, una lettura di genere mostra come spesso siano i giovani maschi ad essere maggiormente discriminati, rispetto alle coetanee di genere femminile, offrendo un'ulteriore complessità nella lettura. Le discriminazioni multiple risultano comunque frequenti ed evidenti, mescolando: età, genere, origine etnica.

I giovani sono, da un lato, particolarmente sensibilizzati al tema della discriminazione grazie alle numerose iniziative promosse in ambito scolastico ed educativo, che mostrano il successo di un investimento pubblico finalizzato ad accrescere l'attenzione su determinate tematiche. D'altra parte, i giovani sono anche coloro che meno segnalano e denunciano e che meno sembrano avere consapevolezza rispetto a come intervenire qualora una discriminazione si palesi e li veda vittime o testimoni.

Risulta quindi necessario un ulteriore investimento in ricerca e in formazione mirata, per comprendere meglio il fenomeno – in particolare quando l'età si interseca ad altre forme di discriminazione – ma anche per mettere i giovani più in grado di reagire di fronte a situazioni di disparità di trattamento.

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Appendice

I casi utilizzati durante la ricerca sul campo sono stati i seguenti:

CASO 1

Il centro per l'impiego locale ha un servizio di ricerca di assistenti familiari per le famiglie con anziani bisognosi di assistenza. Una famiglia chiede un'assistente familiare donna, che sappia parlare l'italiano, sappia cucinare piatti della cucina italiana, che non sia troppo giovane e che non abbia la pelle nera, perché l'anziano ha l'Alzheimer e credono che avere per casa una persona di colore le possa far paura o la possa agitare. Il centro per l'impiego asseconda tutte le richieste della famiglia.

CASO 2

S., è originario della Siria, è un ex giocatore professionista con alcune partite anche in nazionale, è arrivato in Italia nel dicembre del 2015 e da allora ha un permesso di soggiorno di cinque mesi, che viene di volta in volta rinnovato in attesa che gli venga riconosciuto lo status di rifugiato politico o la protezione umanitaria. La squadra del posto dove è ospitato, lo vuole ingaggiare e prima deve farlo tesserare alla FIGC (la Federazione Italiana Gioco Calcio, che associa tutti i calciatori di calcio). Per la FIGC permesso di soggiorno accordato a S. non era sufficiente per tesserarlo, perché il regolamento della Federazione prevede, all'articolo 40, che debba essere "valido almeno fino al termine della stagione sportiva".

CASO 3

Due ragazzi nord africani entrano in un bar e chiedono che gli vengano serviti due caffè. La persona dietro il bancone si rifiuta giustificandosi così "questa è la mia casa e do il caffè a chi voglio io". I due ragazzi insistono nel chiedere il caffè. In risposta alle insistenze, la cameriera chiama il titolare, il quale fa proprio l'atteggiamento dell'inserviente e anzi invita i due ragazzi ad uscire dal bar giustificando il proprio comportamento con il timore che, nel locale, si possano verificare disordini o atti violenti che avrebbero potuto determinarne la chiusura temporanea. Nell'accompagnarli dice loro che di solito e da tempo non serve, nel proprio locale, gli extra-comunitari, in particolare i Nord-Africani, a causa dei disordini che erano soliti provocare quando abusavano nel bere e che avevano determinato la chiusura temporanea di altri bar.

Domande

Rispetto a ciascuno di questi casi, vengono posti ai partecipanti le seguenti domande:

C'è discriminazione?

Se sì,

- dove?

- perché?

- da parte di chi?

- cosa si può fare per evitarla?

- a chi ci si può rivolgere ?

Elaborated in the framework of the Abused no More project funded by Erasmus+ programme, this report is aimed at shedding light on the legal literacy of migrant youth at risk of social exclusion in Romania in relation to discrimination, and particularly GDB in order to inform the development of tailored training programs for both migrants and professionals working with them. The research was carried out with the direct involvement of young migrants and it involved both secondary research and fieldwork. The Romanian legislation and literature on different forms of discrimination affecting young migrants from a gender perspective were reviewed. Also, twelve face to face vignette based interviews and two focus groups with service providers were carried out. Research findings consistently show that migrants have limited knowledge and understanding of their rights and available services to tackle legal issues affecting their lives and fail to report cases of discrimination and violence. Lack of public legal education and information schemes available in a language that migrants understand create barriers to effective access to justice and leave them disempowered in their day-to-day interactions. Findings underline the need to increase migrants' public awareness and knowledge via PLE in order to help them recognise when they may need support, what sort of advice is available and where, and how to go about getting it.

03

ROMANIA

03 / ROMANIA

Romanian-U.S. Alumni Association

Address: Calea Dorobantilor 91, Bl. 12 B, Sc. 3, Ap. 73, sector 1,
010559 Bucuresti, Romania

Tel: 0040 726 169 74 0; 0040 751 231 550

Email: romanianusalumni@gmail.com

Cunoștințele juridice ale tinerilor migranți și refugiați în risc de excluziune socială cu privire la discriminare **Analiza asupra discriminării bazată pe gen**

Ioana Barbu

Ioana Moldovan

Mohannad Abusalah

Mehrana Ahmadi

REZUMAT

Elaborat în cadrul proiectului „Abused no More Safeguarding Youth and Empowering Professionals” finanțat prin programul Erasmus +, acest raport urmărește evidențierea cunoștințelor juridice ale tinerilor migranți expuși riscului de excluziune socială în România, în ceea ce privește discriminarea, și în special discriminarea de gen, în scopul de a informa dezvoltarea de programe de formare adaptate atât pentru migranți cât și pentru profesioniștii care lucrează cu aceștia. Cercetarea a fost realizată cu implicarea directă a tinerilor migranți și a implicat atât cercetare secundară cât și cercetare de teren. Astfel, a fost revizuita legislația și literatura de specialitate privind diferite forme de discriminare care afectează tinerii migranți, cu accent asupra discriminării de gen. De asemenea, au fost realizate douăsprezece interviuri pornind de la cinci vignete - reprezentative pentru situații de discriminare cu care se confruntă deseori migranții în România- și două focus-grupuri cu furnizorii de servicii din sectorul neguvernamental. Rezultatele cercetării reflectă faptul că migranții au cunoștințe limitate asupra drepturilor lor și a serviciilor disponibile pentru a adresa problemele legate de discriminare și violență și a modului de raportare a acestora. Studiul subliniază necesitatea de dezvoltării unor programe de educație juridică pentru tinerii migranți în format online și traininguri de formare a profesioniștilor care lucrează cu aceștia cu scopul de a-i ajuta pe cei din urmă să își dezvolte abilitățile necesare de a identifica situațiile de discriminare, instituțiile, serviciile și instrumentele de care dispun în vederea exercitării drepturilor lor și combaterii situațiilor discriminatorii cu care se confruntă.

Cuvinte cheie: tineri migranți, discriminare multiplă, educație juridică

1. Introducere

Cercetarea de față, intitulată “Cunoștințele juridice ale tinerilor migranți și refugiați în risc de excluziune socială cu privire la discriminare. Analiza asupra discriminării bazată pe gen” a fost realizată în cadrul proiectului “Abused No More: Safeguarding Youth and Empowering Professionals” finanțat prin programul Erasmus+. Proiectul este implementat de IARS International Institute (UK) în parteneriat cu Stowarzyszenie Interwencji Prawnej (Polonia), KISA - Action for Equality, Support, Antiracism (Cipru), Anziani e non solo (Italia) și Asociația Romanian – U.S. Alumni Association (România).

În conformitate cu Strategia UE pentru tineret și dispozițiile Tratatului de la Lisabona, proiectul urmărește încurajarea participării tinerilor care se confruntă cu discriminare și excludere din viața democratică în Europa, în scopul de a-și îndeplini pe deplin potențialul și de a deveni cetățeni activi într-o societate incluzivă. În prezent, există o lacună privitor la emanciparea prin educație juridică publică pentru tinerii excluși social ce provin din familii imigrante, în special pentru tinerele femei migrante și asupra modelelor comunitare de acțiune pentru combaterea violenței de gen. Acest proiect contribuie la atenuarea acestui decalaj, concentrându-se pe îmbunătățirea capacității juridice atât pentru furnizorii de servicii prin dezvoltarea unor programe de formare cât și pentru tinerii migranți supuși diferitelor forme de discriminare, excludere și abuz printr-o serie de activități de învățare non-formale, inovatoare, realizate de tineri și pentru tineri.

Rapoarte internaționale ale European Union Agency for Fundamental Rights (2015) și Fundamental Rights Agency (2013) atenționează asupra creșterii infracțiunilor motivate rasial și religios la nivel European. În România, s-a resimțit această tendință, un rol important jucându-l dificultățile economice (FutureLab, 2015), dar și mass media. Criza refugiaților din 2015 a adus în prim plan tema migrației în dezbaterile publice din România, din perspectiva unei posibile țări de destinație. Această situație a generat tensiuni în rândul populației, pe fondul lipsei de încredere în capacitatea statului de a gestiona în mod eficient integrarea imigranților și de dezacordurile între statele din interiorul Uniunii (Iordache & Dimulescu, 2015). Astfel, discursul instigator la ură și infracțiunile asociate, precum și abuzurile de orice tip asupra străinilor și refugiaților riscă să fie în creștere.

Cercetarea a avut în vedere acest context și a urmărit trei obiective specifice. În primul rând, a vizat evaluarea cunoștințelor juridice a tinerilor migranți expuși riscului de excluziune socială în România, în ceea ce privește discriminarea multiplă și intersectorială. Un accent deosebit a fost pus asupra violenței de gen cu care se confruntă tinerele femei migrante în diferite contexte, cum ar fi accesul la piața forței de muncă, educație, servicii de sănătate, locuințe, și viața de familie. În al doilea rând, a urmărit să identifice lacunele din serviciile existente privind prevenirea și combaterea discriminării și nevoile de formare ale tinerelor migrante în România, în vederea dezvoltării unui program de formare de către tineri, atât pentru migranți cât și pentru furnizorii de servicii. În al treilea rând, acest demers analitic a urmărit să promoveze emanciparea tinerilor migranți oferindu-le oportunitatea de a se implica activ în toate etapele cercetării și în dezvoltarea programului de formare care să răspundă nevoilor lor imediate în ceea ce privește discriminarea.

Această lucrare este un studiu empiric întrucât nu beneficiază de un eșantion reprezentativ din punct de vedere statistic, motiv pentru care nu putem generaliza concluziile obținute, acestea având însă relevanță în contextul cercetării realizate și pot constitui un punct de pornire în demersuri de cercetare ulterioare.

Prima parte prezintă succint contextul teoretic al studiului, definirea conceptelor, cadrul legal în materie de discriminare și violența de gen. Partea a doua urmărește descrierea metodologiei, a grupurilor țintă, a instrumentelor și metodelor de cercetare utilizate. Cea de-a treia parte este dedicată analizei și interpretării datelor, iar partea finală cuprinde concluziile și recomandările echipei de cercetare.

2. Analiza cadrului legislativ și a literaturii de specialitate

2.1. Delimitări conceptuale

2.1.1. Definirea termenilor

Conform *Ordonanței nr. 137/2001 privind prevenirea și sancționarea tuturor formelor de discriminare*, discriminarea reprezintă orice deosebire, excludere, restricție sau preferință, pe baza de rasă, naționalitate, etnie, limbă, religie, categorie socială, convingeri, sex, orientare sexuală, vârsta, handicap, boală cronică necontagioasă, infectare HIV, apartenență la o categorie defavorizată, precum și orice alt criteriu care are ca scop sau efect restrângerea, înlăturarea recunoașterii, folosinței sau exercitării, în condiții de egalitate, a drepturilor omului și a libertăților fundamentale sau a drepturilor recunoscute de lege, în domeniul politic, economic, social și cultural sau în orice alte domenii ale vieții publice.

Mai simplu, discriminarea este o acțiune care presupune un tratament diferit, nedrept față de persoane din cauza apartenenței lor la un anumit grup social. Există mai multe forme de comportamente discriminatorii, dar toate au comun faptul că implică o anumită formă de **excludere sau de respingere**.

2.1.2 Tipuri de discriminare

Conform Consiliului Național pentru Combaterea Discriminării (CNCD), discriminarea directă are loc atunci când o persoană este tratată într-un mod mai puțin favorabil decât o altă persoană care a fost, este sau ar putea fi într-o situație comparabilă, iar diferența de tratament are la baza oricare criteriu de discriminare prevăzut de legislația în vigoare.

Discriminarea indirectă se întâmplă atunci când o prevedere, un criteriu, o practică aparent neutră dezavantajează anumite persoane, pe baza criteriilor prevăzute de legislația în vigoare, cu excepția cazurilor în care aceste prevederi, criterii sau practici sunt justificate obiectiv de un scop legitim, iar metodele de atingere aceluși scop sunt adecvate și necesare. De asemenea, discriminarea indirectă este orice comportament activ sau pasiv care, prin efectele pe care le generează, favorizează sau defavorizează nejustificat, supune unui tratament injust sau degradant o persoană, un grup de persoane sau o comunitate față de altele care se află în situații egale.

Problemele legate de discriminare și prejudecăți sau stereotipuri au de mult timp un impact negativ asupra societăților de pe glob, afectând coeziunea, condițiile socio-economice, sfera politică, și o serie de alte domenii, efectiv marginalizând grupurile pe baza unor caracteristici variind de la rasă, vârsta, gen, orientarea sexuală, afiliere religioasă etc.

Discriminarea intersectorială se referă la cazuri în care discriminarea operează în același timp pe baza mai multor factori diferiți, de exemplu dacă o femeie de culoare este discriminate în raport cu un bărbat de

culoare. Există studii care subliniază faptul ca discriminare intersectorială se referă și la acele situații în care mecanismul funcționează simultan în diferite domenii (ca locuire, piața muncii, acces la sănătate, educație, reprezentare politică sau culturală) iar consecința este că domeniile se fortifică și se întrețin reciproc. (Tamas, Laszlo Gabor, 2009).

Nu în puține cazuri, situațiile de discriminare pot lua forma hărțuirii în special în acele situații care presupun că interlocutorul este un superior ierarhic sau se află pe o poziție privilegiată. *Hărțuirea* reprezintă orice comportament care duce la crearea unui cadru intimidant, ostil, degradant ori ofensiv, pe criteriu de rasa, naționalitate, etnie, limba, religie, categorie sociala, convingeri, gen, orientare sexuala, apartenența la o categorie defavorizată, vârsta, handicap, statut de refugiat ori azilant sau orice alt criteriu.

Conform Înaltului Comisariat ONU pentru Refugiați (UNHCR) *violența sexuală și de gen (SGBV)* este tipul de violență îndreptată împotriva unei persoane pe motive ce au de-a face cu genul sau sexul unei persoane. Aceasta include violența domestică, violul, abuzul sexual și hărțuirea sexuală, intimidarea la școală și locul de muncă, traficul de ființe umane și prostituția forțate. În timp ce atât femeile, bărbații, cât și băieții și fetele pot fi la fel de afectați, femeile și fetele sunt principalele victime ale violenței sexuale sau de gen. În mod special în situația femeilor din țările arabe islamice, dar nu numai au existat numeroase raportări neoficiale ale unor astfel de situații de abuz și violență, problema reală a fenomenului fiind sub-raportarea sa.

2.2 . Cadru legal național în domeniul discriminării și violenței de gen

În general, România a menținut un cadru legislativ bun cu privire la discriminare și rasism. Acest lucru a fost valabil mai ales când țara a aderat la UE în 2007, adoptând politicile și legislația europeană cu privire la aceste probleme. Cu toate acestea, cazurile de discriminare și ale discursului instigator la ură au fost larg răspândite în România, inclusiv în arena politică, vizând în special populația de etnie rroma, dar adiacent și persoanele cu alte orientări sexuale sau refugiații.

Nediscriminarea a fost inclusă în legislația în materie de azil și migrație din România, fără să fie însă prevăzute măsuri sau activități speciale. Interdicția discriminării apare atât în legislația privind regimul străinilor în România OUG 194/2002, ca responsabilitate a instituțiilor publice și organizațiilor neguvernamentale care lucrează cu migranți, cât și în Legea azilului 122/2006, care aliniaza criteriile pe baza cărora este interzisă discriminarea în procedura de azil la prevederile OG nr. 137/2000 republicată (Lăzărescu, Panait, Iordache, Dimulescu & Antofi, 2015, p.18).

Prin Legea Anti-discriminare (O.G. 137/2000) a fost clarificată procedura legală pentru stabilirea unui caz de discriminare. Există două proceduri legale principale pentru sancționarea comportamentului discriminatoriu ce nu se exclud reciproc. Prima implică depunerea unei plângeri la CNCD, în cazul în care victima are dreptul de a solicita eliminarea consecințelor discriminării, în plus față de re-stabilirea de status quo ante actului de discriminare. Cea de a doua cale, reprezintă o acțiune legală adecvată pentru daune depuse într-o instanță civilă – doar dacă actul este penal și în acest caz se aplică prevederile Codului penal - în scopul de a solicita compensații și de a restabili situația înainte de actul discriminatoriu sau să anuleze situația creată de discriminare.

CNCD este o autoritate publică autonomă sub controlul Parlamentului, având ca scop prevenirea și combater-

rea tuturor formelor de discriminare bazate pe rasă, naționalitate, origine etnică, limbă, religie, sex, orientare sexuală, vârstă, dizabilitate, statut HIV pozitiv sau orice alt criteriu care aparține unui grup dezavantajat prin campanii de sensibilizare și educare, proiecte de cercetare, colectare de date, medierea între părți, și oferirea de sprijin pentru victime, pregătirea de proiecte legislative și emiterea de sancțiuni. Există două tipuri de sancțiuni : amenzi administrative și avertismente sau recomandări scrise care nu a avut un caracter juridic.

Investigarea cazurilor de discriminare poate fi efectuată din oficiu, precum și la cererea oricărei persoane fizice sau juridice. Este dificilă evaluarea eficacității sancțiunilor emise CNCD dat fiind practici de a sancționa cazurile de discriminare numai cu avertismente sau recomandări. Aceste practici nu produc remedii care sunt de un caracter eficace, proporțional și cu efect de descurajare, deoarece avertizările nu presupun sancțiuni financiare. (Chopin & Germaine-Sahl, 2014, p.20)

Petițiile primite de CNCD în 2013 au totalizat 858, între care 61 au abordat naționalitatea, 13 orientarea sexuală și 459 încadrarea și ocuparea, numai 3 având ca și cauză discriminarea rasială. Anul trecut nu a fost înregistrat niciun caz de discriminare semnalat de migranți sau solicitanți de asistență (Voicu, et.al., 2015, p. 42).

Deși numărul mic de situații de discriminare raportat ar putea indica faptul că românii sunt în general toleranți cu imigranții, comparativ cu alte categorii, acesta este și un indicator al faptului că aplicarea legislației în materie de anti-discriminare în cazul imigranților este deficitară și ca mecanismele de monitorizare a cazurilor de discriminare în rândul migranților sunt ineficiente (ECRI, 2014, p. 47). Numeroase studii au arătat faptul că migranți sunt expuși discriminării multiple și intersectoriale pe motive de rasă, religie, orientare sexuală, etnie în special pe piața forței de muncă, în educație, în accesul la servicii de sănătate și locuințe și că nu au cunoștințe sau au avut foarte puține cunoștințe cu privire la drepturile lor și legislația în vigoare (Lăzărescu et.al., 2015 ; Voicu et.al., 2015; Alexe & Păunescu, 2011; Popescu & Toth, 2009; Futurelab, 2015) . Un studiu arată că 1 din 3 migranți a experimentat o discriminare multiplă și 33 % dintre migranți (bărbați și femei) au trecut prin agresiuni fizice (FutureLab, 2015, p. 22) . În plus, imigranții în România sunt excluși din sistemul politic, deoarece sunt privați de drepturi politice (Idem, p. 21) .

Din perspectiva măsurilor pentru prevenirea și combaterea discriminării, numărul mic de situații de discriminare identificate în care au fost implicați imigranții, precum și numărul mic al acestora, nu au facilitat elaborarea unor politici publice care să vizeze discriminarea în rândul imigranților și monitorizarea lor (Idem, p.40- 41).

Mai mult, nu există dispoziții specifice destinate în mod specific prevenirii și combaterea discriminării intersectoriale și a violenței în rândurile imigranților printr -o abordare sensibilă a discriminării de gen (Lăzărescu, et.al, 2015; Voicuet.al, 2015). O serie de studii subliniază că politicile care nu sunt sensibile la gen și nu recunosc multiplele forme de discriminare cu care se confruntă femeile migrante, inclusiv solicitantii de azil și refugiații sunt destinate eșecului (Sansonetti, 2016; Crooms, Falcon & Haldane, 2011; Smith & Klaus 2011; Erturk, 2006) .

2.3. Analiza literaturii de specialitate

Femeile migrante sunt extrem de vulnerabile la discriminarea, și în mod particular la violența de gen GBV (Sansonetti , 2016) . Vulnerabilitate de gen este sporită de intersecția cu alte caracteristici de identificare , cum ar fi rasa , culoare , etnie , religie , vârstă , statut juridic, dizabilitate , etc. (Crooms, Falcon & Haldane, 2011; Crenshaw , 1991) . In plus , istoria personală și motivele migrației (teama de persecuție în țările de

origine, în cazul refugiaților și perspective economice mai bune, educație sau reuniunea familiei, în cazul migranților) influențează riscurile de violență cu care acestea se confruntă femeile atât în privată, de familie, dar și în sfera publică după sosirea în țara -gazdă (Sansonetti, 2016; OIM , 2013) .

În sfera privată , femeile migrante se confruntă cu o expunere mai mare la violența domestică, ca urmare nesiguranței soțului sau a partenerului masculin cu privire la locul de muncă și a dificultăților financiare (Dutton et al., 2000) . De asemenea, femeile tinere sunt expuse riscului de a se confrunța cu practici precum mutilarea genitală ca modalitate de consolidare a rolurilor tradiționale de gen și a controlul comportamentului și sexualității femeilor (OIM , 2013) . Cele mai multe victime ale violenței de gen nu raportează experiența lor din cauza inhibițiilor personale amplificate de rușine și motivații culturale specifice, accesul limitat la servicii, precum și nesiguranța statutului legal în noua țară. Neraportarea poate agrava trauma psihologică și socială a acestor femei, dar și dependența economică (Sansonetti , 2016; OIM, 2013) .

O abordare diferită a explicației raționalizărilor și tăcerii femeii asupra violenței partenerului este dată de Towns & Adams (2000). Autorii susțin că aceste tipuri de raționalizări pot avea la bază o relație paradoxală percepută de către femeie între iubirea declarată și violența manifestată, precum și modul în care femeia creează profilul iubirii partenerului. Femeia decide să acționeze singură pentru stoparea violenței partenerului, orice intervenție din exterior este respinsă de către femeie. Deseori femeia se află ea însăși într-un conflict în înțelegerea schimbărilor care au intervenit în comportamentul partenerului, pe care îl iubește, precum și în găsirea identității personale și a partenerului în această nouă situație, toate acestea contribuind la păstrarea tăcerii femeii asupra violenței.

În România , există o lipsă generală a datelor referitoare la violența de gen în rândul femeilor migrante dar, trebuie subliniat faptul că, demulte ori, acestea nu identifică experiența lor ca fiind una de victimă (Lăzărescu, et.al., 2015) .

Incepând cu 2016 prin semnarea și ratificarea Convenției de la Istanbul, România se obligă să-și schimbe legile, să introducă politici publice mai cuprinzătoare și să aloce resursele necesare pentru a crea o zonă de toleranță zero față de violența de orice fel, fie că vorbim de violență fizică, psihică, emoțională, economică sau discriminarea de pe piața muncii.

Este absolut esențială extinderea serviciilor (adăposturi, centre de consiliere, linii telefonice de urgență) și parteneriatul cu societatea civilă.

O altă provocare se referă la dezvoltarea capitalului social în rândul tinerilor, la emanciparea tinerilor și la capacitatea acestora de a participa activ în societate, în conformitate cu dispozițiile Tratatului de la Lisabona, pentru a „încuraja participarea tinerilor la viața democratică din Europa” acest aspect poate fi vizat, de asemenea, prin activități de învățare non-formală, care au ca scop îmbunătățirea abilităților și a competențelor tinerilor, precum și promovarea cetățeniei active. De asemenea, organizațiile de tineret și tinerii lucrători au nevoie de formare și de oportunități de cooperare pentru a dezvolta profesionalismul și dimensiunea europeană a muncii tinerilor. Sistemele de educație și formare și politicile pentru tineret performante pot contribui la abordarea acestor provocări, oferind cetățenilor aptitudinile necesare pe piața muncii și în economie și permițându-le totodată să joace un rol activ în societate și să se realizeze pe plan personal. Reformele în educație, formare și tineret pot consolida realizarea acestor obiective, pe baza unei viziuni par-

tajate între factorii de decizie politică și părțile interesate, a unor dovezi solide și a cooperării între diferite domenii și niveluri (Eu Commission Erasmus +, 2016).

Această abordare este convergentă cu Strategia UE pentru tineret și Strategia Națională pentru Tineret conform căreia tinerii sunt recunoscuți ca resursă durabilă crescând posibilitatea implicării tinerilor migranți în dezvoltarea politicilor care îi vizează, în mod specific prin dialogul cu organizațiile de tineret care îi reprezintă.

3. Metodologia cercetării

Prin acest studiu am urmărit identificarea nivelului de informare al străinilor cu privire la drepturile lor în situații de discriminare, abuz, exploatare, respectiv zonele care reclamă măsuri concrete de îmbunătățire a practicilor prin dezvoltarea de programe de formare, precum și dezvoltarea de programe specifice pentru a proteja efectiv imigranții împotriva discriminării, respectiv adresarea nevoilor lor în situații de acest gen.

Obiectivul principal al cercetării constă în identificarea nevoilor reale a tinerilor migranți și a profesioniștilor în domeniu asupra tematicii propuse spre cercetare și secundar verificarea necesității livrării unor programe de educație juridică tinerilor migranți asupra tematicii referitoare la discriminare, abuz, exploatare și violență de gen.

Planificarea și realizarea procesului de cercetării au fost realizate în perioada decembrie 2015 -martie 2016 și a implicat doi tineri migranți din România, membri ai RAS, și echipa de proiect. Implicarea activă a tinerilor migranți în acest proces este în concordanță cu pilonul central al proiectului.

Cercetarea de teren a vizat pe de-o parte realizarea de două focus grupuri cu opt profesioniști din sectorul neguvernamental (asistenți sociali, consilieri juridici, mediatori, lectori de limba română.) ce derulează programe de integrare pentru refugiații și migranții în România cu scopul de a înțelege punctul lor de vedere cu privire la discriminarea multiplă și intersecționale cu care se confruntă tinerii migranți din România, serviciile disponibile în vederea creșterii capacității juridice a migranților și a nevoilor de formare. Toți profesioniștii intervievați au o expertiză între 2 și 5 ani de zile în lucrul cu solicitanți de azil, persoane cu o formă de protecție și resortisanți țări terte (migranți). Astfel, au fost interviutate 5 femei și 2 bărbați din București Timișoara și Brașov.

Pe de altă parte, au fost realizate doisprezece interviuri față-în-față pe bază de vignette cu tineri migranți și refugiați, pentru a afla ce fac ei știu despre discriminarea de gen și cum poate fi abordată.

Cinci vignette au fost elaborate pe baza studiilor de caz reale de viață care implică diverse situații de discriminare a tinerilor migranți și refugiați în România în ceea ce privește accesul la piața forței de muncă, locuire, servicii medicale, educație și violență domestică. Interviurile bazate pe vignette au permis aprofundarea discuțiilor cu privire la acele situații specifice create cu care se confruntă tinerii migranți și refugiați din România. Conform lui Alexander & Backer (1978: 94), vignettele sunt scurte descrieri ale unor persoane sau ale unor situații sociale ce conțin referințe precise cu privire la ceea ce se consideră a fi cei mai importanți factori în procesul de luare al deciziei sau de judecată a respondenților. Beneficiul utilizării acestor instrumente este acela că în loc să solicite respondenților un răspuns despre sine le permite să reacționeze simplu, direct

la informații abstracte despre alte persoane sau situații. Detaliile sunt furnizate de cercetător. Conform lui Barter & Renold (1999), vignetele pot fi utilizate cu următoarele scopuri:

- să permită adresarea problemelor într-un mod obiectiv, într-un context situațional specific
- să clarifice modul de gândire al oamenilor, de multe ori în relație cu dilemele morale aferente situațiilor create
- să creeze un context mai puțin dificil în explorarea tematicilor sesibile
- să sprijine participanții în definirea situațiilor în propriile cuvinte.

Fiind prevăzute cu un set de situații ipotetice fără “răspunsuri corecte sau greșite”, vignetele permit testarea diferitelor grade de cunoștințe, abilități și atitudini ale tinerilor pentru a rezolva o problemă dată și permite cercetătorului să deducă cunoștințele juridice ale respondenților.

Atfel, au fost realizate două întâlniri cu 7 femei și 5 bărbați cu vârste între 20 și 28 de ani. Țările de proveniență ale acestora sunt Iran, Filipine, Siria, Georgia, Iraq, Afganistan, Bangladesh și Arabia Saudită.

4. Analiza și interpretarea datelor

3.1. Analiza datelor furnizate de profesioniștii din sectorul neguvernamental

Cunoașterea drepturilor juridice de către migranți și refugiați din perspectiva profesioniștilor din ONG-uri și canalele de comunicare a informației primite

Profesioniștii consideră că rolul central al informării revine autorităților publice responsabile, dar în practică un rol esențial pentru migranți și refugiați îl au membrii comunității lor. Majoritatea profesioniștilor consideră că migranții apelează mai mult la mediul informal pentru a obține informațiile de care au nevoie și abia apoi, dacă consideră încă necesar, apelează la instituții:

●● *Informarea informală este pe un loc prioritar pentru refugiați. Am întâlnit cazuri în care refugiați au auzit de undeva că găsesc ușor de lucru în Germania și voiau să meargă, chiar dacă nu aveau studii sau nu cunoșteau limba. Noi prin canalul formal, informăm stric legislativ, comunitatea poate să informeze și cu privire la diferite practici ilegale.” (București, B., consilier integrare) ●●*

Majoritatea respondenților sunt de acord asupra faptului că străinii și refugiații nu își cunosc drepturile, nu le cunosc suficient de bine sau nu le înțeleg conform legii. Unii dintre cei intervievați consideră că lipsa de informare se datorează faptului că o parte dintre străini nu își propun să rămână în România, iar refugiații nu își propun să ajungă în România.

●● *Cred că știu foarte puține în general pentru că nu vin pregătiți să rămână în România. Majoritatea încearcă să vadă ce ar putea să facă aici, dar nu e un plan de viață mai ales pentru refugiați – s-a întâmplat să ajungă aici. Prin urmare știu destul de puține în principal prin ONG-uri, instituții publice specializate și liderii din comunitățile lor. (București, A., lector limba română) ●●*

●● *Planul de integrare in cazul refugiaților prevede o informare obligatorie formală a acestora care de multe ori se realizează, chiar dacă nu într-o maniera corectă, curpinzătoare.* ●●

Majoritatea profesioniștilor admit existența a numeroase canale de informare, dar și necesitatea îmbunătățirii materialelor informative utilizate în prezent de autoritățile române și a metodelor de comunicare a informației grupului țintă. Una din probleme este legată de faptul ca acestea nu sunt într-o limbă pe care ei să o înțeleagă , iar conținutului este complex, într-un limbaj juridic, neaccesibil lor. A fost subliniat și faptul că:

●● *În ceea ce privește refugiații și solicitanții de azil de multe ori informațiile sunt neclare și din “auzite”, chiar eronate. Gradul de informare privind drepturi și obligații este mai crescut la migranții legali, care înainte să aplice pentru o viză în România, se informează real despre structura și contextul social, asta pentru că ei aleg o destinație și aleg să plece din țara lor de origine.* ●●
(Timișoara, F., asistent social)

Opinia profesioniștilor vizavi de accesul la drepturi al străinilor și refugiaților

Majoritatea profesioniștilor consideră că există încă diferențe între cadrul legal permisiv și practicile restrictive determinate de cele mai multe ori de necunoașterea legii și de procesul birocratic în ansamblu.

●● *În anumite domenii cum ar fi spre exemplu Inspectoratul Județean Școlar nici până acum nu sunt clare procedurile de lucru cu refugiații.* ●●
(Timișoara, G, asistent social)

●● *Ei accesează acele drepturi de care au nevoie la un moment dat, dacă au norocul să fie sprijiniți de actorii cu atribuții în domeniu – fie ai statului sau ai societății civile și pierd multe oportunități datorită faptului că nu își cunosc drepturile conexe sau cele care nu fac parte din pachetul general informativ livrat la intrarea în România sau în Programul de Integrare.* (Brașov, I, consilier integrare) ●●

Formele de discriminare suferite de tinerii migranți și refugiați în comunitățile lor și în comunitatea românească

Majoritatea profesioniștilor au subliniat faptul că nu li se raportează discriminări în mod frecvent, ci mai degrabă acestea constituie excepțiile dar le cunosc din practica îndelungată. Unii respondenți realizează o diferențiere între migranți și refugiați considerând căt dată fiind situația actuală a valului de refugiați spre Europa, aceștia ar fi mai expuși discriminărilor în prezent: “Tinand cont situatia refugiaților in acest moment consider ca sunt foarte multe prejudecati si gradul de discriminare este ridicat”. (Timișoara, G., asistent social)

Accesul la o locuință a fost nominalizat cel mai frecvent de către profesioniși în ceea ce privește domeniul în care s-a raportat discriminarea resimțită de către migranți și refugiați, urmat de către accesul la educație.

În ceea ce privesc discriminările în rândul comunităților migranților, părerile sunt împărțite nefiind considerate concluziile ca generalizate.

●● Am discutat de curând cu un patron arab puternic irakina. Si exact aceasta intrebare i-am pus-o, mi-a zis ca prefera sa lucreze cu arabi, pentru ca românii îl fură. ●●

●● Pe de altă parte cunosc un membru de familie din Egipt, care nici nu vrea sa auda de a se angaja la un patron arab. Îi acuză că sunt violenți. ●●

Vizavi de discriminarea pe motive de gen sub-raportarea este constata de majoritatea profesioniștilor dar din aceasta nu rezultă lipsa fenomenului, ci dimpotrivă, are la baza adânci rădăcini culturale ce determină femeile să nu raporteze decât în situații excepționale sau cu atenta îndrumare a consilierilor psihologici, juridici etc.

●● Am avut un caz cu o femeie care era bătută acasă deși era o familie foarte strâns unită și care părea foarte în regulă. Tânăra a preferat să îmi confeseze situația dar a exclus orice raportare oficială sau implicare juridică în familia ei. Sunt multe cazurile de acest gen.”(Brașov, I., consilier integrare). ●●

Opartedintreprofesionișiau specificat faptul că nu ar trebui să preluăm modele de integrare existente în alte state care au alt profil istoric, migrator sau economic. Bunele practici sunt utile la nivel teoretic pentru a prezenta metode noi de abordare, dar aplicabilitatea lor trebuie să fie adaptată contextului social-economic al statului în cauză.

●● Trebuie sa te asiguri ca el a inteles toate drepturile sale si ca a inteleg valorile tale ca stat – sunt multe nunate pentru a ajunge la o integrare reala, mai ales ca vorbim de o cultura rezistenta la nou. Inafara de sublinia din nou ca Europa crede si si-a asumat niste valori respective dreptate, libertate si fraternitate nu cred ca poti face mai mult. ●●

●● Ajungem la prolema reală care este aceea a schitarii unor politici sociale serioase. Si statul trebuie sa se implice serios in asta, ONG-urile nu pot sa isi asume asa ceva, nu au instrumentele necesare, societatea civila se poate doar implica pana la un anumit punct. ●●

Nevoile particulare ale tinerilor excluși social cu background migrator, în mod specific ale tinerelor femei afectate de violență de gen

- ▲ Acces la educație juridică asupra drepturilor și obligatiilor lor în sistemul public în paralel cu învățarea limbii române și identificarea și înțelegerea aspectelor culturale din România (parcursul unui curs de acomodare culturală).
 - ▲ Educarea actorilor instituționali privind o abordare multiculturală și umanistă în munca cu migranții, și în special în cazul celor care lucrează cu femei migrante.
 - ▲ Campaniile naționale de promovare a migrației pentru a combate stereotipurile și discursul instigator la ură.
 - ▲ Conectarea cu viața comunității locale, prin proiecte de responsabilizare socială, voluntariat, schimb cultural.
- Au nevoie de mai mult sprijin înafara școlii – participare la evenimente extracurriculare, un/o tânăr (ă) are nevoie de astfel de activități. Din păcate în România acomodarea culturală este deficitară – fie făcută de societatea civilă exclusiv, fie doar ca o bifa a unei activități într-un proiect.

În ceea ce privește asistența femeilor tinere victime ale violenței de gen profesioniștii cunosc nevoile lor generale, dar subliniază dificultatea în abordarea tematicii cu acestea. A fost subliniată necesitatea dezvoltării

de servicii integrate inclusiv pentru victimele violentei domestice (servicii rezidentiale, consiliere sociala, juridica si psihologica, etc). Au explicat, totoada că *“Diferentele culturale privind submisiunea femeilor sunt majore, de multe ori femeile in se trebuie informate asupra drepturilor lor – consilierea juridică, de specialitate, este esențială.”*

Majoritatea profesioniștilor consideră că este necesară în mod special abordarea agresorului și consilierea acestuia în problematica violenței domestice, însă fie nu cunosc metodele de a aborda problematica din punct de vedere intercultural, fie abordarea lor este inefficientă. E necesară așadar dezvoltarea de metodologii de lucru cu femeile victime ale violenței de gen, domestice, sexual pentru profesioniștii din cadrul organizațiilor nonguvernamentale.

Unii profesioniși consideră că se pune accentul prea mult pe drepturi și prea puțin pe obligații, afectând unitatea adresării statutului juridic din ambele perspective. O altă nevoie stabilită este aceea a dezvoltării de programe ce furnizează servicii având la bază evaluări calitative și nu cantitative.

Majoritatea respondenților subliniază nevoia acută de acomodare culturală, de calitate realizată cu seriozitate și la toate nivelurile. În această abordare inclusiv educația sexuală trebuie luată în considerare.

O altă nevoie constatată este aceea a formării de specialiști în cadrul autorităților publice (lipsa de profesioniști specializați pe această problematică există nu doar în ONG-uri dar și în autorități publice).

Nevoile acoperite de serviciile existente sau de informațiile oferite asupra drepturilor refugiaților și migrantilor în România

Majoritatea profesioniștilor au menționat doar serviciile de consiliere și informare pentru abordarea nevoilor străinilor și refugiaților din România în situație de discriminare sau violență de gen.

“Serviciile de consiliere si informare exista, dar servicii integrate nu exista.”

“Consiliere sociala exista la nivel formal oferita de IGI, ONG.”

“Referitor la nivel informal in comunitatii, nu cred ca femeile abuzate sunt informate ce sa faca.”

Nu există statistici reale ale aspectelor cercetate datorită subraportării și invizibilității fenomenului violenței domestice, de gen în rândul străinilor din România dar și a lipsei de interes a actorilor responsabili cu privire la acest fenomen. *“Care e numarul acestor cazuri in randul femeilor migrante nu stiu. Eu stiu, iata 3 cazuri.”* (București, Asistent social.)

Cu privire la asistenta pentru femeile victime ale violentei domestice s-a constatat de catre profesionisti lipsa infrastructurii necesare ceea ce face abordarea subiectului pur teoretică, dacă în practică femeii abuzate nu i se poate oferi o alternativă reală, viabilă și sigură. De asemenea, profesioniștii confirmă faptul ca lipsa subraportării nu echivalează cu lipsa fenomenului și ca acest fenomen este constatabil, observabil:

●● *E încă un fenomen ascuns, invizibil datorită lipsei raportării de conținut, dar el există iar profesioniștii din ONG-uri au datoria morală de a identifica soluțiile optime în acele cazuri.” (Brașov, consilier integrare) ●●*

Mai mult, profesioniștii simt nevoia de a stabili limita până la care pot interveni în astfel de cazuri în mod specific datorita valorilor culturale diferite:

●● *Femeile considera acest lucru un lucru normal si privat, care tine de relatia lor intima pe care tu ca outsider nu ai dreptul sa vb despre acest fapt cu ea – nu cunosc drepturile pentru ca nu considera asta un abuz. ●●*

●● *Apare diferenta culturala noua ne e usor sa spunem ca tu esti o victima – dar nu tu tert spui asta si implantezi ideea – dar din tine trebuie sa vina aceasta vointa de a nu a fi mai abuzata. ●●*

●● *Trebuie sa se intelaga ca in orice caz de acest gen – tu ca profesionist nu poti inteveni daca femeia nu declara abuzul. Ea trebuie sa isi asume ce va face si ce va urma pentru ca ea insasi va suferi urmarile pentru ca tu ii poti doar oferi informatia juridica si suportul legal, psihologic specializat. Marea majoritatea femeilor abuzate nu declara, daca e sa vorbim de realitate. ●●*

●● *Increderea in ele creste foarte greu, nu de la un curs la altul ci de la un an la altul. Sunt pasi mici dar siguri. Contextul creat e foarte important, increderea trebuie castigata– necesara in procesul de integrare. ●●*

Serviciile curente care sunt disponibile pentru acest grup în România sunt cele de informare, consiliere, servicii specifice in zona violentei domestice, dar subfinanțate și insuficiente, fără personal specializat pe problematica femeilor migrante.

●● *Nu cunoastem să existe servicii specializate pe problematica tinerelor femei migrante victime ale violenței de gen” .(Timișoara, G., asistent social) ●●*

●● *Exista multe servicii si indicatori pe hârtie. Ong-urile oferă sporadic, temporar serviciile, in limita surselor financiare. Progresul inregistrat într-un proiect exista într-o masura foarte mica sau nu mai există, trebuind, ca la capătul unui proiect, beneficiarul sa o ia de la capat cu altcineva in special in problematica violentei de gen.” (București, D., consilier social) ●●*

●● *Există câteva spații de socializare create pentru migranți dar tematica nu este abordată decât cel mult adiacent și fără o metodologie specifică.” (Brasov, I., consilier integrare) ●●*

Bariere în accesarea serviciilor disponibile pentru acest grup în România

Necunoașterea limbii și birocrăția specific accesării diferitelor servicii în România au fost identificate ca principale obstacole in acesarea serviciilor.De asemenea, lipsa trainingului în domeniu pentru profesioniștii care lucrează cu tinerii migranți a fost identificat ca fiind problematic pentru furnizarea unor servicii de calitate:

●● *ONG-urile au nevoie de training special să lucreze cu femeiele migrante victime ale violenței - e mai dificil decât în cazul românelor. Cum abordezi situatia? Cum poti sa ii arati ca poti sa ii oferi o altrnativa la un mediu abuziv, daca vrea sa ii paraseasca caminul? Care sunt parchiile legislative pe care le poti folosi? Care sunt resursele locale pe care le poti updata sa le ajuti? Nu e asa simplu. Plus ca organele responsabile nu se implica decat daca este agresivitate fizica raportata ●●*

●● *Exista si bariera pe care profesionistii o resimt la nivel de formare si training in domeniu. Spre exemplu in domeniul violentei de gen, de abordarea a problematicii cu tinerele femei migrante. ●●*

Subfinanțarea domeniului, numărul redus de centre de primire în regim de urgență, de centre de recuperare sau de consiliere fie pentru victime, fie pentru agresori. 14 județe din România nu au servicii specializate de tip rezidențial în domeniul protecției victimelor:

●● *Nu exista shelter-uri pentru astfel de femei, în București de ex locuri foarte puține și mereu pline. Ce poate face o femeie de origine araba? Fără loc de muncă și experiența adiacentă, fără educație, eventual și cu copii. Unde o duci? Ce șanse are ea?* ●●

●● *Sunt păreri referitoare la acest aspect care spun că ar fi mai bine să nu fie scoasă victima din casa, ci agresorul tocmai pentru a nu periclitiza tot victima în acest demers. Agresorul trebuie scos din acel mediu și consiliat psihologic. Politicile pentru violența de gen ar trebui să se centreze pe ambele persoane – agresor și victima. De asta rolul psihologului este esențial și mai ales al echipelor multifuncționale.* ●●

O altă barieră în accesarea serviciilor specifice este faptul că astfel de servicii nu sunt oferite în toate județele din România, determinând astfel și bariera financiară, de acces la aceste servicii:

●● *Bariere financiare dacă vorbim de persoane din afara orașelor mari, de limbă, de cultură. Uneori chiar soții nu le lasă să își afle drepturile sau obligațiile când aud de violența de gen sau discriminare – devenind astfel ele victime. De asemenea, dependența economică de soț determină creșterea riscului de acceptare a unei situații de violență.* ●●

Privitor la tipul de sprijin de care au nevoie migranții pentru a-și solicita drepturile

- Educație juridică privind drepturile lor;
- Formare pentru personalul din mediul ONG-uri care doresc să lucreze în domeniu și dezvoltarea unor metode efective, nu doar teoretice;
- Consiliere psihologică, acomodare culturală, planning familial, consiliere familială, mediere pentru femeile victime ale violenței într-o limbă pe care ele o înțeleg;
- Evaluarea acestor servicii oferite – cât să ofere statul - iar restul externalizate – pentru că altfel se pierd resurse și expertiza la fel;
- Sprijin direct. Asistența socială individualizată;
- implicarea mediatorilor interculturali în facilitarea comunicării;
- Dezvoltare de metode de lucru interdisciplinare interinstituționale.

Cadrul legal în acest privind violența împotriva femeilor

Profesioniștii au explicat că deși legislația privind imigrația și integrarea este actualizată în acord cu legislația europeană, există o serie de lacune în aplicarea ei uniformă la nivel național, iar în ceea ce privește legislația privind violența domestică situația este percepută diferit:

●● *Situația violenței asupra femeilor migrante în România încă nu este clarificată, încă se închid ochii iar la migranți e și mai dificil. În legislație nu este obligatoriu să existe adaposturi pentru astfel de probleme. (București, G., asistent social)* ●●

●● *Instrumentele legale sunt deosebit de utile, pentru că altfel nu ai baza pe care să poți lucra ulterior. Însa, discriminări încă există și greu de dovedit. Putem să ne axăm pe partea de prevenție decât sancționare, asadar educație, informare.* ●●

Pe de altă parte profesioniștii subliniază că legislația nu e practică pentru femeile migrante în contextul politic și legislative actual

●● *Nu poate fi practic pentru femeile refugiate – am avut un caz clasic – nu s-a putut îndepărta femeia din casa pentru că ea n-a făcut o plângere la poliție – nu își asuma singurătatea. Pana când victima nu are parte de consiliere psihologica și un demers de integrare serios ea nu va depinde plângere.* ●●

În cele din urmă, profesioniștii agreează faptul că deși există astfel de probleme și în România, străinii care sosesc în România trebuie să înțeleagă care sunt prevederile legale vizavi de subiect și să își asume consecințele faptelor lor.

●● *Dacă în Siria era ok să îți bati nevasta, în România nu, și legislația nu permite. La fel cu violența domestică în cazul copiilor, bataia copiilor e ceva, cu care noi românii avem o problemă de asemenea, 15.000 de copii abuzați fizic în 2015. (Timișoara, F., asistent social).* ●●

Metode de capacitate și formare a migranților în abordarea tematicii violenței de gen

Cu privire la acest aspect, profesioniștii din sectorul neguvernamental au făcut o serie de propuneri. Una a fost derularea de campanii de informare, workshopuri cu ajutorul reprezentanților comunității sub rezerva faptului că aceștia trebuie foarte atent selectați: “Nu realizez în practică cât de deschisi ar fi liderii la astfel de campanii mai ales dacă nu există statistica privind violența domestică între migranți, poate vor spune “nu se bat femeile la noi”.

Derularea unor proiecte de informare și capacitate destinate exclusiv femeilor, care să aibă și o componentă de consiliere și asistență efectivă în cazul femeilor victime ale violenței de gen și abuzurilor. Mai mult, în cazul femeilor casnice sau care nu participă la activități de socializare sau care (din diverse motive) ar fi reticente să participe la sesiuni de informare asupra drepturilor lor în România, ar putea fi organizate ateliere regulate cu specific divers (handmade etc.) unde se pot aborda diverse teme de interes. În vederea organizării de activități nonformale, este nevoie de dezvoltarea de metodologii de lucru specifice atât pentru femei cât și pentru consilierea soțului sau partenerului de viață.

3.2. Analiza datelor furnizate de migranți și refugiați

1. Din analiza primei vignete privind violența domestică a rezultat că autoritățile responsabile unde ar apela și sesiza astfel de situații în afară de Poliție nu sunt cunoscute și ca respondenții (nici femei și nici bărbați) nu își cunosc drepturile.

●● *Poti suna la 112 pentru toate urgentele (...). Stiu ca e multa birocratie in Romania si cred ca va fi dificil. Nu cunosc care sunt drepturile și ce instituție se ocupa cu protecția femeilor în astfel de situații, poate ceva legat de Ministerul de Interne.* ●●

Șase femei din șapte au spus că, în astfel de situații, ar apela la ONG-uri pentru consiliere juridică și că, ulterior, ar lua o decizie:

●● *Eu am fost lovita o data si am divortat doar pentru asta. In Filipine aveam o institutie publica unde se putea cere ajutorul in astfel de situatii pentru femeile victime ale violentei de gen, in Romania nu cunosc. Poate ca ONG-urile ma pot ajuta (...) cred ca unele ofera mai mult sprijin pentru persoanele in astfel de situatii. Dar pana sa ajung acolo as riposta singura, as cere ajutor vecinilor si as suna la Politie.* ●●

Unele tinere au considerat ca un astfel de comportament al agresorului, poate fi de înțeles.

●● *Daca sotul m-ar bate de mai multe ori, eu as merge la un ONG sa inteleg care sunt drepturile mele in Romania si cand mi-as cunoaste drepturile as sti cum as putea sa reactionez la astfel de situatii. Dar daca ajungem in situatia in care Politia vine la noi la usa, as face tot posibilul sa se rezolve problema. Eu as avea speranta ca se poate rezolva cu consiliere psihologica, sa semnăm ceva în fața Politiei ca sa nu ma mai bata. E casatorie, si mai ales daca exista copii si poate e si iubire e mai greu ... poate ca eu il enervez si nu imi dau seama, as propune sa mergem amandoi la terapie..dar daca nu functioneaza si el m-ar mai bate m-as gandii si la divort. Daca as fi vecina as suna la 112.* ●●

2. Din analiza răspunsurilor la cea de-a doua speță au fost reliefat faptul că majoritatea nu cunosc drepturile în calitate de persoană fără drept de ședere exploatată pe piața muncii sau abuzată sexual și au subliniat nevoia de informare în acest sens, necunoscând la ce instituții ar putea apela în afară de Poliție. O tânără a menționat comunitatea etnică ca mijloc de suport în astfel de situații: “Nu cunosc ONG-uri in Romania, tot ce stiu e o organizatie a filipinezilor, iar ei se ocupa mai mult cu negocierea situatiilor de sedere si munca. In realitate, in astfel de cazuri de obicei se fugе.” tinerelor au identificat situații cu persoane care au ajuns în astfel de situații dificile, dar nu au raportat exploatatorul, explicând că nu raportarea cazului e importantă ci eliminarea factorului abuziv: “Cred ca pur si simplu vrei sa scapi din situatia aia, oricum, nu te ma intereseaza asa mult raportarea dupa sau unde vei ajunge.” Alte femei au explicat că sesizarea autoritațiilor nu e cea mai bună soluție și că migranții trebuie să apeleze la ONG-uri pentru cunoașterea drepturilor lor :

●● *Sa mearga la IGI nu e cea mai buna decizie din prima, poate ar trebui intai sa mearga la un ONG ca sa isi cunoasca exact drepturile si obligatiile. De asemenea trebuie raportat pentru abuz sexual, dar asta nu ii va da dreptul sa ramana in tara. Nu stiu chiar nu stiu daca in situatia asta s-ar schimba situatia pentru ea, ci mai degraba pentru agresor. Exista si programele de relocare voluntara care pot sprijini in astfel de situatii. Banii neplatiti ar trebui sa poata fi recuperate.* ●●

●● *Dar daca as ajunge aici as incerca sa raportez daca am dreptul asta. Nu stiu exact.* ●●

3. Analizand răspunsurile de la a treia vigneta a reiesit faptul că majoritatea tinerilor s-au confruntat cu situații discriminatorii în încercarea de a închiria o locuință. O parte dintre tineri au avut probleme cu proprietarii privind sumele plătite în avans sau garanțiile sau cu faptul că nu au primit contractile de închiriere sau le-au primit într-o limbă pe care nu o pot înțelege. De asemenea, respondenții nu știu la ce autoritate publică ar putea apela pentru astfel de situații și nici care sunt consecințele juridice.

●● *Daca as fi in locul barbatului as ameninta proprietarul ca daca nu imi da banii voi chema Politia sau il vor raporta cu ajutorul unui ONG la autoritatile responsabile. Dar nu știu care sunt acelea.* ●●

●● *Eu i-as cere banii pentru cele 2 luni, daca am contract e clar ca mi-l va da inapoi, altfel as merge la Politie.* ●●

4. Analizând răspunsurile la a patra vignetă a rezultat faptul că accesul la serviciile publice medicale este considerat dificil și greu, de evitat. Majoritatea tinerelor nu știu la ce instituție să se adreseze pentru a contracara o situație în care ar fi discriminate pe baza de etnie în cadrul unui spital din România și nici ce mijloace juridice ar avea la îndemână dacă acest lucru li s-ar întâmpla personal.

●● Pentru mine nu s-a întâmplat, nu am prea mers la doctor sinceră să fiu. ●●

●● De obicei îmi platesc analizele și cam atât. ●●

●● Dacă aș fi în locul ei aș fi dispusă să plătesc, doar să mă mute de acolo. ●●

●● Sistemul medical nu e cel mai bun în România, dar dacă aș pati așa ceva chiar nu știu unde aș merge. ●●

5. Analizând răspunsurile la a cincea vigneta a rezultat faptul că accesul la educație este considerat esențial de tinerele migrante și știu că în România accesul la educație este egal și liber pentru toată lumea. Sunt conștiente că o situație de discriminare ar fi abuzivă și în neconformitate cu legea. Majoritatea respondentelor au afirmat că ar încerca să găsească o soluție și nu ar suporta o nedreptate, fie printr-o discuție cu părinții, consilierul școlar sau directorul școlii, Cu toate acestea, însă, niciuna nu știu la ce instituție ar putea apela (unele tinere au sugerat Ministerul Educației, altele la ONG-uri) și nici care sunt măsurile pe care le pot lua ele direct.

●● Dacă aș fi în astfel de situație, mi-aș anunța părinții. Dacă ei sunt educați ei se vor informa și își vor cunoaște drepturile. De asemenea pot apela la ONG-uri și autorități pentru informare. Dar dacă părinții nu sunt educați, m-aș duce la consilierul școlar sau la director în încercarea de a-mi exprima situația. Dacă nimeni nu m-ar ajuta ar fi cu adevărat dificil. Cunosco un tânăr, care atunci când era mic, învăța în Bacău la școală – și i se zicea mereu "teroristule" la școală – a suferit foarte multe – deși mama lui e româncă. ●●

●● Sunt tânără și nu știu ce să fac singură, dar aș cere ajutorul directorului sau consilierilor și aș spune tot ce mi se zice în clasă. ●●

●● Așa se întâmplă când ești într-o altă țară, minoritar. Aș raporta această discriminare, dar nu știu exact unde, la ce instituție. ●●

5. Concluzii și recomandări

Această secțiune prezintă o trecere în revistă a concluziilor și recomandărilor rezultate din focus-group-urilor precum și a interviurilor cu profesioniști. În ceea ce îi privește pe tinerii migranți și refugiați următoarele concluzii pot fi deduse. Cu privire la existența fenomenului de violență de gen și discriminare în România:

- A fost confirmată existența unor situații de discriminare existente în societatea românească resimțite în mod special în demersurile de accesare a drepturilor civile (sănătate, acces la o locuință, educație, servicii bancare, acces piața forței de muncă) dar și izolat privind etnia, religia sau naționalitatea.
- Violența de gen nu este confirmată ca o situație la care sunt expuse în mod specific în România ci mai degrabă la nivel familial, prin violență domestică sau la locul de muncă, izolat.

Modul de abordare al problematicii violentei de gen de catre femeile tinere intervievate

- Dependența economică de soț determină creșterea riscului de acceptare a unei situații de violență.
- Lipsa educației în rândul femeilor migrante determină creșterea riscului de acceptare a unei situații de violență.
- Necunoașterea noii culturi și legislației în vigoare determină creșterea riscului de acceptare a unei situații de violență.
- Cazuri izolate în care s-a exprimat asumarea culpei pentru situațiile de violență și acceptarea situațiilor de violență domestică, din iubire.
- Divorțul a fost considerat o soluție pentru violența domestic de femeile migrante. Diferă abordarea în funcție de cultura și religia respondentului.

Cunoașterea legislației, instrumentelor specifice de acțiune și/sau instituțiilor responsabile la care pot apela

- Nu se cunosc autoritățile responsabile sau alte organizații de profil la care străinii ar putea apela în situații de abuz, discriminare sau violență (victime sau agresori) și nici legislația aferentă.
- Tinerii străini și refugiați și-au manifestat deschiderea în a primi mai multe informații cu privire la acest subiect și în mod special drepturile aferente.

În ceea ce îi privește pe profesioniștii următoarele concluzii pot fi deduse. Percepția fenomenului de violența de gen și discriminare în România în rândul migranților de către profesioniștii este că:

- Fenomenul violenței domestice este invizibil la nivel de percepție publică în mod special datorită sub-raportării, dar în rândul profesioniștilor care lucrează direct cu migranții și refugiații au existat multiple confirmări ale fenomenului fie prin mărturisire directă, fie indirectă.
- În ceea ce privește discriminarea străinilor în România, profesioniștii care lucrează în domeniu au sesizat existența a varii situații și practici discriminatorii.

Cunoașterea legislației, instrumentelor specifice de acțiune și/sau instituțiilor responsabile la care pot apela

- Majoritatea profesioniștilor admit lipsa formării în acest domeniu, au cunoștințe reduse cu privire la fenomen în general în România, și în mod specific referitor la adresarea problematicii vizavi de străini sau refugiați, victime ale discriminării sau violenței.
- Nu cunosc metodele de lucru specifice, nu au competențele necesare și nici nu știu alternativele reale existente pe piață spre a veni în folosul străinilor cu informații suplimentare sau soluții reale.
- Cu privire la asistenta pentru femeile victime ale violentei domestice s-a constatat de către profesioniștii lipsa infrastructurii necesare ceea ce face abordarea subiectului pur teoretică, dacă în practică femeii abuzate nu i se poate oferi o alternativă reală, viabilă și sigură.
- Domeniul este subfinanțat și nu există alternative viabile pentru a fi oferite tinerelor femei care ar fi victime ale violenței domestice.

Măsuri propuse în abordarea problematicii violența de gen și discriminare în România în rândul migranților

de către profesioniști

- Necesitatea dezvoltării de traininguri de formare (dezvoltarea de abilități și competențe culturale dar și specifice în lucrul cu victimele violenței cu profil migrator), dezvoltarea de instrumente și metodologii pentru situațiile specifice de asemenea natură.
- Necesitatea derulării de campanii de informare, workshopuri cu implicarea reprezentanților “voce” a comunităților
- Necesitatea dezvoltării de proiecte de capacitate exclusiv pentru femei, care să aibă compenenta de informare și asistență a alor femei din comunitate.
- Există nevoia de a dezvolta spații comune de socializare cu activități cu specific pe tematica discriminării și violenței de gen.
- Necesitatea dezvoltării de metode de lucru interdisciplinare interinstitucionale.

Anexe

CHESTIONAR

1. Ce știu migranții și refugiații despre educație juridică publică, drepturile lor și exercitarea acestora?
2. Ce știu profesioniștii care lucrează cu migranți despre accesul la drepturi al acestora?
3. Care sunt formele de discriminare suferite de tinerii migranți și refugiați în comunitățile lor dar și în comunitatea românească?
4. Care sunt nevoile particulare ale tinerilor excluși social cu background migrator, în mod specific tinere femei afectate de violență de gen?
5. Sunt aceste nevoi acoperite de serviciile existente sau de informațiile oferite asupra drepturilor migranților în România?
6. Care sunt serviciile curente care sunt disponibile pentru acest grup în România?
7. Care sunt barierele în accesarea lor?
8. De ce tip de sprijin au nevoie pentru a-și solicita drepturile?
9. Care este contextul politic în acest domeniu?
10. Cum pot fi migranții susținuți în a aborda tematica GBV printre cei ca ei/ în comunitățile lor?

VIGNETTE

1. Violență domestică

Sunt o femeie refugiată din Afganistan. Am 26 de ani. Am venit în România acum 3 ani împreună cu sotul meu și 2 fete. O fată are 9 ani, iar alta 7 ani.

Am mers la școală până în clasa a8a, apoi m-am căsătorit la vârsta de 15 ani și am abandonat școala. Sotul meu cu 17 ani mai mare. În noaptea nuntii am fost violată și bătută, dar nu am spus nimănui despre asta. Am crezut că așa este normal. Din acea zi am fost bătută regulat, chiar și atunci când am rămas însărcinată. Când sotul meu a decis să fugim în România, am crezut că aici va fi diferit. Dar totul a rămas la fel. În România, sotul meu nu a găsit un loc de muncă. Am început să avem probleme financiare, iar el a devenit tot mai agresiv. A început să mă bătă și pe fete, iar acestea refuză să mai meargă la școală pentru că le este rușina să fie văzute cu urme de bătaie.

Imi este frică să vorbesc despre asta. Imi este frică că fetele mele nu o să mai meargă la școală și o să ajungă la mine. Cred că vecinii noștri aud bătăile și imi este foarte rușine să mă întâlnesc cu ei.

De 3 luni merg la o organizație neguvernamentală pentru cursuri de limba română. Acolo este și o domnișoară psiholog cu care am vorbit și i-am explicat situația de acasă. Am rugat-o pe doamna să nu spună nimănui ce mi se întâmplă acasă. E foarte greu să explic pentru că nu cunosc limba română, iar psihologul nu vorbește decât în engleză. I-am spus sotului meu că am vorbit despre situația noastră și că eu nu mai pot continua așa. I-am spus că vreau să plec oriunde și chiar să mă întorc în Afganistan. S-a enervat foarte tare. Ne-a bătut foarte tare cu scaunul, ne-a lovit cu picioarele și ne-a încuiat într-o cameră. Am tipat foarte tare că să ne aude cineva. Cred că cineva a auzit pentru că am auzit că a venit poliția la ușă.

2. Muncă

Sunt o femeie din Filipine și am 23 de ani. Am lucrat la o familie în România timp de 2 ani ca babysitter, cu contract de muncă. Apoi copilul a crescut și familia a spus că nu mai are nevoie de mine. Mi-au spus că pot să mă recomand și să lucrez acasă la o altă familie și am acceptat.

Barbatul, noul angajator, mi-a spus că îmi face contract de muncă, dar eu nu am semnat nimic. Timp de 5 luni mi-am primit salariul 1800 lei/lună, dar apoi a început să îmi dea câte 400 de lei în fiecare lună. Când am întrebat de ce nu îmi da salariul, a tipat și a spus că pentru ceea ce fac nu merit mai mult și m-a amenințat că mă va da afară.

Sotia lui stătea acasă și în fiecare zi mă umilea și radea de mine cu prietenele ei. Imi spunea că sunt servitoare, că sunt asiatică și urată, că am un miros urât etc.

Într-o zi m-a acuzat că am furat un lanț de aur și un ceas și că o să cheme poliția și o să mă deporteze. I-am spus că nu am furat niciodată și că nu vreau să plec din România.

In aceeași seară, mi-a spus că trebuie să mă mut într-o cameră mult mai mică decât cea în care stăteam, fără ferestre. De asemenea, mi-a spus că dacă vreau să nu chem poliția și să plec în Filipine, trebuie să lucrez și la firma soțului ei și acasă.

Am acceptat pentru că nu am avut altă soluție. Programul meu s-a schimbat. În fiecare zi lucrez de la 6 dimineața până la ora 10 seară fără pauză. Aveam același program și în weekend.

Apoi soția a plecat în vacanță. Într-o seară, angajatorul a venit la mine în cameră și a încercat să mă abuzeze. Am tipat și m-a bătut. A spus că dacă spun cuiva o să mă deporteze.

Imi este foarte frică. Nu am bani și nu știu ce să fac. Nu vreau să plec din România.

3. Educație

Sunt refugiată din Siria și am 18 ani. Am venit în România anul trecut împreună cu părinții și sora mea de 16 ani. Amandouă suntem la liceu în clasa a 9-a. Din cauza unei explozii eu nu aud bine.

Ne-a fost foarte greu să învățăm limba română, dar ne-am dorit să mergem la un liceu românesc. Părinții mei nu au bani să ne trimită la școala arabă.

De la început am simțit că suntem excluse. Colegele râd de noi pentru că purtăm val și pentru că nu ne dam jos valul la orele de sport. Nimeni nu vrea să lucreze cu noi la teme de grup.

Una dintre colege este foarte rea și spune lucruri despre noi pe care nu le înțelegem, iar ceilalți colegi râd de noi. A spus că aici suntem în România și că dacă vrem să mergem la școala românească trebuie să renunțăm la val.

Profesoara de matematică ne-a spus să stăm în spatele clasei pentru că oricum eu nu aud și nici eu nici sora mea nu înțelegem ce se întâmplă. De fiecare dată când avem examene stă numai lângă noi. De fiecare dată când vrem să răspundem ne ignoră sau ne întrerupe și restul clasei râde de modul în care vorbim. Am avut o ședință și părinții românilor au decis să fim mutate la alta școală pentru că avem un potențial de risc pentru ceilalți colegi.

4. Locuința

Numele meu este Deka și sunt din Rwanda. Am venit în România în urma unui proces de reunificare familială acum 3 săptămâni împreună cu copiii mei.

Când am ajuns noi aici, soțul meu locuia la o femeie bătrână într-o cameră închiriată cu contract pe durată de 1 an.

Când am ajuns noi, după două zile ne-a spus că trebuie să plecăm. Soțul meu a întrebat-o de ce și a spus pentru că suntem "prea mulți negri" acum în casa ei, că mirosim și că nu vrea astfel de persoane în casa ei. Nu avem unde să ne ducem și am plătit avans pentru 3 luni.

5. Servicii medicale

Am 24 fde ani si sunt din Somalia. Intr-o seara am ajuns la spital de urgenta pentru ca am avut dureri foarte mari. A trebuit sa astept doua ore pana a venit un doctor la mine desi alte femei care au venit la urgenta dupa mine au fost chemate inaintea mea.

Dupa ce am nascut, m-au trimis intr-un salon cu alte 10 femei de etnie roma si mi-au spus ca locul meu e acolo. O pacienta romanca mi-a spus ca pot plati pentru un salon privat. Am cerut sa fiu mutate contra cost , dar au spus ca nu se poate.

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This publication has been prepared as a part of the project „Abused no More: Safeguarding Youth and Empowering Professionals”. The report presents the results of a qualitative study conducted amongst students of junior high schools as well as teachers and educators working in their schools. The goal of the conducted study was the diagnosis of the level of knowledge about discrimination among the students, verifying what discriminatory behaviors are most often experienced by the youth, insight in to the coping strategies and ideas of counteracting the discriminatory behaviors. The analysis also contains the opinions of teachers and educators – their view of the phenomenon and ideas of counteracting it. Although the problem of discriminatory behaviors among the youth is a common one, it is relatively poorly examined. The existing analyses rarely take into account the opinions of the directly affected, that is the youth themselves. The research paper contains a short summary of the studies on discriminatory behaviors among youth and the characteristics of the most commonly encountered forms of those behaviors: bullying, cyberbullying and verbal aggression.

The result of the analysis is that the problem of discrimination in peer relations is a common one, however it is not always correctly identified – both by students as well as teachers. The problem is also often downplayed and left without an adequate reaction. The study showed that the gymnasium youth knows what discrimination is and is able to identify it on simple, clear examples. Nevertheless, identifying discriminatory behaviors in their own environment presents difficulties for the students. For teenagers the discrimination based on race or nationality is easiest to identify, the most difficult – discrimination based on gender. The report also contains recommendations pertaining conducting anti-discriminatory actions in schools.

Key words:

Discrimination, peers aggression, youth, counteracting discrimination, legal education, legal awareness.

POLAND

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Stowarzyszenie Interwencji Prawnej
Association for Legal Intervention
ul. Siedmiogrodzka 5 lok. 51
01-204 Warszawa
tel./faks: 22 621 51 65
www.interwencjaprawna.pl

Dyskryminacja w gimnazjach: doświadczanie zjawiska oraz pomysły na przeciwdziałanie mu. Perspektywa uczniów i pedagogów.

Autorka: Emilia Piechowska

Recenzja i redakcja: dr Witold Klaus

Konsultacje: dr Aleksandra Winiarska

Poniższa publikacja została przygotowana w ramach projektu „Abused no More: Safeguarding Youth and Empowering Professionals”. Raport przedstawia wyniki badania jakościowego przeprowadzonego wśród uczniów gimnazjum oraz nauczycieli i pedagogów z ich szkół. Celem przeprowadzonych badań było zdiagnozowanie poziomu wiedzy na temat dyskryminacji wśród młodzieży gimnazjalnej, sprawdzenie, jakich zachowań o charakterze dyskryminującym młodzi ludzie doświadczają najczęściej, poznanie ich strategii radzenia sobie z nimi oraz pomysłów na przeciwdziałanie im. Analiza zawiera także głos nauczycieli i pedagogów – ich spojrzenie na zjawisko dyskryminacji oraz pomysły na zapobieganie jemu. Choć problem zachowań o charakterze dyskryminującym jest wśród młodzieży powszechny, to nadal jest on stosunkowo słabo zbadany. W analizach bardzo rzadko jest także uwzględniany głos osób, których problem dotyczy, czyli samej młodzieży. Opracowanie zawiera także krótkie omówienie badań nad zjawiskiem zachowań o charakterze dyskryminującym wśród młodzieży oraz charakterystykę najczęściej spotykanych wśród uczniów ich form: bullingu, cyberbullingu i agresji werbalnej.

Z analizy wynika, że problem dyskryminacji w relacjach rówieśniczych jest powszechny, jednak nie zawsze właściwie rozpoznawany – zarówno przez uczniów, jak i nauczycieli. Często jest także bagatelizowany oraz pozostawiany bez właściwej reakcji. Badanie pokazało, że młodzież gimnazjalna wie, czym jest dyskryminacja i potrafi rozpoznać ją na prostych, jasnych przykładach. Mimo tego, trudności sprawia im jednak rozpoznanie zachowań o charakterze dyskryminującym w ich własnym otoczeniu. Nastolatkom najłatwiej rozpoznać dyskryminację ze względu na rasę lub przynależność narodową, najtrudniej – dyskryminację ze względu na płeć. Raport zawiera także rekomendacje dotyczące prowadzenia działań o charakterze antydyskryminacyjnym w szkołach.

Słowa kluczowe:

Dyskryminacja, agresja rówieśnicza, młodzież, gimnazjaliści, przeciwdziałanie dyskryminacji, edukacja prawna.

1. Wstęp

Poniższa publikacja jest opisem wyników badania przeprowadzonego przez Stowarzyszenie Interwencji Prawnej w lutym i marcu 2016 roku w ramach projektu „Abused no More: Safeguarding Youth and Empowering Professionals”¹. Projekt jest trzyletnią, prowadzoną w pięciu europejskich krajach inicjatywą, mającą na celu wypełnienie istniejących luk w dostępie do edukacji prawnej młodych ludzi, a zwłaszcza tych, którzy mogą być szczególnie narażeni na doświadczanie różnych rodzajów dyskryminacji czy wykluczenia społecznego. Poszczególne działania mają służyć także wzmocnieniu ludzi młodych oraz dać im odpowiednie narzędzia, aby potrafili właściwie reagować w sytuacjach nierównego traktowania.

Projekt oparty jest także na założeniu, że przedstawiciele grup z różnych powodów defaworyzowanych – doświadczających dyskryminacji, wykluczenia, nierównego traktowania – sami są w stanie znaleźć najlepsze rozwiązania problemów, które ich dotyczą. Ich głos rzadko jednak bywa uwzględniany w tworzeniu działań ich dotyczących. Członkowie grup defaworyzowanych są zatem najczęściej jedynie uczestnikami inicjatyw tworzonych na ich rzecz. Rzadko zaś występują w roli ekspertów czy ekspertek, którzy przy odpowiednim wsparciu mogliby sami takie rozwiązania stworzyć, a także szkolić innych, np. nauczycieli, urzędników, pracowników organizacji pozarządowych, pokazując, jakie działania powinny być wdrażane. Projekt „Abused no More: Safeguarding Youth and Empowering Professionals” odwraca tę relację, próbując w roli ekspertów postawić właśnie tych, którzy dyskryminacji i wykluczenia doświadczają – w tym wypadku młodzież. Stąd właśnie duża koncentracja na jak największym zaangażowaniu młodych ludzi we wszystkie działania projektowe (tzw. *youth-led approach*) z naciskiem na to, aby to oni sami szukali rozwiązań w sprawach ich dotyczących. Celem projektu jest także wzmocnienie młodzieży, zwiększanie ich świadomości, a także danie im odpowiednich narzędzi, dzięki którym będą potrafili nie tylko właściwie zareagować w przypadku doświadczenia dyskryminacji, ale także działać na rzecz jej przeciwdziałania.

W polskiej części projektu zdecydowaliśmy się skoncentrować nasze działania na młodzieży w wieku 13-16 lat, czyli uczniach gimnazjum. Jak wynika z badań odsetek osób znajdujących się w tej grupie wiekowej i doświadczających różnych form przemocy, z których większość ma charakter dyskryminujący jest bardzo wysoki – dwie trzecie uczniów doświadcza agresji werbalnej, 45% agresji relacyjnej, 24% agresji cyfrowej, a średnio 10% dręczenia i długotrwałego prześladowania (Komendant-Brodowska 2014: 43). Dyskryminacja dotyczy najczęściej nastolatków pochodzących z rodzin o niższym statusie ekonomicznym czy społecznym oraz tych o orientacji innej niż heteroseksualna (Gawlicz et.al 2015: 98-102). Nie oznacza to jednak, że innych grup dyskryminacja nie dotyczy. Nieaktualnym wydaje się być utarte wytłumaczenie, że dyskryminowane są osoby „inne”. Badania pokazują bowiem, że powodem dyskryminacji może być prawie wszystko (Gawlicz et al. 2015: 97). Innymi słowy, aby doświadczyć dyskryminacji wystarczy być zupełnie „normalnym” – jeśli w ogóle można w tym kontekście postugiwać się takimi kategoriami.

Dyskryminacja wśród nastolatków przejawia się najczęściej w agresji relacyjnej, dręczeniu (*bullying*), agresji słownej, a także stosowaniu wobec danej osoby agresji internetowej np. cyberbullyingu (Komendant-Brodowska

¹ Projekt finansowany jest przez Unię Europejską w ramach programu Erasmus+ i jest realizowany w ramach partnerstwa z czterema innymi organizacjami z innych państw UE: KISA - Action for Equality, Support, Antiracism (Cypr), Anziani e Non Solo (Włochy) and Romanian U.S. Alumni Association (Rumunia). Liderem projektu jest The IARS International Institute (Wielka Brytania).

2014:43)². Zachowań tych często nie łączy się bezpośrednio z powszechnie znaną definicją dyskryminacji, która mówi o nierównym traktowaniu ze względu na jakąś cechę. Wyżej wymienione zachowania zazwyczaj nazywa się „agresją” lub „przemocą”. To oczywiście prawidłowe określenia. Należy jednak zauważyć, że mechanizm, jakim rządzi się na przykład dręczenie szkolne, którego celem jest poniżenie, ośmieszenie czy wykluczenie danej osoby, jest bardzo podobny do tego, na jakim opiera się dyskryminacja. Zatem zachowania tego rodzaju także mają dyskryminujący charakter. Dlatego możemy mówić o przemocy motywowanej pewnymi uprzedzeniami w stosunku do osób nią krzywdzonych – choć te uprzedzenia mogą wynikać nie tylko z różnic społeczno-demograficznych (płeć, wiek, etniczność, status ekonomiczny itp.), ale także z cech osobowych, np. innego sposobu ubierania się, czy nawet osiągnięcia lepszych ocen w szkole.

Nastolatki ze względu na swój wiek mają najmniejszą świadomość i wiedzę dotyczącą dyskryminacji, zatem choć jej doświadczają, to nie zawsze potrafią ją rozpoznać i nazwać. Często nie wiedzą także, jak należy w takiej sytuacji zareagować – nie są świadomi, że inne osoby nie mają prawa tak się do nich odnosić, a także gdzie i do kogo mogliby zwrócić się o pomoc. Jednocześnie w tym właśnie wieku doświadczanie dyskryminacji lub bycie jej świadkiem może skutkować doznaniem głębokiego urazu, który może dawać o sobie znać również w dorosłym życiu. Młodzi bardzo wrażliwi ludzie, znajdujący się w okresie życia, w którym przynależność do grupy rówieśniczej i jej opinia są niezwykle ważne, są zatem najbardziej narażeni na to, że doświadczenie dyskryminacji pozostawi w nich trwałe ślady, wpływając na ich poczucie własnej wartości, pewność siebie, wiarę we własne możliwości, oraz na dalsze relacje społeczne.

2. Projekt badawczy

Celem przeprowadzonych badań było zdiagnozowanie poziomu wiedzy na temat dyskryminacji wśród młodzieży gimnazjalnej oraz sprawdzenie, jakich zachowań o charakterze dyskryminującym młodzi ludzie doświadczają najczęściej. Chcieliśmy przede wszystkim dowiedzieć się, co młodzież wie o dyskryminacji – czy rozumie to zjawisko, czy zna jego przyczyny i konsekwencje, czy potrafi rozpoznać dyskryminację w swoim otoczeniu, oraz czy wie, gdzie może szukać pomocy, jeżeli jej doświadczą. W trakcie grupowych wywiadów staraliśmy się także poznać ich potrzeby i zdiagnozować pola, na których młodzi ludzie potrzebują wsparcia. Zgodnie z zasadą, że grupa, której dany problem dotyczy, w tym wypadku młodzież gimnazjalna, potrafi znaleźć jego najlepsze rozwiązanie, szczególnie dużą uwagę w trakcie badania przywiązywaliśmy do poznania pomysłów młodzieży na radzenie sobie z doświadczaniem dyskryminacji oraz na jej przeciwdziałanie. Zatem w trakcie wywiadów zachęcaliśmy nastolatki do zastanowienia się, jaka forma interwencji byłaby według nich najwłaściwsza.

2.1 Charakterystyka uczestników badania

Choć w badaniu nie koncentrowaliśmy się jedynie na doświadczeniach dyskryminacji związanych ze szkołą, to wszystkie z przeprowadzonych przez nas wywiadów odbyły się właśnie w szkołach. Do badania zaprosiliśmy ponad 20 szkół z terenu Warszawy

² Pojęcia te zostaną zdefiniowane w dalszej części opracowania.

i okolic³, jednak jedynie 4 z nich udzieliły nam zgody na ich przeprowadzenie na swoim terenie⁴. Zachęcanie placówek do udziału w projekcie było bardzo trudne. Można podejrzewać, że dyrekcje szkół bały się, że naszym celem jest sprawdzenie, czy w szkole prowadzi się działania o charakterze antydyskryminacyjnym, co od września 2013 roku jest obowiązkiem⁵ oraz ocenienie ich jakości.

Naszą propozycję wzięcia udziału w badaniu zaakceptowały cztery gimnazja – dwa warszawskie oraz dwa z mniejszych, podwarszawskich miejscowości. Szkoły zdecydowały się na udział w badaniu z różnych powodów. Niektóre z nich współpracowały już ze Stowarzyszeniem i znały wcześniej jego działania. Można podejrzewać, że zgoda na udział w projekcie była więc wyrazem zaufania. Inne zgodę na udział w badaniu wyraziły, ponieważ od jakiegoś czasu problem przemocy i dyskryminacji znacznie się w nich nasilił. Szkoły liczyły zatem na to, że przyjrzenie się sytuacji przez osoby z zewnątrz może pomóc im w rozwiązaniu problemu. W każdej ze szkół oprócz grupowego wywiadu z młodzieżą przeprowadziliśmy także rozmowę z nauczycielem, pedagogiem lub psychologiem szkolnym.

W ramach badania przeprowadziliśmy cztery wywiady grupowe łącznie z trzydziestoma gimnazjalist(k)ami w wieku 13-15 lat, których do udziału w przedsięwzięciu wytypowali nauczyciele. Każda z grup wyróżniała się innymi cechami. W pierwszej szkole nauczyciele zastosowali kryterium doboru uczniów do grupy, kierując się przekonaniem, że w wywiadzie powinny wziąć udział osoby, „które mają coś do powiedzenia”. W drugim przypadku była to grupa uczniów, którzy w przekonaniu pedagogów są sprawcami dyskryminacji lub jej ofiarami. Trzecią grupę stanowiła niewielka klasa, w której uczyli się także cudzoziemcy. W czwartej grupie, na naszą prośbę⁶, znalazły się za to same dziewczęta, które doświadczyły traktowania o dyskryminującym charakterze. Oprócz 4 wywiadów grupowych odbyły się także łącznie 4 rozmowy łącznie z 5 nauczycielami, psychologami bądź pedagogami z tych samych szkół.

2.2 Metody

Mając na uwadze, że rozmowa o doświadczaniu dyskryminacji może być dla młodych ludzi trudna i może przywoływać nieprzyjemne wspomnienia, zdecydowaliśmy się na opracowanie narzędzi badawczych, które pozwoliłyby nam sięgnąć do wiedzy i wyobrażeń młodych ludzi dotyczących tego zjawiska, jednak nie zmuszały ich do odwoływania się bezpośrednio do swoich prywatnych doświadczeń i dzielenia się z nimi na forum grupy. Wiedząc, że w trakcie wywiadu nie znajdziemy czasu na przepracowanie trudnych doświadczeń uczniów, wspomnienie których być może wywołają nasze pytania, zdecydowaliśmy się na rozmowę o dyskryminacji na nieco bardziej abstrakcyjnym poziomie. W tym celu stworzyliśmy scenariusz wywiadu grupowego⁷, który zawierał w sobie różnego rodzaju metody aktywne (różnego rodzaju ćwiczenia), materiały audiowizualne, a także elementy treningu antydyskryminacyjnego. Wywiad trwał od dwóch do trzech godzin lekcyjnych.

Główną osią wywiadu były trzy przygotowane wcześniej historie, pokazujące młodych

³ Tyle szkół otrzymało od nas oficjalną pisemną prośbę wraz z opisem projektu badawczego oraz zapewnieniem o anonimowości badania.

⁴ Spośród wszystkich szkół, do których skierowaliśmy prośbę jedynie jedna placówka sama potwierdziła chęć udziału w przedsięwzięciu. Pozostałe szkoły nie odniosły się do naszego pisma. Odpowiedź od placówek uzyskiwaliśmy telefonicznie.

⁵ Obowiązek ten nałożyło na szkoły Rozporządzenie MEN z dnia 10 maja 2013 roku, zmieniające rozporządzenie w sprawie nadzoru pedagogicznego, Dz. U. z 14 maja 2013 r., poz. 560.

⁶ Doświadczenie poprzednich wywiadów, w trakcie których kwestie związane z dyskryminacją ze względu na płeć oraz nierównym traktowaniem dziewcząt i chłopców wzbudziły wśród uczniów dużo emocji, skłoniło nas do podjęcia decyzji o przeprowadzeniu ostatniej z rozmów jedynie w gronie dziewcząt.

⁷ Scenariusz wywiadu jest zawarty w aneksie nr 1.

ludzi dyskryminowanych ze względu na poszczególne cechy – narodowość, płeć i status ekonomiczny. Przygotowane przez nas przypadki stanowiły punkt wyjścia do rozmowy o dyskryminacji. Prosząc uczniów o ocenę sytuacji, opowiedzenie własnymi słowami, co się w niej wydarzyło, a także zadając im pytania uzupełniające (np. „czy słusznie tę osobę potraktowano?”, „dlaczego tak zachowałeś się wobec tej osoby?”, „czy ktoś w takiej sytuacji powinien zareagować?”, „czy słyszeliście kiedyś o podobnym zdarzeniu?”) udało nam się sprawdzić, czy uczniowie potrafią rozpoznać dyskryminujący charakter pewnych zachowań i zobaczyć, jakie są ich postawy wobec takich sytuacji. Uczestnicy wywiadów niekiedy odnosili także sytuacje bohaterów poszczególnych historii do wydarzeń ze swoich klas czy też swoich prywatnych doświadczeń.

W trakcie wywiadów staraliśmy się zadawać uczniom pytania jak najbardziej otwarte, a także odnosić się do ich wypowiedzi i sprawdzać, jak rozumieją pojęcia, których używają, np. „co to znaczy, że ktoś jest inny?”, „co świadczy o tym, że to ksenofobia?”. Pozwalało nam to dotrzeć do tego, co poszczególne pojęcia czy zdarzenia tak naprawdę dla nich oznaczają. W trakcie wywiadów pokazaliśmy uczniom także trzy przykłady kampanii społecznych⁸ stawiających sobie za cel przeciwdziałanie dyskryminacji. Wbrew początkowym obawom, że nie przyniosą one ciekawego materiału, wzbudziły one ożywioną dyskusję uczniów o dyskryminacji, co pomogło nam zrozumieć, na ile uczniowie rozumieją to zjawisko i jak je definiują.

Podobnie jak w przypadku uczniów, także w rozmowach z nauczycielami i pedagogami posługiwaliśmy się gotowymi przykładami pokazującymi dyskryminację ze względu na poszczególne cechy i prosiliśmy o ich ocenę. Chcieliśmy uzyskać informacje o ogólnej sytuacji w szkole. Dlatego pytaliśmy również o trudne sytuacje między uczniami oraz o sposoby radzenia sobie z nimi.

Badanie zostało przeprowadzone przez grupę młodych antropologów i socjologów: Elżbietę Grab, Emilię Piechowską, Antoniego Strzemiecznego oraz Agnieszkę Zarzyńską. W trakcie każdego z grupowych wywiadów było obecnych trzech badaczy – dwójka prowadziła wywiad, a jedna osoba obserwowała całą sytuację z boku, zwracając szczególną uwagę na emocje uczestników, ich reakcje na poszczególne ćwiczenia i pytania oraz ogólną atmosferę wywiadu. Każdy z wywiadów, za zgodą uczestników, został nagrany, a następnie została z niego sporządzona transkrypcja. Po każdym ze spotkań badacze sporządzali także dodatkowo własne notatki, które stanowiły uzupełnienie informacji zawartych w wywiadach.

2.3 Oznaczenia wywiadów

W raporcie wielokrotnie cytujemy fragmenty przeprowadzonych przez nas wywiadów. Każdy z cytatów opatrzony jest także komentarzem wskazującym na jego źródło oraz autora wypowiedzi. Cytaty pochodzące z grupowych wywiadów z młodzieżą opisane zostały według poniższego schematu: W2-R4-Dz, gdzie „W” oznacza wywiad z młodzieżą, następnie zaznaczony jest numer wywiadu; „R4” - numer rozmówcy, a w dalszej kolejności jego płeć: „dz” dla dziewczynki i „ch” dla chłopca. Wywiady z nauczycielami oznaczone są literą N, a następnie podany jest ich kolejny numer. Spis wywiadów znajduje się na końcu opracowania.

⁸ Zaprezentowane na warsztatach kampanie to: spot Polskiego Towarzystwa Prawa Antydyskryminacyjnego o nazwie „Powstrzymaj dyskryminację #2”, spot „Dyskryminacja nie/w naszej szkole” przygotowany przez uczniów V LO w Białymstoku, spot „Powiedz stop mo- wie nienawiści” przygotowany przez Fundację im. Stefana Batorego.

3. Badania nad dyskryminacją wśród młodzieży

W ostatnich latach coraz więcej mówi się o problemie dyskryminacji wśród młodzieży i konieczności skutecznego przeciwdziałania temu zjawisku. Problem ten został zauważony także na poziomie centralnym, czego efektem było nałożenie na szkoły we wrześniu 2013 obowiązku prowadzenia zajęć o charakterze antydyskryminacyjnym⁹.

Zagadnienie dyskryminacji w relacjach między uczniami zwraca także uwagę badaczy. Co roku powstają nowe opracowania dotyczące agresji rówieśniczej, przemocy w szkole, czy problemu dręczenia. Nadal jest ich jednak niewiele w porównaniu ze skalą problemu. Wielu z badaczy nie posługuje się w swoich opracowaniach terminem „dyskryminacja”, a używa terminów bardziej ogólnych, takich jak przemoc szkolna czy agresja, inni z kolei węższych, jak np. dręczenie szkolne, cyberprzemoc czy wykluczanie. Nie mniej jednak, jak wyjaśniono już powyżej, wszystkie z tych zachowań z dużym prawdopodobieństwem mają (lub z mogą mieć) charakter dyskryminujący.

Wiele ze zrealizowanych badań to prowadzone na dużych grupach respondentów analizy ilościowe. Służą one stworzeniu danych statystycznych, pozwalających na określenie, jak rozpowszechniony jest wśród uczniów problem przemocy czy dyskryminacji. Niektóre z tych badań prowadzone są cyklicznie, a także w oparciu o tę samą metodologię, co czyni zebrane dane porównywalnymi z wynikami z lat poprzednich. Do takich należą na przykład badania CBOS „Młodzież 1990-2000”¹⁰ czy też badania prowadzone w ramach programu „Szkoła bez przemocy” (por. Komendant-Brodowska 2011). Analizy ilościowe dostarczają ciekawych danych pozwalających określić rozmiar zjawiska, ocenić, w którym wieku dane zachowania są najczęstsze, czy też zobaczyć, jaką rolę w doświadczaniu lub dopuszczaniu się dyskryminacji odgrywa płeć. Nie skupiają się one jednak na całościowej analizie zjawiska ani jego szczegółowym opisie. Zatem tego typu badania, których zresztą jest najwięcej, nie pomagają w odpowiedzeniu na pytania o naturę zjawiska ani też nie dostarczają wiedzy, która mogłaby posłużyć w szukaniu skutecznych rozwiązań tego problemu. Takich informacji mogłyby dostarczać badania jakościowe, których wśród młodzieży przeprowadzono w ostatnim czasie przeprowadzono jedynie kilka. Jednak niewiele z nich dotyczyło bezpośrednio problemu dyskryminacji. W większości z nich dla określenia problemu używa się pojęć takich jak agresja czy przemoc. Analizą poświęconą bezpośrednio problemowi dyskryminacji jest publikacja „Dyskryminacja w szkole – obecność nieusprawiedliwiona” wydana przez 2015 roku przez Towarzystwo Edukacji Antydyskryminacyjnej. Jest ona opisem badania jakościowego przeprowadzonego wśród uczniów, nauczycieli i edukatorów antydyskryminacyjnych. Zawiera także obszerny rozdział poświęcony opisowi wybranych polskich badań podejmujących temat dyskryminacji wśród młodzieży.

Nowa w polskich badaniach nad zjawiskiem dyskryminacji wśród młodzieży wydaje się zatem jego wielostronna i całościowa analiza, uwzględniająca nie tylko głos ekspertów, ale także ludzi młodych – którzy dyskryminacji doświadczają lub są jej sprawcami. W raporcie Towarzystwa Edukacji Antydyskryminacyjnej opisano ich spojrzenie i doświadczenia związane z nierównym traktowaniem. Opracowanie to nie zawiera jednak pomysłów nastolatków na prowadzenie ich zdaniem skutecznych działań antydyskryminacyjnych, co będzie częścią poniższego raportu.

⁹ Obowiązek ten nałożyło na szkoły Rozporządzenie MEN z dnia 10 maja 2013 roku, zmieniające rozporządzenie w sprawie nadzoru pedagogicznego, Dz. U. z 14 maja 2013 r., poz. 560.

¹⁰ Wyniki raportów za poszczególne lata dostępne są w Katalogu Komunikatów CBOS: <http://badanie.cbos.pl/search.asp?srctype=general>

3.1 Zachowania o charakterze dyskryminującym wśród młodzieży – charakterystyka zjawiska

Wbrew powszechnemu przekonaniu skala agresji i przemocy w polskich szkołach w ostatnich latach raczej utrzymuje się na mniej więcej stałym poziomie (Komendant-Brodowska 2014: 35). Brak nasilenia tych problemów nie jest jednak powodem do dumy i nie jest równoznaczny z tym, że agresja i dyskryminacja nie zajmuje ważnego miejsca w doświadczeniach polskiej młodzieży. Według szacunków średnio jeden na dziesięciu polskich uczniów spotkał się z agresją w szkole (Komendant-Brodowska 2014: 43). Agresja, przemoc i dyskryminacja to nie to samo. Jednak w wielu przypadkach źródłem przemocy i agresji, podobnie jak w przypadku dyskryminacji, są uprzedzenia. W wielu przypadkach przemoc i agresję można traktować zatem jako najostrejszą formę dyskryminacji, która wśród uczniów objawia się także w wielu innych mniej napastliwych i ostrych zachowaniach. Powszechną obecność w polskich szkołach różnych zachowań o charakterze dyskryminującym pokazuje także raport Towarzystwa Edukacji Antydyskryminacyjnej (Gawlicz et al. 2015). Pokazuje on, że powodem dyskryminacji jest właściwie każda „inność”, czyli w zasadzie „normalność”, dyskryminacja może dotknąć w zasadzie każdego ucznia. Nie wszystkich jednak z tą samą częstotliwością – najbardziej narażona na nią jest młodzież z rodzin biedniejszych, o niższym statusie społecznym oraz uczniowie homoseksualni (lub postrzegani jako nieheteroseksualni, niezależnie od ich faktycznej orientacji seksualnej czy tożsamości płciowej).

Ponieważ przeprowadzone przez nas badania również pokazały, że do najczęściej spotykanych zachowań dyskryminujących w gimnazjach należą agresja słowna, dręczenie szkolne oraz cyberbullying poniżej scharakteryzuję krótko te formy przemocy.

AGRESJA SŁOWNA

Wiele badań wskazuje, że agresja słowna jest najbardziej rozpowszechnioną formą przemocy w szkole – doświadczyło jej aż dwie trzecie uczniów (Tracz-Drał 2012:5). Do przykładów agresji słownej należy przezywanie, dokuczanie, wyśmiewanie, wyszydzanie, obrażanie, ośmieszanie, przeszkadzanie, grożenie czy rozpowszechnianie plotek i oszczerstw. Można do niej zaliczyć wypowiedzi poniżające osobę atakowaną, kpiny, złośliwe uwagi połączone z naśladowaniem gestów, mimiki, wyglądu, sposobu zachowania drugiej osoby czy też złośliwe przezwiska. Wbrew pozorom te formy agresji mogą pozostawiać skutki bardziej dotkliwe niż np. agresja fizyczna. Znacznie bardziej niż ta druga uderzają one w godność danej osoby, a ich powtarzalność może powodować do trwałego obniżenia poczucia własnej wartości.

DREĆZENIE SZKOLNE (*bullying*)

Bullying to specyficzny rodzaj przemocy rówieśniczej polegający na „długotrwałym upokarzaniu ciągle tej samej osoby przez większość członków grupy” (Dambach 2003:13). Aby dane zachowanie można było uznać za bullying, konieczne jest zaistnienie jednocześnie kilku warunków. Pierwszym z nich, jest dysproporcja między agresorem a osobą poddawaną agresji przejawiająca się np. w zdolnościach werbalnych, w wyniku której pierwsza ze stron posiada władzę nad drugą. Drugim jest powtarzalność i regularność tych aktów. Trzeci zaś to intencjonalność aktów przemocy, które są planowane, nieprovokowane i wymierzone dokładnie w konkretne osoby, których prześladowanie przyniesie sprawcy największe korzyści. Agresorzy działają zatem nie w przypiętych emocjach, a zgodnie z wypracowanym planem. Akty przemocy są rzecz jasna intencjonalne, jednak w bullyingu nie chodzi tylko o sprawianie przykrości ofierze, ale także o zdobycie lub potwierdzenie swojej wysokiej pozycji w grupie.

Oznacza to, że szkolni dręczyciele poprzez stosowanie przemocy względem danej osoby lub osób słabszych dążą do uzyskania uprzywilejowanej pozycji w grupie, a co za tym idzie kontroli nad nią. Dlatego też bullying uważany jest za formę przemocy grupowej, czyli takiej, która dzieje się za przyzwoleniem czy też niekiedy z pomocą grupy. Złożoność zjawiska, jakim jest bullying, jego powtarzalność i uwikłanie w nie kilku aktorów – ofiary, sprawcy i widzów (grupy) sprawia, że jest ona szczególnie dotkliwa i szkodliwa dla wszystkich stron biorących w niej udział (Klaus 2009:338-340).

Przez wiele lat w badaniach nad problemem dręczenia szkolnego koncentrowano się na wyodrębnianiu cech uczniów, którzy są najczęściej narażeni na przemoc, i tych, którzy są jej sprawcami. Wnioski z analiz, w których problem badawczy został sformułowany w taki sposób, nie pozwalają jednak odpowiedzieć na pytanie, dlaczego nie zawsze osoba o danych cechach indywidualnych będzie sprawcą lub ofiarą dręczenia. Ponadto należy zaznaczyć, że wiele cech indywidualnych zarówno sprawców, jak i ofiar nie jest możliwa do zmiany. Stąd też wiedza o tym, jakie cechy w większym czy mniejszym stopniu sprzyjają czy to krzywdzeniu, czy też byciu krzywdzonym, nie przybliżyła nas do stworzenia sposobów zapobiegania problemowi dręczenia. Dlatego też obecnie w badaniach odchodzi się od takiego ujmowania problemu na rzecz analizy środowiska, w którym pojawia się tego rodzaju przemoc. Cechy indywidualne sprawców i osób poddawanych przemocy są tutaj także istotne, ale należy podkreślić, że do tego typu incydentów nie dochodzi w próżni, a w konkretnej społecznej rzeczywistości, która może im sprzyjać lub też im zapobiegać. Dlatego analiza środowiska – ogólnej atmosfery szkoły, relacji pomiędzy uczniami, a także uczniami i nauczycielami jest tutaj wyjątkowo istotna.

Jak pokazują wyniki różnego rodzaju badań programy naprawcze ukierunkowane jedynie na naprawę stosunków między sprawcą i ofiarą nie przyczyniały się do zmniejszenia występowania zjawiska bullingingu w danym środowisku. Zatem w prewencji dręczenia szkolnego znacznie bardziej zasadne wydaje się stosowanie metod koncentrujących się na całościowej pracy ze społecznością szkolną (podejście zwane *whole-school approach*), których celem jest zmiana atmosfery w szkole, tworzenie jasnych i obowiązujących wszystkich reguł, a także nauka pokojowego rozwiązywania konfliktów, np. poprzez mediację (Klaus 2009:348-353).

AGRESJA ELEKTRONICZNA I CYBERBULLYING

Agresja elektroniczna i jej podtyp, jakim jest cyberbullying, to stosunkowo nowe formy przemocy. Polegają one na stosowaniu technologii komunikacyjnych w sposób szkodliwy – w celu obrażenia, wyrządzenia krzywdy czy dręczenia innych, np. poprzez publikowanie obraźliwych materiałów dotyczących poszczególnych osób, przesyłanie obraźliwych treści czy zastraszanie przy użyciu różnego rodzaju komunikatorów. Ten rodzaj przemocy może być szczególnie dotkliwy – przede wszystkim ze względu na to, że materiały zamieszczone w internecie mogą być wielokrotnie odtwarzane i docierać do nieograniczonej liczby odbiorców.

Cyberbullying to jedna z form agresji elektronicznej. Od klasycznego bullingingu różni ją jedynie to, że atakowanie ma miejsce w świecie wirtualnym, przy użyciu nowoczesnych technologii. Występowanie tego zjawiska w Polsce nie jest rzadkie. Według badań ponad 13% uczniów gimnazjum padło ofiarą cyberbullingingu. Pokrzywdzonymi są częściej dziewczynki niż chłopcy (14,3% w stosunku do 10,6%), a do bycia jego sprawcami przyznaje się aż 25% uczniów (Pyżalski 2012: 211-213). Cyberbullying to przemoc intencjonalna, oparta o nierówność sił między sprawcą a ofiarą, a także powtarzalna. W przypadku cyberbullingingu o powtarzalność jest wyjątkowo łatwo, ze względu na specyfikę funkcjonowania materiałów w internecie. Co jest jednak kluczowe w przypadku cyberbullingingu to fakt, że nie występuje on w próżni. Przemoc, do której dochodzi przy użyciu nowych technologii, jest bowiem ściśle powiązana z relacjami z realnego świata. Oznacza to, że

internetowi prześladowcy to najczęściej koledzy z grupy rówieśniczej, którzy zachowania agresywne wobec danych osób prezentują nie tylko w wirtualnym świecie, ale także w szkole czy na podwórku, a sieć staje się jedynie jeszcze jedną płaszczyzną, w której dochodzi do krzywdzenia ofiar.

3.2 Dyskryminacja w oczach uczniów gimnazjum

Choć badanie zostało przeprowadzone jedynie w czterech szkołach, a grupy biorące w nim udział bardzo się różniły, to w zebranych materiale można znaleźć wiele podobieństw. I mimo że badanie zostało przeprowadzone na stosunkowo niewielkiej grupie uczniów, bo jedynie na 30 osobach, to można zaryzykować stwierdzenie, że wnioski przez nas wysnute mogą zostać zastosowane także w szerszym kontekście.

3.3 Doświadczanie dyskryminacji

Podobnie jak wcześniejsze analizy, przeprowadzone przez nas badanie również pokazało, że różne zachowania o charakterze dyskryminującym są codziennym doświadczeniem większości uczestników wywiadów. Świadczyć mogą o tym wypowiedzi rozmówców: *Raczej mi się zdaje, że wszyscy mamy [takie doświadczenia]; to jest tak długie i tak skomplikowane, jeszcze bardzo osobowe, personalne, że to nie ma co [tego tutaj opowiadać] (W1-R-Ch)*. Innym przykładem może być wypowiedź uczestniczki, która była komentarem do jednej z przeczytanych przez nas historii w trakcie warsztatu: *Niejednokrotnie ja byłam taką osobą, takim chłopcem [który był krzywdzony]. Dużo miałam takich sytuacji, ale przestałam się przejmować (W4-R-Dz)*. Uczniowie znali pojęcie „dyskryminacja”, jednak w celu opisanie swoich doświadczeń używali zazwyczaj określeń takich jak: wyszydzanie, szykanowanie, wyśmiewanie, wykluczanie.

3.4 Wiedza o dyskryminacji i umiejętność jej rozpoznawania

Uczestnicy wywiadów w większości wiedzieli, czym jest dyskryminacja i potrafili podać jej bardziej lub mniej dokładną definicję lub na przykładzie wyjaśnić, czym jest to zjawisko. Na początku wywiadów nie pytaliśmy uczniów, czym jest dyskryminacja. Jej definicję tworzyliśmy wspólnie pod koniec spotkania. Jednak w trakcie każdej z rozmów uczniowie sami odnosili się do tego pojęcia. Ilustrując je uczniowie najczęściej odwoływali się do innej rasy lub innego koloru skóry: *Jest coś takiego, że my jesteśmy biali i jest czarny człowiek i my go dyskryminujemy z tego powodu, że on jest czarny. To jest nietolerancja (W4, R2-Dz)*. Podawane przykłady raczej nie odnosiły się do ich doświadczeń, były abstrakcyjne, być może były efektem rozmów, warsztatów itp., które już w szkołach przeprowadzano.

Należy zaznaczyć, że uczestnicy wywiadów byli także oswojeni z problematyką inności, potrafili rozpoznać związane z nią sytuacje, dostrzec ich dyskryminacyjny charakter, bowiem w ich klasach przeprowadzono już kiedyś zajęcia poruszające tę tematykę. Uczniowie byli szczególnie wyczuleni na problem dyskryminacji ze względu na rasę lub narodowość i być może dlatego podając przykłady dyskryminacji najczęściej odwoływali się do tych właśnie cech. Uczestnicy mieli także dobry zasób pojęć do rozmowy na ten temat. Na zajęciach padały też pojęcia takie jak: rasizm, ksenofobia, feminizm, dyskryminacja ze względu na religię, różnice kulturowe itp., choć uczestnicy nie zawsze potrafili jednak wytłumaczyć, co pod tymi pojęciami dokładnie rozumieją.

Warto dodać, że uczniowie silnie utożsamiali dyskryminację z odrzuceniem danej osoby lub wykluczeniem jej z grupy rówieśniczej. W ich przekonaniu dyskryminacja to: *odrzućcie ze względu na jakieś cechy tożsamości danej jednostki* (W1-R-Ch), bowiem o dyskryminacji świadczy, że ją wykluczali z różnych [zabaw] (W2-R-Dz). Spośród podawanych przez nas różnych sytuacji te, w których obecny był element „wyłączenia” (np. pomijanie kogoś w dyskusji, niezapraszanie jednej osoby z klasy na urodziny), w trakcie wszystkich wywiadów zostały uznane przez uczniów za dyskryminację, co może świadczyć o tym, jak ważna jest dla uczniów w tym okresie życia przynależność do grupy i otrzymywanie akceptacji z jej strony.

Uczniowie na poziomie teoretycznym potrafili rozmawiać o dyskryminacji. Znacznie trudniej przychodziło im jednak wskazanie takich sytuacji w ich własnym otoczeniu. niesprawiedliwie byłoby stwierdzić, że zupełnie takich przykładów nie dostrzegali i nie potrafili ich podać, ale rozmawianie o dyskryminacji w ich własnym otoczeniu sprawiało im znacznie więcej trudności. Wielokrotnie mieliśmy wrażenie, że dla wielu uczniów jest to pierwsza okazja do rozmowy o dyskryminacji w ich własnych relacjach z rówieśnikami. Często wypowiedzi uczniów zawierały wiele sprzeczności. Z jednej strony, zdawali się oni utrzymywać, że problem dyskryminacji nie dotyczy ich środowisk, kwitując niektóre ze swoich wypowiedzi stwierdzeniami typu: *u nas tego nie ma, u nas to się nie zdarza*. Jednocześnie podawali jednak wiele przykładów zaprzeczających temu stanowisku.

Mimo iż uczniowie rozpoznawali dyskryminację na prostych i jasnych przykładach, to nie byli w stanie odnieść tych przykładów do szerszego kontekstu zjawiska i jego struktury. Wątpliwości wywoływały też sytuacje trudniejsze, mniej oczywiste. Pierwszym takim przykładem były reakcje na spot Polskiego Towarzystwa Prawa Antydyskryminacyjnego o nazwie „Powstrzymaj dyskryminację #2”, który pokazywaliśmy uczniom w trakcie wywiadu. Przedstawiał on zwyczajnego mężczyznę stojącego na peronie kolejki, od którego odsuwali się ludzie, a młodzież rzucała w niego kamieniami. Reakcje uczestników warsztatów były następujące:

U-7-Ch: Dlaczego?

U-1-Ch: Przecież normalny człowiek.

U-7-Ch: Właśnie.

U-1-Ch: Że tysy?

U-7-Ch: Ja też nie zrozumiałem (W3).

Lub też: *Nie rozumiałam, o co chodzi, że wykluczyli go, ponieważ on tylko usiadł i jakiś pan od niego wstał, po prostu. Normalnie sobie usiadł mężczyzna na ławeczce uśmiechnięty, wesoły, [ktoś] kamieniem rzucił. No dziwne, bo nic tam nie wyglądało, żeby był [inny, dziwny] (W1,R-Ch).*

Te dwa fragmenty wywiadów dobrze pokazują faktyczny stan świadomości uczniów dotyczący dyskryminacji. W analizie tej sytuacji uczestnicy bardzo skupiali się na poszukiwaniu czynników „odróżniających” w ten sposób potraktowanego człowieka od innych ludzi. Znalezienie w nim znamion „inności” byłoby dla uczniów wytłumaczeniem reakcji otoczenia na jego pojawienie się na peronie. Nie chodzi tu o usprawiedliwienie tego zachowania, ale zrozumienie, czego jest ono wynikiem. Sytuacja ta pokazuje dwie ważne rzeczy. Po pierwsze, wynika z niej, że gimnazjaliści widzą dyskryminację bardzo kontekstowo – jako reakcję na określoną, konkretną sytuację. Niezauważanie przez nich strukturalnego i instytucjonalnego wymiaru dyskryminacji potwierdzały inne wypowiedzi w trakcie warsztatów (które szerzej opiszę w podrozdziale „Dyskryminacja ze względu na płeć”). Po drugie, wiele trudności sprawiało młodzieży zrozumienie, dlaczego ten „normalny człowiek” został potraktowany w

taki sposób. Wyczerpanie na poszukiwanie „inności”, oraz poszczególnych cech, ze względu na które można być dyskryminowanym, jak na przykład kolor skóry czy orientacja seksualna, nie pozwoliło gimnazjalistom na właściwe rozpoznanie tej sytuacji. Tylko kilkoro spośród 30 przebadanych uczniów prawidłowo odczytało spot i potrafiło wytłumaczyć kolegom, że wykluczonym z grupy można zostać także bez wyraźnego powodu. Takie przywiązanie uczniów do szukania w bohaterze spotu znamion inności może świadczyć o tym, że działania antydyskryminacyjne prowadzone w szkołach mogą zbyt koncentrować się na pokazywaniu grup, które szczególnie często doświadczają dyskryminacji, a przy tym nie do końca tłumaczą i pokazywać uczniom samego mechanizmu, jakim rządzi się dyskryminacja.

Wątpliwości uczestników budził też spot „Dyskryminacja nie/w naszej szkole” przygotowany przez uczniów V LO w Białymstoku. Filmik zawierał kilkanaście krótkich wypowiedzi uczniów, a także jednej nauczycielki, dotyczących ich doświadczeń szkolnych. Każda z wypowiedzi rozpoczynała się kwestią: „w naszej szkole nie ma dyskryminacji”, a następnie zostawał podany jej przykład. Uczestnicy wywiadów żywo debatowali nad tym, czy każda z podanych w spocie sytuacji była dyskryminująca. Szczególne wątpliwości wzbudziła wypowiedź: „W naszej szkole nie ma dyskryminacji. Jak miałem długie włosy, to było inaczej, bo ciągle jakieś komentarze w stylu «Zetnij włosy pedale!». Ściąłem, to spoko”. Uczestnicy wywiadów nie byli przekonani, czy taka sytuacja to przykład dyskryminacji, zwłaszcza że problem szybko się skończył. Niektórzy uczniowie twierdzili, że to jest właśnie przykład pokonania dyskryminacji. Sytuacja ta również pokazuje dwie ważne rzeczy. Pierwsza z nich to, po raz kolejny, bardzo silna potrzeba przynależności do grupy i gotowość na odrzucenie indywidualnych upodobań czy preferencji na rzecz bycia zaakceptowanym. Świadczy o tym to, że uczniowie w większości nie widzieli problemu w fakcie, że bohater spotu musiał ściąć włosy, a nawet wartościowali to pozytywnie. Drugą istotną kwestią, jaka się tu pojawiała, jest przekonanie grupy, że osoba dyskryminowana jest sama odpowiedzialna za poradzenie sobie z sytuacją, w jakiej się znalazła. Efektem takiego rozumowania jest też przeświadczenie, że ścięcie włosów przez bohatera jest pokonaniem dyskryminacji. Fakt, że poddanie się presji grupy nie jest rozwiązaniem sytuacji i nie jest także sposobem na walkę z dyskryminacją, zauważyli jedynie nieliczni uczniowie.

Podsumowując, uczniowie wiedzieli, czym jest dyskryminacja i potrafili rozpoznać ją na prostych przykładach. Definiując zjawisko odwoływali się do przykładów abstrakcyjnych, nie związanych z ich doświadczeniami, w których powodem nierównego traktowania była najczęściej rasa lub pochodzenie narodowe. Znaczenie trudniej było uczniom rozmawiać o dyskryminacji w ich środowisku i rozpoznać jej przejawy we własnym otoczeniu.

3.5 Dyskryminacja ze względu na rasę czy przynależność narodową

Jak już zaznaczono powyżej, uczniowie mówiąc o inności i dyskryminacji najczęściej odwoływali się do innego koloru skóry, narodowości czy etniczności. W taki sposób najłatwiej było im wytłumaczyć, czym jest to zjawisko: *W konkursie może być napisane np. konkurs z fizyki tylko dla białych ludzi. Czarnoskóry człowiek może czuć się odepchnięty* (W4-R-Dz). Uczniowie wydawali się być znacznie bardziej wyczerpani na ten rodzaj dyskryminacji, niż na inne jej formy. Można podejrzewać, że jest to efektem działań o charakterze antydyskryminacyjnym prowadzonych w tych szkołach, które mogą szczególnie koncentrować się na tych właśnie cechach. Uczestnicy wszystkich warsztatów

z łatwością rozpoznawali także dyskryminację ze względu na pochodzenie ukazaną w jednej z przygotowanych przez nas historii:

U-6-Ch: Znaczy był taki pokazany stereotyp Polaka.

P-1: A jakbyście nazwali to zachowanie kolegów?

U-1-Ch: Dyskryminacja, no (W3).

Uczniowie ze szkół, w których uczą się cudzoziemcy¹¹, mieli znacznie większą wiedzę dotyczącą dyskryminacji, a także posiadali szerszy aparat pojęciowy do rozmowy o tym zjawisku. Jednak, co ciekawe, w trakcie warsztatów w tych właśnie placówkach, uczniowie dosyć niechętnie opowiadali o obecności uczniów z zagranicy w ich szkołach, także jeśli cudzoziemcy nie byli obecni w trakcie wywiadów. Być może uczniowie nie chcieli opowiadać nam o napięciach, do jakich dochodzi między nimi a cudzoziemcami, a tym samym utrzymywali w mocy stwierdzenie, że *takich rzeczy w naszej szkole nie ma*. W wypowiedziach dotyczących cudzoziemców uczestnicy warsztatów wykazywali się także dużą wiedzą dotyczącą politycznej poprawności – wypowiedzi były neutralne, grzeczne i wydawało się, że uczniowie są bardzo świadomi, jakich sformułowań należy unikać mówiąc o cudzoziemcach. W jednej z wypowiedzi uczniowie zdawali się nawet usprawiedliwiać niewłaściwe zachowanie kolegów cudzoziemców:

R2-Dz: Oni szukają też czasami jakiegoś, też żeby nawiązać jakiś kontakt z kimś czy coś, no to...[dzieci czeczeńskie kopią, bo chcą nawiązać kontakt]

R5-Ch: No właśnie.

R2-Dz: Jakoś zaprzyjaźnić się przez to, że jakoś, nie wiem, popchną czy kopną, czy myślą, że może, że ta osoba, że jej się to podoba, czy coś i chyba chcą nawiązać jakiś kontakt. (W3)

To, że uczniowie w grzeczny sposób wypowiadali się o obecności uczniów z innych krajów w szkole, nie jest przez nas rzecz jasna wartościowane negatywnie. Mieliśmy jednak wrażenie, że grzeczność ta nie jest efektem zrozumienia i akceptacji różnic pomiędzy Polakami a cudzoziemcami i ewentualnych wynikających z nich napięć, ale jest raczej czymś wpojonym uczniom jako właściwy model zachowania czy reakcji i w rezultacie nieco zamykającym im usta i uniemożliwiającym szczere wypowiadanie się w tej kwestii. Wydaje się więc, że uczniowie nie do końca rozumieli naturę i źródło problemów, ale dostali na nie gotowe rozwiązanie, które – jak można podejrzewać – nie było raczej skuteczne w budowaniu dobrych kontaktów między grupami.

Zajmowanie się kwestią rasy czy pochodzenia zwłaszcza w jednej ze szkół, w której także uczyli się cudzoziemcy, wywołało niechęć i napięcie. Uczestnicy wywiadu z łatwością rozpoznali, że opisywany przez nas w przygotowanej wcześniej historii polski uczeń w angielskiej szkole stał się ofiarą dyskryminacji, jednak poza tym nie chcieli dalej zajmować się ani tą historią, ani też samym tematem. Pokazuje to poniższy fragment wywiadu:

E1: Okej. Rozumiem, że jesteście zmęczeni tym ćwiczeniem.

R1 - Ch: No, bo wiadomo, do czego to zmierza. Tak, są u nas obrażane osoby z zagranicy i to widać, a to jest osoba z zagranicy, chociaż w sumie mieszanka, ale raczej nie, tylko po prostu...

E1: Ale u nas, czyli gdzie?

11 W badaniu wzięły udział dwie takie szkoły.

R1-Ch: W szkole. Właśnie to ogólnie jest polski problem, ale w szkole też. (W1)

Ci sami uczniowie zapytali nas także, czy zostaliśmy do szkoły zaproszeni przez jej władze oraz czy nasze zajęcia mają służyć rozwiązaniu konkretnego problemu. Wyczuwalne w tym pytaniu podejrzenie, że przyszlśmy z „ukrytym celem”, jak również podobne podejrzenie bijące z jednej z wypowiedzi badanych „wiem do czego to zmierza – do obrażania cudzoziemców w naszej szkole”, wskazuje na poczucie, że zajmujemy się konkretnym rodzajem dyskryminacji, interesują nas wyłącznie konkretne zachowania. Pokazuje to, że uczniowie, choć nie są chętni do rozmawiania o tym, zauważają, że ich relacje z kolegami z zagranicy nie wyglądają tak, jak powinny. Być może w uczniach jest poczucie bycia oskarżanym o coś, bycia „pod lupą” czy też zbiorowe poczucie winy bądź niesprawiedliwych oskarżeń. Stąd pomysł, że do ich szkoły przyszlśmy rozwiązać konkretny problem. Sytuacja wskazuje również na to, o jakim rodzaju dyskryminacji w szkole mówi się najwięcej.

3.6 Dyskryminacja ze względu na cechy fizyczne

Rozmowa o dyskryminacji ze względu na cechy fizyczne nie zajmowała raczej wiele miejsca podczas wywiadów z uczniami. Uczestnicy mówiąc o powodach dyskryminacji raczej nie odwoływali się do cech fizycznych innych niż te omówione wcześniej (np. kolor skóry) i nie podawali takich przykładów z własnego otoczenia. Jednak ćwiczenie, w którym poprosiliśmy uczestników o wypisanie przezwisk, jakie znają z własnych doświadczeń, pokazuje, że przede wszystkim odnoszą się one właśnie do cech fizycznych. Najczęściej pojawiającym się przezwiskiem we wszystkich grupach był „Grubas”. Do innych należały także: „Ruda”, „Blondynka”, „Brzydala”, „Karzeł”, „Krasnoludek”, „Uszaty”, „Smerf”, „Gruby”, „Skrzat”, „Mały”, „Karzeł”, „Uszek”, „Gnom”, „Puszysty”. Przewiska pokazują powszechność dyskryminacji ze względu na cechy fizyczne, przejawiającej się wich złośliwym wytykaniu i wyśmiewaniu. Jednocześnie uczestnicy wywiadów sami z siebie mówili o niej bardzo mało. Można by stwierdzić, że uczniowie tych zachowań czy wyzwisk nie uważają za dyskryminujące. Jednak zapytani w końcowym ćwiczeniu, czy takie słowa jak „grubas” są według nich dyskryminujące, w większości za takie je uznali. Pokazuje to, że w konkretnym ćwiczeniu, mając zarysowany także kontekst pojawienia się tych określeń, rozpoznawali ich dyskryminujący charakter. Fakt, że mówiąc o dyskryminacji nie odwoływali się do cech fizycznych można interpretować jako niezauważanie przez uczniów powiązania między np. wyśmiewaniem czyjegoś wyglądu a jego/jej dyskryminacją.

3.7 Dyskryminacja ze względu na status ekonomiczny

Wielu uczestników wywiadów zauważało, że często powodem gorszego traktowania jest status ekonomiczny czy społeczny rodziny ucznia. Doświadczenia młodzieży pokazują powszechność tego rodzaju dyskryminacji, choć ich przykłady rzadko, podobnie jak cechy fizyczne, były przywoływane przez uczniów w celu zdefiniowania samego zjawiska. Dyskryminacja ze względu na cechy fizyczne przejawia się w codziennych, drobnych, pozornie nieznaczących komentarzach i docinkach, jak na przykład wyśmiewanie gorszego ubioru. Jednak konsekwencją tych pozornie małych działań może być także na przykład wykluczenie z grupy rówieśniczej: *w podstawówce koleżanka taka była; nie miała pieniędzy i generalnie nikt jej nie lubił. Zawsze chodziła tak sama. I mimo tego zawsze była taka wesola i w sumie była fajna, i nigdy nie chciała [nigdzie chodzić] ze względu na to, że nie miała pieniędzy. Innego powodu nie*

widziałam. Nic złego nie robiła, każdemu zawsze chciała pomóc. Dyskryminowały ją dzieciaki dlatego, że była biedniejsza i to było widać zdecydowanie (W4-R3-Dz). Sytuacje tego typu są wyjątkowo trudne, ponieważ, jak zresztą pokazuje powyższy przykład, status ekonomiczny ucznia często automatycznie wyklucza go z udziału w różnych aktywnościach, w których uczestniczy grupa. Zatem osoba taka, nawet jeśli jest zapraszana do udziału w tych działaniach, ze względu na brak środków i tak nie może w nich uczestniczyć. Wykluczenie takiej osoby z grupy może mieć dwa powody. Pierwszy, to intencjonalne danie komuś do zrozumienia, że z powodu braku środków do grupy należeć nie może. Drugi, to brak rozpoznania przyczyn nieuczestniczenia danej osoby w aktywnościach podejmowanych przez grupę oraz brak wrażliwości na nie.

3.8 Dyskryminacja ze względu na płeć

W trakcie wywiadów odczuwalna była także niechęć uczniów do zajmowania się dyskryminacją ze względu na płeć. Być może temat ten jest „wałkowany”, ale widać też, że uczniowie mają poczucie zagrożenia związanego z poruszaniem go, jest on bowiem trudno zrozumiały i może być zagrażający dla tożsamości. Jak mówiła jedna z dziewcząt: *to jest teraz wszędzie, w mediach, właśnie w Internecie, że mężczyźni i kobiety mają być równi, że każdy może wykonywać zawód taki, jaki chce, a nie taki, jaki powinien według płci* (W1-R1-Dz).

Przygotowana przez nas historia Marty, której nie wybrano do udziału w konkurencji wymagającej wiedzy z przedmiotów ścisłych, zgodnie z przekonaniem, że chłopcy w tym zakresie lepiej sobie radzą, była dla uczniów najmniej zrozumiała spośród wszystkich zaprezentowanych przykładów dyskryminacyjnych. Ale była ona jednocześnie najbardziej angażująca i wzbudzała wśród nich najwięcej emocji. Uczestnicy zdawali się podważać opisaną sytuację i poszukiwać powodów mogących ją usprawiedliwić: *może była głupia?* (W2-R2-Dz), *może ktoś inny był lepszy?* (W2-R2-Dz). Należy dodać, że historia Marty napisana została w ten sposób, że wybór chłopca do konkurencji nie był w żaden sposób uzasadniony. Uczniowie nie mieli zatem w opisie sytuacji dowodów na słuszność swoich tez. Co więcej, była to jedyna historia, która wywoływała w uczniach potrzebę szukania innej przyczyny, usprawiedliwiającej zaistnienie tej sytuacji. Uczniowie starali się także wytłumaczyć, dlaczego do konkurencji wybrano chłopca, odwołując się do stereotypów dotyczących ról płciowych: *Lub też, po prostu był stereotyp, taki bardzo popularny, że chłopaki do matematyki, a dziewczynka to do polskiego, tak? To jest takie rażące dla wielu osób* (W1-R-Ch). Niektórzy uczniowie w przedstawionej przez nas historii zauważali postrzeganie ról kobiet i mężczyzn przez pryzmat stereotypów. Zdawali się jednak w większość akceptować podziały oparte na tradycyjnych rolach.

Opowieść o Marcie najbardziej zaangażowała uczestników wywiadów, wzbudziła wśród nich dyskusję o dyskryminacji, w której niewielka ich część wyraziła także swój sprzeciw wobec niej, z drugiej strony nie chcąc do końca zrezygnować z udziału na to, co męskie i kobiece.

Widząc, ile emocji wzbudza w uczniach historia Marty i podejrzewając, że dziewczynkom biorącym udział w wywiadach może być trudno mówić czy też przyznać, że są traktowane inaczej przed kolegami z klasy, zdecydowaliśmy się przeprowadzić ostatnią z rozmów w całości w żeńskim składzie. Jednak również w tym przypadku uczestniczki nie uznały zaprezentowanej sytuacji za przykład dyskryminacji, nie dostrzegły w niej niesprawiedliwego działania przeciwko Marcie. Powiedziały, że one same nie miały takich doświadczeń, nie czuły się nigdy gorzej traktowane niż chłopcy w szkole, ale kilka minut później same podały przykłady temu zaprzeczające.

Jedynie w dyskusji o dyskryminacji ze względu na płeć uczniowie zwrócili uwagę na systemowy, instytucjonalny charakter zjawiska. Dwie poprzednie historie pokazujące dyskryminację ze względu na przynależność narodową lub status ekonomiczny były analizowane przez uczniów raczej jako sytuacje jednostkowe, w których dyskryminacja była reakcją na konkretną sytuację, nie zaś utrwalonym sposobem działania. Systemowość zjawiska została natomiast dostrzeżona dopiero przy okazji rozmowy o nierównym traktowaniu chłopców i dziewcząt: *Ogólnie jest, że od dziewczyn się więcej wymaga. Np. jeśli chłopak nie jest nadzwyczaj przystojny, a jeśli dziewczyna też nie jest nadzwyczaj ładna, to dziewczyna będzie większą ofiarą. Zawsze od dziewczyny będzie się więcej wymagało* (W4-R-Dz). Uczniowie zauważyli także, że zachowanie dziewcząt częściej jest obiektem społecznej kontroli i podlega większej liczbie norm i reguł: *Było na Facebooku takie zdjęcie, że nigdy nikomu się nie przypodoba. To zależy od każdego człowieka, jak kto kogo postrzega. To np. było, że jak dziewczyna spotyka się z chłopakiem, to jest puszczałska, nie spotyka się z chłopakiem, to świętoszka, zakonnica* (W4-R2-Dz).

Także pośród wypisywanych przez uczniów przezwisk, które znali z własnych doświadczeń, znaczenie więcej dotyczyło dziewczynek, a niektóre z tych określeń były bardzo wulgarne: „Blondynka”, „Kretynka”, „Tapeciara”, „Dupodajka”, „Blachara”, „Pizda”, „Suka”, „Dziwka”, „Szmata”, „Galerianka”. Dziewczyny utrzymywały jednak, że określenia tego typu nie wzbudzają w nich żadnych negatywnych uczuć i są przyzwyczajone do bycia określanymi w ten sposób. Być może wynikało to z obecności w trzech z czterech grup, w których przeprowadzono wywiady, także chłopców. Możliwe, że przynajmniej do bycia dotkniętymi z powodu takich określeń dziewczynki utraciłyby swoją „równość”. Sprzeciwu wobec takich przezwisk nie wyraziły także uczestniczki ostatniego z wywiadów, który odbył się w całkowicie żeńskim gronie.

Uczestnicy zauważyli również, że dziewczynki dotyczy nie tylko więcej przezwisk, ale także więcej żartów opartych głównie na stereotypach dotyczących płci:

R1-Ch: Natomiast nadal faktycznie jest taki problem, że choćby w samych żartach właśnie, że co robisz nie w kuchni, tak?

E2: A czy w stosunku do chłopców są podobne żarty? Znaczą nie do końca do kuchni, ale coś innego, nie wiem, że co robisz nie wiem, nie w warsztacie samochodowym?

R1-Ch: No, właśnie raczej nie ma (W1).

Podsumowując, rozmowa o dyskryminacji ze względu na płeć wzbudziła wśród uczniów najwięcej emocji. Jednocześnie temat ten wydawał się dla nich najtrudniejszy i najmniej zrozumiały. Uczestnikom badań kłopoty sprawiało także rozpoznanie dyskryminacji ze względu na płeć w podanych przez nas przykładach. Wielu uczniów w historii Marty nie zauważało nierównego traktowania. Uczestnicy utrzymywali, że chłopcy i dziewczynki są traktowani jednakowo i że sami na co dzień nie doświadczają dyskryminacji związanej z płcią. Jednocześnie zauważyli jednak, że społeczeństwo stawia kobietom i mężczyznom inne wymagania i że nie zawsze są oni równo traktowani.

3.9 Strategie radzenia sobie z dyskryminacją

W badaniu staraliśmy się także zebrać materiał dotyczący tego, jak młodzi ludzie radzą sobie z doświadczeniami

dyskryminacji lub jak w ich wyobrażeniach można sobie z tym problemem poradzić. Najczęściej wymieniane przez młodzież strategie opisane są poniżej. Wśród uczestników wywiadów zauważalna była także bezsilność wobec zjawiska, jakim jest dyskryminacja, oraz brak wiary, że sytuacja ta mogłaby w ogóle ulec zmianie: *A myślisz, że coś mogłoby zmienić tę sytuację? - Właśnie nie wiem. Chyba nie* (W3-R2-Ch). O bezsilności wobec nierównego traktowania świadczyć może także niejednokrotne przypisywanie przez młodzież tego typu zachowań do swojego wieku i nazywanie ich „młodzieńczą głupotą”, uznawanie, że osoby, które się w taki sposób zachowują, „muszą z tego wyrosnąć”.

SAM ZAREAGUJ

Wprost uderzające było powszechne przekonanie uczestników wywiadów, że osoba dyskryminowana jest sama odpowiedzialna za poradzenie sobie z sytuacją, w jakiej się znalazła. Mimo iż uczestnicy warsztatów w większości okazywali empatię osobom doświadczającym dyskryminacji i potrafili określić negatywne uczucia, jakie mogą się z takim doświadczeniem wiązać („koszty psychiczne”, „smutek”, „mogło mu być trudno” itp.), to i tak uważali, że osoby te same są odpowiedzialne za rozwiązanie tej sytuacji. Zdaniem badanych pokrzywdzeni powinni na przykład lepiej się zaprezentować przed grupą albo przekonać innych, pokazać jakieś inne cechy czy aspekty swojej tożsamości. Na przykład odnosząc się do historii polskiego chłopca dręczonego przez angielskich kolegów, uczestnicy wywiadów proponowali takie rozwiązanie: *I oni [polskie dzieci] by ich mogli jakoś przekonać tak bardziej do siebie, tak jakby, co nie? [...] No nie wiem, coś ciekawego zrobić o sobie, powiedzieć, jakoś nie wiem, pokazać* (W2-R2-Dz).

Inną proponowaną przez uczestników strategią samodzielnego poradzenia sobie z problemem było postawienie się rówieśnikom lub wytłumaczenie im swojej sytuacji: *I ona też powinna z nimi porozmawiać, żeby nie traktowali jej jako gorszą, jako, nie wiem* (W3-R3-Ch) lub też: *mogła powiedzieć, jaka jest prawda, że jeśli ją oceniają ze względu na to, ile ma pieniędzy, to ci, którzy ją tak oceniają, są po prostu pustakami* (W4-R-Dz). Uczestnicy zauważyli jednak także, że postawienie się grupie w takiej sytuacji może być bardzo trudne: *Faktycznie mogła się bać się postawić, że to jeszcze pogorszy [jej sytuację]* (W4-R-Dz).

NIE REAGUJ I PRZETRZYMAJ

W wypowiedziach uczniów wyraźne są także pewne niespójności. Z jednej strony uczestnicy są przekonani, że osoba doświadczająca dyskryminacji powinna sama zareagować i nie pozwolić traktować się innym w poniżający sposób. Z drugiej jednak strony uczniowie za dobry sposób na poradzenie sobie z taką sytuacją uważali także przetrzymanie trudnych sytuacji i nie reagowanie na nie. Uczniowie proponowali zatem, aby uzbroid się w cierpliwość, nabrać dystansu i nie reagować na krzywdzenie ze strony kolegów: *Janek brał to sobie bardzo do siebie. Może jakby podszedł z jakimś dystansem do tego, no to może wszyscy nie mieliby już, jakoś przestali by to robić, wyśmiewać się z niego, dokuczać. Wtedy tak, jak on się jeszcze wściekał i krzyczał i wszystko, no to to ich motywowało, nakręcało ich do tego, żeby dalej to robić* (W3-R2-Dz). Młodzież była także przekonana, że brak okazywania swoich emocji, to najlepszy sposób, by nie dać rówieśnikom powodu do dalszego dręczenia. Pokazuje to poniższa wypowiedź: *Trzeba pokazać, że nas to nie rusza. Jeśli pokażemy swoją słabość, to będą to wykorzystywać. A jeśli pokażemy, że mamy to gdzieś i to tak po nas sływa. Kiedy pokażemy tak sobie mówi, to sobie mówi. I to jest chyba najlepsza broń* (W4-R3-Dz).

Strategią wspomagającą przetrzymywanie dyskryminacji często było także przypisywanie sobie cech takich jak dojrzałość, empatia czy inteligencja, które miały odróżniać osoby krzywdzone od sprawców szkodliwych zachowań. Uczestnicy niejednokrotnie, sami używając dyskryminującego języka, kwitowali swoje wypowiedzi stwierdzeniami takimi jak: *niektórzy są zbyt głupi, żeby to zrozumieć* (W1-R1-Ch) albo *nie można się przejmować idiotami* (W1-R1-Ch). Pokazuje to także poniższa wypowiedź: *Są puste i głupie, jeśli oceniają człowieka na takiej podstawie [braku pieniędzy]. To w ogóle nie powinno mieć miejsca. To jest żałosne i puste. Nie pokazują od siebie, że mają jakieś człowieczeństwo, tylko są to takie hieny* (W4-R3-Dz). Można także odnieść wrażenie, że wypowiedzi te nie są efektem przemyśleń ludzi młodych, ale są to słowa ludzi dorosłych włożone w ich usta. Kierowanie do młodzieży doświadczającej dyskryminacji takich komunikatów może mieć intencję wzmocnienia ich oraz pokazania im, że są wartościowymi ludźmi (a nawet bardziej wartościowymi). Z drugiej jednak strony wysyłanie takiego przekazu zdejmuje także z ludzi dorosłych odpowiedzialność za pomoc młodzieży w rozwiązaniu trudnych sytuacji. Ludzie młodzi dostają zatem również od dorosłych sygnał, że z tym, czego doświadczają, powinni poradzić sobie sami. Wystarczy, że pomyślą, że ich kolega jest idiotą, i to powinno być dla nich wystarczającą pomocą w zmaganiu ze swoimi emocjami.

NIE INFORMUJ NAUCZYCIELA

We wszystkich grupach, w których prowadziliśmy wywiady, zauważalny był także negatywny stosunek do angażowania dorosłych, a zwłaszcza nauczycieli, w sprawy rozwiązywania trudnych relacji między uczniami. Mógł on mieć co najmniej dwie przyczyny. Po pierwsze, szukanie pomocy wśród dorosłych mogło być traktowane przez uczniów jako skarżenie czy też donoszenie, co w grupie rówieśniczej może być uważane za najgorsze możliwe wyjście. Zwracanie się do dorosłych mogło być zatem postrzegane jako podwójna słabość uczniów – nie dość, że z daną sytuacją nie potrafią poradzić sobie sami, to jeszcze skarżą się, donoszą. Po drugie, niechęć do angażowania nauczycieli czy innych dorosłych mogła także wynikać z przekonania, że ich reakcja nie będzie skuteczna i nie doprowadzi do poprawy sytuacji, a może wręcz, że będzie przeciwnie skuteczna i może przynieść nawet pogorszenie się sytuacji i eskalację krzywdzenia.

Wśród uczniów zauważalny był negatywny stosunek do angażowania nauczycieli w sprawy między uczniami oraz ogólny brak zaufania do nich, choć jego stopień był różny w zależności od grupy. Pytanie o to, jak na poszczególne sytuacje zareagowaliby nauczyciele z ich szkoły, wywoływało u uczniów na przykład śmiech:

P-2: A jak myślicie, jak nauczyciele w waszej szkole by zareagowali w takiej sytuacji?

P-1: Śmiejecie się?

R-2-Dz: No zrobiliby rozmowę z całą, cała klasa miałaby rozmowę z wychowawcą. Jakby to nic nie skutkowało, to właśnie byłoby do rodziców skierowane (W1- R2-Dz).

Młodzież była także przekonana, że w wypadku trudnych relacji w klasie nieskuteczna będzie reakcja każdej osoby „z zewnątrz”. Pokazuje to, że nauczyciel jest postrzegany jako taka właśnie osoba. Ponadto, jeśli nawet reakcja byłaby skuteczna, to i tak jej skuteczność ograniczy się jedynie do murów szkoły: *Moim zdaniem takie zwrócenie się do starszej osoby [w tym kontekście nauczyciela], to jest tylko działanie zewnętrzne, a jakbyśmy tak naprawdę zwrócili się do sedna sprawy, czyli do osoby, która jest dyskryminowana, i do osób, które ją dyskryminują, no to wtedy by było też na przykład poza szkołą, to też by go dyskryminowali, a w szkole nie, bo baliby się konsekwencji* (W3-R4-Ch).

Uczniowie zwrócili także uwagę, że prośenie o pomoc nauczyciela w sytuacji, kiedy jest się krzywdzonym, jest bardzo trudne. Nie wiadomo jednak, czy wynika to jedynie z tego, że mówienie o rzeczach, które boleśnie nas dotknęły, jest bardzo trudne, czy także z tego, że nauczyciel nie jawi się uczniom jako osoba godna zaufania i pomocna: *No mogłaby iść [Zosia do wychowawcy], no, jeśli by się nie wstydziła, bo to też jest taka sprawa, taka no, nie najciekawsza no. Mogłaby się też wstydzić pójść, poprosić, żeby zaangażowała ta osoba w zachowanie klasy* (W3- R3-Ch).

Wśród wymienianych przez młodzież reakcji nauczycieli na trudne sytuacje między uczniami zdecydowanie najczęściej pojawiała się przeprowadzenie rozmowy lub też wezwanie do szkoły rodziców. Z wypowiedzi uczniów wynikało także, że nauczyciele często reagują na takie sytuacje mówiąc głównie o konsekwencjach takich jak odjęcie punktów za zachowanie czy też „strasząc” policją, co u ludzi młodych nie wzbudzało raczej respektu do pedagogów i nie budowało ich autorytetu.

4. Skuteczne formy interwencji w oczach młodzieży

Uczestnicy pytani o to, jaka ich zdaniem reakcja na zachowania o dyskryminującym charakterze byłaby skuteczna, wymieniali najczęściej kontrolę grupy rówieśniczej. Młodzież zauważała, że najskuteczniejszym sposobem jest interwencja wewnątrz – pochodząca od kolegów czy koleżanek: *w takim wieku to przecież zdanie grupy jest najważniejsze. Myślę, że jeżeli ktoś powie, że to jest niefajne, bo coś tam, coś tam, to może jakoś zadziała. Oczywiście musi być to osoba powiedzmy, która ma jakąś charyzmę, tak? I potrafi przewodzić* (W1-R1-Ch). Powyższa wypowiedź pokazuje, że według młodzieży w klasie mógłby istnieć pozytywny lider – zauważający szkodliwość zachowań o takim charakterze, a także potrafiący jasno wyrazić swój sprzeciw wobec nich. Młodzież zauważyła jednak, że w przypadkach, kiedy agresorami jest grupa uczniów, lider może nie być na tyle silny, aby móc się im przeciwstawić. Ponadto z ich doświadczeń wynikało, że osoba która przeciwstawiła się negatywnym liderom i stanęła w obronie osoby krzywdzonej sama stawała się (lub mogła się stać) także obiektem drwin i wyzywania: *Z drugiej strony ta osoba, która właśnie się stawia całej grupie, może zostać równie dobrze wyśmiewana. Albo musiałaby się zgadać grupka, albo nie ma raczej szans, prawda?* (W1-R2-Ch). Przed stawianiem w obronie osoby krzywdzonej uczniów powstrzymuje także obawa, że *nie będą miały takiej popularności w klasie* (W4-R2-Dz).

Spostrzeżenie, że jedna osoba może nie wystarczyć, aby skutecznie przeciwstawić się przemocy, pozwoliło uczniom zobaczyć, że jeśli w klasie pojawiają się jakieś zachowania o dyskryminującym charakterze, to jest to tak naprawdę problem całościowy i dotyczy całej klasowej społeczności: *Klasa musi sama sobie uświadomić, bo nikt im nie pomoże* (W1-R2-Ch). Zatem w opinii uczniów przeciwwagą dla sprawców agresji musi stanowić silna, duża grupa w klasie, która potrafiłaby rozpoznawać szkodliwe zachowania i właściwie na nie reagować: *Jeżeli jakaś osoba, by może namówiła jedną [osobę] z tej grupy i potem drugą, by tą jeszcze jedną, potem trzecią i jeszcze jedną i w końcu ta cała grupa by może przemówiła do rozsądku temu komuś, temu najgorszemu, co właśnie prowokuje wszystkich ludzi, żeby wyzywali tą osobę i oczerniali ją* (W1-R2-Ch).

5. Dyskryminacja wśród młodzieży w oczach pedagogów i psychologów

W ramach projektu udało nam się przeprowadzić cztery rozmowy łącznie z piątką nauczycieli, psychologów i pedagogów, czyli po jednym z każdej ze szkół, w których przeprowadzono wywiady grupowe. Od pracowników szkoły chcieliśmy dowiedzieć się, do jakich trudnych sytuacji między uczniami dochodzi najczęściej i jakie są przyjęte sposoby reakcji na nie. Interesowało nas także to, czy nauczyciele potrafią rozpoznawać dyskryminujący charakter poszczególnych zachowań uczniów oraz jakie według nich metody walki z nimi byłyby skuteczne. Aby to sprawdzić przygotowaliśmy kilka krótkich przykładów pokazujących dyskryminację. Prosiłiśmy rozmówców o ocenę danych sytuacji – nazwanie zachowania, stwierdzenie, czy konieczna jest reakcja – jeśli tak, to jaka. Najciekawszy materiał przyniosła jednak rozmowa dotycząca ogólnej sytuacji w szkole – o trudnych sytuacjach między uczniami, sposobach reakcji na nie i wyzwaniach, jakie w swojej pracy spotykają pedagodzy, psychologowie i nauczyciele.

Rozmowy z kardą pedagogiczną były zadaniem dosyć trudnym. Rozmawianie o dyskryminacji, do jakiej dochodzi w szkole, mogli oni traktować bowiem jako próbę sprawdzenia ich. Dlatego nasi rozmówcy mówiąc o trudnych zachowaniach między uczniami na koniec dodawali jeszcze najczęściej, że *dzieje się to wszędzie, że to normalne dla tego wieku* (N1,N3). Często mieliśmy wrażenie, że nauczyciele i pedagodzy czują się sprawdzani i zobowiązani do wykazania, że szkoła prowadzi działania o charakterze antydyskryminacyjnym i właściwie reaguje na dyskryminujące zachowania uczniów.

Dyskryminacja w szkole

Nauczyciele przyznali, że w szkołach ma miejsce wiele sytuacji, w których dochodzi do dyskryminacji, przemocy, agresji. Jedna ze szkół zgodziła się na realizację badań na ich terenie właśnie dlatego, że w jednej z klas do tego typu zachowań dochodziło wyjątkowo często, a żadne ze znanych im metod interwencji nie okazały się dotąd skuteczne. W tym przypadku kadra pedagogiczna nie zawahała się przyznać, że trudno jest im poradzić sobie z obecną sytuacją w szkole.

Pomiędzy wypowiedziami nauczycieli pedagogów i psychologów a wypowiedziami uczniów zauważyć można wyraźny rozdźwięk. Słuchając nauczycieli można było mieć wrażenie, że mają oni świetny kontakt z uczniami i doskonale wiedzą, z jakimi trudnościami zmagają się młodzi ludzie. Takie echo nie pobrzmiwało niestety w wywiadach z młodzieżą, która do nauczycieli odnosiła się raczej nieufnie, nie uznawała ich za osoby, od których mogłyby otrzymać wsparcie, gdy doświadcza trudności, a także w większości nie postrzegała ich interwencji jako skutecznych. W efekcie uczniowie nie widzieli sensu w zwracaniu się do nauczycieli z prośbą o pomoc, bo w ich przekonaniu mogłoby to tylko pogorszyć sytuację.

Pedagodzy i nauczyciele sami z siebie nie używali raczej pojęcia „dyskryminacja”. Częściej posługiwali się terminami takimi jak „agresja” czy „przemoc”. W ich opinii w szkole najczęściej spotykana jest agresja słowna: *to są takie słowne... ataki to może za dużo, ale nieprzyjemności. Ublizanie sobie w jakiś sposób, mówienie, że to jest zabawa* (N1). Do innych należą także: *agresja, bójki między uczniami, ktoś zawsze jest prowokatorem i coś tam zaczyna, a czasem to są zwykłe zaczepki takie uczniowskie* (N3). Czasem w szkołach zdarzają się także sytuacje, które są wprost dyskryminacją: *Uczeń przyniósł cukierki, by poczęstować klasę. Miał urodziny,*

poczęstował całą klasę z wyjątkiem cudzoziemców. Ominął ławki, gdzie siedzieli cudzoziemcy (N3). W dwóch z czterech odwiedzonych przez nas szkół doszło do poważnego dręczenia uczniów w internecie. W pierwszej placówce dzieci założyły fałszywy profil na Facebooku swojej koleżance, którego celem było głównie ośmieszenie dziewczyny. W drugiej do ośmieszania kolegów służyła klasowa grupa założona w tym samym serwisie społecznościowym. W trzeciej ze szkół rozmiar zjawiska był mniejszy, ale przypadki szkodliwego używania mediów społecznościowych też się zdarzały: *Jakiś czas temu mieliśmy taki problem z takim hejtem w internecie. Na forach społecznościowych uczniowie między sobą nie mówili czegoś prosto w oczy w szkole, a na przykład niszczyli koleżankę w internecie* (N3). Co ciekawe, uczniowie biorący udział w wywiadzie w swoich wypowiedziach nie odnosili się raczej do zjawiska, jakim jest agresja internetowa¹².

Nauczyciele w większości przypadków rozpoznawali dyskryminujący charakter poszczególnych sytuacji. Wydaje się jednak, że czuli się wobec nich również bezsilni, co sprawiało, że niekiedy akceptowali te sytuacje, kwitując je stwierdzeniami w stylu „takie jest życie”. Tym samym nauczyciele zdawali się bagatelizować znaczenie różnych sytuacji o dyskryminującym charakterze, odwołując się do sformułowań w stylu: „taki wiek”, „gimnazjum”, „to ogólnoludzkie zachowania”. Typowym przykładem takiej narracji jest poniższa wypowiedź: *Dyskryminacja? Ja myślę, że to są normalne zachowania ludzkie, zachowania, które zawsze występują w grupie, gdzie są ludzie. Zawsze ktoś chce być, ktoś woli być przywódcą, ktoś zawsze wybiera bardziej rolę ofiary albo osoby podporządkowanej* (N3). W istocie, zachowania te są normalne i nieuniknione, nie są też charakterystyczne jedynie dla wieku młodzieńczego. Jednocześnie „normalne” nie oznacza jednak „nieszkodliwe”. A roli „ofiary” raczej nikt dobrowolnie nie wybiera – jest do niej wybierany wbrew własnej woli. Powstaje zatem pytanie, jak reagować na przejawiane przez młodych ludzi zachowania dyskryminujące tak, aby skutecznie im przeciwdziałać?

Reakcja na dyskryminację

Nauczyciele w szkołach, w których przeprowadziliśmy badania, w reakcji na złe, trudne zachowania uczniów odnosili się raczej do „tradycyjnych metod” wychowawczych. Najczęściej stosowane sposoby interwencji była to rozmowa lub wysłanie danych osób (sprawców lub ofiar) do pedagoga. Za bardzo istotne uważano także powiadomienie rodziców ucznia: *Często też informacja idzie do rodziców, żeby rodzic też wiedział, co się wydarza. Idzie ta informacja z taką intencją, żeby ten rodzic również porozmawiał z dzieckiem i dał podobny przekaz, jaki daje pani psycholog. Żeby uświadomić, że takie zachowanie coś komuś robi. Nie chodzi o karanie tego dziecka, ale pewnie rodzice różne rzeczy robią. Żeby ono zrozumiało konsekwencje swoich zachowań* (N1).

Niekiedy nauczyciele, podobnie jak uczniowie, także uważali, że niektóre sytuacje o dyskryminującym charakterze należy przeczekać. „Nierozdmuchiwanie spraw” była to według naszych rozmówców czasem najlepsza reakcja: *Bo czasem takie zignorowanie czegoś może być najlepszą drogą, żeby coś przerwać. Ignorowanie takie, że nierozdmuchuję tego, nie płacę... tak jakoś sobie tym radzę, żeby to jakoś nierosło, ale jeżeli to faktycznie przeszkadza tej osobie, która jest takim przewiskiem obdarowana, to też czasami rozmowa z takimi dziećmi i uświadomienie im, że mi się to nie podoba, kiedy tak do mnie mówisz*

¹² W dwóch spośród czterech szkół, w których niedawno doszło do poważnych przypadków nękania w internecie, uczniowie podzielili się z nami swoimi doświadczeniami. W dwóch pozostałych szkołach uczniowie nie wspominali o tego typu przemocy, za to odnosili się do niej ich nauczyciele.

i to sprawia przykrość (N1). Wypowiedź ta jest przykładem na obarczenie przez dorosłych odpowiedzialnością za poradzenie sobie z sytuacją dyskryminacji samych osób, których sytuacja ta dotyka. Koresponduje ona znakomicie z analogicznymi wypowiedziami uczniów w tym zakresie.

Wydaje się także, że wśród nauczycieli panuje przekonanie, że rozwiązanie sytuacji o dyskryminującym charakterze powinno polegać przede wszystkim na konfrontacji sprawców i ofiar. Najczęściej w interwencjach dotyczących tego typu sytuacji pomija się resztę grupy, która też przecież w nich uczestniczy pełniąc rolę „gapiów” czy też „pomocników”. Pomija się zatem cały kontekst powstania danego zdarzenia i rolę środowiska, w jakim do niego doszło. Niekiedy można było mieć wrażenie, że dyskryminacja utożsamiana jest z konfliktem, za którego wystąpienie odpowiedzialne są dwie strony. Stawianie znaku równości między konfliktem a dyskryminacją czyni ofiary „współodpowiedzialnymi” za to, czego doświadczają. Nie zostają one otoczone szczególną opieką ani też nie zostaje poszanowane ich prawo do przeżywania tej sytuacji. Muszą bowiem stanąć do konfrontacji z dręczycielami. Odzwierciedleniem takiego sposobu myślenia pedagogów było na przykład zaproszenie do udziału w wywiadzie w jednej ze szkół osób, które są głównie sprawcami dyskryminacji, oraz tych, którzy padają jej ofiarą¹³. Postawienie uczniów doświadczających dyskryminacji w takiej sytuacji jest dla nich wyjątkowo krzywdzące. Po pierwsze, musieli oni spędzić kilka godzin z prześladowającymi ich kolegami, a do tego rozmawiać z nimi o trudnym dla siebie temacie. Po drugie, nie dość, że raz zostali już poszkodowani doświadczeniem dyskryminacji, to teraz muszą wkładać jeszcze dodatkową pracę w braniu udziału w takich zajęciach, czego nie muszą robić, np. pozostali ich koledzy z klasy. Wytypowanie do udziału w wywiadzie tych dwóch grup uczniów świadczyć może o przekonaniu, że to głównie one powinny być odbiorcami działań o charakterze antydyskryminacyjnym i że to głównie one muszą pracować nad poprawą sytuacji. Wydaje się to logiczną konsekwencją postrzegania sprawców oraz doświadczających dyskryminacji jako stron zaangażowanych w konflikt.

W niektórych szkołach w reakcji na trudne sytuacje między uczniami uciekano się także do wezwania Policji czy organizowani pogadanki z przedstawicielami Wydziału ds. Nietletnich tej formacji. W jednej ze szkół poujawieniu przypadków poważnego dręczenia w internecie przeprowadzono także wśród uczniów ankiety dotyczące oceny ich poziomu bezpieczeństwa w szkole. W kolejnej placówce na warsztaty zaproszono psychologów, którzy do stolicy przyjechali aż z Białej Podlaskiej. Przykłady te pokazują, że do rozwiązywania takich sytuacji w szkołach zaprasza się wiele osób z zewnątrz. Często są to specjaliści, jak na przykład wyspecjalizowani psychologowie, lub też autorytety w mundurze, jak policjanci. Niekoniecznie jednak próbuje się te problemy rozwiązywać pozostając w kręgu samej społeczności szkolnej. Zapraszanie do szkoły osób trzecich w celu wspomoczenia w rozwiązaniu trudnych sytuacji nie jest niczym złym, choć częste wzywanie do placówek Policji budzi pewne wątpliwości. Szukanie pomocy wśród innych specjalistów to znak, że pracownicy szkół są świadomi rangi problemu i nie boją się poprosić innych instytucji o pomoc w jego rozwiązaniu. Należy jednak pamiętać, że tego typu wizyty powinny być jedynie działaniami uzupełniającymi działania szkoły. Przede wszystkim, że jednorazowe pojawienie się tego rodzaju gości w szkole samo nie stanie się przyczynkiem do wprowadzenia w niej trwałych zmian. Co więcej, interwencje tego typu w oczach uczniów mogą stanowić znaki, że ich nauczyciele nie potrafią poradzić sobie z problemami, jakie mają miejsce w placówkach. Wzywanie do szkoły Policji, a także straszenie uczniów nazwą ulicy, przy

¹³ Prowadzenie wywiadu w takiej grupie było zadaniem bardzo trudnym. Uczniowie zostali wytypowani do udziału w rozmowie przez pedagoga. Rozmowa odbywała się poza zajęciami lekcyjnymi, w godzinach porannych przed wyjściem na wycieczkę, kiedy inni uczniowie nie byli obecni w szkole. Na udział dzieci w wywiadzie wyrazili zgodę także rodzice. Nie istniała możliwość zmiany grupy, ani też rezygnacji z przeprowadzenia rozmowy, gdyż uczniowie specjalnie w tym celu wcześniej przyszli do szkoły. Zdecydowaliśmy się więc na przeprowadzenie wywiadu z dostosowaniem pytań i ćwiczeń do zastanej, szczególnie trudnej sytuacji.

której znajduje się najbliższy posterunek, nie wzbudzało raczej szacunku uczniów wobec ich pedagogów, nie prowadziło również do zrozumienia przez nich szkodliwości ich zachowań, a stawało się jedynie znakomitym materiałem do żartów.

Pomysły na skuteczne reakcje

Nauczyciele, pytani o skuteczne sposoby na walkę z dyskryminacją, zwracali uwagę na konieczność budowania w uczniach asertywności i umiejętności wytyczania własnych granic, na których przekroczenie nie pozwala się kolegom: *Naprawdę ani nauczyciel, ani wychowawca nie wyłapie wszystkich życiowych sytuacji dziecka [...]. [Uczeń] powinien umieć odpowiedzieć koleżance: „słuchaj zostaw mnie w spokoju, nie chcę z Tobą w taki sposób rozmawiać”. Przede wszystkim cała nasza robota jest ukierunkowana na to, żeby dzieci umiały asertywnie odpowiadać, nie agresywnie, a asertywnie. Nie uciekać, nie tchórzzyć, ale stanąć oko w oko ze swoim agresorem i powiedzieć mu: „Zostaw mnie, nie życzę sobie, żebyś tak do mnie mówił”. Nawet przy całej klasie, przy całej grupie (N3).* Pomysł ten po raz kolejny pokazuje sposób myślenia, zgodnie z którym osoba doświadczająca dyskryminacji jest sama odpowiedzialna za poradzenie sobie z tym, czego doświadcza. Trudno także wyobrazić sobie ucznia doznającego długotrwałego dręczenia ze strony kolegów, który jest w stanie asertywnie im się sprzeciwić.

Innym pomysłem było skoncentrowanie się na wsparciu uczniów, którzy właściwie rozpoznają dyskryminację i wzmocnieniu ich, aby nie bali się reagować na jej przejawy: *musimy jak najbardziej mocno pracować nad tą grupą taką, która wie, która ocenia prawidłowo tą sytuację. Wie, że w klasie się źle dzieje, ale jeszcze nie mają odwagi, żeby się temu przeciwstawić (N4).* Pomysł ten w dużej mierze pokrywa się także z działaniem wymyślonym przez uczniów, które polegałoby na pracy z całą klasą i budowaniu w niej takiej świadomości, aby ona jako grupa nie dopuszczała do powstawania takich sytuacji.

Wnioski

Badanie pokazało, że zachowania o charakterze dyskryminującym są codziennym doświadczeniem uczniów gimnazjum. Do najczęstszych z nich należą agresja słowna, dręczenie oraz agresja internetowa. Wydaje się, że uczniowie są tak przyzwyczajeni do doświadczania dyskryminacji lub bycia jej świadkami, że wielu z nich czuje się wobec tej sytuacji bezradnie i nie wierzy, że mogłoby ona ulec zmianie. Badanie pozwoliło także na zdiagnozowanie, że z doświadczeniami dyskryminacji uczniowie często zostają sami. Dzieje się tak dlatego, że młodzież w wielu przypadkach uważa, że osoba doświadczająca dyskryminacji musi sobie z nią poradzić sama oraz że interwencja osób dorosłych (np. nauczycieli) nie ma sensu. Przekaz „poradź sobie sam” młodzi ludzie dostają także niekiedy od dorosłych.

Młodzież wie, czym jest dyskryminacja, ponieważ w każdej ze szkół, w której prowadzono badania zostały już wcześniej przeprowadzone jakiegoś rodzaju zajęcia na ten temat. Gimnazjaliści potrafili stworzyć prostą definicję tego zjawiska lub zilustrować je na przykładzie. Mówiąc o dyskryminacji uczniowie najczęściej odwoływali się do przesłanki rasy lub pochodzenia narodowego/etnicznego, co pokazuje, o jakim rodzaju dyskryminacji w ich środowiskach mówi się najwięcej.

Z wypowiedzi gimnazjalistów wynika także, że najczęściej spotykają się oni z dyskryminacją ze względu na wygląd lub status ekonomiczno-społeczny. Jednak, definiując to zjawisko uczniowie znacznie rzadziej odnosili

się do tych cech, choć – jak pokazują ich doświadczenia – z nierównym traktowaniem właśnie ze względu na te przesłanki spotykają się najczęściej.

Uczniowie w większości rozpoznawali podawane przez nas przykłady dyskryminacji – potrafili prawidłowo je nazwać oraz zauważyć ich szkodliwość. Najtrudniej było uczniom rozpoznać dyskryminację ze względu na płeć. Większość z nich nie kwalifikowała także przedstawionego przez nas materiału jako ukazującego ten rodzaj dyskryminacji. Uczniowie utrzymywali, że chłopcy i dziewczynki są traktowani w taki sam sposób, jednak niejednokrotnie podawali przykłady temu przeczące. Zwrócili także uwagę na większe oczekiwania społeczne względem kobiet oraz na to, że ich zachowanie częściej jest obiektem społecznej kontroli. Temat dyskryminacji ze względu na płeć wydawał się być dla uczniów trudny, najmniej zrozumiały, i jednocześnie budził ich niepokój oraz niechęć. Być może wynika to z silnego zinternalizowania tradycyjnych ról kobiecych i męskich.

Niepokój i niechęć budziło także zajmowanie się dyskryminacją ze względu na rasę lub pochodzenie narodowe/etniczne – zwłaszcza w jednej ze szkół, w której także uczyli się cudzoziemcy. Wydaje się, że uczniowie, pomimo iż byli oswojeni z problematyką dotyczącą „inności”, nie do końca zrozumieli i zaakceptowali różnice występujące między nimi a uczniami, którzy przyjechali do Polski z innych krajów. Mogło to być powodem spieć, do których, jak wiemy, w szkołach dochodzi dosyć często (Januszewska 2010:271-281). W wypowiedziach dotyczących cudzoziemców uczestnicy warsztatów wykazywali się także dużą wiedzą dotyczącą politycznej poprawności – wypowiedzi były grzeczne i wydawało się, że uczniowie są bardzo świadomi, jakich sformułowań należy używać czy unikać, mówiąc o cudzoziemcach.

Badanie pokazało również, że młodzież jest przekonana, że z doświadczaniem dyskryminacji należy poradzić sobie samemu – najlepiej nie reagować, nie okazywać swoich emocji i jakoś to przetrzymać. Takie samo zadanie w tym zakresie prezentowali nauczyciele. Inną strategią było także spróbowanie w inny sposób zaprezentować się grupie – przekonać jej przedstawicieli do siebie lub pokazać jakieś swoje inne cechy, niż tylko te wyśmiewane. Uderzające jest także to, że młodzi ludzie uważają, że dorośli, w tym nauczyciele, nie są pomogą im w przypadku doświadczania dyskryminacji, dlatego często też o tę pomoc nie proszą. Gimnazjaliści byli przekonani, że interwencja nauczyciela niczego nie zmieni, a co więcej – może nawet sprawę pogorszyć. Może to wynikać, albo z doświadczenia już takich nieudanych interwencji, albo też z ogólnego braku zaufania do nich.

W przekonaniu uczniów skuteczna reakcja na dyskryminację powinna pochodzić od innych przedstawicieli grupy rówieśniczej. Jej członkowie powinni potrafić rozpoznać szkodliwe zachowania, a także potrafić się im sprzeciwić. W ich opinii w prewencji zachowań o dyskryminującym charakterze konieczna jest zatem praca z całą grupą. Podobny pomysł pojawił się także w rozmowie z jedną z nauczycielek. Był on jednak bardziej skoncentrowany na pracy z uczniami, którzy już potrafią prawidłowo rozpoznać szkodliwe zachowania, ale nie mają odwagi na to, by się im przeciwstawić.

Nauczyciele, podobnie, jak uczniowie zdają się być niekiedy wobec dyskryminacji bezsilni, co sprawia, że bagatelizują znaczenie tego zjawiska, odwołując się do sformułowań takich jak: „to normalne w tym wieku” czy „zdarza się to wszędzie”. W ramach interwencji pedagogy stosują najczęściej formy takie jak rozmowa lub

wezwanie do szkoły rodziców. Często także posiłkują się w rozwiązywaniu sytuacji trudnych pomocą Policji, co nie cieszy się szacunkiem uczniów. Zdarza się także, że nauczyciele w swoich interwencjach, mających być może na celu wzmocnienie uczniów dyskryminowanych, często przekładają na nich odpowiedzialność za poradzenie sobie z tym, czego doświadczają.

6. Rekomendacje dotyczące prowadzenia działań antydyskryminacyjnych

1. W działaniach antydyskryminacyjnych powinno zwracać się szczególną uwagę na pokazywanie uczniom mechanizmu, jakim rządzi się dyskryminacja. Wypowiedzi badanych uczniów sugerowały, że potrafią oni rozpoznać dyskryminację, jeśli wcześniej słyszeli o takim jej rodzaju. Pokazuje to, że uczestnicy – zamiast zrozumieć mechanizm – zapamiętali, że dyskryminacja to nierówne traktowanie ze względu na określone, przyjęte cechy. Uniemożliwiało to uczniom rozpoznanie dyskryminacji w sytuacjach trudniejszych, gdzie cechy te nie zostały wyraźnie zaakcentowane. Zatem działania antydyskryminacyjne powinny w sposób szczególny koncentrować się właśnie na pokazywaniu mechanizmu, jakim to zjawisko się rządzi.
2. Działania antydyskryminacyjne prowadzone wśród uczniów powinny odnosić się nie tylko do ogólnego kontekstu społecznego, ale także do sytuacji szkolnej. Mogłoby to pomóc uczniom we właściwym rozpoznawaniu dyskryminacji w ich własnym środowisku.
3. Praca dotycząca przeciwdziałania dyskryminacji powinna obejmować całe społeczności szkolne, nie zaś jedynie osoby, które takich zachowań się dopuszczają lub są nimi krzywdzone. Budowanie silnej i świadomej grupy, w której są także pozytywni liderzy, pozwalałoby na wytworzenie się w niej mechanizmu samokontroli i niedopuszczania do niewłaściwego traktowania jej członków. Praca powinna być także nakierowana na budowanie lepszych, bardziej partnerskich i opartych na zaufaniu relacji pomiędzy uczniami i nauczycielami.
4. Działania antydyskryminacyjne powinny być pracą na postawach uczniów i odwoływać się do ich własnych emocji. Powinny być nastawione nie tyle na przekazywanie wiedzy, a na uczenie młodzieży empatii i wyrozumiałości. Powinny pomagać zrozumieć, jakie uczucia towarzyszą osobie dyskryminowanej.
5. Działania powinny w szczególny sposób koncentrować się także na dyskryminacji ze względu na płeć i pokazywać strukturalność tej formy dyskryminacji oraz jej przejawy, które często nie są bardzo jaskrawe, a przez to trudno rozpoznawalne.
6. Odpowiedzialność za poradzenie sobie z dyskryminacją nie może być zrzucana na uczniów, którzy jej doświadczają. Przekaz, jaki do tej grupy uczniów kierują dorośli, m.in. nauczyciele nie może polecać uczniom ani samodzielnego reagowania, ani też przeczekiwania sytuacji, czy nie reagowania na nią w ogóle.
7. Potrzebne są szkolenia dla nauczycieli, pokazujące przede wszystkim, jak rozpoznawać przejawy

dyskryminacji wśród uczniów. Szkolenia powinny wskazywać także właściwe sposoby reakcji na tego typu zdarzenia, oraz pokazywać jak przeciwdziałać dyskryminacji wśród uczniów.

8. Zmianie muszą ulec przyjęte i stosowane dotąd przez nauczycieli formy interwencji. Rozwiązywanie sytuacji trudnych powinno dźać się przede wszystkim w społeczności szkolnej i być skoncentrowane na jak największym zaangażowaniu w to jej wszystkich członków. Zatem należy przede wszystkim zrezygnować z zapraszania do szkoły Policji, której interwencja w dużej mierze polega na nastraszeniu uczniów, co zresztą nie cieszy się ich szacunkiem. Powszechnie stosowane przez nauczycieli rozmowy z uczniami powinny być adresowane do wszystkich uczniów, nie zaś tylko tych, którzy są sprawcami dyskryminacji lub jej doświadczają. Powinny być one także jedynie wstępem do prowadzenia działań antidyskryminacyjnych.

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Spis cytowanych rozmów:

Numer wywiadu	Rodzaj wywiady	Uczestnicy
W1	Wywiad grupowy z młodzieżą	6 uczniów polskich ze szkoły, w której uczą się także cudzoziemcy; chłopcy i dziewczynki
W2	Wywiad grupowy z młodzieżą	6 uczniów polskich, chłopcy i dziewczynki; ofiary i sprawcy dyskryminacji
W3	Wywiad grupowy z młodzieżą	12 uczniów polskich ze szkoły, w której uczą się także cudzoziemcy; chłopcy i dziewczynki; w rozmowie uczestniczy 3 cudzoziemców
W4	Wywiad grupowy z młodzieżą	6 uczennic polskich doświadczających dyskryminacji
N1	Wywiad indywidualny	Wywiad z pedagogiem
N2	Wywiad z dwiema osobami	Wywiad pedagogiem i psychologiem
N3	Wywiad indywidualny	Wywiad z nauczycielem
N4	Wywiad indywidualny	Wywiad z pedagogiem

Aneks nr 1

Scenariusz wywiadu grupowego

PYTANIA BADAWCZE

1. Czy młodzież wie, czym jest dyskryminacja? Jakie zachowania postrzega jako dyskryminujące? Jakiego języka (jakich innych pojęć) używa dla opisanie tych wydarzeń?
2. Jakich rodzajów zachowań o charakterze dyskryminującym nastolatkomie doświadczają najczęściej? Gdzie najczęściej się z nimi stykają?
3. Jakie są ich strategie radzenia sobie z doświadczaniem/ lub byciem świadkiem dyskryminacji? Czy znają osoby/miejsca, do których mogą zgłosić się po pomoc?
4. Jak nastolatkomie oceniają dotąd podejmowane działania dot. przeciwdziałania dyskryminacji?

W warsztacie wezmą udział uczniowie II i III klasy gimnazjum (14-16 lat). Grupa warsztatowa będzie liczyć 7-8 osób.

WPROWADZENIE

Przedstawienie się osób prowadzących spotkanie; opowiedzenie o tym, do czego zostanie wykorzystany materiał; wyjaśnienie, dlaczego spotkanie jest nagrywane; zapewnienie uczestnikom anonimowości; prośba, by wszystko, co zostanie powiedziane na spotkaniu inni uczestnicy spotkania zachowali dla siebie **(5 min)**

Przedstawienie się uczestników warsztatów lub/i krótka gra integracyjna **(max. 10 min)**:

Propozycja gry:

Uczestników prosi się, żeby nie zastanawiając się mówili wszyscy naraz przeciwieństwa słów, które im podajemy. Na początku gra jest prosta, padają przeciwieństwa takie jak: tak - nie, ładny - brzydki, dobry - zły, dzień - noc. A potem się robi trudniej, bo znalezienie przeciwieństw nie jest już takie łatwe, np. do słów: zielony, drzwi, okno itp. Na koniec pytamy uczestników: „po co robimy to ćwiczenie, co ono ma im pokazać?” Jeśli uczestnicy sami nie znajdą odpowiedzi należy dodać, że rzeczywistość nie składa się z oczywistych przeciwieństw i że ćwiczenie było zachętą do tego, aby wypowiadali swoje zdania, myśli i spostrzeżenia nie obawiając się, że nie będą one trafne.

ZADANIE I (25 MIN)

Historie – przykłady wykluczenia, znęcania się, wyzywania

Prowadzący zajęcia czyta uczestnikom warsztatu historie Janka, Marty i Zosi. Są one wstępem do dyskusji o doświadczeniach i obserwacjach uczestników warsztatu. Zadawane następnie pytania mają także sprawdzić, czy uczestnicy zajęć wiedzą, jak reagować i gdzie szukać pomocy, jeśli doświadczają/ są świadkami zachowań o charakterze dyskryminującym oraz jak wyobrażają sobie pomoc ze strony szkoły/ innych dorosłych.

Przykład pierwszy

Janek

Janek chodzi z nami do szkoły od 3 lat. Jego rodzice są z Polski. W Anglii mieszka teraz wielu Polaków i pewnie z 15 uczy się w naszej szkole. Zawsze trzymają się w swojej grupie i zawsze siedzą razem na stołówce. Janek

jak trafił do naszej klasy to tak średnio mówił po angielsku, ale w miarę rozumiał, co do niego mówimy.

Któregoś dnia jeden chłopak z naszej klasy krzyknął do Janka „cześć, hydrauliku”! Przewisko bardzo nam się spodobało! Było po prostu genialne!!! W końcu wszyscy Polacy w Anglii pracują fizycznie, więc świetnie pasowało. Czasem też wstawialiśmy mu na Facebooka jakieś zdjęcia kluczy hydraulicznych, albo kranów np. z podpisem „Czeka na Ciebie”, Albo „Napraw mnie”. Cała klasa lajkowała!!! Kiedyś też jeden chłopak rzucił w niego słownikiem języka angielskiego. To miała być taka zachęta, żeby się lepiej nauczył. No i to było tylko dla żartu, nie miało być wcale chamskie. Ale on to był histerykiem. Któregoś dnia jak wracaliśmy ze szkoły to krzyczeliśmy za nim: „Hej, kran mi kapie, może przyjdiesz naprawić?”. W końcu do nas odwrócił, coś tam krzyczał, i cały był czerwony, bo strasznie ryczał.

Następnego dnia już nie przyszedł do szkoły. Podobno mama go zabrała gdzieś indziej, ale tak naprawdę to nie wiadomo.

- Jak nazwalibyście zachowanie kolegów Jaka?

- Dlaczego się tak zachowali?

- Czy zareagowalibyście jakoś, gdyby taka sytuacja miała miejsce w waszej klasie? Jak? Co uczniowie mogą zrobić w takiej sytuacji?

- Czy myślicie, że nauczyciele w waszej szkole zareagowaliby na tę sytuację? Jeśli tak, to jak? Jak myślicie – co by zrobili.

- Czy byliście świadkami podobnych sytuacji? Czy wydarzają się one w waszych szkołach, w waszych innych środowiskach? Czy możecie opowiedzieć o tych sytuacjach?

Ćwiczenie dot. przezwisk

Warto byłoby poprosić uczestników, żeby pomyśleli o sytuacji w której ktoś kogoś przezywa lub wyzywa (nawet w żartach) . Uczestnicy zapisują przezwiska na kartkach. Można to wtedy zebrać i podzielić na kategorie. Uczestnicy będą mogli zobaczyć, jakie cechy są najczęściej piętnowane. Warto zastanowić się z uczniami z czego to wynika.

Przykład drugi

Zosia

Z Zosią do klasy chodziłam jeszcze w podstawówce. Jej mama jest woźną w szkole. Najpierw wszyscy jej zazdrościliśmy, bo zawsze miała mamę blisko i mogła chodzić do niej na przerwach. Ale teraz to myślę, że to jednak obciach. Raz, że ciągle tak z tą mamą, a dwa, że mama jest woźną.

Wiadomo, że Zośka nie ma kasy. Że nosi gorsze ciuchy to każdy widzi, że nie kupuje nic w sklepiku też. W sumie jak się umawiamy do galerii handlowych na oglądanie ciuchów i kino, to też z nami nie chodzi. Może nie chce, jej sprawa. Raz taki Antek robił urodziny na basenie. Najpierw graliśmy w piłkę wodną, a potem jeszcze zaprosił nas na pizzę. Było naprawdę fajnie. W prezencie złożyliśmy się na iPada. Wiadomo było, że Zośka się nie dołoży, bo trzeba było dać po 50 zł. Nawet nikt jej nie pytał. Dzień przed tymi urodzinami Zośka płakała w szkole. Do Antka nie przyszła, a teraz już nikt jej prawie nie zaprasza.

- Jak nazwalibyście zachowanie kolegów i koleżanek Zosi?

- Czy klasa słusznie potraktowała w ten sposób Zosię?

- Co mogła poczuć Zosia w tej sytuacji?

- Czy ktoś powinien zareagować na takie zachowanie klasy względem Zosi?

-Czy byliście świadkami podobnych sytuacji? Czy wydarzają się one w waszych szkołach, w waszych innych środowiskach? Czy możecie opowiedzieć o tych sytuacjach?

Przykład trzeci

Marta

W tym roku rodzice wysłali mnie i mojego brata na obóz młodzieżowy do Juraty. Byliśmy obydwój w jednej grupie i mieliśmy fajną wychowawczynię – nie kontrolowała nas tak bardzo i pozwalała mieć w nocy długo zapalone światło. Na obozie byli właściwie sami gimnazjaliści. Przez pierwszy tydzień pogoda była super, więc codziennie chodziliśmy na plażę. Drugi tydzień za to był do bani. Było zimno i ciągle padało. Cały czas siedzieliśmy w ośrodku, a kadra organizowała dla nas różne zabawy. Któregoś dnia była taka zabawa, że rywalizowały ze sobą wszystkie grupy i były takie różne konkurencje. W każdej z nich brała udział jedna osoba z grupy. Było jakieś śpiewanie wylosowanej piosenki, siłowanie się na rękę, różne wyścigi i na koniec jeszcze takie zadanie, że trzeba było rozwiązywać logiczne zagadki, takie łamigłówki jakieś i jeszcze coś liczyć. Chciałam się zgłosić właśnie do tego, ale nasza wychowawczyni powiedziała, że lepiej, żeby tu jakiś chłopak poszedł. Wtedy zgłosił się Piotrek. Po podsumowaniu wszystkich konkurencji okazało się, że nie wygraliśmy. Byliśmy drudzy. To i tak nieźle.

- *Czemu Marta nie mogła wziąć udziału w ostatniej konkurencji?*

- *Czy uważacie, że dziewczynki i chłopców traktuje się tak samo?*

- *Czy byliście kiedyś świadkiem podobnej sytuacji?*

- *Co mogła poczuć Marta w tej sytuacji?*

ZADANIE II ETYKIETY (20 MIN)

Na kartkach wypisujemy nazwy różnych grup. Każdy uczeń wybiera sobie jedną kategorię. Przykłady kartecek: „uczniowie”, „lubiący futbol”, „lubiący czytać”, „dobrzy z matmy”, „sportowcy”, „wegetarianie” itp.

Zadaniem uczestników jest wypisać na kartkach 5 dobrych i 5 złych cech, jakie tej grupie przypisuje społeczeństwo.

Pytania:

- *Jakie etykiety mamy wypisane na kartkach?*

- *Kto i komu je nadawał?*

- *Jakie odczucia może wzbudzać w osobach, które są tak określane posiadanie takiej etykiety?*

- *Jakie mogą być konsekwencje takiego etykietowania ludzi?*

Kto i komu je nadawał?

ZADANIE III (20 MIN)

Tworzenie definicji dyskryminacji

Jeśli w zadaniu pierwszym i drugim zadaniu nie pojawi się hasło „dyskryminacja” to tutaj pytamy uczestników, czy wiedzą, co to jest. Zaznaczamy, że wszystkie ćwiczenia/sytuacje, o których tutaj rozmawialiśmy są dla nich podpowiedzią. Tworzymy jakąś bardzo wstępną definicję tylko po to, żeby wiedzieć, że kolejne polecenie będzie dla wszystkich zrozumiałe.

Na ścianie wieszamy dwa duże koła (zbiory). Jeden zbiór nazywa się „dyskryminacja”, drugi „nie dyskryminacja”. Jest jeszcze trzeci zbiór „pomiędzy”. Prosimy uczestników, aby przyporządkowali różne sytuacje, słowa, przymiotniki do tych zbiorów. Czekamy, aż grupa zgodzi się na jakiś zbiór. Możemy też dopytywać, czemu tak uważają, albo co powoduje, że chcą umieścić tę kartkę akurat w tym zbiorze.

ZADANIE IV (15 min)

Celem zadania jest uzyskanie informacji, dotyczących tego, jak młodzież ocenia podejmowane dotąd działania mające na celu przeciwdziałanie dyskryminacji.

<https://www.youtube.com/watch?v=mqaqXEv4TDc>

https://www.youtube.com/watch?v=N_pptoMvdao

<https://www.youtube.com/watch?v=XRyCp5Yujtc>

<https://www.youtube.com/watch?v=0tWzh3FaFRk>

- Co czuliście oglądając te spoty? Czy mogą mieć wpływ na zachowanie tych, którzy dyskryminują innych?
- Jak uważacie, który z nich byłoby najlepszy do pokazania w waszej klasie/szkole? Dlaczego?

ZAKOŃCZENIE I PODSUMOWANIE WARSZTATU

This report aims to clarify the knowledge, skills and attitudes that young migrant and refugee youth have on Public Legal Education regarding Gender Based Discrimination [GBD] through a youth-led research methodology. It is important to mention that Cyprus was divided in 1974 and was partitioned with the northern third inhabiting Turkish-Cypriots [area not controlled by the Republic of Cyprus] and the southern two-thirds inhabiting Greek-Cypriots [area controlled by the Republic of Cyprus]. This research was conducted in the area controlled by the Republic of Cyprus and thus focused on the Greek-Cypriot context. More precisely, a literature review on GBD in Cyprus was conducted followed by a mixed methods methodology of fieldwork.

05

CYPRUS

05 / CYPRUS

Legal Capability in Relation to Socially Excluded and Migrant Youth in Cyprus: A Gender Based analysis

KISA opted for a qualitative analysis based on PLA in which five young participants engaged as either co-researchers within a focus group and one case study in which they wrote vignettes based on their experiences of GBD. This type of recruitment facilitated a youth-led form of methodology to enable collective learning as well as youth empowerment (Appel et al., 2012). Ten other participants engaged in a face to face interview followed by participation within a focus group. Their reactions to four vignettes on GBD in employment, familial, educational and institutional contexts were discussed in regards to their knowledge, skills and attitudes regarding PLE. The results highlight the need for PLE as well as heightened knowledge as to the types of services marginalised youth can access for help in battling discrimination. The language barrier and need for greater access to Greek and English courses is highlighted. Policy and practical implications regarding novel integration schemes, a new legal framework which challenges the temporary migration policy, tackling discrimination from educational and psychological contexts are described. Further research including a mixed methods design of quantitative and qualitative analyses including participants from various stakeholders and Greek and Turkish-Cypriot communities is put forward. Online and face to face training of PLE with empowerment models are put forward. Finally, this report fulfills an identified need for youth-led research on the prevalence of GBD in Cyprus.

1. Introduction & Background

There exists a knowledge gap regarding the rights of migrant and refugee women who experience intersectional discrimination in Cyprus. More precisely, intersectional discrimination is defined as a situation in which multiple grounds of discrimination occur at the same time [e.g., age, sex, legal status, and ethnicity] (Ravnbol & UNICEF, 2009). This research will focus specifically on socially excluded and migrant youth living on the territory under the control of the government of the Republic of Cyprus. More specifically, intersectional discrimination relates towards individuals on more than one ground. In this instance, we are referring to young women who experience discrimination in relation to their gender, ethnic background, age and legal status. Community-led initiatives aimed at diminishing this type of intersectional discrimination are scarce and unknown. Additionally, there also exists limited knowledge surrounding Public Legal Education (PLE) for socially excluded youth of migrant and refugee backgrounds who experience this type of multiple discrimination. PLE is defined as:

“Public Legal Education provides people with awareness, knowledge and understanding of rights and legal issues, together with the confidence and skills they need to deal with disputes and gain access to justice. Equally important, it helps people recognise when they may need support, what sort of advice is available, and how to go about getting it. PLE has a further key role in helping citizens to better understand everyday life issues, making better decisions and anticipating and avoiding problems” (Public Legal Education Taskforce, 2007, p.9).

Furthermore, there is little information surrounding empowerment initiatives towards young migrant and refugee women experiencing sexual harassment and violence from both local and migrant populations. KISA who provides services, support and mediation provided at its Migrant and Refugee Centre sees numerous migrant women asking for reliable information regarding the legal and institutional framework on their residence and work in Cyprus. KISA has set up a Migrant Women’s Group in an effort to empower vulnerable women who consistently deal with violations of their rights which serves to consequently negatively affect their dignity and emotional well-being.

Researchers from both Cyprus and Greece published a systematic review on empowerment training for marginalised women (Kouta et al., 2015). They reported a significant gap in public health literature as well as a lack of educational interventions in preventing sexual violence towards women who migrate to Europe and are employed within the domestic and care sectors. This is a striking observation, especially considering the fact that migrant women make up around 57% of the total migrant population in Cyprus (KISA, 2009a). Furthermore, one could argue that such schemes are imperative considering that in 2013 and 2014, Cyprus was second from bottom within the MIPEX Rankings for the achievement of anti-discrimination schemes and integration schemes for refugees and migrants (Officer & Taki, 2013; Huddleston, 2015).

Additionally, research on discrimination faced by migrant women is scarce, partially because the phenomenon of migration is falsely treated as a gender neutral issue (KISA, 2009a). This critique is shared by many non-governmental organisations who argue that there exists a gender blindness regarding migration which has given way to gaps in matters of equality such as gender based discrimination (GBD) (Trimikliniotis & Demetriou, 2014). Thus, in an effort to bridge this gap, this project focuses on the intersectional discrimination that young migrant and refugee women face (gender, ethnicity, legal status) in Cyprus, specifically, GBD.

Chapter two highlights the rationale for vignette based methodology with face to face interviews and focus groups. The concept of youth-led research is described as well as the sampling strategy that was adopted for this project. Finally, the ethical implications of engaging young migrant and refugee women in an emotionally stimulating project are discussed along with the necessary precautions that were taken to ensure participants' psychological beneficence. In chapter three, a literary review is provided on the concepts of PLE, gender based discrimination (GBD), gaps in empowerment schemes, as well as the positive impact on one's psychological well-being following the implementation of community-led initiatives. Chapter four presents a description of the youth-led fieldwork that was undertaken. The results from this fieldwork are then analysed qualitatively in an attempt to indicate the knowledge, skills and attitudes young migrant and refugee women have of PLE in Cyprus regarding GBD in the employment, institutional, familial and educational contexts. In chapter five, the results are utilised to promote the policy and practical implications of KISA's findings. More precisely, the empowering and institutional implications of increasing the legal literacy of marginalised youth in Cyprus is discussed, in regards to how community-led initiatives on PLE would increase young females' sentiment of empowerment. Chapter six concludes with a summary of the project and final results. Limitations and ideas for further research are also described. Chapter seven contains the appendices for reference.

2. Youth-Led Research Methodology

Qualitative Research

A qualitative form of methodology has been chosen in order to provide a rich and in-depth outlook on the young female migrants and refugees' legal literacy surrounding a myriad of GBD issues experienced within Cyprus. A method of Participatory Learning Action (PLA) was adopted in an effort to empower young participants to creatively explore socio-political issues (Gourlay et al., 2014). The fundamental principle of PLA is to engage individuals in both the research and participatory processes of the research project. PLA was adopted as it is arguably an effective methodology in developing vignettes for research purposes as it enables numerous voices to craft short stories on a diverse range of GBD issues in society (Gourlay et al., 2014).

The methodological paradigm was one of mixed methods research with vignette based focus groups and face to face interviews. As this is a youth-led project, marginalised youth (specifically women of migrant backgrounds and refugees) were recruited. The participants were asked to engage in a focus group in which they were asked to co-write several vignettes illustrating a fictitious snapshot of GBD in educational, institutional and employment contexts in Cyprus¹. Additionally, marginalised youth were also recruited to respond to these vignettes within face to face interviews and a focus group setting.

Thus, in this research, youth held a dual role. Five individuals were recruited to act as co-researchers and ten as participants. This form of recruitment enabled a youth-led form of methodology in order to yield a joint analysis and interactive platform with a focus on communal learning and subsequent empowerment (Appel et al., 2012). Thus, PLA was adopted in an effort to "facilitate local empowerment" of young minority ethnic women afflicted by GBD within the Cypriot educational, institutional, familial and employment contexts (Ap-

¹ Many different definitions of what constitutes 'youth' exist. However, in this research KISA adopts the United Nations' definition which defines youth as an individual aged between 16-24 years of age (Trimikliniotis & Demetriou, Cyprus, 2014).

pel et al., 2012, p.7). In brief, the primary aim of this research is to provide a polyphony of young voices to be heard by society regarding GBD in Cyprus and their legal capability in the face of discrimination. Finally, this research aims to address the following questions:

- i. How educated are the participants regarding PLE?
- ii. Does the Cypriot society have any understanding regarding the concept of PLE and migrants' access to PLE?
- iii. What are the particular needs of socially excluded youth/young adults of migrant and refugee backgrounds, in particular young women affected by GBD?
- iv. Are these needs addressed by PLE activities and psycho-social services?
- v. What are the services currently available for this group in Cyprus?
- vi. How accessible are these services (waiting period, publicised information, eligibility requirements)?
- vii. What are the barriers in accessing them?
- viii. How may psycho-social services address and consequently aid the impact on their emotional well-being?
- ix. What kind of support do they need to be able to reclaim their rights?
- x. What is the policy framework?
- xi. What do the participants believe would empower them to tackle GBV among their peers/within the Cypriot community?

Epistemological and Ontological Position

The relativist epistemological position is one of social constructionism which serves to investigate the social construction of the phenomena of PLE for migrant female youth. More precisely, social constructionism holds that the knowledge which is depicted in individuals' verbal and behavioural reactions to events is dependent upon a specific background or context of their own personalised meanings, schemas, values and practices (Schwandt, 2000). Social constructionists argue that behaviours evolve not because they are objectively true, but because as humans, we comply to the label that has been imposed upon us through societal norms (Berger, 1963; Faherty, 2010). In this respect, this research not only investigates minority ethnic women's attitudes, skills and knowledge with accessing PLE regarding GBD but also the psychological impact of the limited availability of community-led initiatives of legal empowerment as well as the transformative potential of developing a gender and culturally aware PLE system. The interpretative mechanisms by which participants' responses to the vignette-based methodology in face-to-face interviews and focus groups is based on the ontological commitment towards informing and consequently transforming the limited knowledge of PLE (Schwandt, 2000; Δημοκρατία, 2014). The aim is that following this research the availability of community-led initiatives committed to aiding socially excluded migrant women in Cyprus, specifically regard-

ing their access and understanding of PLE will increase.

Vignettes

Vignettes are typically short fictional tales that place the protagonist within a concrete scenario which is considered relevant to the particular study (O'Dell, Crafter, De Abreu, & Cline, 2012). According to Kelly & Lesh (2002, p.4), vignettes may be used to engage young people to discuss potentially sensitive research topics as well as to systematically compare and contrast disparate groups' interpretations and beliefs. Moreover, a vignette-based methodology is an effective mode of research when working with a young participant demographic as it is a particularly valuable method in highlighting value-laden understandings (O' Dell et al., 2012). For example, a vignette-based discussion may prompt a young individual to convey their personal experiences regarding GBD. Additionally, the vignettes may serve to stimulate participants within the focus group to compare their own experiences of GBD with each other resulting in a polyphony of voices on this pertinent matter (Hughes, 1998, p.383).

Within this research, participants engaged in face-to face, vignette-based focus groups which were led by two facilitators. Four co-researchers in their early mid-twenties, from African and Indian descent, two of whom are asylum seekers and two of whom are students (two females and two males) engaged in the first focus group which lasted an hour. The focus group commenced with a thirty minute group discussion regarding GBD in Cyprus and ensued by the co-researchers writing three vignettes, one on institutional discrimination, employment discrimination and educational discrimination, based on their own experiences.

One female participant of Eastern European origin, [first generation migrant, late teenage years] engaged in a case study which was led by the two facilitators. Following an in-depth conversation regarding her responses to vignettes written by her fellow co-researchers, she then wrote a vignette on familial discrimination based on her own experience.

In the following three days, ten participants were recruited to engage in face to face interviews followed by a focus group discussion with their fellow participants. The participant group consisted of four males, six females, aged between 18-24 years of age. Two of the participants are asylum seekers, two students, one Cypriot national, one first generation migrant, three recognised refugees and one individual with subsidiary protection. The majority of the interviewees were of African ethnicity, the minority were Persian, Arab, Eastern European and an individual who had recently obtained the Cypriot nationality. Many of the participants disclosed their religious faiths, with a mixture of Muslim and Christian faiths. The interviews lasted twenty minutes and were led by the main facilitator. The focus groups that ensued lasted one hour, the first focus group consisted of three male participants and the second focus group consisted of four female participants and was led by two facilitators. Five of the participants did not engage in the focus group following their interviews due to prior engagements.

It is important to note that the vignettes that were utilised in this study illustrated anonymised scenarios on GBD in educational, institutional, familial and employment contexts based on the co-researchers' experiences of discrimination in Cyprus. The vignettes were designed in concoction with the facilitators with the aim of illiciting participants' thinking processes regarding their legal capability and their attitude of empowerment

regarding PLE. More precisely, each vignette “act[ed] as a stimulus to extended discussion of the scenario in question” (Bloor & Wood, 2006, p.183). More precisely, the vignettes served to highlight plausible scenarios that young migrants and refugees may have already or may encounter. The premise of using such vignettes was to “enable participants to envisage themselves as the protagonist and ... are [consequently] ... yield rich data” on the phenomenon of GBD and young migrants’ knowledge of PLE (Jenkins, Bloor, Fischer, Berney, & Neale, 2010, p.12). After all, Flyvbjerg (2001) argues that the power of example is best exercised in its reflexive interpretation. With this in mind, KISA chose to adopt the focus group approach to act as the platform for participants to interpersonally engage in their reactions towards the differing vignettes prepared for this investigation. Kamberelis & Dimitriades (2013, p.6) argued that:

“focus groups are perfect sites for empirical investigations of these new theoretical formulations of self. In particular, they give us opportunities to see whether and how “self”, and “other” and “context” seem to be co-emergent phenomena, getting us to the heart of the social pressures social theorists argue constitute reality or the world we live in...Focus groups are [thus] essentially fertile sites for such forms of inquiry.”

Additionally, focus groups are in keeping with the social constructionist model which aims to capture content in the formation of intrapersonal understanding and collective rhetoric (Millward, 2000). Thus, in essence, we implemented the method of focus groups in order to yield a communicative podium which the interplay of the participants’ personal and communal experiences of GBD in Cyprus (Millward, 2000).

Ethical Implications

With the young participant demographic in mind, it is important to discuss the ethical considerations that have been undertaken within this research. Firstly, a vignette methodology was adopted as it enables participants to thoroughly explore potentially direct and sensitive issues such as GBD within a “non-personal and therefore less threatening perspective” (Hughes, p.383). More precisely, as vignettes only yield a ‘snapshot’ of a given situation, they provide a useful platform in discussing emotionally stimulating issues through a distanced perspective but also as a means of introducing personal experiences (Hughes, p.383). Secondly, BACP’s (2010) ethical notions of fidelity (treating all participants fairly), beneficence (ensuring the well-being of participants during the interviewing and research process), non-maleficence (safeguarding that no harm is caused to participants), justice (respecting participants’ dignity) and self-respect (advocating for the self-care of researchers and participants) were considered during all stages of the research process (McLeod, 2003). More precisely, the focus groups were led by a counsellor with expertise in engaging with group dynamics. Participants were told that they could opt out of the research at any time and that their identity would be anonymised at their desire.

Non-Probability Sampling (Criterion Sampling) and Recruitment of Participants

Mason (2002, p. 121) highlights that due to the complex and nuanced essence of qualitative research, “the act of focusing through sampling is likely to be as strategic as it is practical”. Furthermore, due to the in-depth and small scaled nature of this research, we opted for the non-probability sampling technique, in which “the characteristics of the population are being used as the basis of selection” (Richie, et al., 2003,

p.78). A form of criterion sampling was adopted as we are “searching for cases or individuals who meet a certain criterion” (Palys, 2008, p.697). More specifically, as KISA is interested in the knowledge, skills and attitudes of young migrant women on PLE, the participants were recruited through KISA’s network of varying NGOs and migrant and refugee communities. A public announcement, primarily through social media requesting the recruitment of young individuals (especially migrants, and refugees) for this research project was also forward. The public announcement clarified this project’s youth-led notion and served to recruit youth on a volunteering paradigm as participants and co-researchers. The following chapter underlines the literary findings from KISA’s literature review as well as the methodological findings that were assimilated throughout our focus groups.

3. Findings: Literature Review

The majority of migrants who reside within Cyprus are women (KISA, 2009a) This mass entry has been largely made possible by the rising employment of migrant women within the sphere of domestic work, caring for children, the elderly and individuals with special needs (KISA, 2009a). A survey in 2009 highlighted that 37% of migrant women are between 26 – 35 years of age, 32% have secondary education, 54 % are employed as domestic workers, 49% are Asian, 23% originate from Former Soviet countries, 18% are European (Trimikliniotis, 2010). On a European level, approximately half of today’s migrants are women, with one third of all migrants comprising young people (United Nations, 2004a; World Bank, 2007, as cited in Trimikliniotis & Demetriou, Cyprus, 2014). Trimikliniotis & Demetriou (2014) suggested that the large inflow of female migrants into the European Union highlight gender empowerment. However, this empowerment quickly transforms into fragility when women are subjected to GBD. With this in mind, one must also note that it is the *young* migrant and refugee women that are most at risk of being subjugated to such fragility due to the powerlessness associated with the intertwinement of agesim, sexism and racism (KISA, 2014b). In fact, the young migrant and refugee communities often experience grave attacks of xenophobia and GBD (KISA, 2014a; KISA, 2014c). With this in mind, it is important to define what constitutes GBD;

“Gender based discrimination intersects with discrimination based on other forms of ‘otherness’ such as non-national/foreigner status, race, ethnicity religion, economic status-placing women in a situation of double, triple and even fourfold discrimination, disadvantage, marginalisation and/or vulnerability (Lim, Landuyt, Ebisui, Kowar, & Ameratunga, 2003, pp.2-3).”

Furthermore, when discussing GBD towards young refugee and migrant women in Cyprus, it is pertinent to distinguish between the terms ‘refugee’ and ‘migrant’ as they hold differential meanings. More precisely, refugees are individuals fleeing persecution and armed conflict within their countries who seek sanctuary abroad due to the perilous nature within their country of origin (Edwards, 2015). However, migrants have not chosen to relocate due to persecution but in an effort to improve their lives through education, familial and employment purposes. This distinction is important when researching the knowledge gap regarding PLE for socially excluded and migrant youth as both parties hold different legal requirements: countries deal with migrants under their own immigration laws. Refugees are protected through refugee protection and asylum as defined under national and international legislation (Edwards, 2015.)

The majority of first generation migrants who have been granted the Cypriot nationality experience racist and xenophobic behaviours at the hand of Cypriots, whilst being ‘othered’ by some peers for not fitting the

stereotypical Cypriot aesthetic (Esembe, 2005). This distinction is important in analysing the correlation between immigration status and discrimination (Harttgen & Klasen, 2008). Furthermore, documenting research participants' country of origin enables the separation of 'within' and 'without' Europe migrants.

In the following paragraphs, a brief background on GBD in institutional, employment, educational, and familial contexts in Cyprus are described. Their negative impact on the psychological well-being of such individuals is discussed, as well as the gaps that exist in community-led schemes on PLE and empowerment.

Christou & Ioannidou (2014) argues that institutionalised discrimination is best highlighted through social media. They use ELAM (a nationalist political movement in Cyprus) to exemplify the most extreme viewpoints on social inequality and racism that exist towards migrants and refugees. This quotation underlines an extreme example of ELAM's (2009 as cited in Christou & Ioannidou, 2014, p.121) discriminatory rhetoric:

*“Why do some people.. believe that borders and nation states or even nations must be eliminated?
And why is the promotion of wicked multiculturalism considered ‘progress’?”*

Additionally, migrants are sometimes viewed as perpetrators, serving to destabilise the cultural idiosyncrasies of Cypriot culture whilst failing to contribute positively to the Cypriot economy (Centre for Applied Research, 2007 as cited in KISA, 2013). The aforementioned points highlight the anxiety and xenophobia that is entrenched within Cypriot society which could serve to explain the lack of community-led initiatives on PLE for migrants experiencing GBD in Cyprus:

“This limited notion of equality and the accompanying limited acceptance of diversity are concomitant with the a priori discrimination against migrants, especially third country nationals” (KISA, 2013, p.17).

A further example of the institutionalised exclusion of migrants and refugees from society is highlighted in the fact that non-EU migrants are not allowed the right to vote, illustrating their institutional detachment from Cypriot society (Trimikliniotis & Demetriou, 2014). Furthermore, the short-term approach to immigration in which migrants' work visas are restricted to four years, leaves insufficient room for integration (Trimikliniotis & Demetriou, 2014). In the following paragraph, the discrimination that migrant and refugee women are exposed to in Cyprus within the employment context is discussed:

“In general, the position of women in the labour market, both migrant and Cypriot, the legislative framework for gender equality, and collective bargaining show a serious gender gap, with women having a lower employment rate and lower salaries (Trimikliniotis & Demetriou, p.80).”

Trimikliniotis & Demetriou's (2014, p.80) quotation highlights that sexism underlies employment in Cyprus regardless of nationality. Whilst Cyprus exhibits a broad sense of sexism within the employment sector, the conditions and opportunities provided for migrants and refugees is significantly worse. This has resulted in a situation of gender and racially based discrimination in which female migrants are provided with pitiful opportunities for employment. Migrant women are pigeonholed into labour, domestic or sex work in spite of their educational expertise. More precisely, “the significant increase of the participation of Cypriot women in the labour market in the last 20 or so years is directly related to the employment of migrant domestic women” (KISA, 2013b, p.5). This type of discrimination highlights that migrants are rarely given the opportunity to work alongside Cypriots within the employment sector. This type of non-integration is partially due to the inflexible conditions of employment, in which migrants are usually employed by a Cypriot employer for domestic or labour work due to Cyprus' inflexibility with recognising non-Western educational schemes (Tri-

mikliniotis & Demetriou, 2014). This alone highlights the power imbalance that occurs between the migrant and Cypriot community. Esembe (2005), a former member of KISA's Steering Committee who emigrated to Cyprus in 1972 states the following in relation to the employment experiences of migrant women in Cyprus:

“The women in this category [domestic work] suffer very serious violations of their employment and human rights. This is mainly due to the fact that most of them reside and work in the residency of their employer, hence creating a relationship of total dependency (Esembe, 2005, p.7)”.

Furthermore, up until 2014, no law in Cyprus fully served to protect women who no longer wanted to (or in the case of trafficked women, had managed to escape) work within the sex industry. The aforementioned points highlight the defenseless position that migrant and refugee women are pigeonholed into with regards to their employment. On the 10th of April, 2014, Cyprus reviewed and consequently ratified the law to combat trafficking, sexual exploitation and forced labour (KISA, 2014a). Interestingly, whilst the law has been ratified, there exists no community-led system which educates the youth on their legal rights regarding such instances and how to access their rights. Furthermore, social attitudes on migrant women are generally misinformed and ridden with GBD. For example, a survey conducted by the Cyprus College Research Centre (2008) on social attitudes towards sexual harassment at work highlighted that the majority contended that what is construed as a migrant woman's 'provocative' sense of style may be the root of sexual advances (KISA, 2013).

With this in mind, PLE would serve to achieve part of the broader goal by accomplishing social justice through improving people's [especially young] people's legal capability, serving to give them power in a society which in part, renders them voiceless (IARS, 2009). Despite the recent changes in the law which aimed to combat this inequitable treatment, there still exists a clear dichotomy between Cypriots ('us') and migrants ('them'). Migrants and refugees are sidelined regarding employment and given limited opportunities to exercise their educational expertise. This 'us' versus 'them' mentality is also present within the educational sector in which migrants and refugees are cast aside from their peers for 'looking' different. Charalambidou-Solomi, Maouri, & Economidou-Stavrou (2010) investigated this particular phenomenon by conducting a research survey in which they questioned 1702 migrant women. They found that eight out of ten female migrants had never attended educational classes (e.g., vocational, academic). Furthermore, migrants' interest in pursuing education decreased as respondents' age increased (Charalambidou-Solomi et al., 2010). This highlights the ablation of migrants' thirst for knowledge which may be possibly due to the disempowerment from being on the receiving end of institutional discrimination.

Interestingly, migrants and refugees that are romantically involved with Cypriots often also find themselves on the receiving end of GBD and racial discrimination. Often 'othered' and positioned to adapt to the Cypriot society with little emphasis on their own cultural values is an experience that many migrant women face (Esembe, 2005).

This form of 'othering' that is highly present exists not only within the Cypriot mentality but also within the migrant society residing in Cyprus, rendering them defenseless. From a psychoanalytic perspective, the system projects this form of 'othering' onto migrants and refugees, which migrants then identify with as a result of projective identification². They are made to feel 'lesser than' through the lacking employment

² Projection refers to the act of attributing phantasies (either good or bad) to a recipient, who then identifies with such phantasies and acts accordingly (Waska, 1999). In this context, the 'othering' that is projected onto migrant women by the system renders them to feel powerless regarding their employment rights.

opportunities that is presented to them. Consequently, this 'us' and 'them' dichotomy which is entrenched within Cypriot society is aggravated alongside the powerlessness amidst migrant women (Esembe, 2005). Finally, due to the inexistence of community-led initiatives and empowerment schemes, KISA (2013b) regularly assists migrants and refugees [primarily women] who face various threats as a result of intersectional discrimination.

In the following section, the fieldwork findings from this research is analysed in an effort to further illustrate this notion of disempowerment. Participants' reactions to the vignettes in face to face interviews and focus groups are analysed in an effort to comprehend the knowledge gap that is related to the empowerment that would arise from providing PLE for socially excluded youth from migrant and refugee backgrounds residing in Cyprus. More precisely, the knowledge gap that will be addressed with PLE will focus on the legislative and policy framework for human rights in Cyprus. For example, the European Convention of Human Rights by which Cyprus is bound, as well as Protocol 12, which prohibits discrimination on any ground (European Convention on Human Rights, 1950).

4. Fieldwork Findings

Interestingly, the fieldwork findings echoed the reality that was highlighted within the literature review. Within this chapter, participants' responses within the semi-structured interviews as well as within the focus groups are described in an effort to indicate the knowledge, skills and attitudes young migrant and refugee youth have of PLE in Cyprus regarding GBD in the employment, institutional, familial and educational contexts.

Furthermore, the empowerment that was experienced by the young participants when disclosing their experiences of GBD within a group of like-minded women who identified with each other due to their shared experiences. More specifically, this analysis is used to emphasise the importance of social cohesion when providing training tools on legal education. Additionally, the beneficial impact of inclusion in regards to the volunteering opportunities that will be provided to young people in an effort to improve their employability, skills, confidence and engagement within national and European levels is also described.

In regards to how educated participants were regarding PLE, fourteen out of fifteen participants disclosed a shared viewpoint that despite recognising that the protagonists' human rights had been violated on more than one occasion, the participants had no extensive understanding as to what constituted their legal rights in Cyprus. More importantly, prior to the fieldwork, most participants were unaware as to where to go to request help and information in such circumstances. It is pertinent to note however that the two most prevalently spoken languages in the Republic of Cyprus, Greek and English, are not the first language of any of the participants. Additionally, only six of the fifteen youth that were interviewed could adequately express themselves in either Greek or English. Thus, language also plays a role in discouraging the individuals to seek help or advice when being subjected to discriminatory behaviour.

The importance of language in communication was addressed by the researcher prior to the interviews and focus groups. More precisely, whilst the vignettes were written in English, the main facilitator is fluent in En-

glish, French and Arabic. Thus, as the majority of the participants were either Francophone, Arabic-speaking or comfortable in either Greek or English [e.g., the Eastern European participants were English speakers], the facilitator also served as a translator within the focus groups [French-English, in some cases Arabic-English] and conducted some interviews solely in French, in which the interviewer verbally translated the vignettes to the participants that were struggling with comprehension due to the language barrier.

Additionally, it is interesting to highlight that all participants identified with the protagonists within the vignettes and responded to each vignette with either a story about themselves or about someone they knew. In the following paragraphs, a few quotations are taken from the interviews in an effort to highlight the knowledge, skills and attitudes of marginalised youth regarding PLE. The ten questions that KISA aimed to address during this research which are described in Chapter 2 [Methodology] are also analysed.

Attitudes, Knowledge and Skills on Public Legal Education

EMPLOYMENT DISCRIMINATION: ATTITUDE

One interviewee [C] shared that she identified with Tasha's story within the vignettes specifically in regards to the power dynamic she felt when working alongside a local man in Cyprus. However, after having experienced multitude acts of discrimination [racism, islamophobia, sexism], she expressed the *attitude* that Tasha should not have succumbed to the discriminatory pressures that society had imposed upon her:

-A: "... she can do other jobs...because it's difficult to work for a man... because I know."

Interestingly, within the all-female focus group which consisted of four women, the topic of Islamophobia was addressed specifically in regards to women feeling discriminated against as a result of their religion compiled with their race. Most women disclosed the opinion that hiding their religion from their employer was a necessity in order to be considered for the job as they felt that being a female, Muslim, migrant yielded little chance of employment regardless of their qualifications and expertise:

-B: "It is her freedom to wear it [in reference to her headscarf]... on the other hand it's better for her not to wear it ...because there are a lot of jobs where they cannot accept you with the headscarf. If you were working in a Muslim country or like in Muslim embassy yes, then they will accept you the way you are....because in Cyprus they have the idea that every woman who wears a headscarf is Turkish."

- C: "I also tried to find a job in Cyprus.... And when they see me how I'm dressed [conservative, headscarf] they said I will call you back but they never called back."

C continued that her manner of combating this form of discrimination was by refusing to succumb to the norm that she felt imposed upon her within the local community. Despite not having found a job yet, she found that celebrating her own truth yielded her more empowerment and that in her opinion that would advocate for societal change faster than 'hiding' one's religion for fear of it limiting her chances of employment:

C: "You should show that you are different and then they give you respect, whoever you are. (...) Always carry your own identity."

EDUCATIONAL DISCRIMINATION: ATTITUDE

In a one-to-one interview with a young, African, female student whom I shall call D, she expressed facing discrimination on a daily basis in her plight to secure an internship. More specifically, despite pursuing an academic qualification in Cyprus and being fluent in English, she was only considered for jobs of domestic and care work. Whilst D disclosed knowing that she was being discriminated against due to her gender and ethnicity, she did not know of any local organisation that provided services to aid young women experiencing this form of intersectional discrimination. What ensues is the dialogue between the Interviewer [I] and D which serves to highlight the lacking knowledge surrounding initiatives that advocate for such causes:

D: "There are so many people going through the same thing but we still got nowhere to go, we still have hope (...) We still believe in God, cause we are all Christians... We still have those issues. We still have our friends; we are trying to help each other. We train to help each other (...)"

I: "So from what you telling me ... if I understood correctly, you are saying that you have a lot of Africans friends here ... and that a lot of you, many of you experience discrimination ... and that you don't know where to go ... Christianity makes you feel stronger because the system in itself doesn't allow you the power."

D: "Yah... exactly"

FAMILIAL DISCRIMINATION: ATTITUDE

The vignette that was written on familial discrimination was based on the case study with a young, female, Eastern European girl. The vignette utilises a composite character to ensure the co-researcher's anonymity yet reflects her experience of discrimination due to her nationality.



Most interviewees responded to this vignette by reflecting upon a personal incident that happened to them. Whilst all interviewees acknowledged that the manner in which Eva was treated was discriminatory and yielded a negative impact both on her education [her boyfriend's mother was marking her down in class in an effort to drive Eva away from dating her son], and emotional well-being, the interviewees disclosed yielding no faith in the administration within the schools to effectively deal with discrimination that happens in class:

G: "they are scared of the system, from the moment that you do not have the same rights as a Cypriot, you fall to ignorance" [translated from French].

ON INSTITUTIONAL DISCRIMINATION: KNOWLEDGE:

The vignette highlighting institutional discrimination did not yield specific conversation mainly as the aforementioned three vignettes served to inspire a broader conversation on interviewees' experience on institutional discrimination as a whole. Whilst half the interviewees were certain that the vignettes' protagonists were being unlawfully discriminated against, the other half were unaware as to whether they had the grounds or rights to take legal action against discriminatory behaviour:

I: "What I'm wondering if these women are aware of what their rights are against this?"

B: "No because behind that there is no education."

In regards to the skills and knowledge that the interviewees had to access their rights, there were a multitude of shared factors which served to discourage the young migrants and refugees, regardless of gender:

- **language barrier**

- **internalised disempowerment:**

“When I wanted to say something I would get shaky and.. couldn’t do it” [young female refugee, Middle-Eastern, quotation from all-female focus group].

- **lack of faith in the system:**

“The system will never fight for you... It’s better to stand up [for yourself]” [young male migrant, Eastern-European, quotation from all-male, focus group].

- **little knowledge in what constituted their rights:**

“Sometimes we are not completely aware and sometimes you know something there you’re not supposed to be cheated where you are cheated and yes. We don’t have maybe the means... or the connections to do anything about it” [young male African student, interview].

- **little knowledge in where to access their rights and psycho-social support:**

“there is no education” [young African refugee, interview].

The latter quotation *“there is no education”* was a sentiment that was reiterated numerous times by all participants either within the interviews or during the focus groups. This sentiment serves to highlight that the concept of PLE and access to PLE is alien to most marginalised youth who either choose to fight the system in their own way or to be silent in the face of a system that they believe fails to take their rights into adequate consideration. Additionally, some participants were unaware of the psycho-social services that were available to them. Of the ones that were aware and had accessed such services, the language barrier proved to be a persistent problem as well as difficulties in transportation. More specifically, the asylum seekers residing within the Reception Centre had to commute for approximately 1.5 hours with the bus service to access the capital in which most services are stationed. The incurred cost and long commute may dishearten them for committing to this journey on numerous occasions, coupled with the difficulty in expressing themselves fully due to the language barrier.



Moreover, the concept of needing more education to marginalised youth regarding their legal rights was embraced by all participants as well as educating the future local generation on the negative ramifications of discrimination and stereotyping in an effort to create a more open-minded society. In regards to social cohesion, integration into the Cypriot community was described as an essential need faced by all participants who in essence seemed to live in an alternate community in which they had little room to integrate with the locals. More precisely,

the lacking opportunities they were given in the fields of employment, the fact that the Reception Centre is in a town detached from the local community, the discrimination they faced daily when roaming the streets

and within the education system when socialising with young Cypriot children. The language barrier is a clear division in integration and more access to language resources in which the migrants and refugees would provide the opportunity to learn both Greek and English were also described as a necessity not only to bridge the gap between both communities [migrants and locals] but also in the effort to provide the migrants and refugees with better chances for employment in sectors other than domestic and care work.

Finally, a stimulating conversation arose within the all-female focus group which merits consideration. After approximately half an hour of sharing personalised stories of their own experiences of GBD in Cyprus the women started empowering each other through multiple exchanges. The group seemed somewhat split in two with half the participants having internalised the disempowerment the society had projected onto them and the other half had taken it upon themselves to fight the system by staying true to their own culture. The following exchange highlights this:

B: "And one guy [in school] tried to cut my finger. So I talked to the teacher and she said: Oh it's okay. He is a kid. I told her he was holding a scissor and that he was going to cut my finger. And she says: What can I do to him? Just like that. So I called my mother, she came, she was shouting to the teacher. Then the teacher got afraid and talked to the parents. They came and they were like: And if he cut her finger. What will happen?"

(...)

C: "The people judge you how you look and how you dress. (...) The teachers also were shocked when they see us like we were aliens. (...) It's a part of what the parents told their kids. (...) It's also Cyprus is a small island, they didn't travel outside, they cannot see the situation. (...) A lot of discrimination on how you look, how you dress, your religion."

(...)

B: (...) "You know that they have the problem with the Turkish part. (...) So everyone which they see is Muslim, then it's Turkish. Then it is against us. Then it is the enemy. So they don't have the right to hold our identity."

C: (...) "I don't care what ever happened, whatever is the reason. I answer back"

(...)

Z: "I'm the opposite. When I see someone hurting me or making fun of me, I just.. I don't say anything and I regret it later because they continue to do it. I wish I could speak and open my mouth."

(...)

B: "I guess if we do this meeting constantly this will help. Because even not to take an action, just to speak with other women you would take out what you feel and what you want to say that you cannot say to your family or your friend."

(...)

C: "And it would help to get help from the NGOs. They can do women groups [referring to female empowerment groups]... We can try to understand other women... and they can speak with their children. Things can change slowly. "

N.B: All photos correspond to the all-female focus group in which all participants gave permission to provide their pictures within the signed consent forms.

5. Policy and Practical Implications

The aforementioned exchange amongst the participants within the focus group highlights the need for female empowerment groups, led by specialised professionals for women subjected to GBD. Furthermore, more specialised services that focus on aiding and assisting marginalised youth gain access to legal education as well as psycho-social services which employ professional translators or qualified migrants are also a necessity in combating GBD.

On the basis of the foregoing analysis, the following highlight the key policy and practical areas that require consideration:

Revision of the Migration Policy and a New Legal Framework

The migration model, policies, structures and administrative practices in place and which, effectively unaltered since its adoption in the early 1990s, relegates migrants to the margins of society, a source of cheap labour to be exploited and disposed of at will. This migration system is also responsible for the systemic discrimination against migrants and their exclusion from all but nominal integration measures and their marginalisation. In order to combat the racism, and discrimination inherent within the migration policy, the system needs to drastically change to reflect a human rights based concept of migration and to reflect European and Human Rights legal instruments.

For example, the migration legal framework in Cyprus should be revised and include possibilities for migrants for permanent stay. The current rule of maximum stay of four years has resulted in long term resident third-country nationals being denied their right to the long term residence status, irrespective of their years of residence in the country as the Government did not effectively implement the Long Term Residence Directive or implemented it very strictly allowing for the status to be granted only to a handful of third-country nationals (KISA, 2009b). Moreover, the relevant law has been amended so as to include integration conditions, a measure perceived by NGOs, in the context of the realities in Cyprus, as one to further restrict the rights to long term residence (KISA, 2014a). A response at an EU and national level is required to ensure that Directives are adequately implemented through the national legislature and not circumvented through a lack of administrative fairness (KISA, 2009b).

The current legislative landscape provides that Cypriots, EU nationals and third country nationals who have been recognised refugees, victims of trafficking or as long term residents have in law equal access to employment in every sector of the economy (KISA & Cyprus Stop Trafficking, 2013b : Trimikliniotis & Demetriou, 2014). Third country nationals who are migrant workers, asylum seekers or students have, as a matter of law and policy, limited access to employment (KISA & Cyprus Stop Trafficking, 2013b). Limited access to the labour market is a significant barrier to integration and KISA has recommended that full access to the labour market be granted to asylum seekers and persons under subsidiary protection. Another policy concern relates to recognised refugees and persons with subsidiary protection who have professional qualifications but cannot find relevant employment due to the fact that there is no effective system in place for the recognition of their diplomas and academic qualifications (Charalambidou et al., 2010).

It was noted in ENAR Shadow Report 2009/10, that the previous migration policy was developed and im-

plemented without consultation with major stakeholders (KISA, 2009b). A comprehensive migration policy should be developed and implemented in consultation with all relevant social actors, NGOs and migrant communities including migrant and refugee youth and be in accordance with European and international standards regarding respect of human rights, and this should also address the issue of integration in employment and social contexts. This consultation should address the practical power imbalances which were identified during the course of the focus groups and interviews, in particular, the issues which commonly arise from the situation where a domestic worker (especially young females) lives with their employer and has limited ability to raise complaints or access information as to what their legal rights are.

Additionally, the existing GBD in regards to female pay in the Cypriot labour market is exacerbated in the female migrant workforce. Thus, recognising migrants' national qualifications and further aligning migrant wages with national minimum wages will contribute towards the dismantling of the "us" versus "them" mentality within Cypriot society.

Empowerment through Information, Legal Education and Legal Assistance

A common theme arising in this report is in respect of dissemination by the authorities of good quality information regarding refugee and migrant's legal rights.

In order for refugees and migrants, in particular victims of GBD, to be able to efficiently pursue and access their rights, it is recommended that the competent services encourage and fund the relevant NGOs, Civil Society Organisations already working with migrant and refugee communities for the (i) effective dissemination of information [in their mother tongue] to the migrant and refugee communities to empower these communities with the knowledge and understanding of their legal rights, entitlements and advice which is specific to the common issues facing migrants and refugees in Cyprus [e.g., GBD, little access to employment outside domestic, care and farm work]; and (ii) the provision of independent legal assistance to ensure that the most marginalised groups in society have basic access to justice.

Specifically, as highlighted by the fieldwork findings, the most effective tool to achieve the goal of empowerment through legal education would be the utilisation of face to face and online training. Furthermore, the language barriers which were identified as a major discouraging and disempowering element for refugees and migrants should be addressed in the practical implementation of the aforementioned tools. The online tools should accommodate all major languages and the face to face training should have translators, social support and mental health professionals available to ensure information to cater for the linguistic, social exclusion and emotional difficulties of the recipients.

Institutional Discrimination and Integration

As recommended by KISA in one of its Shadow Reports on Racism in Cyprus under ENAR's Shadow Reports on Racism, KISA suggested various factors to be combined for combating discrimination. A very important factor is the training of public servants who work with migrants and refugees, specifically within the Migration Department, Asylum Service, Social Welfare Services, Department of Labour, Health Services, Education

and the Police Forces. Such individuals should receive training on the cultural, religious, linguistic elements of the migrant and refugee communities in order to treat the beneficiaries as human beings who deserve respect as well as to apply to human rights law (KISA, 2009b). Furthermore, specialised training on dealing with traumatised individuals is a necessity as most refugees are battling trauma as a result of their war-torn background and persecution.

Additionally, the values of antiracism and discrimination as well as respecting and embracing difference and diversity should be cultivated within the educational contexts. More specifically, the rise of Islamophobia that was highlighted by various women of Islamic backgrounds within the fieldwork requires analysis. The continuation of the Cyprus Question in the background of an extreme nationalistic discourse that has arisen out of the division of the island has resulted, amongst many other things, in Muslims being discriminated against (Savvides, Osum, Pasha, & KISA-Action for Equality, Support, Antiracism, 2011). More precisely, this means that Turkish Cypriots, Turks and Muslims in general are not only categorised under one category but also perceived to quote a participant, 'the enemy'[see p.23]. Tackling this discrimination through the educational system in which all religious discourses are taught as well as ensuring that unbiased historical representations of the Cyprus Question are presented are necessary in combating the racism that accompanies this situation. Finally, research on the intergenerational transmission of trauma and its impact on discrimination is also vital in yielding a holistic understanding of Islamophobia from a historical, political and psychological context. A key driver to social integration that was highlighted during the fieldwork is proficiency in the Greek and/or English language. All migrants and refugees should thus have viable access to Greek and English language classes which would serve to not only help integration but also their chances of attaining employment through the provision of these language skills.

6. Summary & Conclusions

In conclusion, this report highlights the numerous struggles that marginalised migrant and refugee youth face in Cyprus. Aside from having had to relocate from their land of origin and adapt to a different culture, such individuals find themselves battling against a backdrop rooted in discrimination and xenophobia. The intersectional discrimination that the participants shared they face almost daily in institutional, familial, educational and employment contexts has highlighted the importance of providing marginalised youth with PLE. More specifically, as described within the fieldwork findings, the majority of young people either have little knowledge as to what constitutes their legal rights, and for those who do, possess little information as to what services provide them with access to attaining justice. As highlighted in KISA's findings, due to their lack of faith in the system, marginalised youth either take it upon themselves to fight the system due to a lack of trust in the authorities, or choose to remain silent due to the internalised disempowerment that they have been succumbed to.

In an effort to bridge this gap, policy and practical recommendations are put forward which aim to tackle GBD and the disempowerment that marginalised youth face. Future research should aim to continue this youth led form of methodology by extending the analysis to include participants who engage in the sectors of migration and asylum. More precisely, analysing stakeholders' reactions to the four vignettes drafted by migrant and refugee youth for this study as well as teachers, police authorities', NGO actors' responses would yield

a more profound understanding of GBD from not only the migrant and refugee youth but the professionals employed within this sector as well. Furthermore, extending this conversation with a larger majority of both Greek and Turkish Cypriot youth would also present a more holistic approach of young people's experiences of GBD.

Finally, providing free online and face to face training on PLE which tackles discrimination in all sectors specifically but not limited to familial, institutional, employment and educational contexts is highlighted as a necessity in promoting empowerment and where youth can go to access help as well as increasing their legal literacy. Recruiting and directly involving young migrants in the delivery and evaluation of the face-to-face training, educational and skills development course is also underlined as a necessity in enhancing young people's empowerment.

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Appendices

Appendix A: Vignettes Written by Co-Researchers

1. Employment

Tasha is 25 years old and from India. She has been in Cyprus now for three years. Before she came to Cyprus, she was in her last year of university. But due to being forced to leave her country of origin she couldn't finish her studies.

Now she lives in the reception center. However the whole situation, the circumstances at the reception center and the general life in Cyprus, isn't what she expected. She gets three meals per day, monthly payment of 40 euros and a bus pass each month. The problem was that the food wasn't pleasant every time. Due to this she not only had to buy her personal hygiene from the 40 euros, but also some extra groceries. Finally the money was never enough.

Nevertheless she never lost the hope that the things will change. Unfortunately instead of getting better, things got worse. All her numerous efforts to get a job never succeeded. In her last job as a domestic worker she kept fighting against her employer's inappropriate behaviour, and as a farmer, the employers did not accept a woman because they think they are too weak to handle this job.

Regarding to the fact that she tried all the legal options to get a job that she had, she remembered all the previous encounters with local men offering money for sex. Thus she thought why not giving it a try as long as she was always denied to get a "normal job" due to her skin color and status. ("I still have the control over it and I can end it whenever I want to.") The men already saw her as a sex object so she started to work as a "sex-worker". By seeing how much she gained at that moment, Tasha was relieved of her stress.

However this kind of job is prohibited in Cyprus. Therefore she got in trouble and all the blame led to her. Because of the lack of knowledge of the local language and her skin color she couldn't defend herself and fought against it. In conclusion she got detained. But with the help of lawyers she was released. Now she is still waiting for the answer of her appeal after her first appeal was rejected.

2. Institutional

Natalie is a 24 years old girl from Russia who stayed in the reception center for 3 years without a status or any answers regarding to her appeals. Therefore she became one of the oldest Residents of the Reception center. As a Russian she was seen as an opportunist who sought asylum for economic reason. All the years that she spent in the reception center were due to discrimination. People who fled from war or other violent conflicts they got a decision of their appeals within a short period of time while her case were left to one side. In front of the society she felt embarrassed to admit that she is an asylum seeker because the people think that such persons are covered by the government. Nevertheless she tried to apply for a job but due to her nationality and lack of knowledge in the Greek language she was always denied. She kept on hoping but it got to a point where discrimination was part of her daily life.

NGOs and social Medias are all focused on the victims of war while Natalie was ignored. It led later to a psychologist trauma.

3. Familial

Eva is a 21 years old Bulgarian woman. She studies Greek philosophy. She is a great student, always motivated to succeed in everything that she does. Her philosophy teacher is from Greece. She doesn't like the fact that Eva is foreign consequently she always marks her lower than she deserves. Furthermore Eva has been in a relationship with her teacher's son for a year now and that is another reason why the teacher would never be fair with her. Besides school, she blames her son every day for being with a Bulgarian woman telling him that the only reason she is with him is to get his money and eventually papers, even though she already does. She tells her son that he is not allowed to bring Eva home because she might rob them. Regarding to the relationship she says to him better not to catch feelings due to her opinion Bulgarian women are not worth to trust and thus they cheat on their partners. The mother of the son considers Eva as a part of the minority because she is not Greek. Her son eventually starts to doubt Eva since he has to deal with his mother every day and blame her from time to time for the things his mother tells him. He begins to have trust issues even though he loves her and she proves her word every day. Thus they fight all day because of his mother and due to the issues formed between them. They want to be together but they broke up as the relationship became more and more unhealthy.

4. Educational

Samira is a 13 years old schoolgirl from Pakistan. Because of her culture and religion she wears a headscarf. For her parents it was a long and hard struggle to get access to education for her daughter. The school administration at the beginning not only had problems with the fact that she is foreign, but also because of her religion and her wearing her headscarf. After long discussions they were willing to accept her in their school.

Samira was willing to learn and to study because she wanted to be educated no matter what other people think or say about her. However the whole circumstances in her daily school life didn't make it easy to achieve her wish/goal. When she came to the classroom, her classmates begin to shout and insult at her. The teacher didn't really defend her. Just sometimes when the others were too loud, he said that they should stop. Samira was not accepted at all.

One day after school while waiting for the bus, various kids from the school came at her and started to discuss and arguing with her. Suddenly a boy shouted at her saying why she doesn't go to a school for persons like her and if there is no space for her. With the words nobody want you, he pushed her to the streets. Fortunately nothing happened to her due to the car driver could break before. From this day on, one of her family member always come to pick her up from the school. (but she never gave up to follow her dream of being educated).

Appendix B: Consent forms



PROJECT TITLE / ΤΙΤΛΟΣ ΕΡΓΟΥ: *Abused no More*

Title of action / Τίτλος δράσης: Co-researcher / Interviewee Focus Group

Confidentiality Statement

This focus group is part of the project Abused no More which aims to empower minority ethnic women who experience discrimination (e.g., gender-based discrimination (GBD), immigrants, refugees, first and second generation migrants, sexual orientation, and disability) in institutional, educational, familial and employment contexts by increasing their knowledge of their legal rights.

With your consent, the information you offer as part of the Co-researcher / Interviewee focus group will be recorded in order to facilitate the preparation of a report that is envisaged in the project. The recordings will be listened to by KISA staff only for transcription purposes and upon transcription, will be deleted. Furthermore with your consent, photos will be taken during the researching process. Pictures (identifiable and non-identifiable depending on your preference) will be uploaded onto the project's website in order to illustrate the process and analysis.

KISA, the coordinator and partners of the project are committed to anonymise any identifiable information within the written research concerning the Co-researcher / Interviewee focus group participants in order to ensure confidentiality.

Consent

I, the undersigned, agree to take part in the above Co-researcher / Interviewee focus group in accordance with the conditions described in the confidentiality statement. I understand that the use of recorder and photos will be used for the purposes outlined above. I understand that my contribution will remain anonymous and will not be identified with my person in any way.

Name:

Signature:

Date:



PROJECT TITLE / ΤΙΤΛΟΣ ΕΡΓΟΥ: *Abused no More*

Title of action / Τίτλος δράσης: Case study

Confidentiality Statement

This case study is part of the project Abused no More which aims to empower minority ethnic women who experience discrimination (e.g., gender-based discrimination (GBD), immigrants, refugees, first and second generation migrants, sexual orientation, and disability) in institutional, educational, familial and employment contexts by increasing their knowledge of their legal rights.

With your consent, the information you offer as part of case study will be used in the project.

KISA, the coordinator and partners of the project are committed to anonymise any identifiable information concerning the case study participants in order to ensure confidentiality.

Parental Consent

I, the undersigned, agree that my son/daughter takes part in the above case study in accordance with the conditions described in the confidentiality statement. I understand that the use of recorder and photos of my son/daughter will be used for the purposes outlined above. I understand that the contribution of my son/daughter will remain anonymous and will not be identified with his/her person in any way.

Name: Name of son/daughter:

Signature: Date:

N.B -> The original signed documents are saved at KISA.



Appendix C: Certificate for Participants



CERTIFICATION FOR PARTICIPATION

This Certifies that

.....

Has successfully participated in the project “Abused no More”

Date: _____



Appendix D: Gender based Discrimination (General Information Given To Participants)

Gender based discrimination

- Article 28 of the Constitution -> equal treatment and prohibition of any form of discrimination
- Article 35 of the Constitution -> the Legislature, the Administration and the Courts are bound by the Constitution to secure
- Article 30 of the Constitution -> judicial protection is also safeguarded
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (ratified by Law 78/1985)

Educational:

- One in ten primary schoolgirls reported being unhappy being a girl, doubling to one in five by the time they reach secondary school
- Restrictions on freedom, a lack of opportunities compared to boys and a feeling that they were less safe or faced more harassment
- Nearly four in 10 girls reported being made fun of because they are a girl, compared to under one in ten for boys
- Girls were generally seen as better at 'soft' subjects such as languages, history, art and music, and boys better at sports, mathematics and computing
- Pupils felt that male teachers are 'more intelligent' than female teachers, but female teachers were 'more caring' than male teachers.
- Two thirds of the world's non-literate adults are women – is a striking example of gender discrimination
- Analysis abounds of the gendered impact of school fees (and other associated costs of schooling), Global Campaign for Education which combine with a preference for educating boys to impact girls disproportionately -> education should be free

Barriers to education for girls: Poverty

- Values, behaviours and traditions that limit their opportunities
- Gender-based violence in schools
- Female genital mutilation and cutting
- Child marriage
- Distance to school and safety concerns
- Lack of private sanitary toilets

Institutional

Institutionalised discrimination refers to the unjust and discriminatory mistreatment of an individual or group of individuals by society and its institutions as a whole, through unequal selection or bias, intentional

or unintentional; as opposed to individuals making a conscious choice to discriminate.

Familial

- Parents preference are to send the boys to school
 - ➔ Girls are more likely to be forced to stay at home so they can help with the domestic tasks
- Lower investments by parents in girls education

Employment

Gender discrimination in employment involves treating someone unfavourably because of the person's sex, whether they are applying for a job or are a current employee. Although women have made clear they have the ability to perform with the same skill and success in every endeavor engaged in by men, the issue of sex discrimination still holds many back.

- harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted)

Example: women wage are less than those of the man, for women its harder to get higher position (also they have to manage work and taking care of the children), for man it's easier to get a job than woman

Appendix E: KISA profile 2016



KISA - Action for Equality, Support, Antiracism

A Profile

KISA is an NGO, established in 1998, and its vision is the promotion of an all-inclusive, multicultural society, free of racism, xenophobia and discrimination and where, through the interaction and mutual respect of diverse cultures, there will be equality and respect for the rights of all, irrespective of race, nationality or ethnicity, colour, creed or beliefs, gender, sexual preference or orientation, age, inability or any other diversity.

KISA's action is focused on the fields of Migration, Asylum, Racism, Discrimination and Trafficking, and it includes awareness-raising of the Cypriot society as well as lobbying in order to influence the legal and structural framework, the policies and practices in these fields. KISA operates a Migrant and Refugee Centre that provides free information, support, advocacy and mediation services to migrants, refugees, victims of trafficking and racism / discrimination and ethnic minorities in general, as well as promotion of the integration, empowerment and self-organisation of migrants and refugees. More precisely, KISA's activities are targeted towards the migrant and refugee communities as well as the host society as a whole.

KISA's activities towards migrants and refugees include mainly:

- Provision of free information, advice, advocacy, mediation and support services
- Pro bono legal representation in strategic litigation cases
- Empowerment and capacity building actions

KISA's activities towards society at large include:

- Sensitisation and awareness raising
- Active engagement with the mainstream as well as the social media
- Advocacy for structural, legal and structural policy changes
- The fight against phenomena and acts of racism and discrimination as well as trafficking and exploitation of human beings

Civil Society Cooperation / Networking

KISA highly regards the cooperation and coordination of civil society organisations at a National, European and International level. At a National level, KISA cooperates with the other NGOs that are active within these fields in an effort to yield more effective results. Moreover, KISA is an active member in European and International NGO Networks such as PICUM (Platform for International Cooperation On Undocumented Migrants), ENAR (European Network Against Racism), EMHRN (Euro-Mediterranean Human Rights Network), AEHD (European Association for the Defence of Human Rights), ECRE (European Council on Refugees and Exiles), the JUSTICIA European Rights Network, Migreurop and UNITED for Intercultural Action.

Throughout the years, KISA has initiated and participated in multifarious actions and transnational projects in its fields of action in order to exchange and improve their knowledge, praxis and effectiveness.

Dialogue and Engagement with Relevant Stakeholders

On a European level, KISA participates in the relevant consultation bodies of the European Commission, such as the European Migration Forum and the EU Civil Society Platform on Trafficking in Human Beings. On an International level, KISA is actively in dialogue with the relevant UN institutions and monitoring bodies, such as the Office of the UN High Commissioner for Human Rights and the UN Committees CAT (Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment), CEDAW (Convention on the Elimination of All Forms of Discrimination against Women) and CERD (Convention on the Elimination of All forms of Racial Discrimination) and others.

KISA places special significance on the dialogue and cooperation with independent Authorities such as the Commissioner of Administration and Human Rights (Ombudsman), the Authority against Racism and Discrimination and the Equality Body (which operate under the Ombudsman's Office), and the Commissioner for the Rights of the Child, the Office for Combating Trafficking in Human Beings of the Cyprus Police.

KISA's Funding Resources and Governance

KISA's funding sources are mainly European programmes and projects. Other sources of funding are contributions and donations by its members and friends as well as from private donors. KISA also receives very small-scale funding from government departments, local authorities and semi-government organisations in Cyprus for specific activities. The financial accounts of the organisation are screened and audited annually pro bono by external accredited auditors.

KISA is a grassroots, action oriented organisation. Every person who shares the vision and values laid down in the constitution of KISA can become an active and equal member. Members can participate at the General Assembly of KISA and

- Formulate the policy and action plan of the organisation
- Elect or get elected on the Steering Committee, the governing body of KISA.



P.O.Box 22113, 1517 Nicosia, Cyprus. Tel: + 357-22878181, Fax: + 357-22773039, email: info@kisa.org.cy, Website: www.kisa.org.cy
Τ.Θ. 22113, 1517 Λευκωσία, Κύπρος. Τηλ: +357-22878181, Φαξ: +357-22773039, Ηλ. Ταχ.: info@kisa.org.cy, Ιστ/δα: www.kisa.org.cy

‘My Voice – My Rights’ is a ground breaking, evidence based e-book written within the framework of the youth-led programme ‘Abused no More: Safeguarding Youth and Empowering Professionals’ (AnM) funded under the Erasmus + Key Action 2 for Youth. The programme aims to create, support, develop and serve strategic partnerships in the area of youth-led training, educational and awareness raising activities that will allow better integration of marginalised youth, particularly those from migrant groups, and with an emphasis on gender based violence. The e-book brings evidence from the UK, Poland, Cyprus, Romania and Italy while analyzing the emergent findings in a comparative perspective for Europe. The legal literacy of marginalised youth at risk of social exclusion was assessed while particular emphasis was put on different types of abuse faced by young migrant women.

Since last year, approximately 1.1 million refugees entered Europe from Syria, Afghanistan and Iraq. Most of them reported to be women that usually have no legal awareness. Their lack of legal knowledge makes them more vulnerable to abuse and discrimination. That is why this e-book and Abused no More programme could not have come at a better time. What makes this book unique, however, is the fact that marginalised youth were given the opportunity to take leading role in designing and implementing future training programmes.
Faisal Kassim, Chair of the Youth Advisory Board

‘My Voice – My Rights’ resonates powerfully with the 2nd European Youth Work Declaration. As inequality in Europe worsens and the migration ‘crisis’ deepens, we need more creativity and initiative in supporting those young people who are most adversely affected by it. This book is but the first to emerge from the Abuse no More strategic partnership supported by the EU Erasmus + programme. It holds much promise. It is an exciting project at exactly the right time.

Dr Howard Williamson CVO CBE, Professor of European Youth Policy, University of South Wales

“Social exclusion of young people is one of the biggest contemporary challenges Europe is facing. It is a multi-faceted issue and requires a multiple response. “Abuse no more”, introduces the somewhat abandoned notion of legal literacy in our formal education systems, in a rather innovative way to prevent marginalisation and social exclusion. My Voice – My rights gives us the opportunity to re-discover our legal systems and seek in there solutions but more importantly it makes us realize that individual rights are not merely a tool of preventing marginalisation but at the same time a reflection of our European values such as freedom, tolerance and non- discrimination. Re-exploring our roots and our common cultural heritage can indeed be an effective answer to the multiple crises Europe is facing”

Mr. Antonio Silva Mendes, Director for Youth and Sport at Directorate General for Education and Culture, European Commission

www.abusednomore.org

