



# WOMEN AT THE SIDELINES (?)

**Gender, Migration and Ageing**

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## INTRODUCTORY NOTE

Dear readers,

the present publication refers to a specific topic of the status and situation of migrant women and women with a migration background in upper-middle and senior age in the Czech Republic. It is a theme in the Czech environment yet unresolved, which, however, has been gradually gaining in size and, therefore, in relevance.

The need to address this specific group of women emerged from more than two decades of experience of the non-governmental organisation named Association for Integration and Migration (SIMI), which in their direct work with migrants residing in the Czech Republic is often confronted with cases of multiple discrimination and unequal treatment, especially among the female portion of migrant population. SIMI therefore perceives increased vulnerability of migrant women, which are subject to several grounds of discrimination simultaneously – gender, belonging to a social group, ethnicity or legal status. At the same time, the available statistics show that the proportion of migrant women is growing and they have a greater tendency to settle permanently in the host country. Hence, the Czech Republic is going through a gradually growing group of migrant women aged over 40 years in, the situation of whose is even more complicated with the increasing age, but to whom we still pay very little attention. As it is documented in this publication, women who came to our country in the first migration waves after 1989 are reaching today the retirement age, however, the Czech society is not ready to deal with the ageing of permanently settled migrants (or Czech citizens with a migration background), yet. Nevertheless, in practice, non-profit organizations have repeatedly confirmed that this group is often exposed to fundamental problems that cannot be solved in any satisfactory way without an outside assistance.

To examine the situation of migrant women and women with migration origins in upper-middle and senior age represents a considerable challenge, since this topic implies cross-cutting of the issue of equal opportunities for women and men in the context of migration and ageing. Professionally speaking, we encounter intersectionality of gender, migration and ageing. However, the minimum of existing research on this marginalized group in the Czech Republic and the lack of reflection on their situation and specific needs in strategic documents led us to a detailed analytical processing of the state's approach towards migrant women and an empirical capture of their migratory experience and life trajectories. Together with researchers from the Department of Gender Studies at the Faculty of Humanities at Charles University and the Department of Sociology at the Faculty of Social Sciences at University of Bergen (Norway), we have been mapping for over two years the situation of these women in a common qualitative research and analysis of legislation and public policies that were part of a large project Women on the sidelines (?) implemented by SIMI and supported by the Open Society Fund Prague within the program Let's Give (Wo)men a Chance, financed from Norway Grants.

The first part of the book brings the results of an extensive *Analysis of the status and situation of migrant women and women with a migration background in upper-middle*

*and senior age*, which deals comprehensively with the problems of these women in the Czech Republic. The presented results of the analysis showcase the situation of this specific group of women in an overview of basic characteristics and their status within Czech society. The main focus of the results is focused mainly on the analysis of legislative conditions and the ensuing application practice in the Czech Republic in relation to these women in various areas of their lives. Additionally, through the analysis we emphasise aim to bring the topic of gender in migration to both, the general and professional public and, ideally, to stimulate a change in the approach towards women with a migration background. The publication therefore also contains proposals for concrete actions in different areas of human life, which would improve their situation and strengthen their rights. In many places, we bring the comparison to the situation of the target group in Norway, where from we also strive to transfer examples of good practices to the Czech environment.

In the second part of the publication we present the qualitative research, which focuses on a specific group of women with refugee experience, originating from countries of the former Yugoslavia and now aged over 50 years. These women live in the Czech Republic for more than twenty years, so we investigated the effect of their refugee past to their further personal migratory life trajectory, as well as their gender identity and its variability in the migration process, and how to translate their refugee experience in upper age and especially during the retirement times. Other important questions related to reflection of the care and emotional work of these women in connection with migration. The research results reveal that the refugee experience of women has not been not linear, but cyclical as it acquired new meanings in different stages of women's lives, social contexts and transnational environments. In particular, the retirement age represents an objectively critical period for these women, as it brings new clashes with multiple discrimination, mostly in the labor market. It compels migrant women or women with a migration background to struggle again for social status, from which they originally came, and which they have achieved during the migration process under heavy manners.

Finally, with this publication we try to draw the topic of gender in migration closer to wider public, open public debate on the situation of ageing migrant women or women with migrant origins and to encourage policymakers to greater openness when it comes to the perception of the needs of this vulnerable group. In addition, we consider it highly important to raise public awareness about this issue right now, when there are increasing manifestations of xenophobia and hostile attitudes towards migrants and refugees among the Czech population. It often stems primarily from a lack of information or personal contacts with migrant women or men. At this point, it is worth to note that not only migrant women are exposed to discrimination, but this negative phenomenon affects also women from the majority population. Many of our findings therefore correspond to the situation of some older women in general, but as for our target group, their situation is fundamentally influenced by an other unfavorable factor – ethnicity (or race).

*On behalf of the publisher SIMI  
Eva Čech Valentová*

# I.

## **ANALYSIS OF THE POSITION AND SITUATION OF OLDER MIDDLE-AGED AND SENIOR MIGRANT WOMEN AND WOMEN WITH A MIGRATION BACKGROUND (SUMMARY)**

*Mgr. Pavla Hradečná, PhD. Marie Jelínková, PhD.*

### **1. FOCUS OF ANALYSIS AND AVAILABLE DATA**

#### **1.1 Background and Methodology**

This analysis is aimed to examine the public policy in relation to migrant women in the Czech Republic, focusing in particular on older middle-aged and senior women with a migration background. The analysis focuses on migrant women from non-EU countries, touching only marginally upon the different situation of asylum-seeking women or EU female subjects. When drafting the analysis, the single case study design (Yin 1994) was used, focusing on the position and situation of the relevant target group in the Czech Republic while considering and taking into account the European context, where necessary. In order to get a complete picture, approaches of the Czech Republic to specifically defined groups (women, senior men and women, migrant women and senior migrant women) were compared.

The main methods for collecting data were (a) a secondary data analysis (of Czech researches, in particular) related to the situation of senior migrant women and/or Czech female citizens with a migration background; (b) a secondary analysis of foreign researches related to the issue in question, in particular where such data was not available for the Czech Republic or, where comparison was particularly helpful (for example, typical health problems of senior migrant women); (c) an analysis of relevant strategic and policy documents, which relate or could or should by definition relate to the situation of senior migrant women; (d) an analysis of applicable legislation that essentially determines the life of the target group in question and (e) taking into consideration the experience from the legal and social counselling (this concerns, in particular, the legislation implementation practice and implementation gaps, if any).

With respect to the secondary data analysis, taking into consideration a specific target group, three research areas were gradually defined when collecting the background material: (a) research studies on the issue of ageing; (b) research studies on the equality of men and women; and (c) migration research studies. The available research studies, in particular in the Czech context, show that the ageing migrant women and senior women with a migration background have so far been beyond the interest of experts. For this reason, the above mentioned international comparison has been made and some generalisations from gender- and ageing-related research studies have been adopted. This



is based on the fact that the problems women face in general may likewise be expected in migrant women, etc. It is also taken into consideration that migrant women or women with a migration background are more exposed to multiple discrimination (cf FRA 2008). This is given by combination of several factors: (a) women aged 50+ are in a more difficult position in society (for more details, see Sokačová, Formánková, 2015; Koblihová, 2012); (b) migrant women (and migrant men) are bearers of certain features associated with prejudices and stereotypes that persist in the receiving society (Leontiyeva, 2009; CVVM, 2014); (c) migration frequently results in a substantially lower social position standard and shift in social roles (for example, Spence, Koehn, 2010).

With respect to relevant policy and strategic documents the focus was on whether they cover multiple discrimination and whether senior women with a migration background were identified as a separate group at risk of social exclusion. And if yes, whether such documents provide tools for solution for the benefit of the target group including whether such tools are efficient and the stipulated objectives measurable. The specific situation of migrant women and/or women with a migration background is apparently neglected in documents on migration (cf Ezzeddine, 2015).

In various parts of this publication the SIMI's experience from the first-hand work with the target group is taken into account, which is based on the conclusions and case studies of free legal, social and psycho-social counselling provided to migrant women during implementation of the *Women by the Sidelines (?) project*, as well as during long-term work with people from the target group our non-profit organisation has encountered over more than 23 years. A rich and long-term legal and social work with the target group thus enables us not only to analyse the tools and legal norms that affect the life of this group of women but also how they are interpreted and used in real life situations. In several areas, which are barely or not at all developed in the Czech Republic (for example, a higher rate of voluntary work) we partly touch upon the situation of migrant women or women with a migration background in Norway, as a country where we could take good practice examples or take account of possible mistakes during the process of the target group integration.

The origin of the analysis is clearly framed by attempts to describe and find solution to the existing social problem and to avoid possible consequences of a poorly managed process of integration of a specific group of people, both from the perspective of these persons, the society and the Czech state as a whole. As stated by Merriam et. al (2011, p. 411), the position of the people active in the field gives us the privilege to become familiar with the topic and search for answers to the questions we believe are essential for the group in question. On the other hand, it is sometimes noted that the disadvantage of this approach is its insufficient detachment from the topic, which we tried to avoid. However, we would like to draw your attention to the fact that despite being aware of an extensive heterogeneity of the respective group, the analysis examines the position of migrant women from the given age group as seen by those who are likely to be the most vulnerable ones. We want to emphasise that not all older middle-aged or senior aged migrant women (or women with a migration background) in the Czech Republic find themselves in the same position and are exposed to the same pressures that increase their vulnerability.

In brief, this analysis should help us find the clues for the creation of a better policy relating to women with a migration background at pre-retirement and retirement age who are permanently settled in the territory of the Czech Republic.



## 1.2 Context of Analysis

As far as scientific research is concerned, it may be noted that until recently migrant women had been ignored in migration studies (not only) in the Czech Republic (for more details see the full wording of the analysis). In spite of the fact that research studies that address the issues of gender in migration (e. g., Ezzeddine, 2011 and 2014) have recently been conducted in the Czech Republic, none of the comprehensive research studies conducted in the Czech context has been dedicated to gender, migration and age-related issues. Several migration and gender-related researches in the Czech Republic fail to take into consideration age classification and the related data. Various research studies on senior women therefore do not speak about migration specifics. Also for this reason, in an empirical research conducted concurrently with the analysis we focused on women aged 60+ coming from the former Yugoslavia who have a refugee experience and participated in controlled integration programmes (for research results see Part 2 of this publication). These women belong to the very first generation of the settled migrant women (after the transformation of the Czech society in 1989), who experience vulnerability in the labour market in terms of gender and age, and face the problems related to their participation in the pension system, which is not systemically adapted to accept them. Nevertheless, both the society and the government consider this migration wave, compared with the existing migration streams to the Czech Republic, well-integrated and showing no need to reflect upon the problems that are now emerging.

Migrant women were not, and to a great extent are still not mentioned in more detailed socioeconomic data. It is partly due to the fact that a great part of work done by migrant women is associated with a private sector (for example, the area of care), which is not recognised as a regular economic activity (Boyd, Grieco, 2003). The limited data on this group is not, however, a Czech specific feature, it reflects the position of migrant women in the labour market, which is quite comprehensively explained by the “triple invisibility” theory (for more details see Brettell, 2000). This theory stresses out that migrant women are invisible in local and global markets at three levels – class, ethnicity and gender. As for employment, the work of migrant women, even if performed outside private households, is not publicly “visible”. Such “invisibility” results in the migrant women’s professional segmentation into several sectors of economy such as textile industry or cleaning or domestic work. The labour market segmented in such manner may also lead to low socio-professional mobility of women. Moreover, research studies show (e. g., Mahler, Pessar, 2006) that migrant women mostly occupy different employee positions than their male counterparts. The existing gender-conditioned employers’ demand for labour force is quite clearly documented by Brettell (2000) on the development of international labour migration and its geographic and demographic typology. In this respect it needs to be noted that even if the analysis focuses mainly on women, we know that changes in gender roles of migrating women and their situation in general may hardly be understood without paying attention to men (cf Szczepanikova 2004).

The process of ageing in migration (analysed here as well) is also an unexplored area in migration studies (apart from exceptions). In this particular field experts have focused more on the impact of migration on the ageing of receiving societies (demographic studies) and the impact of migration on the ageing of population in the country of origin (with migrants being predominantly people in the productive age range), transnational practic-

es in caring for elderly parents and relatives in the country of origin (e. g., Deneva, 2012; Baldassar, 2007) or on the *life style* migration of well-off seniors (in the EU context) into coastal Mediterranean areas (e. g., King, Warnes, Williams, 2000).

### 1.3 Concepts and Focus of Analysis

Terms such as **foreign nationals (foreigners, aliens), migrants and immigrants** are, even though partial differences may be found among them, **considered to be synonyms** in this document where the terms migrant men/migrant women are deliberately preferred over the terms male foreign nationals/female foreign nationals, which evoke undesired unlikeness from the outset. The terms male foreign nationals/female foreign nationals are used only to the extent that they correspond to the official rhetoric of the relevant entities (for example, the wording of a law). It should also be noted that this study separately addresses specific categories of migrant men/migrant women, including female/male international protection seekers and female/male asylum seekers, as well as persons provided with subsidiary protection, only marginally. The term **persons with a migration background (history)** in this text includes persons who have already been granted the citizenship of the receiving country, however, due to their migration history they face the same or similar conditions and problems as the other migrant men/migrant women residing in the territory of the receiving state. Therefore, when referring to the group in question we most often use the terms **senior migrant women and women with a migration background (history)**.

The document uses an established Czech terminology – the Czech Republic as an EU member state breaks down foreign nationals into two categories. The first one includes foreign nationals and their family members coming from the EU countries, Switzerland, Lichtenstein, Norway and Iceland. The second category includes third country nationals coming from other than the above mentioned states. Under the Aliens Act, a foreign national in the territory of the Czech Republic is “a natural person who is not a citizen of the Czech Republic, including an EU member”.<sup>1</sup>

Migrant men and women are entitled to reside in our territory to the extent that they comply with the requirements stipulated by law. In such case the terms **regular and/or documented residence or regular migration is used**. If they fail to comply with the statutory requirements (due to irregular entry or residence, for example, after the residence permit expiry), their residence is considered illegal, undocumented or irregular and in such context also the term **irregular migration** is used.

Our target group includes migrant women or women with a migration background, as the case may be, therefore the term **gender will frequently be used**. The term includes socially established roles, behaviour, conduct and character traits that are considered by the given society appropriate for women and men (see, for example, Article 3 of the Istanbul Convention), and social and cultural functions, which are attributed to biological differences between genders. Therefore, the term gender is not considered a neutral social structure in this document but rather a determinant of unequal approach to resources, and therefore, to power in society (Scott, 1986 in Szczepanikova, 2004). Essential for our analysis is the **gender in migration**, which is one of the fundamental organisational

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<sup>1</sup> See Section 1(2) of Act No. 326/1999 Coll., on the Residence of Aliens in the Territory of the Czech Republic and on Amendment to Some Acts, as amended (hereinafter referred to as the “Aliens Act”).

principles determining all aspects of migration – ranging from the method of migration, selected destination, migration type and form, type of employment in migration, family reunification, transnational forms of parenthood and care for elderly parents in the country of origin, executing remittances and entering the local market, to integration in the new society or decision to go back home (Boyd, Grieco, 2003).

The analysis also covers the topic of **social exclusion**, a process during which individuals or entire groups are prevented or hindered from accessing resources (such as health care, housing, education, social protection, etc.) as well as from opportunities that are normally accessible to other members of society. In the narrower context we focus on the issues of the **feminisation of poverty**, which shows a rising percentage and dominance of poverty among women as opposed to men, since senior women with a migration background rank among the people most at risk of poverty. The issue of social exclusion is often related to poverty. However, it does not necessarily have to result from the lack of financial or material resources (i. e. poverty) but, for example, from cultural differences, ethnicity, gender or a certain lifestyle, i. e. characteristics that (and/or their combination) do not make it possible to participate in common social activities and reach common standards (Kolibová, 2012).

The leitmotif of this analysis is **old age**. It is hard to define when a person is old, mainly because the process of ageing is different for each and every person. The main indicator is considered to be age, which is, for example, a determining factor for access to pension benefits. In this respects a **senior woman** is a person who has reached the statutory retirement age (regardless of whether such person really receives a pension or not) **and an elderly employee** is a woman aged 50+ who is not entitled to receive such pension yet (see the 2015 National Action Plan). The definition of senior persons differs in the European context – while in the EU countries it is most often a person aged 65+, in Norway seniors are usually the people aged 60+ as indicated in official documents. With respect to the so called **feminisation of ageing**, meaning that women live up to a higher age than men and their percentage in senior-aged population is on increase, it is certainly necessary as well as reasonable to pay attention to **gender aspects of ageing** both during the drafting of policies and in their day-to-day implementation. In this respect we speak about **gender age mainstreaming**, which is based on the evaluation of impacts of political, social and local measures on the target group of elderly women and men.

One of the last key terms is **intersectionality**, which draws on the fact that every person meets several characteristics at the same time, such as gender, age, sexual identity, race, ethnicity, religion, nationality, class, state of health, etc. Persons may thus be discriminated against on the basis of several factors at the same time. Their inequalities in society, if any, need to be examined in view of all these factors. It is the position of senior migrant women and senior women with a migration background that needs to be looked into from the perspective of intersectionality and/or from the interrelated perspective of multiple discrimination, which could help to understand the interaction among mutually interconnected reasons for discrimination.

#### 1.4 Situation in the Czech Republic and Reasons for Unequal Position

Both migrant men and women, just like Czech female and male citizens, smoothly pass from the category of “socially desirable” *persons in the productive age range* into the category of *persons inactive in the labour market*. With respect to a more than twenty-five-year long history of the Czech Republic as a receiving state and to current migration trends it may be expected that the number of permanently settled male and female seniors with a migration background will rise. If we take into account some other significant factors including an increasing percentage of women among the senior population and feminisation of migration (the increasing number of migrating women and their preference for permanent migration is, according to available data<sup>2</sup> a recent trend), it may be noted that there is a growing social group of senior migrant women and/or senior migrant women with a migration background who are expected to face a higher risk of discrimination and social exclusion in general, as opposed to the others. Basic reasons leading to an unsatisfactory position of this group of women in the European, but in particular in the Czech context, are the following:

- **As opposed to men, women in general live longer now, but also in worse material conditions and have a lower quality of life.**<sup>3</sup>
- Compared to both the mainstream society men and women of the same age, migrants are **more vulnerable** due to **potential discrimination** on the basis of race/ethnic origin, nationality, religion or other specific characteristics. The above mentioned multiplication of reasons for discrimination is also quite significant for this group (cf FRA, 2008).
- **Discrimination directly arising from legislation, both in and outside the labour market** (such discrimination is in particular apparent in relation to women with a temporary residence permit, for example, with respect to healthcare; for more details see below).
- A complicated **recognition of qualifications in the Czech Republic**, recognition (nostrification) of diplomas and the related issuance of work permits and employment opportunities (Radostný, 2009; Pokorná 2014).
- Difficult to achieve **balance between the work and family life** for women in general. Migrant women are usually failing to find such jobs that would meet their qualifications while allowing them to perform their family duties. Economic pressure and lack of support when caring for children/elderly parents therefore reduces their chances for education (and/or retraining) and professional growth (FRA, 2003; FRA, 2008).

<sup>2</sup> Statistical data of the Czech Statistical Office or, for example, governmental Reports on the Situation in Migration and Integration of Foreign Nationals in the Czech Republic in 2012, 2013 and 2014 confirm the trend of a growing number of women among the incoming population as well as their preference for permanent migration, as opposed to men who tend to prefer temporary residence.

<sup>3</sup> See the National Action Plan for Positive Ageing for 2013 – 2017.

- The migrating population is exposed to a **higher risk of falling into poverty**. Compared with migrant men, migrating women are usually exposed to a greater poverty (EWL, 2014).
- As a result of a complicated position in the labour market, migrant women (and senior migrant women even more so) are often **willing to accept any job** regardless of the level of their education, original profession or their employee rights. They become a cheap labour force, being more efficient under the pressure of circumstances, as well as willing to work under precarious conditions. In this respect, there is a clear dependence on the employer, mainly arising from the links between work and residence permits.
- Migrant women usually find **employment in the area of informal and irregular service provision** such as restaurant business and hotel industry, domestic work, care for seniors and people with disabilities, as well as in sex industry (FRA, 2011).
- Their employment is also, according to available findings (Leontiyeva, Pokorná, 2014) influenced by **failure to use their qualifications, low effect of retraining**, as well as the above mentioned administrative demands related to the process of recognition of qualifications and education. As a result thereof, they remain a marginalised position in the labour market.
- They often perform unqualified work, which poses a rather **high risk of unemployment**; they often hold temporary and uncertain positions in the labour market (FRA, 2008).
- Migrant women also **often become victims of forced labour and human trafficking**, mainly in the field of sex industry where they are often exposed to physical violence (FRA, 2008).
- A specific problem of migrant women in the labour market is their **involvement in paid domestic work** (they work as nannies, cleaning women or caretakers for the sick or children) because, among others, the Czech legislation does not provide them with sufficient protection in terms of minimum standards (Ezzeddine, 2014).<sup>4</sup> With respect to paid work they are often exposed to specific forms of gender-related violence and racial discrimination (FRA, 2012).

Problems faced by senior migrant women or women with a migration background, as the case may be, may include the fact that **they do not have a sufficient number of pensionable years or that the years worked in other states are not considered pensionable**. In such event they have to be active in the labour market also during the years when other people receive their pension benefits. Moreover, at present it is generally difficult to find a

<sup>4</sup> Unfortunately, the Czech Republic has recently refused to ratify the Convention Concerning Decent Work for Domestic Workers, adopted by the International Labour Organisation in June 2011, committing the state party to ensure compliance with essential labour standards also in this field of informal economy. However, as becomes evident in mid-2016, these issues have not been definitively decided yet and the above Convention will hopefully be finally ratified in the Czech Republic.

job for the category of people over the age of 50. Senior migrant women thus often work in precarious work conditions in spite of their frequently unsatisfactory health condition.

Other reasons may also include **a rather poor knowledge of the language, insufficient familiarity with the environment, limited social ties and/or social capital and long-term isolation.** An underprivileged position applies not only to the labour market but also to political debates or strategic documents on equal rights, migration or integration. It is therefore clear that the **experience of migrant women with discrimination may be qualitatively different from that of their male counterparts** (cf FRA, 2012).

The above mentioned reasons explain why women with a migration background are affected by structural inequalities more than migrant men or senior women from the mainstream society. They are **exposed to risks of the same discrimination as are women in general, migrants and seniors** (similarly also FRA, 2008). With respect to other adverse conditions and circumstances (such as, for example, non-existence of international conventions on recognition of jobs performed in another state for the purposes of calculation of benefits and entitlement to pension, as well as discrimination in the labour market often resulting in long-term unemployment) they are often unable to comply with the requirements for the granting of benefits arising from the Czech pension system, health insurance or other social rights that are awarded to Czech citizens. These facts result in the absolute loss of integration potential and, in extreme cases, even to homelessness.

## 1.5 Approach of Non-Profit Organisations, Government and the EU

Although the topic of equality of men and women ranks among the EU priorities, the Czech Republic so far considerably lags behind. The Czech government has recently marginalised general gender-related issues, even though positive changes<sup>5</sup> have occurred since 2015. In spite of the obligation of states (according to the already ratified international conventions, for example, the *Convention on the Elimination of All Forms of Discrimination against Women*) to adopt measures ensuring the same legal protection also for senior women with a migration background, specific problems of such persons are beyond the interest of many developed countries, including the Czech Republic. The Czech Republic has made only minimum efforts so far for identifying possible **problems**

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*5 The Czech Republic has refused to ratify two important international documents that substantially affect the rights of women and could increase protection of fundamental rights as well as labour rights for the vulnerable group of migrant women residing in the Czech Republic – Convention of the International Labour Organisation Concerning Decent Work for Domestic Workers (refused for an allegedly marginal number of domestic workers in the Czech Republic) and the Convention of the Council of Europe on Preventing and Combating Violence against Women and Domestic Violence (“Istanbul Convention”). Its refusal was justified by the fact that these issues do not concern only women. In 2016, the topic of protection of women started to be on the agenda again and the Czech Republic made another step towards ratification of the Istanbul Convention, in connection with the CR Government Resolution No. 930 of 12 November 2014 regarding the Summary Report on the Implementation of the Priorities and Procedures of the Government in Promoting Equality of Men and Women in 2013 and the CR Government Resolution No. 126 of 23 February 2015 regarding the Action Plan for the Prevention of Domestic and Gender-based Violence for 2015 – 2018. On 8 February 2016, by Resolution No. 122/16 the Government consented to sign this Convention whose leitmotif is zero tolerance to gender-based violence. At governmental level, negotiations on the Convention Concerning Decent Work for Domestic Workers have been reopened.*

**related to integration of migrant women into society; the category of elderly migrant women is entirely overlooked.** No evaluation reports or situational analyses mention that this target group faces problems both at the legislative and social levels.

Recent documents of fundamental importance describe migrant women (oftentimes only in a footnote) as passive followers of migrating men or victims of human trafficking and/or only in relation to the reproduction activity and their role in raising the second generation of migrant men and women (Ezzeddine 2011). The Government's Foreigner Integration Policy (see Foreigner Integration Policy of 2000 and Updated Foreigner Integration Policy of 2006) have failed to distinguish between men and women for many years, even though generally they admitted that women belonged to vulnerable groups. And also the bodies responsible for the policy implementation did not pay much attention to this specific category either.

Similar stereotypical views of migrant women were also adopted in the past by non-profit organisations, which organised retraining courses for them. The courses focused only on the reproduction role of women (for example, sewing and cooking courses). However, the non-profit sector in particular has shown increased sensitivity to gender and intersectional specifics in recent years, as well as to active involvement of migrant women in the activities and running of organisations as such (Ezzeddine, 2015). Significantly supportive in this respect have been projects funded roughly since 2012 from the European Social Fund or Norway Grants, and specifically intended for migrant women (domestic workers, active employment of migrant women, senior migrant women, prevention of violence against migrant women, etc.) have been significantly supportive in this respect.

More attention started to be paid to migrant women as late as in 2011 in the *Updated Policy for Integration of Immigrants – Living Together*, however, also without any visible impacts on the real life of the women in question. Nevertheless, focus on specific needs of women gets one step ahead in the *Updated Policy for Integration of Immigrants – In Mutual Respect* (2016), even though, as mentioned in more details below, there is still a lot of room for introducing desirable changes.

Ageing in migration has also been the focus of the Committee for the Rights of Foreigners, which is an advisory body of the Government Council for Human Rights,<sup>6</sup> which voiced the opinion that migrant women and men currently have some awareness of labour rights; however, as far as pensions and matters related to the senior age are concerned they have almost no information at all. The problem gets bigger by the fact that even the staff members of the Czech state authorities are not familiar with senior-aged migrant women and men and/or with possibilities these people have, and they often provide misleading information. The representatives of the Office of the Public Defender of Rights (ombudsman) present at the above committee meeting expressly said that with respect to the continuously increasing number of pensionable years (currently it is 30 years, supposed to increase step by step up to 35 years in the future) that this is a time bomb for female and male foreign nationals who are unable to obtain pension benefits. The problem is incredibly broad and systemic changes are needed to eliminate it.

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<sup>6</sup> In particular at its meeting of 27 February 2014, and/or 19 June 2014, under the item on the agenda concerning the drawing of retirement pensions. For details see the Minutes of the meetings of the Committees.



Available resources (e. g., UN Women, 1995 and 2000) state **that poverty-stricken groups include more women, elderly people, people with disabilities, migrant men and women and/or single parents, and the worst situation is faced by those who fall into several categories at the same time, which very aptly also depicts the position of our target group** (of course taking into account that the above mentioned does not necessarily have to apply to every member of the target group). In this context Onestek (2005) points out that the European society faces, apart from the challenge of feminisation of ageing and feminisation of poverty, also a big **risk of racialisation of poverty**, which actually reflects the fact that ageing women with a migration background rank among very vulnerable persons. Comparative studies also point out that there is a very broad range of approaches and policies on ageing in Europe, and that liaisons among particular systems have occurred only in recent years (Tome , Koldinská, 2007). It is this variety of societal and social policy approaches to the situation of senior-aged population that influences the position of migrant women, the scope of protection given by the antidiscrimination legislation and the extent of willingness to show solidarity on the part of the receiving society.

When considering the situation of these women it is also essential to consider such factors as their own will, abilities and endurance in looking for their place in the new environment. The group of senior women is of course not homogeneous, not even when it comes to people with a migration background. Their needs as well as challenges they face during integration may differ and do differ depending on their country of origin, reasons for migration, level of education, religious and cultural background or language skills, length of stay in the receiving country, specific experience with integration and in relation to their socioeconomic status (EWL, 2014). It is still true that the manner how senior women and men in general live through this part of their lives, depends to a large extent on themselves. However, the social climate and structural conditions in which they grow old are also very important (Suchomelová, 2007).

In general, we may say that in terms of integration the ageing migrant women go unheeded as a group, even though they may be and they often are exposed to difficult situations, unequal treatment and institutional or real discrimination. It is also quite alarming to see a growing xenophobia and antipathy of the mainstream society towards migration in connection with the current global situation, which is definitely not supportive of positive measures for migrants.

## 1.6 Statistical Data

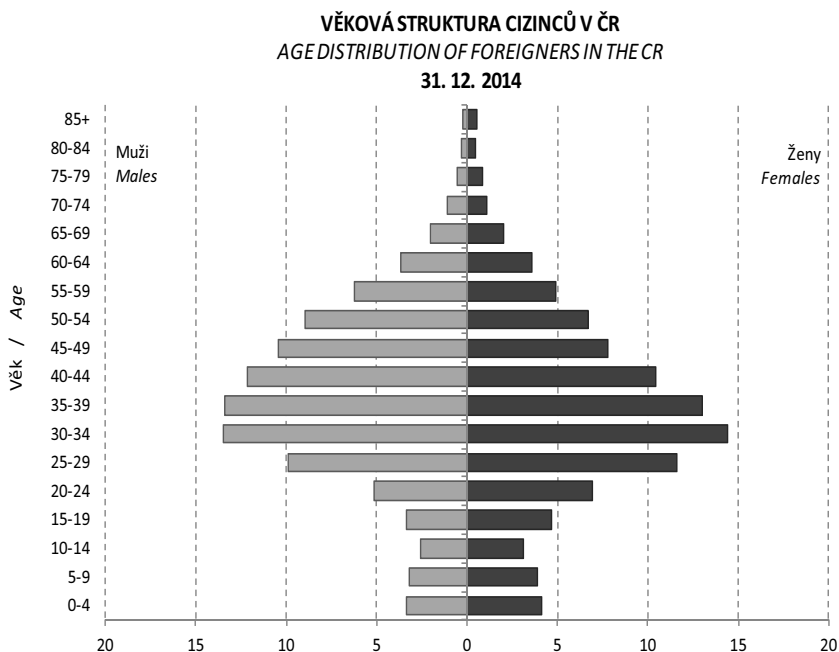
It is becoming apparent that the issues of migration and gender are quite hard to grasp in terms of statistics and that statistical data does not provide sufficient information on their real situation or actual size of the group. Problematic is mainly the fact that **people with a migration background in the Czech Republic are not monitored as a specific category after they have been granted citizenship** (unlike in our neighbouring states of Germany and Austria) even though at retirement age they face similar problems as migrants who have not obtained the Czech citizenship yet. In terms of statistical data, they are not migrant women any more, but Czech citizens. It is quite important to mention that **the data on the number of migrant women aged 50+ in the Czech Republic is in reality even higher**, as the official statistical data does not keep records of those who reside in our territory undocumented (i. e. irregularly), as well as of the EU citizens or nationals of Norway,

Switzerland, Iceland and Lichtenstein who have no registration duty. The available statistical data also does not reveal any information about persons applying for the international protection, or persons staying here based on the visa for a shorter time than indicated.

According to the Czech Statistical Office, the percentage of the officially registered and legally residing migrant men and women in the CR population has been stable – slightly above 4% since 2008. At the end of 2014 it was 4.2%, the number which ranks the Czech Republic among the states with the lowest number of migrant men and women in Europe.

**According to the official statistics, women accounted for 43.46% of all foreign nationals in the Czech Republic (CZSO, 2015).** They included persons with a temporary residence for more than 12 months, and with a permanent residence permit, as well as people with a refugee status and people from the EU, Norway, Sweden, Iceland and Lichtenstein with a notified residence.

The age structure of foreign nationals in the Czech Republic is shown in the following charts:



Source: Czech Statistical Office, 2015

# Cizinci podle pohlaví a věku k 31. 12. 2014<sup>1)</sup>

Foreigners by sex and age as at 31 December 2014 <sup>1)</sup>

Pramen: Ředitelství služby cizinecké policie

Source: Directorate of Alien Police Service

Věk Age	Cizinci celkem Foreigners, total	z toho ženy Females	Povolení k pobytu na 12 měsíců a déle Residence permits for 12+ months	z toho ženy Females
0-4	16 490	8 011	16 331	7 924
5-9	15 608	7 550	15 432	7 475
10-14	12 518	6 034	12 372	5 965
15-19	17 798	9 193	15 987	8 139
20-24	26 664	13 583	24 724	12 538
25-29	47 762	22 642	46 928	22 255
30-34	62 423	28 129	61 983	27 932
35-39	59 394	25 436	59 130	25 326
40-44	51 267	20 445	51 062	20 364
45-49	41 646	15 197	41 502	15 151
50-54	35 774	13 047	35 667	12 998
55-59	25 298	9 525	25 240	9 499
60-64	16 279	6 951	16 237	6 929
65-69	9 191	3 985	9 165	3 967
70-74	4 919	2 084	4 898	2 069
75-79	3 067	1 605	3 055	1 597
80-84	1 715	936	1 708	933
85-89	998	632	995	630
90-94	421	266	421	266
95+	135	94	134	94

<sup>1)</sup> údaje nezahnují cizince s platným azylem na území ČR

<sup>1)</sup> Data do not include foreigners with valid asylum status on the territory of the CR.

Source: Czech Statistical Office, 2015

However, most important for this analysis is the data combining both gender and age. According to the statistical data requested from the Czech Statistical Office<sup>7</sup> for the purposes

7 Statistical set: Foreign nationals excluding asylum seekers – women aged 50+ broken down by citizenship and type of residence as at 31 December 2014. By residence, this set breaks down migrant women in two categories a) permanent and b) other. Therefore, it is very difficult to separate migrant women with the already granted Czech citizenship from this data (in the case of dual citizenship). Other distortion may come from the fact that this statistical data does not include asylum seekers, as opposed to the data indicated in the publication of the Czech Statistical Office titled Foreign Na-



of our analysis, **there was a total of 39,125 migrant women aged 50 and over officially registered in the Czech Republic** as at 31 December 2014. Most represented were migrant women originally coming from Ukraine (9,600 persons), Poland (5,800 persons), Slovakia (5,200 persons), Russia (4,400 persons), Vietnam (3,400 persons) and Germany (1,900 persons). There are about 1,500 migrant women aged 50+ from all the former Yugoslavian countries living in the Czech Republic. It is also worth mentioning that more than 8,000 migrant women were aged 65+ at that date. As results from the above data, **a little less than 20% of documented migrant women in our territory are older than 50.**

Even based on the above incomplete information it is quite clear that we are speaking about a rather numerous group of people whose actual size cannot be effectively quantified and this data, due to the complexity of the issue, does not appear as a summary in any document. We may therefore expect that the size of this group will be continually increasing with a growing number of migrant men and women in our territory and with the unavoidable ageing of people with a migration background settled in our territory. This conclusion is also supported by the experience and statistical data of other European countries (for example, even though the majority of migrant men and women is in the productive age range in Norway, senior-aged migrant men and women account for 9% and their number is significantly growing).<sup>8</sup>

The evaluation of the data officially available for migrant women shows that **(a) there is a growing percentage of women among the incoming persons and that (b) women migration has a more permanent nature** (as opposed to migrant men where the temporary nature of residence prevails). Last but not least, it should be noted that there is a growing number of not only migrant women aged 50+ but also of those aged 65+ within this particular group. At the end of 2014, there were 9,602 such women in total (with the statistical constraints, as indicated above), almost 40 of them being older than 100.



*tionals in the Czech Republic in 2015.*

*8 Norway Statistics. Key Figures for Immigration and Immigrants, 2016.*

## 2. BARRIERS AND SPECIFICS IN PARTICULAR AREAS OF LIFE

The chapter describes the position of senior migrant women and/or senior women with a migration background in the Czech Republic in terms of: (1) residence permit; (2) employment and entrepreneurship; (3) health and health care; (4) access to education and retraining; (5) housing; (6) social law with emphasis on pension scheme; (7) social participation and community life; (8) gender-based violence and domestic violence; and (9) discrimination. Proposals for improvement of the target group situation are attached to each area.

### 2.1 Possibilities of Entry and Types of Residence

The principal law that governs the position of migrant women and men in the territory of the Czech Republic is the **Act on the Residence of Foreign Nationals** (No. 326/1999 Coll.). It is a rather complex, however, intransparent legal norm that governs the entry and residence of migrant women and men, issuance of documents, obligations of the Aliens Authority, regulation of information systems, detention of persons, departure from the Rules of Administrative Procedure and Rules of Judicial Procedure, etc. The above Act regulates the position of migrant women and men from the EU countries<sup>9</sup> and their family members<sup>10</sup> separately from the position of other people outside the EU. The former category of people is due to the membership of the Czech Republic in the EU substantially privileged in terms of the requirements for entering and residing in the territory, as well as in terms of the rights they are entitled to due to their position. The position of male and female international protection seekers and the position of those who have been granted the international protection is governed by a **separate Asylum Act** (No. 325/1999 Coll.)

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9 The same rights apply to the nationals of Iceland, Lichtenstein, Norway and Switzerland.

10 Under this Act, a family member is deemed to be a husband; a parent of an EU national under the age of 21 really taken care of by him/her; a descendant under the age of 21 or such descendant of the spouse of an EU national; a descendant or ancestor and/or a descendant or ancestor of the spouse of an EU national, provided that s/he is, in terms of meeting his/her basic needs, dependent on sustenance or other necessary care provided by an EU national or by his/her spouse, or was dependent on such sustenance or other necessary care immediately before the entry in the territory of the state the citizenship of which s/he holds, or in the state where s/he had a residence permit; a foreign national who proves that a) s/he is a relative of an EU national not specified in paragraph 1, if 1) s/he lived in the same household with an EU national in the state whose citizenship s/he holds, or in the state where s/he had a residence permit before entering the territory, 2) is, in meeting his/her basic needs, dependent on the sustenance or other necessary care provided by an EU national, or was dependent on such sustenance or other necessary care immediately before entering the territory in the state whose citizenship s/he holds or in the state where s/he had a residence permit, or 3) is not able to take care of him/herself on serious health grounds without a personal care provided by an EU national, or b) has a permanent partner relationship with an EU national, which is not marriage, and lives with him/her in the same household; when assessing the permanent nature of the partner relationship, in particular, the nature, strength and intensity of the relationship shall be considered (see Section 15a of the above Act).

**A separate Act on the Citizenship of the Czech Republic** (No. 186/2013 Coll.) governs and stipulates the requirements for the granting of the CR citizenship, which in terms of applicable legislation is considered to be the final part of the integration process.

The above mentioned shows that migrant men and **migrant women coming from the EU may reside in the territory of the Czech Republic** a) without registration, b) based on temporary residence or c) based on permanent residence. **Migrant women who are family members of EU nationals** may reside in the territory of the Czech Republic based on a) a temporary residence permit or b) a permanent residence permit. The rights of entry and residence of female family members derive from the same rights exercised by EU nationals. However, female family members are obliged to apply for a temporary residence permit intended for family members of EU nationals, if they want to reside in the territory of the Czech Republic longer than three months.

When filing an application for a residence permit, family members must prove their ties (within the meaning of Section 15a of the Aliens Act). **And to prove the family ties currently seems to be very difficult**, mainly for unmarried or non-registered couples who do not have an official document to prove it. **Such situations certainly apply to older middle-aged and senior migrant women, too.**

A very problematic and frequent is the **situation of elderly EU nationals residing in the territory of the Czech Republic who are in need of care of a family member** (for example, of their adult son, daughter, grandson, granddaughter or another relative) who is not a Czech/EU national. Such person, however, does not comply with the criteria for being awarded the status of an EU national's family member under the Aliens Act (Section 15a thereof) and gets into an underprivileged position even though s/he provably is a family member of an EU national. For example, even if a senior migrant woman in need of an intensive day-to-day care could use help of her family, the law makes it in specific, and not exceptional, situations impossible. **This is indisputably an undesirable situation, which has a significantly negative impact on the resulting position of the target group of our analysis, as well as on the position of other migrant women and men, whether they are of senior age or dependent on care provided by another person. Such situation only generates expenses incurred for care of dependent persons, which could be easily provided by other people.**

It also frequently happens that **a migrant woman coming from a non-EU country, as a parent of an EU national's family member, is not able to prove that she is dependent on sustenance or necessary care provided by her child or his/her spouse**, and therefore she cannot be considered a family member of an EU national within the meaning of legal regulations (cf Section 15a(1)(d) *ibid.*). The purpose of residence in the territory for these migrant women is not the dependence on their family any more, but the desire to be in the vicinity of their closest relatives, which is frequently not taken into consideration though. Also in this particular case legal regulations applicable to third-country migrant women should be applied and an appropriate purpose of residence should be chosen.

As follows from the above mentioned, **a residence permit of migrant women as family members of EU nationals, is dependent on the recognised family ties, which makes a migrant woman dependent on the residence permit holder**, with any and all negative consequences that may result from such dependent position.



In practice, there are often **complicated situations when families' ties break down**, for example, in the case of divorce, death, etc. Such facts may in some cases result in the withdrawal of a residence permit (temporary residence) of family members of an EU national. Under the Aliens Act, a reason for the termination of a temporary residence is the fact that a male or female family member ceased to be family members according to the law and/or ceased their cohabitation with an EU national in the territory (see Section 87f(1) *ibid.*). **Administrative bodies are, however, always obliged to take into consideration the adequacy of impact of such decision on both the family and private life. Moreover, the law specifies situations when the residence permit cannot be withdrawn even if family ties have broken down. It newly covers situations in which the termination of cohabitation is justified by especially difficult circumstances, mainly if a male or female family member becomes a victim of domestic violence.**

Should a **migrant woman find herself in such circumstances that result in the withdrawal of her residence permit**, she falls back into the category of non-EU nationals. In such situation she has to apply for the relevant type of a residence permit the purpose of which she is able to fulfil, unless she is entitled to apply for a permanent residence permit. Thus she could get into a difficult situation, for example, due to incapacity to fulfil the purpose of residence, to prove she has funds for her stay (see below), etc. In such situation it would be appropriate to apply for a long-term visa to allow an exceptional leave to remain in the territory (see the provisions of Section 33(1)(a) *ibid.*). There is no legal entitlement to visa and therefore a migrant woman would get into a very unstable position. Moreover, in the case of loss of a temporary residence permit of a family member she loses free access to the labour market, the fact which makes her position and integration possibilities even more difficult.<sup>11</sup> **In the case of an elderly migrant woman it may be assumed that the administrative authority would not terminate her temporary residence permit due to the adequacy of such decision and its impact on her private and family life.** However, such migrant women have no other choice than to rely on the discretion of the administrative authority, which is obliged to, during its decision-making process, assess the adequacy of the impact of its potential negative decision on the life of a migrant woman.

It follows from the above that non-EU migrant women are subject to, in terms of legal regulations of particular types of residence permit, much stricter requirements than EU migrant women and/or migrant women who are family members of EU nationals. Needless to say, however, that they may reside in the territory on the basis of a short-term, long-term or permanent residence permit, and specific types of residence statuses are determined by the length of stay.

As mentioned above, the purpose of residence is a substantial requirement that migrant women are obliged to prove and fulfil throughout their stay in the territory. Regarding a long-term residence for the purposes of family reunification in the territory the law does not forget to stipulate situations of **marriage divorce**. If the marriage lasted for at least 5 years and a migrant woman had resided in the territory for two years as at the divorce date, she may apply for change of the purpose of her residence even earlier than after three years of stay in the territory. However, under the legal regulation she is obliged to do so within one year from the legal force of the divorce judgment (cf Section 45(6)

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<sup>11</sup> Similarly, the situation becomes complicated also for the employer who may have already employed her, as the employment shall have to be terminated.

ibid.). With respect to the fact that these are cumulative requirements, failure to comply with one of them (i. e. the marriage either did not last 5 years or the migrant woman had resided in the territory for less than two years) means that the change of purpose cannot be applied for. **Such legal regulation places a migrant woman in an underprivileged, we may say vulnerable situation, because she becomes dependent on the sponsor of the residence permit, who may misuse it,** which also happens in real life situations. The law fails to neither expressly stipulate nor make it possible for non-EU migrant women, as it does for migrant women-family members of EU nationals (cf Section 87f(2)(d)(2) and Section 87f(2)(e) ibid.), to maintain the residence status in the case of divorce under especially difficult conditions (such as domestic violence), nor is there a possibility to change the purpose of residence earlier than stipulated by law. In such event a **migrant woman is dependent on the discretionary powers of the administrative authority**, which in the proceeding on the withdrawal of the residence permit is obliged to assess the adequacy of its decision, i. e. the **impact of a potential negative decision on the private and family life of a migrant woman**.

As the experience of SIMI from the work with the target group shows, in the context of a long-term residence for the purpose of family reunification, **very problematic is considered to be a situation of an elderly migrant woman staying in the territory of the Czech Republic on the basis of a permanent residence permit, who needs, due to her age and/or state of health, support from her child, grandson, granddaughter or another related person**. The law, quite illogically, in such case does not provide for a possibility of reunification of these persons.<sup>12</sup> Under such circumstances, children and/or grandchildren of these migrant women may only use the opportunity to apply for such purpose of a long-term visa or long-term residence permit they are able to fulfil. Should they fail to comply with the requirements for the purpose of residence stipulated by law, they may apply for a long-term visa or long-term residence for the purpose of “Other”. However, it is rather a theoretical possibility, which mostly depends on the discretion of the administrative authority.

The problem occurs also in the situation when a **migrant woman who has not reached the age of 65 yet and at the same time she cannot be considered a person who is not able to take care of herself for health reasons, has problems in the country of origin and needs help or support of her child residing in the territory of the Czech Republic**

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<sup>12</sup> The application for a long-term residence permit for the purpose of family reunification may be filed by a husband, a minor or major dependent child of a migrant woman with a valid residence permit or asylum status; a minor or major dependent child of the husband of a migrant woman with a valid residence permit or asylum status; a minor in a substitute family care of a migrant woman with a valid residence permit or asylum status or of her husband; parent and/or grandparent or guardian of a minor asylum seeker; a lonely migrant woman aged 65+ or, regardless of age, a migrant woman who cannot take care of herself for health reasons, if it concerns family reunification with a parent or child with a valid residence permit in the territory; a migrant woman who prior to entering the territory of the Czech Republic had resided in the territory of another EU member state as a family member of a blue card holder (a long-term residence permit for the purpose of employment requiring high qualifications).

The sponsor of the residence permit for the purpose of reunification is a person who has permanent or long-term residence and has resided in the territory of the Czech Republic for at least 15 months (regarding reunification of spouses, each of them must have reached the age of 20); or an employee card, in such event reunification is possible after 6 months; or a blue card; or asylum status.

**on the basis of a residence permit.** In such cases it is not usually possible to apply for a residence permit for the purposes of employment or entrepreneurship. Moreover, the above solution consisting in applying for a residence permit for the purpose of “Other” is again very theoretical because it is very difficult to prove the necessity of care and/or support for an elderly person, who is “self-reliant” under the Aliens Act and fails to comply with the statutory age requirement of 65+ (cf Section 42a(1)(f) *ibid.*).

**Migrant women who resided in the territory of the Czech Republic for the purpose of employment, and due to their retirement age had to terminate their employment, are also obliged to apply for the change of the purpose of residence** (again probably falling within the “Other” category) and/or, if they comply with the necessary conditions, they may apply for a permanent residence permit.

The purpose of residence is only one of the conditions for obtaining a residence permit. Apart from that, migrant women are obliged to provide, both when applying for a long-term visa and long-term residence permit, also other documents such as proof of valid passport, health insurance<sup>13</sup>, proof of accommodation<sup>14</sup> and proof of financial security.

Proof of financial security is either proof of funds needed for the stay (see Section 13 *ibid.*), for example, in order to be granted a long-term visa (or for most long-term residence permits) it is necessary to provide proofs of a monthly income the amount of which must equal the sum of the subsistence amount prescribed for the given year and the actually incurred housing expenses.<sup>15</sup> **Our experience shows that it is usually very problematic to provide proof of financial security, mainly for long-term residence.** The administrative authority is very strict in these respects, and if a migrant woman and/or her family<sup>16</sup> lack even a very little amount (such as CZK 100), the administrative authority refuses the application, referring to the failure to comply with the statutory requirement to provide proof of financial security. It frequently concerns migrant women who have been residing in the territory of the Czech Republic for quite a long time, they are based here and have strong ties here and are integrated in the Czech environment, and are not an economic burden for the state either. It frequently concerns situations when at the time of applying for a long-term residence and/or its extension, they did comply with the requirement to provide proof of financial security, but due to delays on the part of the administrative authority they ceased to meet such requirement (it is no exception that administrative proceedings regarding applications are many times longer than the statutory term for the issuance of a decision).

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<sup>13</sup> For more details, see Chapter 2. 3 of this analysis.

<sup>14</sup> If a migrant woman or her husband are not owners of a real estate property (the title is documented by a copy of an entry in the Land Register), it is necessary to provide a lease or sublease contract, or a certificate from the real estate property owner on a form with an officially authenticated signature of the owner.

<sup>15</sup> The housing expenses consist of a rent including all utilities. If a migrant woman is unable to document it, the administrative authority uses normative housing expenses that are stipulated by decree for each year as a basis for calculation (in the majority of cases such amounts are higher than the actual amounts as they are calculated on the basis of the Prague relation of prices).

<sup>16</sup> The required amount is based on the number of jointly assessed persons (cf provisions of Section 7 of Act. No. 117/1995 Coll., on State Social Support).

Systemic problems can be observed also in relation to employee cards, i. e. dual permits including both the employment and residence permits. **The current legislation places migrant women in a dependant position vis-à-vis their employers because due to the requirement to fulfil the purpose of residence it is inevitable to maintain the job.** Employers, who are very well aware of the vulnerable position of migrant women, often misuse their position by violating migrant women's labour rights. These women, for the fear of not losing their job and therefore also the residence permit, do not usually oppose such behaviour.

**Specific is the situation of international protection seekers as the Aliens Act allows those who are alone or older than 65 years of age, to apply, after the termination of the proceeding provided that they were not granted international protection, for a permanent residence permit** (see Section 67 of the Aliens Act). For the granting thereof, two conditions need to be complied with at the same time, i. e. that the international protection proceeding lasted at least two years, and the migrant woman has resided in the territory of the Czech Republic for at least four years without interruption. **At request, it is possible to be exempted from these conditions, however, the administrative authority is usually willing to grant exemption only to minor children rather than to ageing migrant women.**

The detailed examination of the legislation and established practice in granting residence permits quite clearly shows that **the legal regulation of residence places some migrant women in an underprivileged position even though their vulnerable position should be taken into account.** In this respect it should be noted that the Aliens Act does not provide any definition of "vulnerable persons" at all, which we consider a significant shortcoming of the applicable legislation.

In order to comply with international regulations and emphasised respect for the family and private life, **especially senior women should be given an opportunity to spend a dignified old age in the circle of their closest relatives** who can provide them not only with care, support and financial security, but also with a very important psychological support. Taking into account the needs of senior migrant women, **a legal regulation should be adopted providing these persons with a greater legal certainty** in terms of their residence status, so that they would not be dependent so much only on discretionary powers of the administrative authority.

It is also desirable to **eliminate the excessive dependence on the sponsor of residence**, i. e. to reduce at minimum the time during which the residence permit holder with the "reunification" purpose of residence may change the residence purpose, in particular, in situations when exposed to an extremely difficult situation such as domestic violence.

### **Recommendations:**

- To legislate for the definition of the term "vulnerable person".
- To eliminate excessive dependence of persons on the sponsor of residence.
- To place a greater emphasis on the respect for the family and private life, including such legislative changes that **enable senior women and men to spend a dignified old age in the circle of their close related persons.**

## 2.2 Employment and Entrepreneurship

The participation in the labour market is considered to be one of the most efficient and most concrete methods of integration into society. Migrant women, just like women from the mainstream society, more often work on a short-term and uncertain employment contract, they have lower pay for comparable jobs as well as lower or no pensions.<sup>17</sup> It is evident that, compared with men, their situation (or the situation of most of them) is significantly worse. The situation of migrant women is influenced by gender inequalities **as well as by inequalities between the mainstream and minority society**, and as opposed to other groups **they are more influenced by structural inequalities and legislative barriers regarding access to employment**. Their experience with discrimination may therefore be qualitatively different from that of their male counterparts (FRA, 2008).

Due to absence of detailed data, the available data allows us to monitor the above mentioned facts, but does not enable us to describe and analyse them in detail. **The absence of statistical data on migrant women** is after all subject to a long-term criticism of experts. Nevertheless, the state admits the legitimacy of such criticism in its analyses of the situation in the field of migration and integration. **The invisibility of migrating persons in the labour market shown in the statistical data may as such deepen various types of discrimination** these people face, and therefore changes are more than desirable in this respect.

It is also very important to adopt such employment-related strategies that will cover specific cases of migrant women (and at the same time, of course, to respect the specifics of men from the same group), both in the Policy for Integration of Immigrants and in the Government Strategy Promoting Equality of Men and Women. It is also necessary to create better conditions for employing elderly persons aged 50+ from the target group (both legislative and real conditions at workplaces, support for social entrepreneurship, etc.), call for change of attitudes of the entire society and at the same time to promote business activities of the target group (including access to counselling, assistance in making business plans, better availability of funds for doing business, as well as access to education in this particular field). It is also essential to have the required financial support – according to the European Economic and Social Committee (2014) one of the conditions for a better integration of migrant women into the labour market (and beyond) is to ensure that **at least 50% of financial instruments** earmarked for integration of immigrants is **allocated to the integration of women**.

Last but not least, it is necessary to systematically push for adopting commitments in the fields of international and European law related to the rights of migrating female and male workers. It would also be quite appropriate to professionalise and remunerate the work, for example, by establishing an adequate minimum wage and stipulating the rights and terms and conditions in selected industries (paid domestic work as well as work in agriculture or restaurant industry) where low-qualified migrant women work in the CR. The solution is that these industries would avoid unreported work and would provide these

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*17 Report A8-0015/2015 of the Committee on Women's Rights and Gender Equality of the European Parliament of 28 January 2015 Progress on Equality between Women and Men in the EU in 2013 states that elderly women's pension is in average by 39% lower than that of men, and more than one third of elderly women in the EU has no pension at all.*

women the necessary opportunities, adequate remuneration and protection provided by the Labour Code.

Attention should also be paid to various other forms of precarious work, which concern mainly migrant women, as well as to such issues as balance between the work and family life (so far unaddressed in relation to migrant women) and of course also a stronger and more efficient protection against multiple discrimination. In this respect we should again refer to the *Social Integration Strategy for 2014 – 2020* according to which **even persons without discrimination have often problems to remain in the labour market, let alone women who face multiple discrimination who include older middle-aged women. However, they also include, surprisingly enough for some people, senior migrant women. They have to, as is evident, be active in the labour market also at the time when their peers from the mainstream society usually receive a regular retirement pension.** This certainly makes us **focus our attention on employers** and to encourage them to **take a gender-sensitive approach in a dynamically developing area of employment of foreigners**, where such approach is unfortunately entirely absent.

In our view, such proposals rank among those that are needed to systemically, specifically and responsibly address the position of all persons at risk of social exclusion in the labour market and beyond.

**On the other hand, however, as may be observed among some SIMI's clients**, they (contrary to the above mentioned) sometimes successfully integrate into the labour market and do not experience any of the above mentioned problems. It is no exception that they focus on a new field, heavily demanded by employers. Due to a very low unemployment rate and real problems with finding the labour force, employers start to value them, employment relations gradually, even though quite slowly, improve and real wages increase. It is quite apparent that they very often find jobs the Czech women are not interested in. However, it is at the same time one of the factors that makes them indispensable and after all increases their value in the labour market. This is the situation mainly in the territory of Prague and the Central Bohemian Region, where, apart from lower unemployment rate, there are also higher wages, more varied job opportunities and the related higher mobility of male and female employees.

Nevertheless, SIMI's clients say, in debates about their participation in the labour market, that in manual professions they earn more compared to what they would earn if they worked in their original better qualified profession in our territory (provided that they would successfully overcome the obstacles associated with the recognition of education or work experience acquired. If we look at the position of older middle-aged migrant women **from a positive point of view**, based on the experience of our non-profit organisation we may say that these women, as opposed to other groups (taking into account age, sex and CR citizenship) are in general more capable, entrepreneurial, flexible and creative, in spite of the obstacles they have to face during the process of integration, and in spite of more difficult conditions they are exposed to. Their approach may be described as follows: „Where others would say “impossible”, they keep trying. They are sometimes able to go beyond their own limits and start anew”<sup>18</sup>.

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<sup>18</sup> A quote from the interview with Pavel Duba, the head of the Social Department of the Association for Integration and Migration, over the summary of case studies from the social counselling project

### Recommendations:

- To substantially improve statistical data related to migrant women and men and persons with a migration background (not only) in the labour market.
- To focus on adopting such employment-related strategies that will include specific cases of ageing migrant women (and also to respect the specifics of men from the same age group).
- **To create better conditions for employing people aged 50+** from the target group (both legislative and real ones).
- To focus on improved possibilities of harmonisation of the family life and work also for these women.
- To ensure that at least 50% of financial instruments earmarked for the integration of immigrants, are allocated for the integration of women.
- To promote business activities of the target group.
- To consistently promote the adoption of commitments related to the international and European law on the rights of migrating male and female workers.
- To create an adequate framework for work in selected industries (paid domestic work, agriculture or restaurant industry) including specification of the minimum limit for adequate remuneration and protection under the Labour Code.
- To adapt supporting instruments and protective measures related to employment policy also to **women who face multiple discrimination**.
- To encourage employers to adopt a gender-sensitive approach in relation to employment of foreigners.

## 2.3 Health and Health Care

As documented (Hnilicová, Dobiášová, 2009; Jelínková, 2011), migrant women, especially in the first years of their stay in the receiving country, suffer from a **“healthy migrant syndrome”**, meaning that migrants as opposed to the comparable mainstream society population are healthier and less often seek medical help. The situation, however, changes with the length of stay. And if they were forced to perform physically demanding work, often in unsuitable conditions, their health condition gets worse and permanent health problems develop. Some studies (e. g., Sverre, Solbraekke, Eilertsen, 2014) therefore speak about the **“marginalised position trap”**, when the combination of migration, gender and age affects the health and the quality of life of migrant women who after many years spent in the host country become passive sick victims due to barriers they face in accessing health care.

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*titled “Women at the Sidelines (?)” for the purposes of this analysis, of 7 April 2016.*



As for the type of jobs usually performed by migrant women and affected by their difficult position in the labour market, we may say that it is no exception that they occupy **demanding, stressful and health-threatening job positions** (dye-works, working with chemicals, etc.) which **affect the health of these women** (Zhelyazkova, 2008). **The applicable legislation also has a considerably negative effect**, setting out the obligation and/or possibility for many women to pay only commercial comprehensive health insurance, which has been long criticised for a number of exclusions from liability. Insurance companies **refuse**, for example, **to allow persons aged 70+ or to those who suffer from a serious disease to take out a long-term health insurance**, which results in the selection by age or state of health, i. e. discriminatory treatment. A specific role is also played by the **actual approach of the employed persons to health insurance**; studies describe extensive illegal activities of many employers who contrary to law do not pay health insurance for their female employees (e. g., Jandl, 2009).

There are also **other aspects associated with migration** that come into play (stress related to relocation, separation from family and social isolation, separation and loneliness, cultural shock or confrontation with racism in the new society, language, communication, cultural or psychological barriers, lack of information), **which may contribute to the development of traumatic and psychosomatic disorders and as a result they influence the quality of life of these women**. Attanapola (2013) in her study on health and migrant men and women in Norway points out that it is the stress and social inclusion which result from cultural and inter-generational conflicts and language barrier. And it is the health problems that rank among the reasons for prematurely leaving the labour market. And **poor health reduces employment rate and employability of elderly female workers**. In terms of using health care services, even more difficult is, among others, **the situation of women in an irregular position**. And they also include senior-aged persons (for more details see FRA, 2011).

A specific situation is a transition from an economically active life into retirement. **The length of proceeding on the granting of pension varies in migrant women and men from three months to several years and migrant women do not have health insurance during this time**. It is true though that upon granting of a pension the amount that was expended by migrant men or women for health insurance is retrospectively reimbursed to them. However, until then they have to pay it on their own. In this respect there are systemic shortcomings – no links between health insurers and Social Security Administration.

Another specific issue is **the accessibility of a long-term health and social care services**, which would respond to closely interlinked multiple health and social problems of ageing persons with a migration background, while taking into account migration specifics (Kubáľková, Wennerholm, Čáslavská, 2010). The question is which facilities accept them in case they are not self-reliant any more and/or which facilities are actually prepared for such admission. Under the applicable legislation, residential social services may admit only migrant men and women with strictly defined types of residence and therefore these **social residential services are also in theory inaccessible for a certain group of migrant women**. In this respect, it is also the type of insurance that plays an important role (whether it is a public or commercial insurance scheme) as well as the amount of pension benefits, if these people have been granted a pension at all. In fact, senior-aged migrant

women in need of a long-term assistance and care due to the loss of self-reliance are exempted from residential social services unless they have sufficient funds to cover the costs of stay by themselves. The third, no less serious problem associated with access to residential social care facilities for persons with limited or no self-reliance, is the language barrier. It often happens that women who were able to master the language of the host state without problems during their life time, lose such ability at senior age as a result of old age and disease (cf Ganesan, 2010). **However, the staff of residential social care facilities is not prepared to cope with such migrant women and if they were to provide a day-long professional care they would face a substantial problem, which cannot be currently (among others, also due to lack of funds) satisfactorily solved.** As is shown, there is a lack of such facilities funded by the state that would purposefully focus on a specific group of people with a migration background.

Senior migrant women are especially susceptible to depressions (e. g., Bhugra, Ayonrinde 2003), and the risk of mental diseases is higher mainly in those who decided to emigrate at a higher age (65 and over is indicated). Although it would be appropriate to address the issue of how to improve the mental health of ageing migrant women by implementing special methods, acceptable for them, no special measures addressing different needs of these women have been adopted in the Czech Republic yet.

Another food for thought is a **possible gender- or culture-insensitive behaviour of doctors and medical staff or language barriers during the health care provision** (Krčová, Víznerová, Kutálková, 2008). Access of migrant women to health care services are characterised by other specific features, too, such as treating women whose genitals have been mutilated or who were subjected to multiple discrimination from the members of their own family. It also needs to be taken into account that **women aged 65+ are excessively in danger of poverty compared with those in danger of poverty within the Czech Republic** (EWL, 2014). **Poverty and social exclusion determine the real access of specific persons to health care services.** This undoubtedly applies to many women from our target group, as **the feminisation of poverty** together with the feminisation of ageing have a significantly negative impact on the health of ageing migrant women.

#### Recommendations:

- To enable **access to public health insurance scheme** to a broader circle of people.
- **To take into account the specifics of the situation of senior migrant women** (stress, language, communication or cultural barriers may develop into traumatic and psychosomatic disorders).
- **To ensure that health insurance is accessible** also in the period between filing the application for the granting of pension benefits and its processing.
- To facilitate medical care also for **women in an irregular position**.
- Urgently arrange for **accessibility of a long-term health and social care**, which would respond to the closely interconnected multiple health and social needs of ageing people with a migration background, taking into account gender specifics.

- **To adapt residential social care facilities** in order to be able to admit senior migrant women with specific needs.
- **To promote gender- and culture- sensitive behaviour** of doctors and medical staff.
- To take into account the fact that **women aged 65+ are excessively at risk of poverty compared with the population at risk of poverty within the Czech Republic and that** poverty and social exclusion determine the real access of specific persons to health care services, and to adapt the tools and measures thereto.

## 2.4 Access to Education and Retraining

In respect of education of migrant women and men the government quite logically pays a great attention to the Czech language teaching. The mastering of the language is one of the pillars of integration and it substantially influences the opportunities migrant women have and challenges they face in the Czech environment, the development of their social and working potential and their integration into society. Generally low awareness of migrant women and a poor knowledge of the Czech language present limiting factors in social and cultural integration as well as the reason for their increased vulnerability and dependence. The fact that **insufficient language skills keep migrant men and women socially marginalised**, is documented in researches (e. g., Grygar, Čaněk, Černík, 2006) as well as in the *Updated Policy for Integration of Immigrants – In Mutual Respect and in the Implementation Procedure for the Policy for Integration of Immigrants in 2016*. According to this policy the government wants to broaden the scope and variability of language teaching tools at different levels of advancement in the future, including self-study opportunities, achieve a comparable quality of teaching, extend the range of Czech language courses and increase awareness of further education opportunities, which are all meritorious efforts. In language education, the policy places an even greater emphasis on special needs of migrant women. **Socio-cultural orientation courses** are supposed to newly focus on **reduced risk of their isolation and to satisfy their needs** in various areas related to health care, education system or position of women in society. Attempts for a gender-balanced approach are certainly welcomed but **it would be quite appropriate to apply a gender-sensitive approach, taking into account intergenerational differences and specific needs of senior men and women**. As stated by Dawes (2000), access to information on socio-cultural environment depends to a great extent on gender roles and division of labour in a family, since in families with a traditional division of roles women have limited access to information and tend to “depend” more on men, which influences the way how information is mediated to migrant women. For example, in Norway they have noted a significant demand of senior migrant women for IT courses or socio-cultural information (Audunson, Essmat, Aabø, 2011).

Ignorance of the language ranks among significant obstacles on the journey to successful integration. In some migrant women, **even their age-long stay in the Czech Republic does not guarantee that they have mastered the Czech language**, which may be due to their individual abilities, possibilities and decisions that are not supportive of integration, but also due to the combination of adverse life circumstances. **Those who come to our**

**country at an advanced age and at the same time their countries of origin are not similar to the Czech Republic in terms of culture and language, find themselves in general in a worse situation.** The resulting knowledge of the language is also influenced by other factors such as their activity in the labour market (housewives are exposed to greater risks of a poorly managed integration since they are isolated and communicate only with their family members or ethnically segregated community that uses only their mother tongue). But the fact that a migrant woman is employed does not automatically mean better opportunities and chances for mastering the language. Unqualified jobs in the presence of other migrants where regular overtime work is no exception, allowing no time for leisure activities or self-study can hardly contribute to a better mastering of the language, even in women who are overqualified for their current job position or are well qualified for studying. To harmonise the family and work life with self-study is not easy either. This is felt mainly by older middle-aged migrant women who take care of their teenage children as well as of their old parents, regardless of whether it is in the Czech Republic or in their country of origin.

Other specifics need to be taken into account in relation to ageing women with a migration background. Non-profit NGOs point out that it is often their children and grandchildren who act as interpreters for, mainly elderly, migrant women in their interaction with state authorities. They meet their needs without these women being forced to communicate with the mainstream society, which is certainly not ideal for any of the stakeholders. On the other hand, it is often the children who positively influence their mothers' integration and help them overcome language and cultural barriers. However, if women are active mostly within their proper families and in their closed and in terms of language homogeneous community, their situation is also affected by the above mentioned lack of regular interaction with the mainstream society. The risk of excessive use of their mother tongue at the detriment of the new language as a result of which women become closed in their proper communities and do not feel the sense of belonging to the mainstream society, is mentioned in relevant researches (e. g., Öbrink Hozová, 2013). Again, it needs to be emphasised that some migrant women due to their old age and diseases lose the ability to make themselves understood in the Czech language, which is a limiting factor for them in almost all areas of life. The position of women is also determined, among others, by their **accent**.

As far as language courses are concerned, as follows from the findings of non-profit NGOs, **migrant women feel that there is absence of high quality and affordable Czech language courses at higher than B1 level of the *Common European Reference Framework for Languages*.** There is also a lack of **professional language courses**.

For many women it is important to have a possibility, even at an advanced age, to complete their education at Czech secondary schools, universities or post-secondary schools. **The issue of studies is, however, framed by the problems with the recognition of education, including the qualification acquired**, as many migrant women face more or less serious obstacles in this area and find these matters complicated. The fact that many migrant women find a job in less qualified professions in the Czech environment may, to a certain extent, be related to problems with the recognition of education achieved and qualifications acquired. **The education recognition rules place barriers in their way, and migrant women are often not able to overcome them. The process of recognition of foreign education has become over the years one of the tools for controlling the labour**

**migration**, which has been criticised by the non-profit sector, in particular. However, not all women make efforts to have their education and qualifications recognised. Without the relevant knowledge of the language they do not consider important to undergo the procedure because the certificate of the recognition of equality of foreign education does not guarantee them a better job.

If education is not recognised (nostrified) for whatever reason (for example, the education acquired in the country of origin does not comply with the Czech one), they have to pass a nostrification exam. In such situation the requirement to go through trivial tests may be humiliating for them. Therefore, **psychological factors** come into play that may deter them from trying to undergo the nostrification process. Such obstacles as lack of **uniform administrative approach** (among others, in implementing bilateral agreements and interpreting individual provisions) as well as **insufficient transparency of the nostrification process** and – as many stress out – if migrant women believe that it is discrimination or incidental behaviour of particular officers rather than lack of uniform approach, they lose trust not only in the receiving society but in themselves. These circumstances are alluring also for various **intermediaries who abuse the ignorance** of women for their own benefit. Another factor that comes into play is the **time that has passed since their studies** – even if migrant women find a job in the field they have graduated from, a lot of their knowledge is outdated or they lose proficiency in it. The experience of SIMI in general shows that if they do not start to work in their proper fields within two years after their arrival, they usually do not return to it! The problems associated with the recognition of education may create a situation of demotivated migrant women who have wasted their human capital, they consider the discrepancies between the qualifications achieved and the position held as humiliating and the whole situation threatens their integration into host country's society. Opposing views, however, show that while a number of documents identify over-qualification as an essential problem associated with migration, migrant women themselves often consider it a secondary problem. **They consider their uncertain position resulting from low qualified positions to be a thornier problem than the failure to successfully use their qualification skills** (Leontiyeva, Pokorná, 2014). Pokorná (2014) points out that **de-qualification** (i. e. the loss of skills or knowledge or qualifications incompliant with the requirements) of migrant women should be avoided both from the migrant women's point of view and from the state's point of view. The recognition of the education achieved and qualifications acquired really opens up the way for a better position in the labour market and improved living standard and as a result plays a significant role in the position of migrant women.

Due to the fact that the labour market segmentation results in a specific classification of migrant women into various sectors (sector of services) where no specific qualifications are required, **it is difficult for them** (due to the combination of gender, ethnicity, language skills, age or social capital) **to move to another economic sector, even if they successfully pass retraining and language courses** (e.g., Leontiyeva, 2014). From a long-term perspective, **these women show the trend of not using the qualifications acquired in their country of origin and, unfortunately, there is also a small effect of retraining**, which does not give them more possibilities to use new skills. The problem is also a **varying quality of retraining courses, their low flexibility and links to the labour market. Even though their goal is usually to increase the employment rate of migrant women, they often only increase their unrealistic expectations and therefore their frustration from unsuccessful attempts to to retrain themselves.**

Just like senior women from the mainstream society, also senior migrant women have their own specifics resulting from their advanced age that need to be taken into consideration during (not only) language preparation. It would be appropriate, for example in geragogics, to focus more on this group and to support, for example, the engagement of senior migrant women in activities of clubs and centres for seniors, which are the most popular forms of institutionalised meetings of seniors, or to integrate education of migrant women into activities of specialised facilities that provide long-term care.

### Recommendations:

- To take into consideration **that the discriminated position of migrant men and women in terms of language skills keeps them marginalised, and to take into account that even the age-long stay of some women in the Czech Republic does not guarantee that they have mastered the Czech language**, which may be the result of their individual possibilities, abilities and decisions that are not supportive of integration, as well as the result of a mixture of adverse life circumstances.
- To address the problem of difficult harmonisation of the family and work life of migrant women with the time for self-study.
- To ensure a sufficient number of high-quality, affordable and regionally available **Czech language courses at levels higher than B1 of the Common European Reference Framework for Languages**, as well as **professional language courses**.
- To try to provide the socio-cultural orientation courses **with a gender-balanced approach and age-sensitive perspective**, taking into account intergenerational differences and specific needs of senior men and women.
- Minimalise administrative demands of the education recognition rules, place emphasis on harmonisation and transparency of the whole process, respect specifics of women and avoid abusing of these rules for the labour migration regulation.
- To adopt measures for eliminating **the varying quality of retraining courses and their low flexibility. To take into account the fact that** successful are those retraining and professional preparation courses that are linked to the real labour market and knowledge of the environment and are not related only to partial projects and, ideally, are not intended only for migrant women, and that **also retraining courses show a discriminating approach to women in relation to the structure of gender roles** in families and in relationships.
- To focus more on this group in geragogics as well; to ensure that the entities contributing to a better quality of life of senior men and women, to their better mental well-being, and elimination of their isolation (not only clubs but also senior homes, universities of the third age or leisure time university related activities, libraries) have the relevant tools available, including financial ones, that help to take the specifics of elderly migrant women into consideration.

## 2.5 Social Rights with Emphasis on Social Security

### 2.5.1 Retirement and Other Pensions

**The conditions for the granting of pension to migrant women** (or men), and/or to Czech citizens with a migration background, **differ depending on the country of origin**. If they come from an EU (EEA) country, they are entitled to apply for a partial or full pension, regardless of whether they reside in the Czech Republic or in another member state. They are granted a full pension in the Czech Republic if they worked the required pensionable years in the territory of our country without taking into account the insured periods in a foreign country (for details see the entire text of the analysis). The entitlement to pension is then assessed exclusively under the Czech legislation. However, if they were awarded an entitlement to pension in a particular member state, taking only into account periods insured abroad, they shall be granted only a partial pension. In such event it applies that each member state awards and pays pensions at amounts that correspond to the period insured for that particular person in the territory of that particular state. A similar principle is also applied to **bilateral agreements on social security**. In such situations the term “contractual foreign country” is mentioned, and either one of the states pays a full pension or they both pay partial pensions after having summed up the periods in which insurance contributions were paid. The situation is very complicated especially for those women who come from the states with which the Czech Republic has not entered into a bilateral agreement on social security and who are not subject to the community law either. The main problem is the fact that the time the respective person worked outside the territory of the Czech Republic cannot be included in the pensionable years and **only the years worked in the territory of the Czech Republic are taken into account**. This unfavourable situation in which many women find themselves could be partially solved by **minimising the number of non-contractual relations in the area of social security, at least with the countries with the highest immigrant flows to the Czech Republic**. As demonstrated, however, the problem with entering into bilateral agreements is not on the part of the Czech Republic, and/or on the part of the Czech Social Security Administration, but on the part of other states that do not accept draft agreements provided by the Czech government, or are rather dilatory when negotiating them.<sup>19</sup>

An extensive and so far **unaddressed problem is a retirement pension for asylum seekers**, as it is mostly impossible to obtain information on the insured period (also due to the required personal data protection) from their country of origin. If they come to the Czech Republic at an advanced age, they have no chance to meet the necessary requirements for the granting of a pension. In spite of various attempts, their situation has not been legislated for yet.

Migrant women or women with a migration background who meet the retirement age requirement but do not meet the requirement of pensionable years, i. e. the years worked, **have several possibilities how to deal with such complicated situation**. These possibilities are actually applicable also to other people in a similar situation. In such situations

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<sup>19</sup> See the Minutes of the Meeting of the Committee for the Rights of Foreigners of the CR Government Council for Human Rights of 27 February 2014.

SIMI's clients are most frequently **recommended to continue working also after they have reached the retirement age, until they meet the requirement for a number of the years worked. The second possibility is to “wait” for the retirement age** – in other words to wait other five years until they reach the required retirement age, **provided that they have worked at least 15 years.** In both the above cases they have to remain active in the labour market at the time when other persons already receive their pension. However, their real job opportunities in the labour market are usually very problematic, they often find jobs in precarious work positions (Sokačová, Formánková, 2015).

If migrant women successfully overcome the difficulties related to the required insured periods, another **rather serious problem** may occur immediately after that, and that is **an inadequate pension amount, which is insufficient for a dignified life and which results from the earlier performed low-qualified positions. Economic inequalities between men and women during their engagement in the labour market are logically reflected in the retirement age.**<sup>20</sup> An identified problem is also a **long period of time the migrant women or women with a migration background, as opposed to the mainstream society, have to wait for the pension decision.** The reason is apparently the complicated calculation of pension benefits and/or finding all the relevant facts. The experience shows that Czech citizens wait for the pension decision for 3 months in average while migrant women and men usually wait for a year, and many year-long proceedings are no exception.<sup>21</sup> If the **Czech Social Security Administration** does not have the available information about the entire insured period, it **cannot even pay an advance of pension.** The reason is that it is neither possible to establish the amount of the pension with certainty nor to confirm that the relevant person is entitled to pension at all. As stated above, problematic may also be the availability of health insurance during the period when the retirement pension proceeding is pending.

With respect to **disability and widow pensions** the experience shows that in both cases migrant women often face barriers associated with their background. They basically face the same problems as they face in relation to the retirement pension, i. e. it is complicated to prove the number of pensionable years and the cooperation with authorities from the country of origin when looking for the relevant information is difficult or actually impossible.

## **2.5.2 Insurance and Non-Insurance Benefits**

Most non-insurance benefits depend on the length or type of residence and whether it concerns migrant women and men from EU or non-EU countries. As far as non-EU nationals are concerned, apart from the employed persons and their families who may claim their rights when they have a long-term residence permit, other persons are entitled to these rights in general after the lapse of 365 days of a legal stay in our territory. This applies, in particular, to some state social support benefits.

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<sup>20</sup> See the *National Action Plan Promoting Positive Ageing for 2013 – 2017*.

<sup>21</sup> As shown above in Chapter 2.3. *Health*, the longest retirement pension proceeding handled by this Office lasted altogether 9 years. For details see *Minutes of the Meeting of the Committee for the Rights of Foreigners of 27 February 2014*.



The most problematic, and not surprisingly, is the situation of **migrant women and men from non-EU countries who live and work in the Czech Republic but do not have a permanent residence permit yet**. On one hand, these people are obliged to, just like the citizens of the Czech Republic, pay social security contributions and contributions to the state employment policy, on the other hand, however, their social rights arising from their contributing to the system are limited by Czech law. If they lose a job, they cannot enter in the register of job applicants and they may be deprived of their residence permit because they do not fulfil its purpose, i. e. they do not work. At the same time, they are entitled to apply for state support benefits only if they comply with the requirement to have a residence permit in the territory of the Czech Republic. And they are entitled to apply for material need benefits (apart from extraordinary immediate assistance) only if they have permanent residence. **If they use material need benefits and disability benefits excessively they are at risk of having their permanent residence permit withdrawn, because their dependence on the social system is then considered to be a burden for the Czech Republic.**

State social support benefits are legislatively regulated mainly by Act No. 117/1995 Coll., on State Social Support (hereinafter only referred to as the “State Social Support Act”), which reflects – even though not always very accurately – the EU law regulation. The EU legislation focuses mainly on EU male and female citizens and on third-country migrant women and men. The scope of applicability of Regulation No. 883/2004/EC on the Coordination of Social Security Systems was extended by Regulation of the European Parliament and of the Council (EU) No. 1231/2010 of 24 November 2010 in order to include also documented third country nationals and their family members, however, only if a cross-border aspect within the EU is present. The Social Support Act defines several types of state social support-related benefits, which are further broken down into two basic categories – income and non-income dependable benefits. Income-dependable benefits include child benefit, housing benefit and maternity grant; the latter category includes parental allowance and funeral benefit (for details on specific types of benefits see the entire wording of the analysis).

The circle of authorised persons who are entitled to state social support benefits has recently undergone some changes in terms of being more open to regular third country migrant women and men. Nevertheless, the system still shows some shortcomings (see below), also due to a rather complicated system of residence permits, their dependence on the obligation to fulfil the purpose of residence and the above mentioned risk of having one’s residence permit withdrawn if dependence on the social system is documented. **One of the essential problems** migrants face in relation to entitlements to benefits, is the **category of jointly assessed persons**, which in many cases presents an **obstacle to obtaining a state social support benefit**, especially if the family separates – one part lives in the country of origin and the other in a member state (Čižinský, Hradečná, 2011).

As for chances and frequency of claiming state social support benefits we may say that only a fraction of migrants claim these benefits – for example, in June 2015, they were only 1.2%.<sup>22</sup> From available statistical sources it is not possible to accurately specify how many foreign nationals living in the territory of the Czech Republic comply with the requirements for the granting of specific state support benefits. However, it is very probable

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<sup>22</sup> Data from the 2016 Updated Policy for Integration of Foreigners.

that there are definitely more migrants entitled to some of the benefits than those that currently receive them. There are several reasons for that. In some cases, it may be the lack of knowledge or **poor awareness of the relevant legislation**. Further on, there is in general **lack of willingness to communicate with authorities**. In fact, there exist many insufficiently informed officers, as well as communication, information and language barriers. Based on experience and personal interactions with clients we are certain that the main reason why foreign nationals do not want to draw state social support benefits – even if entitled to them – is the **fear of losing their residence permit, of becoming an unjustified burden for the state because of these benefits, which would prevent them from extending their residence or achieving a higher residence permit or citizenship**. This fear is intensified by the fact that the relevant Department for Asylum and Migration Policy of the CR Ministry of the Interior tends to interpret the vague legal term “unjustified burden for the social system” in a rather broad and restrictive sense of the word. Although it is quite easy, without making much efforts, to understand the interest of the state to avoid migration for the sole purpose of obtaining social benefits, we cannot agree with actually preventing persons settled in the territory from obtaining these benefits under the threat of failure to achieve the desired residence status or citizenship.

**As far as material need benefits are concerned**, chances to obtain them are most frequently contingent upon the existence of permanent residence,<sup>23</sup> even though they are, at least some of them, in principle intended to satisfy basic survival needs. They include a sustenance allowance, housing surcharge or extraordinary immediate assistance. In order to obtain them the relevant person is obliged to prove on a monthly basis that the situation on the basis of which the decision to award the benefit was made, still lasts (be it either an income certificate or proof of housing expenses). Migrant men and women may receive them, for example, in the interim period prior to the granting of the pension or after that, if the pension is not awarded – these benefits are time-limited and due to their (very low) amount help to provide only for the most essential needs, which definitely does not solve the situation of women at retirement age.

In order to obtain **sickness insurance benefits** (including nursing allowance, financial assistance in maternity, and compensatory benefit in pregnancy and maternity) **foreign nationals need to comply with the same requirements as citizens of the Czech Republic, and therefore they are likely to face the same problems**, which are often intensified by insufficient awareness of the existence of sickness insurance as such, as well as by the fact that female foreign nationals as self-employed people have access to the public health insurance only if they reside in the territory on the basis of a permanent residence permit, or if it arises from an international convention or from directly applicable EU legislation. In principle, we may say that sickness insurance benefits do not distinguish between foreigners and citizens of the Czech Republic subject to the provision of Section 9(2) of Act No. 187/2006 Coll., on Sickness Insurance, which expressly excludes foreign nationals residing undocumented in the territory from participation in the insurance

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*23 Under Section 3(1)(b) of Act No. 117/1995 Coll., on State Social Support, foreign nationals are required to have a permanent residence permit. However, the immediately following paragraph enumerates exceptions under which foreign nationals are entitled to these benefits without permanent residence. In fact, there is only a very small group of those who reside in the territory for less than a year, but there are exceptions within this group, too.*

scheme. Self-employed people who account for a substantial part of foreign nationals residing in the territory of the Czech Republic, may face practical problems. However, these negative factors, if any, can be **eliminated by raising awareness and explaining the necessity of sickness insurance** to those who are unfamiliar with this instrument and/or do not find it useful.

All in all, it may be summarised that social rights are granted to migrant women selectively on the basis of a residence status, with EU nationals having the same rights and obligations as Czech citizens. This practice is no exception within the EU. Nevertheless, **a long existing practice and/or disproportion between obligations of male and female citizens from non-EU countries to contribute to the social security system and the actual possibilities of using it in adverse life situations** has often been criticised.

Social security benefits should be considered in particular a collective (for retirement pension also intergenerational) responsibility for all people, not excepting migrant women, motivated by solidarity and social cohesion, and all partial and systemic changes of legislation and practice should be adapted to it. As turns out, **gender-sensitive reform of the entire social security system is needed**, in order to eliminate inequalities between men and women and to ensure adequate living standard for all senior-aged people.

**Problematic is the topic of retirement pensions**, where these women face the problem of the missing number of pensionable years worked or the actual impossibility to work them. However, problematic is also the length of the proceeding and last but not least the amount of the pension assessed. A big problem is also low awareness of migrant women and difficulties with implementation practice by Czech authorities, as well as the language barrier, and in general non-cooperating relevant authorities from the country of origin that are unwilling to help or even show rejecting attitudes. In addition to raising general and legal awareness of all the stakeholders it would be appropriate to consider exemptions from legal regulations, if any, provided that it would not be discriminating against Czech citizens. The language barrier, which undoubtedly makes the already complicated situation even worse, may be reduced with the help of intercultural male and female workers. With respect to (non)cooperating authorities in the country of origin we may only propose to eliminate situations when such cooperation is needed.

#### **Recommendations:**

- **To adopt measures that would eliminate long existing discrimination practice and/or disproportion between obligations of male and female citizens from non-EU countries to contribute to the social security system and actual possibilities to draw benefits in adverse life situations.**
- **With respect to the implementation of the principle of gradually acquiring rights**, to ensure that male and female migrants from non-EU countries without permanent residence be entitled to receive unemployment benefit without putting at risk their residence permit.
- **To raise awareness of migrant women on the entire social security system.**

- To search for solutions in the area of employment, taking into account that economic inequalities between men and women are later reflected in the retirement age.
- To adopt systemic and partial changes in the retirement insurance system (the fiction of statutory declaration on inclusion of the insured period or to introduce a possibility of paying the rest of the necessary insurance; and/or to infer the required time from the length of residence in the territory of the Czech Republic and at the same time to modify the pension calculation in such manner as to infer the relevant pension amount in the prescribed manner from average salary, etc.), **which will not result in a more advantageous position of migrant women and people with a migration background, but primarily to remedying their unequal position.**



## 2.6 Housing

**There are various reasons for failures in trying to find affordable, sustainable and dignified accommodation, which ageing migrant women are, not exceptionally, confronted with** (lack of political will to deal with housing issues of socially underprivileged people, legislative imperfections, stereotypes and prejudices of the mainstream society, mistakes and low knowledgeability on the part of migrants, etc.). The accessibility of housing for migrant women is contingent upon general housing situation in the Czech Republic and huge regional differences and other circumstances including links between the housing market and the labour market or gender specifics, which increase vulnerability of women. These are after all reflected (in relation to homelessness) also in the *Government Strategy Promoting Equality of Men and Women in the Czech Republic for 2014 – 2020*. **It is the complexity of the above factors where the cause of all the housing-related problems, leading in extreme situations to an almost absolute social exclusion of ageing migrant women, may be found.**

Housing issues are partly addressed in the *Updated Policy for Integration of Immigrants – In Mutual Respect, and in the Implementation Procedure for the Policy for Integration of Immigrants of 2016*. However, acclaimed should be in particular the adopted *Social Housing Policy*, which defines the target group, among others, through the term of housing shortage and admits with a certain degree of generalisation that **it is lonely women aged 65+ that mostly suffer from social exclusion in relation to housing**. The Act on Social Housing is in 2016 in the preparatory stage and its adoption and form are uncertain and migrant women cannot rely on it. Nevertheless, if the Act could, in some cases, prevent their **fall into irregular position** as a result of failure to comply with the requirement to have accommodation in order to be granted a residence permit, some migrant women could significantly benefit from this Act.

It is evident that housing issues are complicated for a significant number of low-cost Czech households as well, but the situation of migrant women is in many respects more complicated and it is difficult for them to find dignified and affordable accommodation. The language barrier combined with growing xenophobia and racism make the situation even worse. The experience of non-profit non-governmental organisations shows that **many migrant women complain of being discriminated against as early as in the process of searching for accommodation** (both with respect to commercial accommodation and to allocation of municipal housing). This is, among others, confirmed by the results of a survey conducted by the Public Defender of Rights (ombudsman). Other negative aspects come into play, and these are ethnicity and colour of the skin – they intensify discrimination in the housing market and fall under the category of multiple discrimination. The *Social Inclusion Strategy 2014 – 2020* also admits that the government has not so far used tools that would make the free standard housing market accessible to underprivileged households (for example, guarantee mechanisms or social rental real estate agencies, etc.) and high-quality field work is not available everywhere either.

Other problems with which migrant women approach non-profit NGOs include non-existence of written agreements, controversial contractual terms and conditions including high amounts of security deposits and clauses on their forfeiture formulated to their disadvantage, as well **other circumstances that are contrary to morality, which migrant women accept during negotiations in an attempt to obtain the necessary accommo-**

**dation.** Landlords are capable of renting them premises that have no occupancy permit, or apartments in a very bad technical condition. The problem is not only to find just any accommodation, i. e. to have a roof over one's head, but to have such **accommodation that can be officially reported as their residence address**, which is one of the necessary requirements for obtaining and maintaining a residence permit. Small rooms on the outskirts with unsatisfactory sanitary facilities or in serious disrepair are sometimes rented for a similar amount that is charged under different circumstances for a large luxurious apartment in a city centre. Quite common is also **shared housing**, meaning that the number of tenants living in one room is higher than the number of beds and the tenants take turns in beds based on their work shifts or as they agree. Even these types of rentals are not necessarily low-cost and the rental amounts definitely do not reflect the quality of housing. The range of accommodation offered is often linked to a job offered and exploitation in the labour market is related to exploitation in the housing market, which may result in the development of unfavourable localities and **residential and social segregation**.

In some other cases landlords charge **special flat fees for housing that allows the residence address registration**, for each month of registration, thus **profiting from difficult situations** migrant women find themselves and they change the fees according to circumstances. Migrant women and men sometimes resort to fictitious residence addresses that are accessible to them instead of those where they actually reside. It is no exception that it is their expats or other migrants who trade on their housing shortage situation. Landlords, regardless of citizenship abuse the lack of knowledge of their rights, limited funds, lack of documentary evidence in the hands of migrant women or their fear of communicating with authorities of the receiving country, which means as a consequence that they usually do not approach the courts. There are certainly also fair landlords and unfair tenants from among migrating persons, who behave contrary to the agreed contractual terms and conditions, and/or contrary to law. Law enforcement may also be difficult in these situations.

It is important to take into account **gender specifics**, which finally also impact the availability, quality and dignity of the housing for migrant women. In general, it is **more difficult to find dignified and high-quality housing for migrant women** (compared with migrant men), both childless and with children, not to mention senior women. Quarters are inconvenient for lack of privacy, sanitary restraints and environment, which is unsatisfactory for the needs of children and seniors. However, the same problems may also be encountered in the above mentioned shared housing. Based on the experience of non-profit non-governmental organisations, women are more frequently sexually harassed in both types of accommodation than in other situations, and it turns out that propositions of sexual services in exchange for paid accommodation are not unusual in any age group of women including senior ones. **It is lonely senior migrant women or single migrant mothers with dependent children who find themselves in the worst situation.**

According to the research by Křapová (2015) the housing expenses are the heaviest burden for lonely women in particular. They apparently are, therefore, a huge burden for lonely migrant women who are often exposed to much harder conditions. Mortgages are usually not accessible for them and the actual impossibility to use help provided by residential social care facilities is worth noting, too. Although facilities where people in a difficult life situation may retire do exist, they are not prepared to admit migrant men and



women and they refuse such people, be it either for the reasons of the language or cultural barrier. **The essence of the problem is, however, high costs of these facilities.** Many women thus find themselves in no-win situation, resulting, not exceptionally, in the loss of accommodation and dignity as well. **Nevertheless, homelessness of migrant women is a problem that has not been addressed yet.** Homelessness of women is often **defined as “hidden”** (women often make use of informal and uncertain housing possibilities that are not within the system of social services and only after they have exhausted such possibilities they end up in the street). However, it does not mean that this homelessness does not exist (e. g., Hetmáňková, 2013). These “invisible” women are even more vulnerable, the risk of violence is higher and stigmatisation these women in the street are exposed to is stronger. **They are more exposed to the risk of human trafficking**, which is highly undesirable and extremely dangerous from the social point of view. As shown by La Strada (2016), the overwhelming majority of trafficked persons in the territory of the Czech Republic find themselves homeless and with no chance to turn to a related person for help.

It may be summarised that **senior migrant women rank among the people at risk of social exclusion in terms of housing** and their protection should be regulated, at a concrete level, by the upcoming Social Housing Act. **The situation and the ageing migrant women undoubtedly deserve that the issue of available, dignified and sustainable housing is addressed on a systemic basis as quickly as possible.**

#### Recommendations:

- **To take into account that senior migrant women rank among those at risk of social exclusion in terms of housing** and thus their protection should be, at a concrete level, regulated by the upcoming Social Housing Act. **The situation as such and the ageing migrant women undoubtedly deserve that the issue of available housing is addressed on a systemic basis as quickly as possible.**
- **To take into consideration that gender inequalities are relevant also in this area, as the availability of housing and its quality is influenced primarily by a poor financial situation of these women.**
- **To adopt tools to eliminate discrimination of migrant women in the field of housing and to prevent their homelessness**, which may finally make them an easy target for human traffickers.

## 2.7 Participation, Community Life

The participation in the public life is one of important aspects of the life of migrant men and women. It does not only include political participation, but also involvement in civil and community life. In the Czech Republic, there are both legislative and factual obstacles that prevent active participation of migrant men and women in the public life but they are not gender-specific. The Czech Republic does not have a tradition of varied voluntary activities, as opposed to some other countries where the tradition is quite long. In the context of migrant integration in Norway, studies (Larsen, 2007; Thorud, 2013) show that

it is these activities that help establish social contacts and extend networks beyond the circle of one's own family or community.

In terms of political participation, the Czech Republic has not fully ratified the *Convention of the Council of Europe on the Participation of Foreigners in Public Life at Local Level* and **migrant men and women therefore have not only no access to active and passive voting right at local level**, but there has not been any support for the creation of advisory bodies or adoption of suitable measures ensuring the representation of migrant men and women at local level. Migrant men and women **are not allowed to become members of political parties**, which **makes their political participation in the Czech Republic actually impossible**. Paradoxical is the situation for EU citizens who do have active and passive voting right at local level but cannot become members of a political party, which puts restrictions on their voting right. Migrant women and men from third countries have no right to vote or to be elected, not even after they have been granted a permanent residence permit. In fact, the Czech Republic has been long criticised for an excessively restrictive approach to active and passive voting right of migrants (Redlová, 2011; Rozumek, 2014). Supporting male and female migrants' active participation in democratic processes is one of important aspects of integration and identification of democratic values. With respect to the fact that migrant women are in many respects a marginalised group with specific problems, it is essential to reduce barriers in order to enable their involvement in mitigating "their own" discrimination. The solution is to introduce active and passive voting right at local level, to enable membership in political parties and to promote adoption of other measures that would enable representation of migrant men and women in decision-making processes.

With respect to their participation in community life the *Updated Policy for Integration of Immigrants – In Mutual Respect* states that it is necessary to adopt measures promoting the orientation of migrant men and women in society while taking into consideration the needs of women – for example, promoting the participation of migrant women in events organised by local communities. This by all means commendable goal is not, however, supported by specific recommendations. The available information (e. g., Damiánová, 2014) also shows that migrant women often, due to lack of knowledge or language barrier, **fail to make use of possibilities offered by civil society**, either to promote their own interests or to improve their position – for example, job clubs, centres for mothers, etc. The Czech Republic also lacks strong **links between non-profit organisations** that work with migrant women and **women's organisations** that work with women from the mainstream society or women from ethnic minorities (for example, with Romany women). However, it is not a specifically Czech problem – there are low links between such organisations for example in Norway (for more details see Annaniassen, Kristiansen, 2010), where the non-governmental organisation MiRA started to operate in order to address this problem. This organisation focuses on gender equality and women rights (including senior women) from minority groups, facilitating their integration in Norwegian society. With respect to the growing manifestations of xenophobia and hostile attitudes towards migrants and international protection/asylum seekers in the Czech Republic, arising among others from lack of information and personal contacts, we believe that there is **more room for the sharing of experience among women** and for communication that may help to eliminate similarly negative phenomena in society. Integrating migrant women in activities of Czech women's organisations or other non-profit and social entities may also help to eliminate a potential risk of social isolation of this group of women in the new society. Moreover,



due to their important role within intergenerational integration, the mobilisation of migrant women is beneficial not only for migrant women themselves, but also for their families, increasing the impact of these activities on other entities, and will finally be beneficial for the entire society and the state.

### Recommendations:

- **To ratify the** *Convention of the Council of Europe on the Participation of Foreigners in the Public Life at Local Level*.
- **To introduce active and passive voting right at local level**, to enable membership in political parties and to promote participation of migrant men and women in decision-making processes.
- In the integration policy and in the related and other relevant documents, to **establish specific measures promoting participation of migrant women in local community events**.
- **To promote** projects establishing links between non-profit organisations that work with migrant women and women's organisations that work with women from the mainstream society or women from ethnic minorities (for example, Roma women).

## 2.8 Gender-Based Violence and Domestic Violence

The phenomenon of violence is in different forms present in the life of migrant women (and men) just like it is present in the mainstream society. For migrant women – victims of violence – it brings about also other negative consequences, which should be addressed by legislation and practice, trying to make their already difficult situation easier as much as possible. Another analysis is being carried out together with this one (Faltová, de Leon, 2016), which expressly addresses violence against migrant women, with emphasis on domestic violence, and for this reason the topic will not be analysed in details here. However, the issue is so serious that we consider necessary to touch upon it briefly and to stress out its existence as well as the necessity to address it in terms of legislative and other changes.

Migrant women are **often** confronted with violent behaviour **already upon their arrival in the Czech Republic**, both from intermediaries and from smugglers and other links in the structure of these organised groups and elsewhere. They are **often exposed to violence especially in the labour market**, for example, within the client system structures, including labour exploitation in form of forced labour and forced crime. Violence is often associated with their difficult situation, and the experience of non-profit NGOs shows that violence is committed against migrant women (but also against migrant men) not only by the mainstream population but not less frequently it also comes from within the target work (for example, within migrant communities). Migrant women just like the mainstream population face the generally widespread, even though not always identified forms of violence (such as domestic violence).

Apart from the generally underprivileged position of migrant women mentioned in this analysis in relation to violence, it is necessary to take into account their fear of being left without residence permit or having their residence permit withdrawn (those who need it). In this respect, the problem is usually **lack of trust of these women in the police and state institutions in general**. Migrant women also have significantly less social contacts and weaker background, their families often live in their country of origin and – just like the women themselves – are dependent on remittances very often made by aggressors themselves, which complicates the whole problem and puts migrant women in situations that are almost impossible to tackle. Although migrant women should be protected like any other women by legal norms such as the Criminal Code, Antidiscrimination Act, the new Crime Victims Act and other, the practice shows that they face substantial barriers in accessing the protection. **It happens**, and it is no exception, that **if migrant women-victims of violence do not have the relevant documents, the authorities concentrate their efforts on terminating their residence in the territory instead of searching for the perpetrator and carrying out acts in criminal proceedings that would result in punishing those who have committed illegal violence against migrant women**. The limited protection of migrant women is also related to the society-wide view of migrant women and men and frequent thematizations of crime committed by migrant women and men (Faltová, de Leon 2016).

**As for domestic violence committed against migrant women**, it turns out (so far only within the limited SIMI's practice) that domestic violence is in some migrant communities stigmatised just like it is in the mainstream society, or even more. So far no attention has been paid to this topic in the Czech Republic. Nevertheless, in April 2016 the Czech Republic signed the *Convention of the Council of Europe on Preventing and Combating Violence against Women, the so called Istanbul Convention*, and initiated the process of ratification. It is the first comprehensive international document addressing violence committed against women. The Istanbul Convention contains the definition of domestic violence, that is any and all acts of physical, sexual, psychological or economic violence that occur in family or household and/or between former or existing spouses or partners, regardless of whether the perpetrator shares or shared the same household with the victim. Among others, the Convention imposes specific requirements relating to the protection of migrating women on the states that have ratified it. The state party to the Convention, i. e. the Czech Republic in this particular case, is obliged to ensure that women victims of violence or domestic violence whose residence permit in the territory of the state party is contingent upon marriage status, are **upon request granted a residence permit regardless of the previous marriage and the time of its duration**.

Violence against women including domestic violence is considered to be serious violation of human rights and **it is the responsibility of the state to provide effective protection to the domestic violence victims on a non-discrimination principle, i. e. regardless of their citizenship, nationality or type of residence in the territory of the Czech Republic**. This responsibility arises both from national law (CR Constitution, Charter of Fundamental Rights and Freedoms, and for specific factual circumstances the Criminal Code), and from international law (Universal Declaration of Human Rights and Fundamental Freedoms) as primary sources of legal regulation of protection of victims.

The Czech Republic, similarly to other EU member states, implemented *Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 Establishing Mini-*

*mum Standards on the Rights, Support and Protection of Victims of Crime.* This Directive establishes rights and minimum standards for all victims of crime – i. e. including migrant women and men (regardless of their residence status) in the territory of the Czech Republic. The Directive establishes minimum standards on the protection of rights of victims such as the right to be recognised as a victim of crime, regardless of whether the offender has been identified, caught or convicted. Within the meaning of this Directive victims should be treated in a respectful, sensitive and professional manner, should be provided information about their rights and case in a manner understandable for them and should be protected against secondary and repeated victimisation, etc.

Since 1 August 2013, **the Act on the Protection of Victims of Crime** (No. 45/2013 Coll.) has been in effect in the Czech Republic, harmonising for the first time ever the issues of the position and the rights of victims of crime (i. e. also victims of domestic violence) in one legal norm, and significantly strengthening the position of victims of crime in criminal proceedings.

### ***Specifics set out in the legislation on foreigners***

It needs to be reminded that **the Aliens Act** (No. 326/1999 Coll.) **is based on the principle of the “purpose of residence and its fulfilment”**. Migrant women and men from third countries who reside in the territory of the Czech Republic and do not have a permanent residence permit, are obliged to hold a residence permit for a specific purpose and are obliged to fulfil such purpose throughout their stay in the territory of the Czech Republic. Failure to comply with the purpose may be a reason for instigating the proceeding on withdrawal of the visa or residence permit or, as the case may be, for not extending it. Victims of violence from among migrant women who do not have a permanent residence find themselves in a more complicated position than victims of violence who have citizenship or permanent residence status. Victims of violence are often in a serious physical or mental health condition preventing them, for a shorter or longer time, from performing gainful activities (doing business or being employed), studying, etc. This means that if migrant women fail to comply with the purpose of residence, their residence permit may be withdrawn from them as a consequence thereof. The current legal regulation does not explicitly provide for the protection to victims of violence if they cease to comply with the purpose of residence in relation to violence committed against them. Victims may use the instrument of the change of residence (if applicable) or an exceptional leave to remain, which is, however, dependent on extensive administrative discretion of the administrative authority. The Aliens Acts does not explicitly provide for the protection of victims of violence and migrant women-victims of violence thus find themselves in a hard-to solve situation.

As far as approach to the protection of victims of **domestic violence** is concerned, the crucial factor is in most cases whether they retain or acquire residence status, regardless of their relationship to the aggressor. The current foreigner law, i. e. legal regulation in the Aliens Act does not provide to migrant women – victims of domestic violence – explicit or sufficient protection that would not depend on the discretion of the relevant administrative authority, i. e. the CR Ministry of the Interior. Victims’ residence status normally depends on the aggressor – partner or spouse. The practice shows that their residence status is often dependent on the status of their husband or partner and is based on the family reunification principle. Different residence permits provide for different possibilities

for victims of domestic violence to retain or extend their residence permit and traditionally, there is different level of protection for third-country migrant women and for family members of EU nationals (including the Czech Republic) compared to EU female citizens whose position is more stable.

The decisive factor for the position of victims of domestic violence is the type of residence permit and the purpose of their stay in the territory. For residence that is not dependent on the aggressor in terms of the purpose, no changes occur as far as the residence status is concerned and the victim is basically in the same position as Czech female citizens or women with permanent residence status (unless the consequences of violence are such that prevent them from complying with the current purpose of residence). On the other hand, the situation of victims who reside in the territory for the purpose of family reunification with the aggressor is substantially different because if the woman leaves the household or the marriage or partner relationship terminates, she ceases to fulfil the purpose of her residence. And this fact should be reported to the relevant department of the Ministry of the Interior, which may result in their current resident permit not being extended.

It clearly follows from the legal regulation that migrant women are, in terms of protection against domestic violence and violence in partner relationships, in a substantially more vulnerable position than Czech women, because in the already very complicated situation they have to, if they leave their spouse/partner, deal with the problem of their subsequent residence in the territory, i. e. its legality or renewability, as the case may be. **The current legal regulation, instead of providing certainty of residence to victims, is based solely on the administrative discretion of the administrative authority, and even the administrative discretion is not explicitly stated in cases of domestic violence, which in its consequence intensifies dependence of women on their aggressive spouse and leaves the victim in a very difficult position.**

The protection of victims of domestic violence is ensured by the principle of adequacy, when the Aliens Act sets out a general obligation for the administrative authority<sup>24</sup> to assess the adequacy of impacts of a decision and at the same time establishes that it is necessary to take into account in particular the length of stay of a foreigner in the territory, state of health, nature and strength of family relations, economic conditions, social and cultural ties established in the territory, etc. This provision, however, does not expressly stipulate that it is necessary to assess the impact on the private and family life. Nevertheless, in respect of certain types of residence permits the administrative authority is obliged to assess the impact on the private and family life because it is required by a special regulation. Although the Aliens Act does not often provide victims of domestic violence with explicit and systematic protection, the instrument of adequacy and the resulting administrative discretion supported by the exceptional leave to remain, may, if correctly applied by the administrative authority, provide victims with protection in form of a residence permit. However, victims should seek legal help in order to have their residence situation addressed in time.

The experience of helping organisations in the Czech Republic shows that the issues of domestic violence against migrant women is a relevant topic. After having analysed

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<sup>24</sup> I. e. the *Department for Asylum and Migration Policy of the Ministry of the Interior*, see Section 174a of the Aliens Act.

the Czech foreigner and asylum legislation, we would like to propose some legislative measures in order to provide victims of domestic violence from among migrant women with better chances to face violence committed against them (see the below recommendations).

#### **Recommendations:**

- **To introduce an independent residence title for victims of domestic violence** who are dependent on the violence perpetrator in terms of residence, or who do not or cannot fulfil the purpose of residence as the direct consequence of domestic violence or explicitly stipulate that the residence permit or visa for the purpose of family reunification cannot be withdrawn if domestic violence is involved.
- **To legislate that the asylum status and subsidiary protection cannot be withdrawn if marriage or partner relationship is terminated due to domestic violence**, as well as to **ensure access to services for all victims** regardless of their residence status (including undocumented victims) **as stipulated in the Act on Social Services and in the Act on Victims of Crime**, including sheltered housing.



## 2.9 Discrimination

**The principle of equality and non-discrimination**, even though theoretically anchored in many binding documents, **is often breached in practice and according to available information** (e. g., FRA, 2011) **it is migrant women who increasingly become victims of discrimination** either for gender-based reasons (which after all applies to Czech women, too), or on the ground of affiliation to a social group or on the ground of ethnicity. Their situation becomes even more complicated if older age is added to the above mentioned grounds. According to some researches (FRA, 2011; FRA, 2015) the so called visible minorities are at risk of multiple discrimination, other studies (Tóthová, 2011) state that **it is migrant women who most frequently become victims of multiple discrimination in Europe**.

Multiple discrimination undoubtedly represents a new dimension in thinking from the perspective of the European antidiscrimination law, even though it has not so far received the attention it would deserve. The European legislation still lacks a harmonised **definition of multiple discrimination** and the **Czech legislation does not regulate it either**. For the time being, the phenomenon of multiple discrimination in the Czech Republic is addressed mainly by non-profit organisations, which prepare analyses on this topic, organise various awareness raising campaigns, help individual victims of discrimination and fight for changes of unsatisfactory legislation. Recently, the Platform against Multiple Discrimination has been established. The issue of discrimination was also addressed by the Office of the Public Defender of Rights. Non-profit NGOs and the Public Defender of Rights (ombudsman) emphasise a number of pitfalls in relation to fight against discrimination in the Czech context, which in our view significantly endanger migrant women and women with a migration background and limit their chances to defend themselves against discrimination: the biggest barriers at the institutional level to accessing justice include **uncertain result of legal proceeding, financial costs incurred in relation to the proceeding** (incl. court fees) **or problematic production of evidence**, which means low success-rate of these disputes. According to the ombudsman, the uncertain result is to a certain extent related to a low number of court decisions in discrimination disputes, because **victims of discrimination do not find sufficient support in case law and therefore cannot initiate a legal dispute with a certain degree of certainty** (Tóthová, 2011). The other above mentioned pitfalls include low attention dedicated to the antidiscrimination law and the related lack of information among the public, length of legal proceedings and low damages awarded. Czech analyses of antidiscrimination legislation also call attention (e. g., Othlová, 2016) to the specifics of the Czech legal regulation, which authorises the Public Defender of Rights to deal with the issue of protection against discrimination but at the same time it fails to provide him/her with adequate powers in order to perform it efficiently, and at the same time it fails to authorise other entities to provide protection for victims of discrimination.

Often mentioned (e. g., Šabatová et al., 2015) is therefore the proposal to legislate for legal action in the public interest (which has not been legislated for yet) as an instrument in the hands of ombudsman or non-profit NGOs (focusing on protection against discrimination in their activity), as well as to legislate for extended powers of the Public Defender of Rights (the right to file motions to the Constitutional Court to abolish a law or its parts if s/he finds out in discharging his/her duties that fundamental rights and freedoms of persons have been violated), or for eliminating fragmentation or lack of uniformity of legal

regulation. There are changes proposed also with respect to burden of proof and unsatisfactory definitions and placing a greater emphasis on awareness raising activities not only for those who are at risk of discrimination or discriminated against, but in particular for the responsible persons from relevant institutions. It is also noted that gender aspects are not sufficiently taken into account, and almost all analyses (e. g., Schiek, Chege, 2009) and appeals of non-profit organisations agree that the multiple discrimination concept should also be legislated for. Quite peculiar is (and it predetermines the approach of the Czech Republic to antidiscrimination law), as experts believe, also the fact that the initiative was not triggered by the need to improve the position of the most vulnerable people in the Czech Republic, but only by the necessity to harmonise the Czech legal regulations with the European legislation.

It should not be forgotten that migrant men and **migrant women usually do not report discrimination**, either because they do not believe in change or because they consider the discriminatory behaviour a part of normal life or just because they do not know how and where they should do it. This in itself intensifies the vulnerability of this target group and should lead to reflections upon necessary changes. This finding clearly shows the **need to raise awareness among the target group of migrant women of discrimination and possible protection** against this illegal behaviour.

#### Recommendations:

- To take into consideration that the position of elderly migrant women is more vulnerable and undoubtedly different from the position of migrant men, but also from the position of elderly women without a migration background. And that is the reason why it is **desirable to examine it from the perspective of intersectionality, and/or the related multiple discrimination policy, which could lead to better understanding of interaction and interlinking reasons for discrimination.**
- To legislate for the definition of multiple discrimination.
- **To regulate real access of migrant women to defence against discrimination (legislating for legal action in the public interest, extending the powers of the Public Defender of Rights, eliminating fragmentation and insufficient harmonisation of legal regulations, placing more emphasis on awareness raising activities for those who are at risk of discrimination or already discriminated against, but in particular for the responsible people from relevant institutions, and ensuring lower administrative and financial burden for victims of discrimination).**
- **To focus on raising awareness** of discrimination and possible defence against this illegal behaviour among the target group of migrant women.
- **To be active in promoting changes of mood in society, which is not currently supportive of human rights.**

### 3. STRATEGIC DOCUMENTS

#### 3.1 Strategic Documents in European Context

**Despite the fact that the EU puts special emphasis on gender equality, area of migration still remains rather neglected.** The topic of migration together with the gender equality issue appears especially in intersectional strategies, and that particularly in the last ten years. Despite a gradual improvement of the situation, rather marginal attention is often paid to the specific situation of migrant women. A specific category of senior women with migration background that we focus on, still remains on the periphery of interest, with attention paid only in several strategic documents. It is, however, equally true for the Czech Republic and the EU that migrant women coming from the third countries to the EU now account for almost half of migrant population (49.6% in 2008) and a worldwide trend towards feminization of migration can be seen (Carling, 2005). **Yet, the topic of migrant women living in the EU is very often neglected in the specialized literature, statistics and the EU legislation in the field of migration.** For a long time, these migrant women were stereotypically perceived only as wives and mothers who follow their husbands (migrants) to EU, on the grounds of family reunification. This trend is, however, gradually changing.

**Although migration has long been a central topic of political debate in the EU,** and since 1999 the adoption of a number of important guidelines and policies with a view to the gradual introduction of a common EU migration policy has been occurring, **the legal framework remains gender-neutral.** The European Union has thus long been criticized by civil society that, in its migration policies and programs, it does not consider the specific needs of migrant women, risks conditioned by gender and discrimination, which migrant women must face regardless of their status. **Since around 2005, the EU has gradually begun, in parallel or in the context of the adoption of intersectional strategies for gender equality, to implement a gender perspective into their integration and migration policies.** From the EU framework documents issued by the European Commission, it is primarily these: *Common Agenda for Integration – Framework for the Integration of Third-Country Nationals in the European Union*, *Roadmap for Equality between Women and Men for the period 2006-2010*, a follow-up *Strategy for Equality between Women and Men for the period 2010 – 2015* and last issued *Strategic Engagement for Gender Equality 2016-2019*. Most recently, valid since June 2016 – *an Action Plan on Integration* – the EU strategy supporting Member States in the field of integration of third country nationals and their economic and social contribution to the EU.

**The European Parliament plays an important, though legally non-binding role in enforcing the gender perspective into migration and integration policies.** It brings into the political discourse of the EU an emphasis on human rights, with gender equality among them. To monitor this agenda, a special, inter-parliamentary **Committee on Women's Rights and Gender Equality of the European Parliament (FEMM)** has been created, which in the form of reports and opinions evaluates the degree of integration of the gender perspective into various policies and EU legislation and then makes recommendations of changes either at the EU level or towards the Member States, in order to better meet the EU requirements in each area – see e.g. documents of the Committee – *Report on the migration of women: the role and status of migrant women in the European Union*



(Kratsa-Tsagaropoulou, 2006), *Report on inclusion of women from ethnic minorities* (Parvanova, 2010); *Opinion on the integration of migrants, its effects on the labour market and the external dimension of social security coordination* (Senyszyn, 2012); *Report on the situation of refugees and asylum seekers in the EU* (Honeyball, 2016), etc. In these documents the Committee mostly points out the multilevel discrimination and risks that migrant women face during the migration process, but also during subsequent integration in the host country in comparison with women from the majority society and migrant men. Similarly, women from minorities, which are already established in the Member States, face social exclusion and segregation. The increased vulnerability is pointed out especially for women with irregular status.

**At the level of EU secondary law, it appears that the set of EU directives in the field of asylum law, which, together with other binding regulations form the *Common European Asylum System*, take into account the gender perspective more than any other directives regulating the rules of visa policy, management of legal migration to Europe or the fight against irregular migration.** For example, in the area of management of legal migration, the protection of women's rights in migration is properly dealt with perhaps only in the *Directive 2003/86 / EC on the right to family reunification*, which, although it opened legal ways for women and children to come to Europe, on the other hand, it sets out such rules, that the residence permits of these women (more correctly, of the applicants for family reunification, who are in the vast majority women and children) are normally derived from their husband's or partner's residence permit (i.e. sponsor), which in many cases seems to be very problematic.

**In the European context, in terms of human rights protection, the international documents created in the Council of Europe have traditionally been very important.** The most attention is paid to the ratification process, already referred to in previous chapters, of the **Convention on preventing and combating violence against women and domestic violence (*Istanbul Convention*)** of 2011, which is the first convention of its kind at the European level binding the signatory states to ensure the protection of all women and girls, including migrants, regardless of their age, legal status and social position, and **which is seen as a progress towards greater gender equality in Europe.** The Czech Republic signed the Convention only recently (May 2016) as one of the last members of the Council of Europe.

**Overall, it is possible to summarize the situation in the area of European documents, and of the measures we monitored, that it is still a challenge for the EU and its institutions to make migrant women visible as a specific group of people, a group that has its own specific needs and problems that must be first identified and then responded to by appropriate integration measures.**

### **3.2 Strategic Documents in the Czech Context – National and Local Concepts**

Although **three councils of the Government have been established (with three different agendas) as its advisory bodies** for the purpose of protection of rights of migrant women (and men), women in general, and of senior men and women, namely the Government Council for Human Rights, the Government Council for Equal Opportunities for Women and Men and the Government Council for Seniors and Ageing of the Population), it needs to be noted that **in spite of the positive first impression of this institutional arrange-**

**ment, its real role in fulfilling the defined objectives is insufficient, or by far not using to the utmost the possibilities available to these institutions and at the same time not satisfying the needs of not only our target group but of other people at risk of social exclusion.** As results from our findings (based on personal involvement of the authors of the analysis in the activity of these bodies), these advisory bodies are composed of representatives of state administration, self-governing bodies, academic community and civil society, and it is no exception that council meetings are affected by a mix of various negative factors – promoting only strictly political interests of individual ministries regardless of the facts presented, promoting no less criticised personal interests of the stakeholders or purely formal participation of representatives of individual ministries, **which significantly reduces their real importance in the area of the protection of rights of vulnerable groups.**

**In this respect it is important to stress out** that in the area of integration of migrant men and women, as well as in the area of equal rights of men and women and no less in the area of integration of ageing people into society **the important role, or rather the essential one, is played by projects implemented with the support of EU funds, allocated through Operational Programmes, and/or creating these programmes in such manner that the persons covered by this analysis could, as eligible target groups, benefit from the funds earmarked for the protection of vulnerable groups.** One of these examples is the **Operational Programme Employment**, whose Managing Authority is the CR Ministry of Labour and Social Affairs. These activities, no matter how questionable the difficulties with their administration (and/or the costs incurred in relation to their implementation without any direct impact on target groups) are, **currently belong to the pillars that stand in for insufficient activity of the government in relation to persons at risk of social exclusion, and it may be summarised that without their existence the position of these women would be much more vulnerable.**

In spite of the still unsatisfactory situation the government cannot be denied **attempts to tackle the issue of migrant women.** It is the part of the CR Government agenda that falls within the powers of the CR Office of the Government or of the Ministry for Human Rights, Equal Opportunities and Legislation (including activities of working and advisory bodies) that can be considered a positive sign of improvements in the position of migrant women in the Czech Republic from the long-term perspective. These bodies try to systematically analyse and map out the situation of migrant women and therefore they focus at least on some of the problems addressed in this analysis. We should also mention the activity of the Public Defender of Rights who has been promoting the rights of migrant women and men for a long time. And the efforts made by the Ministry of the Interior in supporting projects and research studies that focus on this vulnerable group cannot be left disregarded. However, the required guidelines and specific tasks should be set out in **the documents of a conceptual nature.** In this respect the requirements for the creation of these **are not fully complied** even by the *Government Strategy Promoting Equality of Men and Women in the Czech Republic for 2014 – 2020*. The reason may be that the government has not officially identified many problems of this specific and vulnerable target group yet and has not included them among its priorities. *The Government Strategy Promoting Equality of Men and Women in the Czech Republic for 2014 – 2020* is one of the first to address **the topics of social exclusion and gender-based marginalisation of people suffering from multiple discrimination as well as gender specifics of homelessness increasing vulnerability of homeless women, as it is migrant women (men) and senior women (and**

men) who rank among the most vulnerable. Helpful for our target group is also the ***Social Housing Policy for 2015–2025***, which defines the target group through housing shortage and admits among others, with a certain amount of generalisation, that **socially excluded in the area of housing are most often lonely women aged 65+**, regardless of their background.

However, the main support should be provided to these women in the ***Updated Policy for Integration of Immigrants – In Mutual Respect (2016)***. This policy, as we appreciate, addresses the issues of migrant women (as opposed to the previous integration policy) better and newly in several areas, even though it does so to a great extent thanks to the external comment procedure (where comments were voiced mainly by non-profit organisations that have worked with migrant men and women for a long time). **The issue of women is in this crucial document, in spite of the above mentioned shift for better, still marginalised and it lacks a comprehensive overview** of areas and related measures. Even worse is the situation of senior migrant women and senior migrant men. Although the above policy in its introductory part admits that the population of female and male foreigners in this country is growing old and that there is an increasing number of those at retirement age among them, it unfortunately fails to work further with this information and does not even rank **senior men and women among vulnerable persons** in need of increased attention. The related *Implementation Procedure for the Policy for Integration of Immigrants for 2016* addresses this group at least marginally and indicates them on the list of vulnerable persons, even though insufficiently.

It needs to be stated that in spite of certain improvements the common problem of the documents that should be dedicated and are dedicated to a specific group of migrant women remains, i. e. they do not prescribe **any sufficiently specific, measurable and enforceable measures**, which reduces success of integration efforts towards migrant women to minimum and **weakens the gender and senior-based agenda**.



## 4. CONCLUSIONS AND RECOMMENDATIONS

The analysis shows that there is, and in the future will even more be, a group of migrant women and women with a migration background in the Czech Republic who are expected to face a higher risk of social exclusion, as opposed to migrant men in general and to other groups of men and women from the mainstream society. The risk of exclusion may, however, be eliminated through various tools of the government in the area of integration and equal rights. Nevertheless, at present, in spite of current efforts to introduce gender-sensitive policies and promote equality of men and women in society, the ageing migrant women make up an invisible group, almost unaffected by protective measures. This situation exists in spite of the fact that some partial improvements related to the rights of migrant women (at least at the level of theoretical regulation) have occurred in the course of time. This process is, however, very slow and does not reflect the needs of various age groups. In this respect, Ezzeddine (2015) aptly notes that national migration and integration policies often place migrant women and men in the uniform category of “different”, regardless of their gender, class or age, and focus on their citizenship and type of residence instead.

A positive sign of improvement of the position of migrant women in the Czech Republic from the long-term perspective is the part of the CR Government agenda that falls within the powers of the Office of the Government or Ministry for Human Rights, Equal Opportunities and Legislation (including activities of working and advisory bodies). These bodies try to systematically analyse and map out the situation of migrant women and therefore focus at least on some of the problems highlighted in this analysis. This in particular includes health care and multiple discrimination, which is documented for example by the *Government Strategy Promoting Equality of Men and Women in the Czech Republic for 2014–2020*. They newly examine the topics of domestic and gender-based violence with a migration feature, but also reassess the originally negative position regarding the ratification of international conventions related to migrant women (see, e. g., the *Convention of the Council of Europe on Preventing and Combating Violence against Women and Domestic Violence (“Istanbul Convention”)*). Good initiatives come also from the Public Defender of Rights (ombudsman) who has long been promoting the rights of migrant men and women, and in particular it is the current female ombudsman who focuses on situations that endanger equal rights of migrant men and women, gives them publicity and tries to provide remedy for specific situations. She promotes systemic changes, for example, in the field of political participation, access to education, health care or regarding migrant men and women in detention facilities. We cannot disregard attempts of the Ministry of the Interior to support projects and researches that focus on this vulnerable group, as well as the activities of the Ministry of Labour and Social Affairs regarding the requirements for and implementation of calls issued by the European Social Fund.

As for concrete parts of lives of these women, we have identified legislative shortcomings and problems related to the implementation practice in almost all the areas. Social security, health care and housing, i. e. related issues, rank among the most pressing issues faced by women from our target group.

The analysis also emphasises a number of factors, which finally influence the position of these women and are not directly associated with discrimination or state approach, be it either insufficient knowledge of the language of these women, health-related limitations, cultural and family patterns, low qualifications and education or qualifications and education that are hardly transferrable to the receiving state, or absence of social contacts and ties (EWL, 2015). Nevertheless, a number of integration barriers may be overcome with the help of the receiving society and state. In order to implement the required changes, it is necessary to require that (governmental and local) policies for integration of foreigners (but also other strategic documents) support the efforts for integrating in the Czech legislation all such instruments of the European and international law that will lead to increased protection of migrant women or senior migrant women, as the case may be. Of fundamental importance is also the ratification of the relevant international or European conventions. Integration efforts must come from migrant women themselves. Without their active involvement, willingness to educate themselves (not only in the language), and to gradually overcome the barriers and pitfalls connected with their stay in our territory, the government integration efforts will not be even partially successful. We have identified substantial room for changes also in this particular area, as such changes may encourage the government to be proactive and to set favourable conditions aimed at complying with the common goal – successful integration. It is likewise important to engage migrant women in activities of advisory bodies, working groups established by individual ministries or in the preparation of basic documents for adopting specific integration measures at local and national levels.

Another requirement for successful integration is in our opinion to place greater emphasis on promoting cooperation among as many stakeholders as possible – public sector, non-profit sector, academic community, as well as profit sector – and mutual sharing of knowledge, conclusions and proposals for solution. In order to fulfil this general goal, a number of specific partial goals and/or activities should or could be met/performed at the same time. These include: to increase participation of female representatives of the target group in decision-making processes, to formulate a specific commitment to systemically and in the long-term promote the activity of non-profit organisations that are qualified for (also in terms of statutory requirements) and interested in helping these underprivileged women, purposefully promote social work, and/or personal work with underprivileged persons, support intercultural counselling, and place greater emphasis on the knowledge and conclusions from the field work with underprivileged women, as well as ensure continual funding of these organisations. It is also necessary to promote current research activities on the position of these persons and to change the method of collecting so far insufficient statistical data in order to better identify the needs of underprivileged women. There are no strong links between non-profit organisations in the Czech Republic that work with migrant women and women's organisations that work with women from the mainstream society or with women from ethnic minorities (for example, Roma women). Getting migrant women involved in activities of the Czech women's organisations or other non-profit entities could help to eliminate the risk of social isolation of this group of women and potentially also of their families. The utterly underutilised remains the potential of voluntary work, which as documented on examples from Norway, may substantially contribute to better integration of senior migrant women (Gele, Harsløf, 2012).

In relation to the topic of integration it is necessary to mention the topic of citizenship and the related situation of Czech female citizens with a migration history. As stressed

out, neither statistical data nor any other measures monitor the situation of these women (or men) even though they frequently belong to an underprivileged group at risk of social exclusion. Specific examples from SIMI's work already show problems such as homelessness, social isolation or various (even extreme) forms of poverty in this social group.

Even though this analysis does not primarily focus on persons seeking, and or having been granted, any form of international protection, it is quite appropriate to briefly touch upon the issue of absence of satisfactory regulation of the situation of vulnerable persons in the Asylum Act. Unlike the Act on the Residence of Aliens, the Act on Asylum stipulates what types of persons are for the purposes of this Act considered vulnerable<sup>25</sup> and in several sections it grants them certain exceptional rights compared with other (male and female) international protection seekers and persons who have been granted protection. All the more so it would be appropriate to purposefully work on systemic changes for the benefit of all migrant women regardless of the type of residence and the law governing their position.

In conclusion it may be said that the high risk of social exclusion of senior migrant women and senior women with a migration background accompanied by all possible adverse impacts cannot be eliminated without a systemic and coherent plan that would lead not only to a successful but also dignified integration of migrant women including the ageing ones into Czech society. It should be reminded that people are born equal in terms of dignity and rights, but the real dignity depends, apart from on themselves, on the conditions of the place they live in – and these have not been excessively welcoming in the Czech environment to women with a migration history.



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25 See Section 2(1)(l) of Act No. 325/1999 Coll., on Asylum, as amended, under which a vulnerable person includes in particular an unaccompanied minor, parents or family with a minor child or parents or family with a major child with disabilities, person aged 65+, person with disability or serious disease, pregnant woman, victim of human trafficking or person who has been tortured, raped or subjected to serious forms of psychological, physical or sexual violence. The word collocation gives a possibility to the administrative body to designate other than the above mentioned persons as vulnerable.

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## II.

# AGEING, CARE AND MIGRATION: QUALITATIVE ANALYSIS OF INTERVIEWS WITH WOMEN WITH A REFUGEE EXPERIENCE FROM FORMER YUGOSLAVIA

Petra Ezzeddine, Hana Havelková

*“The reason is war. Overnight I found myself in the same apartment, in the same bed but in a different state, if I may put it this way. We woke up and heard from the radio that we had to stay at home, that we were not allowed to go out. They asked whether we had any weapons and asked to hand them in. The only weapon I and most of the people had at home was a kitchen knife.”*

## 5. QUALITATIVE RESEARCH CONTEXT

Until recently, migrant women had been entirely ignored in migration studies (not only) in the Czech Republic. As stated by Pedraza (1991), until the 1970's migrant women had been considered passive followers of men who were the initiators of migration. Between 1980 and 1990, migration studies were strongly influenced by feminist theories. Feminist theories consider gender to be a set of identities, behaviour and power in relationships, which is formed by culture and society. This paradigm influenced the perception of gender in migration in two ways. The first one is associated with patriarchy, hierarchy of power, dominance and control of men over women, i. e., how patriarchy influences possibilities to migrate, when and where to settle (Boyd a Grieco, 2003). The second one is associated with mutual relations between men and women, change of their relations to their family members, including their mates, in the process of migration. It is examined how patriarchy is included and/or re-established in the course of migration. Researchers also focused on the participation of migrant women in the labour market in the new country, impact of the women's control and power in the family or higher participation of men in caring for household and family and transformations of masculinity in the process of migration.

The issue of ageing in the process of migration analysed by us has so far been an unexplored area in migration studies. The main reason is that migration policies are not designed from the long-term perspective – migrants are not expected to grow old in the respective country, and at the same time ageing migrants are not visible because they are not “productive” in the local labour market. Experts in this area were mostly interested

in<sup>26</sup> the impact of migration on the ageing in the receiving societies (demographic studies) and in the impact of migration on the ageing of the population in the country of origin, i. e. situations in which migrants are mostly those in the productive age range, and on transnational methods of care for elderly parents and relatives in the country of origin (Deneva 2014, Baldassar 2007). Research studies focused their attention also on the life style migration of economically well-off seniors (in the EU context) to coastal areas of the Mediterranean Sea (e.g., King, Warnes, Williams 2009). The second type of studies that address ageing at work are analyses that deal with structural discrimination of senior migrants, namely those who have returned but also those who have remained in the country of origin (Ackers 2004). This important topic has also been addressed in our document, in the part where we analyse the migration and integration policy in relation to the population of ageing migrant men and women. A special category of migrants includes circulating ageing migrants and there are studies analysing how they organise their care for their families (their own parents in the country of origin and grandchildren who are in migration). These studies show that even if economy is globalised and benefits from mobility of the capital, social systems still have a strong national character and do not take into consideration transnational trajectories and lives of migrants in several states (Deneva 2012). On the contrary, their “reproduction” mobility may be strongly discriminating for them. As pointed out by Deneva, researches on migration entirely omit the category of ageing migrants who move between various geographic and institutional locations for the purpose of providing care to various members of their own families (parents, grandchildren).

Our research studies migration from the *intersectionality perspective* – i. e. that we take into account also other identities and inequalities arising therefrom, which affect women under research – such as age, ethnicity, migration status and social class (Brettel 2000). We have tried to cover the complexity of phenomena and relations existing as a result of migration and life in a new society (Erel 2007).

For the purpose of this study we have asked the following questions: **how women with a refugee background reflect upon their personal migration life trajectory; what importance they place in their narratives on the life in war and the beginnings of life in a new society; how they reflect upon their gender identity and its transformations in the process of migration; how they reflect upon their role and refugee experience at an advanced age and especially at retirement. Moreover, how normative pressures influence care and emotional work of women in the process of migration.**

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<sup>26</sup> We would like to express our thanks to our colleague Goranka Oljaće for her personal commitment, sensitive approach and empathy during the demanding data collection process.

## 6. RESEARCH METHODOLOGY

Due to the application nature of our publication the decision was made to use qualitative methodology and data was collected by means of thematic in-depth interviews (Denzin 1989). We believe that this particular type of interviewing helped us not only to explain women's refugee experience as a form of social process but also to "record" specific experience with gender, migration and ageing. In-depth interviews were constructed around the so called guide list, which defined thematic areas in which we conducted interviews. Topics of interest to us during interviews included the following: migration history (leaving/running away from Yugoslavia, arriving to the Czech Republic and life in residential facilities); work and employment (job history, adaptation and working conditions at an advanced age); care (for children and transnational care for parents in the country of origin); preparation for retirement, strategy and going through retirement age.

The data collected during interviews was then transferred from the audio recording into a written form as an unabridged transcription, but in this document it will be used in an edited standard Czech language form, which is more comprehensible for readers. Three interviews were conducted in the Serbo-Croatian language and later on translated into Czech. We do realise that a research interview is a dynamic and formative process including not only the narrator but also of the listener. The meanings of narratives are thus created in line with various roles, positions and interests of the listeners. As argued by Erel (2007:5): *"A story about running away from home may acquire different meanings – if told to a feminist migrant group, a social worker or a broader group as part of internet communication."* Most interviews in our research were collected by our colleague Goranka Oljača, who herself has a refugee background and her specific position significantly influenced the way how she conducted the interviews, what data she accepted, but also what thematic areas she avoided during interviews. During our interpretations we sensitively worked with facts (in terms of ethical work with the data and its representation), as our research project should have a committed nature and its outputs will be made available to women under research (who have been invited to the closing conference and will receive the project outputs).

For our research, we have used purposive sampling. When establishing contact with individual women the snowball method was used. The sample included 37 women with a refugee background from the former Yugoslavia. The main criterion for inclusion in the sample was the fact that these women came to the Czech Republic during the war in the former Yugoslavia and were aged over 50. Our sample included women who had lived before the war in the territory of the present Bosnia and Herzegovina, Serbia, Croatia and Montenegro. Our sample also included three women who returned (for various reasons) to the country of origin. We believe that their specific experience helped us to understand in a more comprehensive manner the life trajectories of those women who have remained in the the Czech Republic.

As we worked by means of qualitative research methods expected to use personal data (under Act No. 101/2000 Coll., of 1 January 2005), an informed consent was used informing the participants of our research about the data processing (including anonymisation,

archiving and other types of outputs). For the above reasons all names of the interviewed women have been **anonymised**. It means that **NO WOMAN** from our research in this text **SPEAKS under her own name**. Some of the interviewed women have already been granted Czech citizenship, and/or have applied for citizenship, or have a strong sense of belonging to the Czech Republic. And also after 20 years in migration they do not want to be called migrant women or foreigners any more. For the above reasons they are called **women with refugee experience** in our study.





## 7. INDIVIDUAL TOPICS UNDER RESEARCH

### 7.1 “The Reason Is War” or What Happened Before the Escape

The topic of involuntary departure or rather escape from the war-stricken Yugoslavia was certainly the most delicate part of the process of interviewing, both for the interviewed women as well as for the researchers (and the colleagues who recorded the interviews). Even though they left their homeland more than twenty years ago, it was not easy for them to speak about this period. It is still very much alive in their minds and evokes a number of traumatic memories. Some of the traumas still persist and it is only now that they can focus on dealing with them as they have achieved more inner peace, have more time for themselves and are no longer fully occupied with problems of others (in particular their children). The women therefore **did not want to speak about this period**. Some of them restricted themselves to only brief and informative description of the situation, some tried to avoid the topic completely. We think this is primarily caused by the lack of sufficient systematic psychological intervention during their stay in refugee facilities or during the first months of their stay in the Czech Republic. In this period they were under extreme emotional distress, living with **the feeling of uncertainty** – they had no idea how long their stay in the Czech Republic was going to be. Moreover, they **were worried about the safety** of other family members they left in their home country stricken by war.<sup>27</sup>

The conditions in their country of origin at the time of their departure were not easy; they were, without exaggeration, threatening their lives. Therefore when analysing the interviews, we were surprised to learn that **their departure was** in fact **an utmost solution to their difficult life situation** which they had **long considered**. Their decision was also determined by the fact that in many cases they had to leave without their closest relatives – husbands, parents, siblings and friends. And these social relations that strongly defined their gender identity and the role of mothers, wives and daughters, were of immense importance to them. In their own words, women perceive themselves primarily as carers who only think of themselves in the second place. Thus their decision to leave was based entirely on the idea of ensuring safety, in particular, for their children and families. The fact that their lives were in danger too was hardly ever mentioned. As Milena puts it: “*The most difficult thing was to leave, but we knew we had to! We decided to leave in particular because he (Milena’s husband – note) did not want to join the army. He told me he didn’t want to kill anybody.*” In some cases women were willing to **actively protect their husbands** while risking their own safety. Selma says: “*We left for Croatia hoping that we would stay at our friends for three months at the maximum. The war would then be over and we would be able to go back home. There we were confronted with cruel reality – right at the railway station they wanted to draft my husband and brother-in-law. So I stood up and took the one bag we were allowed to have and got off with my husband. I told the military police that if they wanted my husband, I was going too. Other women joined me, so they decided that men with partners and wives could continue their journey. Despite*

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<sup>27</sup> Emotional needs of migrant men and migrant women are underestimated not only in migration and integration conceptions (which view migrants primarily as work force (healthy, young and efficient) or as a group of people who may represent a (potential) danger to the receiving society. This is also true about social sciences which pay less attention to emotional issues in the migration process than they would deserve.

that some 30 men were drafted.” As Jones points out during and after the war a gender stereotype was spread that “Balkan” men were “culprits” and active instigators of the war and their resistance was systematically overlooked (Jones 1994).

When the war in Bosnia initiated, Mirjana decided to stay to take care of her mother. Her husband and her daughter left for the then Czechoslovakia: “Yes, I decided to stay. My mum was the main reason. My husband’s sister stayed too because of her parents. The two of us arranged for water and wood. For several months we had no water, no electricity, no telephone connection, so we had no idea what was happening in the flat next to ours, and a lot of bad things could have happened. Actually, a lot of bad things really happened.” In fact, some women saw their relatives at the moment of their departure from the homeland for the last time. Therefore they experienced increased emotional distress when some of these relatives died and they could not attend the funeral and say the last goodbye to them.

***“Soon we were informed that it was going to happen the following day and that we couldn’t take anything with us. I had nowhere to put the things anyway because I had given my suitcases to those who had left the city earlier. I thought I would not need them because I would never leave. I remember that I took a big black bag and filled it, I don’t know why, with some photo albums and nappies. It was my daughter’s birthday, she was two and she still used nappies. That was it. Two kids and I got on the bus and said goodbye to my husband. It is difficult to describe... My husband was standing there and didn’t know what to say. He took off his watch and gave it to our son. I was pretending that I was fine to keep the children calm. So we got on the bus and then changed to another bus. There were some soldiers there. They were drunk and shouting. They said we needed to get off the bus and cross a small bridge, but only two people at a time. By no means three people together. I was wondering what to do. How could I leave one child to go over the bridge on his own? I was told I have to! I carried my daughter in my arms and my son had to go without us. It turned out fine, but there are moments that leave lasting marks on your soul.”***

Another reason for leaving was an ***intense stress associated with life in war conditions*** and its impacts on women’s mental health which would, however, according to these women, affect primarily the life of their families or the mental development of their children. Vesna worked in media and commented on her health condition as follows: “I started to suffer from psychosomatic pain, I couldn’t breathe. I didn’t know how my family was. For the last two months I wasn’t able to walk. They thought I had stomach inflammation. But they were wrong. Finally I worked it out. My soul hurt me. My colleagues started to die of stress. The pressure was enormous.” Our analysis has revealed that it was women who maintained, at every cost, the illusion of ***“normality”*** in their families and summoned all their mental strength to create the feeling of safety for their children. On the other hand, they were pressured by the family to remain strong because of children; which was considered a very common element of their care strategies. Emotional work in families was underestimated, as Daniels states, by “the tendency to amalgamate with a certain level of moral strength and dignity” (Daniels 1987:404).

The desire for **normal life** is also the main narrative motive of all stories about involuntary departure. This motive is connected with satisfying the basic needs in life – access to water, sufficient amount of food, electricity, gas, job opportunities, safe way to school, etc. They were in fierce contrast with the images of **non-normality** – i.e. with the feelings of **uncertainty, danger, deficiency and omnipresent death** – that is women's everyday experience. As testimonies of the interviewed show they were dismayed in particular by (often unexpected) violence in their immediate vicinity which they could not understand. Branka says: *"It was difficult to cope with the fact that my parents were ill and I couldn't be with them. I could send them money, but I couldn't offer the care I should have offered them as a daughter during the first hard days. This is a burden that lies heavy on my heart. They both died and I wasn't around."*

Women believed their departure was only **temporary and provisional**: *"we thought that it would be a kind of holiday and that we would return soon"*. By no means did they expect that the war would take so long and that the following twenty years of their lives would be so closely connected with the Czech Republic. This can be proven by Sanja's story: *"The worst thing was that it was really fast, I had no documents or anything. The only thing I had were kids' medical cards that were of no use here. Actually, we took nothing! Apart from the passport which we had to have... We all believed that we would be away for just a little while and then go back home. Nobody knew that we were leaving our home forever. That was the problem. We left the home tidy and ready for our return."* Vesna has similar experience: *"We arrived in the Czech Republic in 1991 and it wasn't emigration. We arrived for a fortnight holiday hoping that the situation back home would calm down in the meantime. Unfortunately the situation gradually worsened and we realised that we had no place to return to. So we stayed at our friends' and relatives' places for a month. The advantage in my case was that I come from a Czech minority."*

We assume that the above-mentioned **temporariness**<sup>28</sup> helped them survive the uneasy situation at the initial phase of migration in a new society they were unfamiliar with and where they had no social networks established. At the same time they were permanently overwhelmed by worries about their relatives and friends they had left in their home country troubled by war. Jasmina says: *"The worst thing was that we didn't know what was going on there. We only had some information from television and news. We used to run to the post office and phone home to find out whether they were alright. You can hardly imagine what it was like."* It is also important to realise that in their country of origin they left almost all their personal property gathered over years and they had no idea in what condition they would find it (if they would find it) after their return. It was probably more difficult for women coming from rural areas whose families had different social and economic ties to land and estates inherited from their predecessors.

In the analysed interviews women often sensitively reflected the **feeling of guilt** connected with the fact that they were **among the few "chosen"** who were allowed to leave the war-stricken country and thus provide safe life conditions for their children. Dzenana says: *"The first days I was really happy that we were here because I could feel that we regained what we once used to have: peace, normal life, elementary foods, hygiene,*

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<sup>28</sup> The category of temporariness also shows to be significant for migrant women who leave the closest family in their country of origin – as Ezzeddine shows in the research of transnational mothers from Ukraine (Ezzeddine 2012).

water, electricity and so on. Later I started to suffer from a bad conscience, I felt guilty about saving myself. I didn't feel that much guilt with respect to my family, parents and husband... I was thinking about my friends and people I knew who also had young children and failed to leave Sarajevo. So, at first I felt temporary happiness and satisfaction that I had left the city and managed to save in particular the children, but then the feeling of guilt appeared that many people stayed even though they were in a more difficult situation than my family was." The feeling of guilt could, however, change into a strong moral commitment which helped them succeed and "withstand" all future emotional, social and economic inconveniences that were to come in migration in the following years.

The journey itself was very strenuous, future migrant women and men had to pass through several check points of different military services where they had to undergo thorough personal checks. The atmosphere during the journey was tense and the journey could have taken several days instead of several hours. Some of the interviewed women travelled in organised groups under humanitarian programmes from the nearest safe airport. Those who travelled individually (mainly complete families) at first decided to try their luck in Zagreb where their friends or relatives lived and as no one really expected to stay away from their homes for a longer period of time, it was a strategic decision to be as close to their homes as possible. Later it became clear that the war would take much longer than anyone would have ever thought and therefore they decided (for a variety of reasons) to go to the Czech Republic.

***"At first we were trying to find a way out! The only possibility to get out was to go to Belgrade. First we went to Serbia to arrange documents; the journey was really terrible. Our first and only goal was to save our lives, we didn't think about anything else. We had to pass twenty-four check points... terrible. We had no documents apart from our ID cards or something similar. When we reached the bridge leading from Herzegovina to Serbia, they dragged my husband out of the car. Only then (a convoy of five fully occupied cars) we realised that he was the only one in the group with a Muslim name. None of us had thought about it before! They dragged him out and asked him where he was going and why etc. He didn't know what to say, he had no idea what the right answer was to save his life. It was frightening, it was at the very beginning of war and no rules applied. Life had NO value! So to ease the tension, he said: "I am driving my wife and children and then I am going to come back". And they said: "So you are going to come back to shoot and kill us." Our friend, my husband's best friend ((crying)) told them: "No, no, let him go, why are you doing this? He is my best man, he is my best friend". They attacked him as well saying: "So, this son of a bitch is a friend of yours? Then you too are a bastard and deserve to be punished". "I don't really know if we were really lucky or what."***

„It was terribly hot, we were dehydrated and there was no water, there was nothing! My son was standing the whole time, he was wearing someone else's shoes because it was a period when he was growing really fast and he had no shoes to put on. So I scrounged some shoes so that he could walk. He was standing between the rows of seats, one of his hands on the seat on the left and the second on the seat on the right. He was sleeping standing up! Some soldiers came to us and wanted to check our documents, but I wasn't able to pull myself together and take the documents out of my handbag. My son, poor boy, took them out and showed them to the soldiers as I was dead tired, my head was dropping while I was holding my little daughter in my arms. Then I woke up and saw that my little girl was completely lifeless as if she were dead and I had no one to tell. The bus was crowded with Jews and young people who were very frightened that they might be thrown out of the bus... instinctively I started to search my handbag but I only found a bag of sugar from a café. I opened it and started to feed the little one with little grains of sugar, but nothing happened. ... However, when the grains started to melt, she began to show some signs of life! Since then whenever I am in a café I always put a sugar bag in my handbag! I have respect for sugar!“

## 7.2 “How to Find the Soul and Arrange All the Things” or Arrival and Getting Accustomed to a New Society

Upon arrival and when establishing the first contacts with a new society several factors play an essential role: who you arrive with, how you arrive there (refugees/migrants) and whether there is a network of friends and relatives in the new country who are irreplaceable in the migration process (Massey 1993, Brettel 2000). Networks of migrants and friends may substantially eliminate the risks associated with migration; they can provide accommodation and food during first weeks, ensure access to information necessary for functioning in an unknown environment and create an atmosphere of safety, stability and trust in transit dynamic situations (Aranda 2003). Migrant women who during the first months (and sometimes even years) lived under the “supervision” of their Czech friends and relatives they had met during their studies in the Czech Republic or other ex-pats living in the Czech Republic had quite different experience with people from the majority society than those migrants who did not. It shows that the **knowledge of their specific personal migration story was significant social capital** from which they could profit in the then homogeneous Czech society (1990s) not familiar with “diversity”.

Quite different was the situation for women who arrived in the Czech Republic as part of organised humanitarian programmes and stayed in former holiday facilities in regions outside the capital city where they were isolated from the majority society. Interviewed women sensitively reflected the **feelings of isolation and “distance” from people** with whom they temporarily shared the same social and physical space. Mirjana says: *“There were only women with children fleeing from the war. We were very frightened. And no one, really no one from that village ever came to ask whether we needed something. Our children and their children were classmates and it never occurred to them to ask. That was quite shocking for us. We thought: gosh, what kind of people are they if they don't*

even think of helping women with children? I think I'll probably never understand why no one from that town came to ask whether they could do something for us. They knew who we were."

*"The place where we and children spent the first year (residential facility for migrants in the north of Bohemia) was a great, great disappointment to me. I still can't get over the fact that the people from the little town didn't accept us. A group of women with children arrived from a war zone. Apart from one man who worked at the facility as a gatekeeper and a lady who was our colleague and worked as a cleaner at the facility, no one ever offered a helping hand. No one knocked the door to say: "Ladies, is there anything we can do for you? Would the kids like an egg, or have you got a pan to fry it in for them?" When walking through the streets, we saw it was a rich town, there were neat houses and beautiful gardens. I have no idea how the town was organised, how the local government worked, but no one, not even the town representatives ever came. The most painful and insulting moments were when we went for a walk, they started to close their windows. As if we came from God knows where or as if we were leprous. So that town was one big disappointment." (Snezena recalls)*

On the other hand, our informants spoke with gratitude about humanitarian workers and employees who spent time with them at the residential facilities during the first months of their stay in the Czech Republic. We have to realise that this group of migrant men and women with the status of temporary protection were historically the first larger group of forced migrants who came to the then Czechoslovakia. Czechoslovakia was also the first central European country that had very quickly established the very first governmental programme of support for this group of forced migrants and enacted the instrument of temporary protection also enjoyed by the migrant women interviewed.<sup>29</sup>

The situation at the initial stage of migration was a difficult life experience for many of the women. Although they had already experienced economic shortage in the war-torn Yugoslavia, they did not expect that the situation would continue also in the (peaceful and safe) Czech Republic. Here they also lacked the support of the broader family they used

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<sup>29</sup> In 1991 the Czechoslovak Federative Government adopted the first government resolution which led to the establishment of the instrument of temporary protection for citizens of the former Yugoslavia. Soon (at the end of 1991) the first migrant men and women arrived in the Czech Republic. At the time of establishment of the instrument of temporary protection, i.e. at the end of 1991, there were only 53,461 migrants in the Czech Republic, out of which 2,127 were male and female citizens of the former Yugoslavia. The total number of refugees from the countries of former Yugoslavia placed in refugee facilities of the Ministry of the Interior of the CR in the years from 1991 to 1997 reached the number of 5,238 persons. Children under 15 years of age represented the largest group (33.8%). In general, humanitarian centres were gender- and age-balanced (with the exception of so-called children's programmes for mothers and children). Furthermore, thousands of migrants lived integrated in the Czech society through the network of their friends and ex-patriots. Humanitarian help was organised by several international institutions and agencies: International Red Cross, Children's Embassy (a special programme for mothers with children), International Organisation for Migration (IOM), etc. This was the time when the first Czech humanitarian organisations started to originate. They were active in the Czech Republic (e.g. the Advisory Centre for Refugees – today's Association for Integration and Migration) as well as in the war-stricken Yugoslavia (People in Need). The highest percentage of migrant men and women (83%) temporarily placed in Czech humanitarian centres was from Bosnia and Herzegovina (Pilat-Whalen, 2007).

to have at home: *“In Sarajevo our lives were at stake. It was something different. Here it didn’t happen often, but I had an impression that I had to arrange everything for living. That was unpleasant.”* (Vesna’s words)

For these reasons it was not easy for many of them to cope with the situation. They had to start from scratch and their lifestyle differed significantly from their pre-war comfortable lifestyle enjoyed in former Yugoslavia. Marina says: *“The film I produced was nominated for an Oscar and we were awarded a Golden Palm at Cannes. In other words, I had a feeling I could fly. Then all of a sudden we are in Prague and the only thing we have is our car. In our trunk there is, I remember that quite well, one small plastic bag with the lingerie we bought in Belgrade plus two T-shirts. And, yeah, there was a suit my husband picked up from the dry cleaner’s. It travelled to Prague with us as refugee clothes, never worn since then. It was late afternoon, kids were at the backseats and we had no idea where to go and what to do...”*

In the interview we have identified the strategy to **“ensure that children have what they need”**; women were doing their best to ensure that their children did not view migration as yet another negative change in their lives after having experienced the hardships of war. They were trying hard to sustain the family so that the children were saved from material shortage. Women thus remembered very well, including all details, the biography of things (Kopytoff 1986) they provided for their newly originating households – how they got the particular thing, from whom, what they had to do to obtain it, how much time it took them to save money to buy the thing, etc.

Also in migration, women from the former Yugoslavia played a key role in organising the life of extended families. They continued their trajectory of care also in migration where, however, they also bore extra responsibility for individual members of the family – not only children, but also for women-mothers and mothers-in-law. This is Ivica’s experience: *“It was not easy at all! My mother who lived with us could not cope with the new environment; she never participated in the process of children’s upbringing or care. She was not able to take part; she only repeated she wanted to go home. But there was no home any longer! I sometimes made fun of it saying I had four children. I gave birth to two children, and then there was our grandma and my mother-in-law. I assume that my family thought that I was invulnerable and indestructible and that I was there to deal with all the troubles and crises. I was really lucky that my children found their own way. There were no problems with their education, all went very smooth. But we adults were going through different crises and those were tough. Now when I look back, I guess my dedication was a kind of escape; escape from troubles we had to face every day.”*

***“Well, we found a flat to rent. The landlords were really nice people and they wanted us to pay just the utility expenses. It means we only paid electricity and water bills. We only paid for what we spent. No extra payment. They helped us. And in all my jobs the women I worked with helped a lot. They gave us clothes because I arrived with one small suitcase. We had nothing. They did what they could. I was satisfied. They gave me clothes. They gave me coats. And I bought some shoes. So we survived somehow.”***



***“I was looking for a job everywhere. The employees of humanitarian centres helped us a lot in this respect. They played an important role in the process – it started with brainstorming of job opportunities and combining different methods of learning the Czech language. They helped us, organised and held courses of Czech for us. I really appreciate that and I have to say thank you, it meant a lot to me.”***

The interviewed women who were located in residential facilities (isolated from the majority society) spoke about ***mutual sisterhood and solidarity*** of migrant women which helped them survive the uneasy situation during the first months. In migration social networks can also have the function of an emotional support system since they satisfy emotional needs of migrant men and women and provide assistance and support. In particular migrant women perceive the situation without families more sensitively, especially in critical situations such as illness or death in their families (Aranda, 2003). Bisera says: *“We were incredibly close supporting one another. If one of us had a nervous breakdown, the others did her work. We simply had to, it kept us up and running.”* Migration is a challenging life situation which also affects relations between partners. The women interviewed could be divided into the following categories: divorced women who came to the Czech Republic alone and maintained or maintain long-distance relationships with their ex-partners (this was the smallest category in the interviewed sample group); women who divorced or lost their partners during migration.<sup>30</sup> However, the majority of interviewed women mentioned that this phase of life only strengthened their mutual relationship. In their opinion it was because they spent together much more time than before migration, had to overcome together a variety of (sometimes unexpected) problems and also tried to create the feeling of security and stability which in particular children lacked at the initial phase of migration. In some cases the spouses even started a business together, even though their former professions were different. Due to the lack of knowledge of the local language, this was a more accessible form of employment for migrants than the traditional profession and the position of an employee.

***“I felt I didn’t exist. I brought my body to the Czech Republic, but I didn’t know where my soul was. I couldn’t sleep. What should I do tomorrow and why? I was walking through the city sightseeing. I don’t know, I probably needed to use up the time before our departure. I was trying to find myself all the time! It was terrible until I met one lady in the underground. She was Czech and my neighbour. All of a sudden I felt that my soul was back. Finally I knew someone! I could meet someone even here! I remember I kissed her and she was astonished ... Well, Czechs are not really fond***

<sup>30</sup> Only lately do the studies of gender in migration focus on the interconnection of migration studies with men’s studies. Studies have revealed that in migration gender identity transformation (even though sometimes only temporary) regards not only women, but also men. Migrant masculinity is also linked with strong gender stereotypes and social and cultural normative pressures on hegemonic masculine identity (such as men are able to cope with everything, men must provide for their families, etc.). The failure to fulfil these expectations or the inability to continue to fulfil them in migration may lead to the decision to return to the country of origin (George, 2005).



*of kissing. She stepped back but I told her that I would explain everything later. And I asked her whether she had time for a coffee the following day. The following day we met for a cup of coffee and I told her how much it meant to me, that it was an essential step to soul healing. She listened to me but I am not sure she understood. And then we slowly started to live like all the others here.”*

### 7.3 “Migration Is Like Your Ex, You Will Never Get Rid of It” or Living Multiple Discrimination

The majority of interviewed women who have been living in the Czech Republic for more than twenty years have obtained Czech citizenship, so in legal terms they have become fully equal citizens of the Czech Republic<sup>31</sup>. The interviews have revealed that **women subjectively expected that this important change of their status would reflect in their everyday life** – in particular when dealing with public institutions. The interviewed women, however, expressed great disappointment because in **contact with institutions they were regularly placed in the category of foreigners**.

Women themselves considered their personal migration experience as a stage of their life that was over and fully linked (or planned to link) their future life strategies with their life in the Czech Republic where they had families, friends and work. A key event that led to with the re-opening of the migration history (which for them personally was already closed) that overshadowed their civil status was applying for retirement pension. The process of retirement pension assessment clearly unveiled individual job histories of these women that were also connected with their life in the territory of former Yugoslavia. For many of them the amount of pension which is not sufficient to survive the old age in peace was shocking and at the same time humiliating. In the interviews women sensitively reflected in particular the symbolic level – i.e. the **financial underestimation of their reproduction work** (upbringing of children and taking care of family and household) and the fact that they had worked all their productive life. The feelings of non-respect for women's work are related to the fact that society underestimates their “invisible” reproduction work related to upbringing of children and taking care of children and household (Oakley 1974). On the other hand, society grants status to its citizens (primarily) based on productive work which determines the main central pathway to identity. The women interviewed, however, underlined that “migration was not their choice” and often did (especially at the beginning of their life in migration) less qualified work as, for example, cleaning women or shop assistants. Returning to their former professions or requalification in other cases

<sup>31</sup> In the years 1996 and 1997(during the so-called voluntary repatriation) 282 and 190 migrants respectively decided to return to their homeland. Pilat-Whalen (2007) describes the specific aspects of some decisions to return: “Perhaps because the application for asylum was not a necessary part of the reception procedure, the people enjoying temporary protection were not subject to interviews otherwise necessary to enter the asylum procedure. The vision of sharing the events preceding their departure from the homeland with police officers discouraged in particular Bosnian refugees from applying for asylum since these events belong among the worst moments of their lives. Due to the above said, many citizens of former Yugoslavia seriously traumatised and having convincing reasons to apply for asylum decided not to extend their stay.”

cost them a lot of effort which is not sufficiently appreciated (not only financially) by our society. Therefore they harshly criticised “good advice” of office workers who recommended them to “go back home” where “they could be better off” instead of living their retirement years in poverty in the Czech Republic. However, as followed from the interviews, they were exposed to similar treatment at the offices in their home country which started to look upon them as foreigners as well. Bojana says: *“When I arrive in Bosnia they ask what I want from them. They say they don’t even have money for people who live there. I don’t exist there and I don’t exist here! Here I am a foreigner regardless of my citizenship.”* Gordana has a similar opinion on the situation: *“Yes, here. I have no intention to start there again. It is my hometown where I spent 30 years, but unfortunately I know no one there now! Those elderly people who didn’t leave are slowly dying. I visited the town recently and spent a week there. I was in town every day, my mom always asked me to arrange something. You walk through your hometown, but you see no one you could say good morning to and that is really stressful. I don’t wish to go back! We were always hoping that we would return one day, but not anymore! Our children will finish their studies here, I hope they will get married and have children. My future is where my children are!”*

The interviewed women sensitively responded to critical statements of their fellow citizens who blamed them for leaving and living abroad while they had to endure the difficult conditions during the civil war. ***The feeling of living in a kind of interspace was present in all narrations. Contrary to that, the interviewed women also expressed subjective feelings of transnational belonging.*** On the one hand, it was the sense of belonging to the Czech Republic. On the other hand, it was the idealised and sentimental vision of life in former Yugoslavia, i.e. in the pre-war Yugoslavia at the time when they were young and full of energy and when they lived peacefully in the circle of the closest family members and friends. They spoke rather critically of life in the countries established on the territory of the former Yugoslavia and often mentioned that *“life there is no longer what it used to be”*.

In particular in the work environment, women with refugee background had to deal with yet another type of multiple discrimination targeted, apart from their gender and ethnicity, also at their higher age (Bretell 2000). Jelena confirms: *“In one personnel agency I had to sit an interview, undergo demanding tests, and all kind of other things. They used camera to videotape us all the time. I did not mention my age at all. However, they didn’t accept me because of my age, I was told. That was the last time I looked for a job like that. The manageress of the personnel agency told me that later.”*

The subjective feelings of age discrimination have been identified primarily in women working in employee positions, in particular in the sphere of media and in the sector of bank services and economic consulting services where the employees are expected to display high work commitment, flexibility, and knowledge of modern technologies. That means a competitive work environment aimed primarily at individual performance. Women themselves were convinced that there should be some age diversity in working teams and that they still ***“had something to offer and pass on”***. They also strongly stressed the relevance of both their working and life experience. On the other hand, they critically admitted that they had less physical energy and in this respect it was difficult for them to compete with young, assertive and dynamic male and female colleagues. Women who were co-owners of companies or worked for smaller businesses or non-profit organisations were in a completely different position. It shows that this kind of working

environment is more age-friendly since employers have more opportunities to become familiar with individual employees, get to know them personally and in more detail and also discover individual migration and life stories of these people. Women employed in family businesses felt more secure about their work position. On the contrary, this kind of employment requires intense involvement of all family members regardless of age and (often) health condition. Jelena (with retirement pension of CZK 3,000)<sup>32</sup> who co-owns a family restaurant (where she also employed three Czech employees) says: *“I used to work from morning to evening all my life until old age. Even today I work hard. I thought I could save some money. Unfortunately, things went differently than I had expected. If you own a restaurant, you have to work all the time. Nobody is interested if you are ill or not. Today one of our employees had a small accident and couldn’t come. I was at home in bed because I wasn’t feeling well, but I pulled myself together because I had to. In a family business you have to go!”*

The analysis of interviews on the topic of multiple discrimination illustrates the conflict between the legal (formal) conception of citizenship and the concept of social citizenship (Yuval-Davis 1991:5). Although some of the interviewed women have obtained Czech citizenship, they are not fully guaranteed access to and participation in all public services (e.g. full right of entry into the pension scheme) and their rights and demands are often questioned in particular by institutions (McMahon 2012).

“Some time ago I and my son applied for citizenship. We had to undergo an interview at the ministry and the clerk, when she found out that my son is on Czech disability benefits (note: he is mentally and physically disabled), she asked why we had come ... and said that we were taking from the Czech system something that did not belong to us... When walking down the stairs, tears were running down my face...”

“I think that xenophobia is a general phenomenon. It doesn’t matter whether we are from Yugoslavia or somewhere else. I was noticing the problem particularly during the first two or four years. For some of the Czechs I met it was the first contact with a foreigner. I remember, for example, that my fridge broke down. So I called a service-man. I was explaining what had happened when he interrupted me: “Lady, where are you from?” I responded: “I am from Mars, do you mind?”

#### 7.4 “Retirement or When You Get Older, You Need Less” or Ageing in Migration

During the interviews all women who were about to retire mentioned that retirement was **a period of modesty** when they would have to live on limited financial resources. What we found interesting was that they were practically unable to assess the final amount of their retirement pension. Therefore they were shocked by the officially calculated amount of retirement income (on average CZK 4,500). The strategy *“I managed to survive then, so I will have to manage in the future, too”* was present in all interviews. As Selma puts it: *“I am not thinking about retirement. I always say that when the situation was really bad,*

<sup>32</sup> 1 EUR = 27,5 CZK (during the time of our research)

*we had to deal with it on our own somehow. And now there should be someone to help? I don't want anybody to help me. Not even children. If my health condition permits, for which I hope. I think children shouldn't help me, but I have no idea what life will bring. I wish I could manage completely on my own and not ask anybody for help."*

The strategy of the second group of women who were aware of low retirement pensions was diametrically different. They had a **long-term and systematic** plan to deal with it. The strategies of "coping" with the drop in their monthly income were different – starting from economizing, cutting of household costs by moving to smaller flats, organising short-term rents of rooms/flats to tourists to a variety of saving plans (which, however, were insufficient in some cases). Bisera who holds a specialised job in the health care sector says:



*"I have a good income and have enough money to pay all the social taxes. My idea is that when I retire, I will cover my rent and food expenses from my pension. I will have to provide for all the rest and make some savings. I will get ready for my retirement; I will replace all the electric appliances. When you retire you don't need as much as a working person does."*

The already retired women **were actively trying to deal with** the economic situation in different ways. One of the strategies was to continue to perform their job. Danica who works as cashier says: *"I am 65 years old and I am not quite healthy. Eyes, hip joints, thyroid. But my pension is 5,600 crowns, so I have to keep working until I can. To be quite clear, it is not that I would like to sit at home doing nothing, but it makes a difference if it is your own decision or if you are eventually forced to go to work."* However, for some women work did not represent only significant additional income to improve their retirement pension, but it also fulfilled the role of emotional support. It helped them maintain the feeling that they were "still useful" for society, i.e. it helped keeping the continuity of their own biography built exclusively on care and work activities. Vesna says: *"The worst thing that could happen to me is to have no work. To retire and have no work. I would feel that I am just sitting at home waiting for death to come. But I have my job, I have a goal, I feel happy, I am in a good mood and have the will to live."* Snezena responded in a similar way: *"At the beginning when I came back (note: to the Czech Republic), it was quite a normal life. But then I started to feel depressed. I wasn't used to doing nothing. I couldn't just sit at home... I often walked through the city, wandered around not doing anything special. It is perhaps the worst thing if someone is without work and any goal. In such a situation you cannot say: 'I have done this and that, I am useful.' I didn't have anything like that. At that time I started to look for a job and ask where I could work. One person helped me and thanks to him I got a job in one supermarket. I have a temporary contract, but my day is full. It is like medicine to me. I come home tired, I have a rest and I start looking forward to the following day. I am with other people, we talk about work and other things and we laugh. I come home happy and satisfied."*

The already retired women were trying, in their own words, to **"do something"** that would help them emotionally to overcome the change in their lifestyle and develop new social relationships and interests. These are Dubravka's words: *"When you retire and you don't know what to do, it's terrible. You have to find an activity, so that the day doesn't feel like a year. I am quite active, the only thing is that I used to get up quite early for work and I don't have to do that anymore. I take tai-chi lessons; there are lots of women. I also study German and English, so my days are rather short. And I really love series. You have to find something that you enjoy doing; otherwise days are really long. ... Retired people have to have their life too, not just sit around. The worst thing is when you have no idea what to do."*

Similarly to retired women from the majority society, older women with a refugee background (especially if they are widows or divorced) find themselves on the verge of poverty. (Sokačová 2015). As suggests Sýkorová et al., senior citizens are vulnerable in particular in connection with housing issues; they often lack sufficient funds they could mobilise or combine to maintain an acceptable standard of living (Sýkorová et al. 2014). Our research has revealed that married women living with their partners are in the best position as they can rely on financial support from their (still working) husbands with whom they share household expenses. Nevertheless even these women, when interviewed, mentioned

how vulnerable they were when it came to economic and social situation and clearly articulated their worries about their future should their husband become seriously ill or die.

“When I heard from a friend of mine that she had retired, I thought to myself that it was not possible. Retirement – that sounded terrible to me. Is it possible that one day I will become a pensioner, too? How is it going to happen, under what conditions? I started to worry about ageing and retirement. Will I have enough money to live on? When you get older, the uncertainty becomes stronger and stronger. I went to the Czech Social Security Administration, learned about the conditions and started to work on it. In Bosnia and Herzegovina I don’t fulfil the conditions to receive full retirement pension. I started to work on it fast and I have retired. The day I obtained the pension decision was a happy one for me as opposed to a friend of mine who was really unhappy and it brought her down to her knees when she saw the amount on the paper. “It’s not possible that after all those years of hard work and education I got so little.” But I didn’t even expect that I would get any retirement pension. The amount is ridiculously low, you feel devalued and humiliated. Look, how high rents are! And what about medicines and other things? It’s terrible, I don’t know how people can make their ends meet, but they have to!”

## 7.5 “Emotional Bonds Go Beyond Borders” or Transnational Care

Migration is often about globalisation of relationships within families and broader families (Byceson and Viurela 2002). Deneva argues that in transnational families it is also possible to observe negotiating commitments, cohesion and duties as well as practical mechanisms and strategies aimed at family reproduction in a multi-local environment (Deneva 2012). The following part will therefore focus on reflection of gender conditioning and transnational care for senior people.

Although the majority of women did not find themselves in good financial situation upon their arrival in the Czech Republic, they tried to support their families at home suffering in the war-torn Yugoslavia. As soon as it became possible, they started to send home non-perishable foods and food cans, despite the fact that the initial period in an unknown country was not easy at all.

Also when the war ended they continued to provide (in particular) financial support not only to their parents, but also other relatives who stayed at home during the war, since the economic situation (mainly) in Bosnia continues to be unsatisfactory. **Transnational care for senior people** is a kind of moral commitment (as also mentioned by the above-cited Deneva) which needs to be fulfilled regardless of one’s own geographical location. Jadranka says: “*I think it is natural that someone who has money helps their parents.*” In the analysed interviews they emphasised that they gradually got used to being far from their relatives living in their homeland and that it had become “*quite natural*”, on the other hand, they stressed that **emotional bonds “go beyond borders”** and separation only concerned their everyday life. In the interviews they also mentioned they were very sorry they couldn’t be with their parents in particular at times when they badly needed their

assistance. They also reflected the normative pressure in their country of origin where it was expected that daughters would “naturally” take care of their old and ill parents.

The narrative category of *the feeling of guilt* reoccurs in connection with their permanent absence in the country of origin. On what social and cultural context is the gender conditioning of transnational care based? Jones states that these behavioural models and stereotypes developed in the patriarchal Balkan environment (as well as in other central European societies) in combination with socialist norms and consumerism remained important also in the changing society in the former Yugoslavian countries. As in other socialist countries, Yugoslav women actively participated in economic and production activities, which was to ensure their economic independence and liberation, but in reality it meant “double day” duties when women worked not only for their employers, but continued reproduction work in their households.<sup>33</sup> (Jones 1994) This context was, however, very similar to the experience of Czech women during socialism (Havelková 1993). Nevertheless, we believe that this specific experience of “harmonising” women’s lives during socialism helped them significantly also in migration when they had to engage actively in care for their families and at the same time perform a significant role in the productive sphere to ensure financial stability of households they were trying to build up from scratch.

On the other hand, as shown in previous chapter, women themselves *strictly refuse* the idea of their future support by their own children and accepting such care. This strict refusal of offered help may also be explained by the fact that in migration women had to put aside their career ambitions and that their job opportunities were limited (a number of women were de-qualified and worked as domestic workers, etc.). Therefore they focused their energy on children and expected them to succeed (unlike them) also outside the family environment (and that concerned both daughters and sons). Any request causing their children to deviate from their career (for example for reasons of taking care of them) would mean that this model of care would lose sense and interfere with their personal gender identity.

In the interviews analysed we have identified the “*stick together*” strategy which was important for women at all phases of migration and inclusion in Czech society when women placed emphasis on the importance of intense family relationships for them and their families. The interviewed women mentioned that for this reason they were considering the transfer of senior relatives to Bohemia, however, they were worried that for seniors such change would be psychologically too exhausting. They also stressed the language barrier they would have to cope with in communication with the majority society. Therefore some of the women contemplate return to their country of origin despite their doubts and lack of optimism about life in their home country, as already mentioned in previous chapters. Two women have already returned to their homeland (at least temporarily) in order to take intense care of their ill parents and relatives. Only two other women have decided to deal with the family situation by transferring their relatives to the Czech Republic. With respect to the health condition of their senior parents who as non-EU migrants (in particular from Bosnia and Herzegovina) would not have access to the public health insurance

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<sup>33</sup> That means that the emancipation of socialist women on the labour market did not automatically lead to emancipation in the private sphere as men did not engage in household work and care for family on a larger scale.



system, these were exclusively seniors with Croatian citizenship. Jasna says: *"We, women from the Balkan, are convinced that it is absolutely natural to take care of our parents and parents of our partners. My mum lived with us, it had to be that way because she couldn't stay in Sarajevo on her own. She couldn't understand, she couldn't accept it. She suffered the whole time; it was very depressing and difficult. Then she broke her hip joint and she never recovered from the operation and died here. At that moment my childhood ended. I turned old overnight. Before her death my mother told me that she had felt safe and well, that I had given her some energy and joy. She had been satisfied with the family. My father-in-law and mother-in-law were also from Sarajevo. Later they moved to Belgrade and stayed there. My mother-in-law died 10 years ago, but my father-in-law is still with us. He is ninety. I can tell you that I admire him, he has a bad hearing, so he can't learn Czech, but he doesn't care. He walks proudly through the city, has his favourite café here and we are always around to help if necessary. I have dedicated a lot of time to our parents and even today I want to be a good daughter to my father-in-law until his last days, although I am not his own daughter."*

An important means of maintaining social contacts at a long distance are modern technologies (Lutz, Palenga-Möllenbeck 2009). At the beginning of migration our women relied primarily on telephone to which they were used (and so were their older parents). At present other kinds of technology are used; women and their siblings and friends commonly communicate through the Internet and social media. Women organised their trips to their country of origin according to their job situation (i.e. permission to take holiday and the length of such holiday). As shown in previous chapters, some women were, due to their older age, in a vulnerable position on the labour market, therefore it was not easy for them to organize their "caring" visits at their parents. They find themselves under two





pressures: to keep their insecure job (and thus ensure an economically safer retirement) for future years and to meet the normative obligations of transnational care for seniors.

“And when the war ended we started to visit our parents. We supported them financially because otherwise they wouldn’t be able to manage. Therefore we were trying to save money here to enable our parent to live their retirement years in dignity. And I think that we succeeded!”

“I haven’t had holidays for years as I plan my holidays according to my father’s visits to hospital or my mother’s check-ups at various hospitals in Zagreb. They are both ill, so all my free time or plans are subject to this fact. That means to drive them to hospital, take them to the doctor and drive them back home as there is no hospital in our town. Also they have to manage to live from one income, my mother is disabled and my father has retired. And they struggle to make ends meet from one pension .... So when I go there, I visit all the graves and I also bring them supplies for winter – salt, flour, oil, other things, potatoes... so that they don’t have to go out. Winters are sometimes tough, roads are slippery and they wouldn’t be able to go out. I don’t want them to catch something or have an accident. Because once they aren’t ok, I am not ok here either. I wouldn’t know what to do. I have to go to work, I cannot go on holiday when I decide to... I have twenty-five days of holiday. So I have to split that in four parts and it’s absolutely insufficient. Of course they miss me. They would actually need everyday care. Daddy needs help to get in the shower, so they would need someone who lives nearby. The care is absolutely insufficient.”



## 8. CONCLUSION

The specific aspect of this research which lies in covering a **long period of life in migration** has turned out to be beneficial not only for **scientific** purposes, but is also very useful from the **political** point of view. Although it has not been a typical longitudinal research and data has been gathered through retrospective narrations, it enables the reconstruction of dynamics of migration experience in time. At the same time it captures individual and typologically differentiated experience which, however, also reveals significant similar factors across the entire sample group interviewed.

As far as the first aspect is concerned, the data obtained reveals that the refugee experience of these women is not linear, but **cyclical** and acquires new meanings at different stages of women's lives, in different social contexts (including institutions) and transnational environments. The second aspect, i.e. the generalisable experience present in individual life stories, relates in particular to the choice of **life and family strategy** in a new situation, but also to questions regarding **ageing and reaching the retirement age**, which is a period during which the migrant status usually vigorously re-emerges.

The sample research group consists exclusively of women and the research question focused primarily on their **specifically female migration experience** and its changes in connection with the process of ageing, but simultaneously the statements obtained strongly thematise the position of women as persons who in the situation of migration gain central position and role in their families. The research has thus created a picture of very **comprehensive family relationships**, starting from relations between partners and reflection of situation of men to equally important bidirectional intergenerational relations – to their own children on the one hand and to their parents and parents in law on the other. And on the contrary, these relationships were and are essential and crucially determining for personal life strategies of the women interviewed.

With respect to the new wave of migration, the experience arising from the narrations and reflections of the women interviewed produced some very useful **findings for receiving countries**, in this specific case for the Czech Republic, both in terms of the general public and political actors. These findings refer to both key events of migration: circumstances of **departure** from the country of origin and the circumstances of **arrival** in the new country.

We know that the reason for leaving was the war and we all, quite obviously, associate it with fear for life. Our research, however, has revealed a much more detailed and elaborate **set of reasons for leaving** disclosing also a number of important **gender** aspects. It was not just the fear of being killed in fight or as a result of attacks, but often the refusal to fight and the fear of being forced to kill. The latter factor influenced decisions of both **sons** and **husbands** of the interviewees and can help us understand why there are currently so many young men among refugees. This motive was often present in stories of women that left the former Yugoslavia with the entire family. At the same time the refugee policy had, quite understandably, a traditional form, concentrating primarily on saving women and children for whom special buses were organised. Men thus became an endangered group that was involuntarily left in the country of origin. Apart from dramatic and often life-threatening situations during their transport, women were also worried about their sons and husbands and other relatives they had left behind. These are **traumatic events**

**that continue to haunt them until present days.** This is yet another dimension that the research has revealed; the fact that traumas associated with fleeing do not fade away with years in emigration, but reappear. The described dynamics of this experience show that everyday fight for dignified life in a new country caused that these traumatic events were pushed to the background for a certain period of time to re-emerge unexpectedly at the late stage of life when children no longer need to be supported. However, there is one thing which the interviewed women carry with them all their life in migration and that is, according to their testimonies, the **feeling of guilt** towards those who stayed at home and for being among the “privileged”. All this teaches us how important psychological help is on the part of the receiving country.

The second crucial event, i.e. the **arrival** at an unknown place described in stories obtained, says a lot about **reserves on the part of the receiving country**. At first, it is necessary to point out that this experience differed from person to person. It is not surprising that migrants with relatives or friends in the Czech Republic managed to cope with their new situation in the best way. Also in the following years the most important sources of help proved to be **networks** developing among arriving migrants and existing even today. Although this is by all means a very positive fact, in particular from the emotional point of view, it may indirectly point to the difficulties in establishing similar relationships with local people. This is another area where the experience of the interviewed women broadly differed and which clearly demonstrates the basis and character of **xenophobia**. The testimony of a woman who was placed with other women and their children in a refugee facility in an unnamed town evokes shame: none of the local women came to ask whether they needed anything and none of the town representatives appeared either. And her note about local people who were closing windows when these women and their children appeared in the streets of that town is really shocking. This was happening despite the fact that these children attended the same school as their children. The above confirms, among other things, that separation strengthens xenophobia. **Positive** experience with local people unsurprisingly refers to situations where migrants were in personal contact with local people, whether it was the already mentioned cleaning lady at the residential facility, male and female colleagues at the workplace, neighbours, etc. Nevertheless, their stories document that **the process of departure never ends and the same applies to the process of arrival**. Local people continue to mention the different origin of migrants, however, even more striking is the approach of institutions that often **treat clients as foreigners despite the fact that they have long been Czech citizens**. Such conduct lacks any signs of professionalism and from the human point of view must be considered impertinent. If the receiving country is truly interested in integration of foreigners (as present most common and widespread concerns regard the fact that new immigrants would not be able to integrate), it must develop its own culture of promoting integration by showing more empathy for traumas that the migrants have gone through and also for unpleasant moments occurring in the new environment.

We should also mention that receiving countries may, due to their carelessness and ignorance, **deprive** themselves of a number of things. The majority of immigrants from the sample group are **middle-class** women (many of them higher middle class), **educated and qualified** with good financial background in their country of origin (thanks to which they could “afford” to emigrate). Their social status probably contributed to the fact that this group of immigrants was problem-free. They were independent and enterprising people, willing to invest in their children and did not want to get and did not require much from

state institutions. One can therefore imagine that an enlightened society would use their **potential and their cultural capital** (the term used by Pierre Bourdieu) and would permit them – both men and women – to do qualified work for Czech society. Although the women interviewed self-critically admitted the initial language barrier, this obstacle may not be considered fatal to waste the high qualifications of one generation of new citizens.

Although we believe it is important to draw attention to the dark side of migration experience, the elementary finding of our research is not, in any case, that the interviewed women are poor victims. On the contrary, the central message of the overall analysis is a **picture of exceptionally strong women**, a picture of **heroism** in the real sense of the word, unless it is defined in the old-fashioned way as the heroism of warriors. It seems that in the situation of emigration it is a general rule that women become, in a way, heads or at least central points of families and this does not apply only to families without male members. The research has revealed that they automatically took over the **responsibility for financial security of families**, in particular children, in order to minimise their social marginalisation, as well as responsibility for **dignified status of the family** which they tried to achieve, for example, by elegant external impression. In the majority of cases, the basic strategy selected was the **resignation to their own career ambitions** which they **transferred to their children** and concentration on their children's education. According to their narrations, this strategy bore fruit by producing a successful and qualified second generation of migrant families. Despite the above said, a number of women interviewed succeeded even in qualified professions and the most viable direction, in economic terms, turned out to be the establishment of family businesses.

The sense of heroism, however, does not lie solely in the exceptional work and personal commitment for their children. Women themselves stress the **tradition of extended family ties**, a custom as well as an obligation to help one another. As their stories reveal, in the country of origin where these (often university-educated) women were professionally active and successful, they themselves were also supported by the broader family, in particular when it came to child care. Since they were well-situated, they could afford hiring people for household work (but also for babysitting). In **immigration this changed substantially**. The tradition of mutual help within broader families was **reduced to the service provided by middle-generation women to other members of the family**. According to their testimonies, only few of them had grandmothers who were helping with children. Otherwise they also took care of their mothers and mothers-in-law that arrived with them and felt lost and helpless in their new home. Simultaneously, they were trying to provide distant material support to parents whom they left in the country of origin. At present they continue to help them even personally, often instead of going on holiday, although they too have reached a retirement age. It is therefore possible to say that in many aspects women sacrificed and still sacrifice themselves for the sake of others. However it is important to stress that it was their life choice which they are proud of and **subjectively they do not consider themselves to be victims**.

In this context it appears quite surprising and interesting that these women **radically refuse the idea of their children helping them when they get old**. In fact, this attitude negates the declared tradition according to which family members should provide a helping hand to one another and the obligation of children to take care of their elderly parents. We have a hypothesis explaining this special attitude. We believe that it is a **continuation of the present strategy of women** who have invested their time in migration in the future

generation – which, according to them, is the generation that matters. The idea of their children taking care of them is probably associated with the idea that it might slow down their successful “flowering” and the “investment” made by these women would thus go in vain. This explanation is only based on indirect considerations arising from the women’s stories, however, at present this group of women is ready to continue their heroic strategy. The vast majority of them plan, due to pitifully low retirement pensions, to cut drastically their expenditures and in particular to work until exhaustion.

**Reaching the retirement age**, however, objectively means a critical period which brings along new **conflicts involving multiple discrimination**. In intersectional terms these conflicts are connected with age, ethnicity (or the label of “foreigner”) and the social status. Women’s testimonies show discrimination **on the labour market due to age** which is not unknown to Czech women over fifty (i.e. ageism). A number of them has professionally grown during their stay in the Czech Republic and has a lot to offer. However, as their financial situation and their “nature” force them to be active, they accept jobs which are far below their qualifications. They therefore continue to **fight for their social status** they formerly had and have reacquired in emigration with all their efforts. They repeatedly find themselves in a position in which they are grateful for any job they get, but at the same time they feel the indignity of their position after all-life above-average performance in the area of **reproduction work**. It is their merit that their children have managed to integrate well in Czech society (often as elites) and in the labour market. Furthermore, despite their Czech citizenship, they are repeatedly exposed to painful situations and different treatment on the part of institutions **due to their different origin**. The legal citizenship status is not sufficient to acquire the right to certain social benefits and as it has been already said they have been awarded pensions that are absolutely insufficient to satisfy their basic needs. They are reminded of their “ethnicity” by officers telling them they should return “home” – this happens despite the fact that the interviewed women declare their ties to Czech society, their feeling of being Czech and wish to be viewed as Czech. In their country of origin they are also entitled to receive only a negligible retirement pension due to a low number of pensionable years. In purely economic terms, this new phase of life in emigration thus creates pressure on **new survival strategies**. From a more global human viewpoint they are exposed to even more serious dilemmas connected with the previously mentioned traditional moral obligation to provide care to their parents in the distant home country. In the new situation it is more difficult for them to organise “caring” visits at their parents’ and they find themselves under **two pressures** – they are trying to maintain their **vulnerable work position** (and thus ensure themselves a financially safer retirement) in the years to come and at the same time to fulfil the normative obligations (traditionally connected with women) of **transnational care for seniors**. The research has revealed that only a comprehensive approach to examining identity and social position from the point of view of gender, the label of “foreigner” and ageing can unveil the difficult social situation of women who have, without exaggeration, demonstrated a heroic social performance.

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## ENGLISH SUMMARY

The first part of the publication describes results of an extensive *Analysis of the Position and Situation of Older Middle-Aged and Senior Migrant Women and Women with a Migration Background*, which addresses the issue of older middle-aged and senior migrant women and Czech female citizens with a migration background in the territory of the Czech Republic. The presented (shorter) version of the analysis shows results of research into the position of this group in the Czech Republic: after having outlined essential characteristics of this group and its situation in Czech society, it focuses mainly on analysing the legislative situation and the resulting implementation practice, which impacts the life of senior (and/or older middle-aged) migrant women and women with a migration background in the Czech Republic. The analysis was motivated by the attempts to describe the issue of gender in migration to both professional and non-professional public and, ideally, to initiate changes in treating women with a migration background. Therefore, even the shorter version of the analysis contains both the description of particular areas relevant for the life of these migrant women in the Czech Republic, and specific proposed measures aimed to improve their situation and strengthen their rights.

The second part of the publication deals with a specific group of senior migrant women in the Czech Republic. The presented qualitative research covers a group of women aged 50+ with a refugee background coming from former Yugoslavia who have lived in the Czech Republic for more than twenty years. The research asked mainly the following questions: how women with a refugee background reflect upon their personal migration life trajectory; what importance they place in their narratives on the life in war and the beginnings of life in a new society; how they reflect upon their gender identity and its transformations in the process of migration; how they reflect upon their role and refugee experience at an advanced age and especially at retirement. Moreover, how normative pressures influence care and emotional work of women in the process of migration. The research argues that the refugee experience of women is cyclical rather than linear, acquiring new meanings in various life stages of women and in various social (including institutions) and transnational contexts.

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**PhDr. Marie Jelínková, PhD.** se zaměřuje na (kvalitativní i kvantitativní) výzkumy v oblasti migrace a integrace, v posledních letech se zabývala zejména tématy neregulární migrace a situací migrantů bez oprávnění k pobytu, pracovními podmínkami migrantů a nastavení trhu práce či přístupem migrantů ke zdravotní péči. V současnosti působí jako výzkumnice na Fakultě sociálních věd Univerzity Karlovy, kde i externě přednáší kurz o mezinárodní migraci. Dlouhodobě se věnuje policy analysis v oblasti migrace a spolupracuje s českými i mezinárodními migračními organizacemi.

**Mgr. Petra Ezzeddine, PhD.** is a social anthropologist. She lectures at the Department of Anthropology and Gender Studies, Faculty of Humanities (Charles University in Prague). She teaches courses on Anthropology of Migration, Gender in Migration and Applied Anthropology. Her ethnographic research deals with gender aspects of migration, transnational forms of parenthood, globalization of care for children and the elderly and female migrant domestic workers, and gender and ageing in migration (Norway Grants). She is a member of the editorial boards: *Gender /Rovné příležitosti/Výzkum* (Gender and Research) and the *Journal of Human Affairs* (Springer). She closely cooperates with several Czech and Slovak non-governmental and international organisations working with migrants.

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