

SEXUAL VIOLENCE AGAINST MIGRANT WOMEN WORKING IN DOMESTIC AND CARE ROLES: ADVOCACY AND PREVENTION ACTIONS

REPORT

2024



colaba
Fondo de Mujeres

Director:
Lucy Polo Castillo

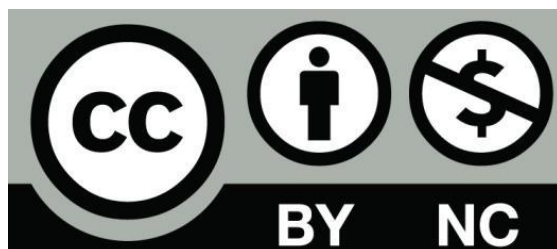
Composition:
Marizza Herrera Juárez
Helia del Rosario Rodríguez

Coordination of research and diagnosis:
Team Asociación Por Ti Mujer

Translation:
Adda Morales

Edition:
Asociación Por Ti Mujer

Design and layout:
Rodolfo Santana



This report may be copied and distributed in any medium or format, provided that authorship is properly acknowledged and referenced. The manual cannot be used for any commercial purpose.

© Asociación Por Ti Mujer 2024
www.asociacionportimujer.org

ÍNDICE

INTRODUCTION	1
1. GENDER-BASED VIOLENCE: FROM A CONCEPTUAL FRAMEWORK TO A REALITY OF STRUCTURAL VIOLENCE	4
1.1 The overrepresentation of foreign women in gender-based violence and femicides	6
1.2 Gender-based violence, migrant women, and the violation of their rights	7
1.3 Violence and sexual harassment	8
1.4. Sexual harassment and gender-based harassment in the workplace.....	10
1.4.1. Manifestations of sexual harassment	11
1.4.2. Manifestations of gender-based harassment.....	11
1.5 Brief overview of sexual violence in Europe	12
2. NORMATIVE AND LEGAL FRAMEWORK FOR ADDRESSING SEXUAL VIOLENCE	14
2.1. International Commitments.....	14
2.1.1. Istanbul Convention.....	14
2.1.2. International Labour Organization (ILO) Convention on Homeworking	15
2.1.3. Convention 190 on Violence and Harassment	15
2.2 National Regulations or Commitments.....	16
2.2.1 The changes introduced by the Comprehensive Guarantee Law on Sexual Freedom	16
2.3. Regulations related to the field of domestic employment and care	18
2.4. Regulations at the regional level	20
2.4.1. Catalonia	20
2.4.2. Community of Madrid.....	20
2.4.3. Valencian Community	20
2.4.4. Andalusia.....	21
3. MIGRANT WOMEN IN DOMESTIC WORK AND CAREGIVING	22
3.1 Growing importance of the foreign population in the labor market.....	22
3.2 Migrant women in domestic work and caregiving	24
4. SEXUAL VIOLENCE IN THE WORKPLACE OF DOMESTIC WORK AND CARE: A NEW APPROACH	27
4.1 Sociodemographic characteristics of the sample	30
5. THE MAP OF SEXUAL VIOLENCE AGAINST MIGRANT WOMEN WORKING IN DOMESTIC AND CARE WORK	35
5.1 Manifestations of sexual violence	41
6. CONCLUSIONS AND RECOMMENDATIONS	49
Recommendations	52
7. REFERENCES	54
8. ANNEX 1. RESEARCH AND METHODOLOGY	59

INTRODUCTION

Historically recognized as an issue that can occur in specific contexts, sexual violence has been highlighted as an issue that transcends the workplace. Convention 190 of the International Labour Organization ([Violence and Harassment Convention](#)) signed and ratified by Spain in June 2022, and which came into force in May 2023, clearly establishes that the term "violence and harassment" in the world of work refers to a set of threats, behaviors, and practices that are unacceptable, whether they occur once or repeatedly, that are intended to cause, result in, or are likely to result in physical, psychological, sexual, or economic harm, and includes violence and harassment based on gender. C190 of the ILO recognizes that violence and harassment in the work world are a violation of human rights, a threat to equal opportunities, and are unacceptable and incompatible with decent work.

Meanwhile, according to the Istanbul Convention ([Istanbul Convention](#)) sexual harassment is defined as unwanted sexual behavior that results in the violation of a person's dignity, especially when it occurs in an intimidating, hostile, or humiliating environment. The European Parliament also recognizes it as a form of discrimination.

At the regional level, the European Survey on Gender-based Violence - ESGV, ([EU survey on gender-based violence against women and other forms of inter-personal violence \(EU-GBV\)](#)) conducted by the European Statistical System (ESS), highlights the relevance of gender-based sexual harassment in the workplace and the importance of addressing this violence in areas such as domestic employment and care, especially when this constitutes the socially assigned sector of employment for migrant women. This raises the need for social reflection in Spain, the second country in the European Union with the greatest weight in this sector.

For the International Labour Organization, domestic work and caregiving, due to their characteristics, are among the services particularly prone to this form of violence. The privacy of the workplace, high levels of informality, low social and economic valuation, elements that converge in domestic work and caregiving, facilitate this violence. In this sense, the First Global Survey on Experiences of Violence and Harassment at Work ([Experiences of violence and harassment at work: a global first survey](#)) by the ILO shows that being a migrant woman increases the risk of experiencing violence and harassment at work.

In that context, recent legislative developments and institutional instruments driven by the international feminist movement have progressively expanded, with varying degrees of success, the protection under which victims of sexual violence are covered; however, this violence persists, especially in workplaces with high levels of informality and precariousness, such as domestic work and caregiving.

Considering the above, this report arises from the need to update the one titled "Sexual Violence against Immigrant Women in the Care Sector," ([Violencia Sexual a Mujeres Inmigrantes en el Sector de los Cuidados \[only available in Spanish\]](#)) conducted by the Association Por ti Mujer in 2020. The objective is to deepen the understanding of sexual violence in the context of migrant women working in

domestic and caregiving roles in Spain, from a gender, intersectional, intercultural, and human rights-based approach.

It therefore aims to also highlight the violence surrounding the lives of migrant women employed in domestic and caregiving roles, particularly the most invisible forms of sexual violence: those that even question their demeaning nature, such as sexual harassment. The aim is to underscore the violation of rights that continues to take advantage of the impunity of private space, situations that occur within homes, in that particular work environment.

A qualitative methodology was used for the research, addressing the phenomenon of violence and sexual harassment towards migrant women working in domestic and care services residing in the following autonomous communities: Andalusia, Catalonia, Castilla-La Mancha, Extremadura, Galicia, Madrid, Basque Country, and Valencia. Variables such as a higher concentration of foreign population and indices of violence and crimes against sexual freedom were considered.

The instruments used to collect information included:

- A questionnaire answered by 122 migrant women from 20 different nationalities working in domestic and care services, residing in the 8 aforementioned autonomous communities.
- In-depth interviews (4) in Andalusia, Madrid, Basque Country, and Valencia.
- Group interviews (4) involving 28 migrant women residing in Catalonia, Madrid, and Valencia.

It is worth noting that 94% of the women who responded to the questionnaire come from Latin American countries, mainly Colombia, Honduras, Venezuela, Peru, Nicaragua, and Ecuador, but also from Argentina, Bolivia, Brazil, Chile, Cuba, El Salvador, Guatemala, Mexico, Peru, and the Dominican Republic. Additionally, responses were received from women originating from the United States of America in Europe, women from Bulgaria and Romania, and from Africa, women born in Morocco and Algeria. All currently reside in one of the eight autonomous communities of Spain referred to in the preceding paragraphs.

In-depth interviews were also conducted with key actors from associations, groups, and/or institutions that provide services or have knowledge of the reality of migrant women from a labor perspective, particularly in the domestic and care sector. Among them are the Active Domestic Service ([SEDOAC](#)), the Intercultural Association of Household and Care Professionals ([AIPHYC](#)), the Project for the Recognition of Essential Domestic and Care Work ([ESENCIALES](#)), Mosaic Social Consulting ([Mosaico Consultoría Social](#)), and professionals from Por Ti Mujer Association ([Asociación Por Ti Mujer](#)).

The report is structured into five sections, beginning with a conceptual theoretical framework (I), which addresses key concepts related to sexual violence in the workplace as a structural phenomenon, followed by an analysis of the legal and regulatory framework (II) that enables addressing it. The third section highlights the situation of migrant women in the field of domestic and care employment in Spain (III) to, based on that context, address sexual violence in that specific work environment (IV). Subsequently, the research findings are presented with a map of

sexual violence (V) to expose its manifestations in the study area. Finally, conclusions and recommendations are presented.

The findings of this report reflect the harsh reality experienced by many migrant women working in domestic and care services in Spain, highlighting the invisibilization of this violence associated with factors such as taboo, fear, shame, and guilt. Violence that intersects with age, ethnic and racial origin, migratory status, and increases the likelihood of facing multiple discriminations.

The true magnitude of the problem is overshadowed by a significant number of unreported cases, as victims face not only fear but also lack of knowledge and information to report or seek help. Stigma and fear of reprisals further complicate the phenomenon, especially when considering the administrative situation of migrant women in the host country, factors that contribute to the low rate of reporting.

An important challenge lies in the fact that this type of violence occurs in a sector that remains in the private sphere, making prevention and intervention through protocols or inspections difficult, resulting in a high level of impunity and institutional mistrust. Accompaniment, justice, and reparation are not easily accessible to migrant women, highlighting the need for immediate social transformation.

1. GENDER-BASED VIOLENCE: FROM A CONCEPTUAL FRAMEWORK TO A REALITY OF STRUCTURAL VIOLENCE

Gender-based violence¹ is a global phenomenon that expresses multiple discriminations across categories such as social class, race/ethnicity, age, sexual identity, immigration status, and educational level, among others. It manifests in alarming proportions, reflecting the functioning of various patriarchal systems that, although diverse, continue to prevail worldwide and in Spain.²

Thanks to the advancement of the international feminist movement, gender-based violence, in addition to highlighting historically silenced discrimination, is now considered a violation of human rights. In the past two decades, significant progress has been made in the fight against its multiple dimensions: femicides, domestic or family violence, sexual violence, trafficking for sexual or labor exploitation, abortion, forced sterilizations, honor crimes, psychological, sexual, and economic violence within intimate relationships, harmful traditional practices such as forced marriage, child marriage, and female genital mutilation (FGM), among others.

“The term “violence against women” shall be understood as a violation of human rights and a form of discrimination against women. It shall encompass all acts of gender-based violence that result in or are likely to result in physical, sexual, psychological, or economic harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or private life”.

The Istanbul Convention (2014)

Among these advances, different international treaties on human rights stand out, signed and ratified by Spain, which obligate to respect, protect, and effectively enforce the right to a life free from violence and gender discrimination for all women, including migrant women³: the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)⁴; the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention, 2011)⁵; the United Nations Protocol to Prevent, Suppress and

¹ This report adopts the concept of *violence against women* as synonymous with the concept of gender-based violence and machismo violence established in the Istanbul Convention, and in General Recommendation No. 19 of the CEDAW Committee.

² See, among others: Celia AMORÓS (1991): *Hacia una crítica de la razón patriarcal*, 337 págs.; Silvia FEDERICI (2013): *Revolución En Punto Cero. Trabajo Doméstico, Reproducción y Luchas Feministas*. Madrid: Traficantes de Sueños; Amaia PEREZ OROZCO (2020): *¿De qué hablamos cuando hablamos de cuidados?* <https://redfilosofia.es/laboratorio/2020/12/15/de-que-hablamos-cuando-hablamos-de-cuidados-amaia-perez-orozco/>; A. CAGIGAS (2020): *El Patriarcado como origen de la violencia doméstica*. <https://dialnet.unirioja.es/descarga/articulo/206323.pdf>

³ UAM-GERI (Coord.), AIETI, APS, RED Latinas (2020). *Mujeres en Movimiento y su derecho a una vida libre de violencia y discriminación: Recomendaciones para una política municipal madrileña con enfoque DDHH-Género-Interseccionalidad*. Available at: <http://grupodeestudiosinternacionales.com>

⁴ Especially the recommendations defined by the CEDAW Committee: N.º 12/1989, N.º 19/1992 o 35/2017.

⁵ Council of Europe (2011). *Convenio del Consejo de Europa sobre prevención y lucha contra la violencia contra las mujeres y la violencia doméstica* (Convenio de Estambul). Available at: <https://rm.coe.int/1680462543>

Punish Trafficking in Persons, especially Women and Children (Palermo Protocol, 2000); the Council of Europe Convention on Action against Trafficking in Human Beings (Warsaw Convention, 2005); and, within the EU framework, Directive 2002/73/EC on Equal Treatment, Directive 2011/36/EU on combating trafficking in human beings, Directive 2011/93/EU on combating child sexual abuse, and Directive 2012/29/EU on the rights, support, and protection of victims of crime, among others.⁶

“Violence against women is a form of discrimination that severely inhibits women's ability to enjoy rights and freedoms on an equal footing with men.”

General Recommendation No. 19 of the CEDAW Committee

Gender equality has also become a fundamental pillar of the international feminist political agenda, highlighting the Beijing Action Plan (1995) and Beijing+25, the Women, Peace, and Security Agenda (WPS Agenda), or the Sustainable Development Goals (SDGs Agenda 2030). The latter, with its commitment to the principle of "leaving no one behind," places women at its core, particularly those who, like migrant women, face multiple and interconnected discriminations due to their age, social class, disability, sexual orientation or gender identity, ethnic or national origin, religion, migratory status, or other conditions. A similar commitment is made by the new European Strategy for Gender Equality (2020-2025), whose goal is also *"equality among all women and men, girls and boys, in all their diversity."*⁷

In recent decades, Spain has transposed international regulations and European directives that have also led to significant progress in the fight against gender-based violence and gender equality. However, a patriarchal system still persists, placing women and girls in a subordinate position in society, perpetuated through gender-based violence that disproportionately impacts migrant women, as shown by official statistics.

⁶ Also refer to General Recommendation No. 19 of the CEDAW Committee and General Recommendation No. 25 of the Committee on the Elimination of Discrimination against Women (CEDAW) on temporary special measures (paragraph 1 of Article 4 of the Convention on the Elimination of All Forms of Discrimination against Women). UN Doc.: CEDAW/C/GC/25, dated January 30, 2004. In: UAM-GERI: Op. Cit., page 153.

⁷ UAM-GERI (Coord.), AIETI, APS, RED Latinas (2020), *Op.Cit.*, page. 153.

1.1 The overrepresentation of foreign women in gender-based violence and femicides

Between 2003 and 2023, a total of 1,237 women have been killed by their partner and/or former partner in Spain, approximately 32.7% were foreign women, according to the Government Delegation against gender-based violence⁸.

Regarding the situation of violence against migrant women, different studies conducted by Aieti and Red Mujeres⁹ highlight the following:

- One in every three women murdered is a foreigner, migrant women constitute less than 10% of the resident population in Spain. In some years, this overrepresentation has been even higher; for example, in 2016 and 2020, 43.2% and 40%, respectively. In 2023, murdered women of migrant origin accounted for 41.8%.
- When extrapolating the data to the female population over 15 years old and disaggregating by nationality, this overrepresentation is evident: 29 foreign women murdered per million foreign residents in Spain, compared to 5 Spanish women per million Spanish residents.¹⁰
- Regarding reports filed for gender-based violence (those occurring in intimate partner relationships), according to official statistics, they are also alarming: from 2016 to the first half of 2021, 871,320 reports were filed, with foreign nationals accounting for 35% of the victims recorded in the police register VIOGEN¹¹.
- In 2022, there were 182,073 reports, an increase of 11.8% compared to the previous year, when 162,848 were recorded. 34.35% of the victims were foreign nationals.

⁸ Government Delegation against Gender Violence (2023). *Mujeres víctimas mortales por violencia de género en España a manos de sus parejas o exparejas: Datos provisionales*. Available at: https://violenciagenero.igualdad.gob.es/violenciaEnCifras/victimasMortales/fichaMujeres/2023/VMortales_2_023_12_04.pdf

⁹ AIETI and Red de Mujeres Latinoamericanas y del Caribe (2020). *Mujeres migrantes víctimas de violencia de género en España*. Segundo informe. Documento cuantitativo. Edición propia. Available at: https://aieti.es/wp-content/uploads/2020/12/Documento_2DO-.pdf

¹⁰ AIETI and Red de Mujeres Latinoamericanas y del Caribe (2019). *Mujeres migrantes víctimas de violencia de género en España. Documento de análisis en el marco de la Ley Orgánica 1/2004 de medidas de protección integral contra la violencia de género*. Available at: <http://redlatinas.blogspot.com/p/documentos.htm>

¹¹ The Comprehensive Monitoring System in Gender Violence Cases (VioGen System) was implemented in July 2007.

1.2 Gender-based violence, migrant women, and the violation of their rights

Throughout the last decade, the Government Delegation against gender-based violence (DGVG) has published several surveys on the prevalence of gender-based violence in Spain and on the attitudes associated with it. In addition to a general survey on the social perception of gender-based violence (2014), another specific to adolescence and youth (2014), and a third on the social perception of sexual violence (2018), two Macro-surveys¹² were also conducted (2015 and 2019) whose extensive samples allow for a fairly accurate portrait of the prevalence of this violation of human rights among women residing in Spain, including migrants.

“This overrepresentation is not just a figure. It is what emerges from a complex web of structural violence, precariousness, and social exclusion. (...) The situation of migrant women facing gender-based violence is specific because, in addition to the elements of oppression derived from gender differences (promoted by the prevailing sexism in countries of origin, transit, and destination), there are also those related to nationality or ethnicity (stemming from racism or discrimination) and those stemming from difficulties in accessing social, cultural, and material goods.”

(Aieti /RedMujeres, 2021)

As highlighted in the Report prepared by the Association Por ti Mujer in 2020 on Sexual Violence against immigrant women in the care sector (*[Violencia sexual a mujeres inmigrantes del sector de los cuidados](#)*) both Macro-surveys are conclusive regarding the exposure to gender-based violence among migrant women:

- 24.7% of foreign-born women and 12.7% of those born in Spain (2.5 million women) have experienced physical violence in their intimate relationships (DGVG, 2019:268). These percentages are slightly higher than those in 2015: 20.5% and 9.5%, respectively.
- 15.2% of foreign-born women have suffered sexual violence in their intimate relationships, compared to 7.5% of those born in Spain (DGVG, 2015: 38).
- 9.8% of foreign-born women have also experienced sexual violence outside of their intimate relationships, a percentage higher than that of Spanish women (6%). Additionally, the former have suffered psychological consequences¹³ to a greater extent due to this violence, 66.4% compared to 49.7% (DGVG, 2019:279).
- 45.6% of foreign-born women and 29.9% of those born in Spain have experienced psychological violence (DGVG, 2019:268).

¹² Due to the state of alarm, its results were published in September 2020. Available at: https://violenciagenero.igualdad.gob.es/violenciaEnCifras/macroencuesta2015/pdf/Resumen_ejecutivo_Macroencuesta_2019_DEF.pdf

¹³ In the 2019 Macro-survey, women born abroad cite, to a greater extent, depression (16.8% Spain; 31.4% other country), loss of self-esteem (28.5% Spain; 40.3% other country), or anxiety (30.1% Spain; 42.1% other country) (DGVG, 2019:281).

- The impacts of gender-based violence transcend the interpersonal or family sphere to be situated in the social and structural realm, as this violence serves to "reinforce and reproduce the patriarchal gender order" (Pombo, 2014:42). In the case of migrant women, it is also functional for sustaining other axes of oppression/privilege related to skin color, class, religion, age, gender identity, sexual orientation, disability, migrant status, etc.

1.3 Violence and sexual harassment

As established by CEDAW and the Beijing Platform for Action, sexual violence expresses the power imbalances linked to gender that have historically persisted in the social imaginary, continuing to subordinate women to their male counterparts.

"Sexual violence is defined as "any sexual act, attempt to consummate a sexual act, unwanted sexual comments or advances, or actions to commercialize or otherwise exploit a person's sexuality through coercion by another person, regardless of the relationship of that person with the victim, in any setting, including the home and the workplace."

World Health Organization (WHO)

Violence against women based on gender is a phenomenon that persists in virtually all regions of the world. It is a consequence of a hierarchical and patriarchal structure that, through power relations, reduces women to mere objects of male desire.

In this way, sexual violence is explicit in unstable contexts such as armed conflicts or border crossings, but also in scenarios that are part of an apparently tension-free everyday life, such as the domestic environment or the workplace.¹⁴

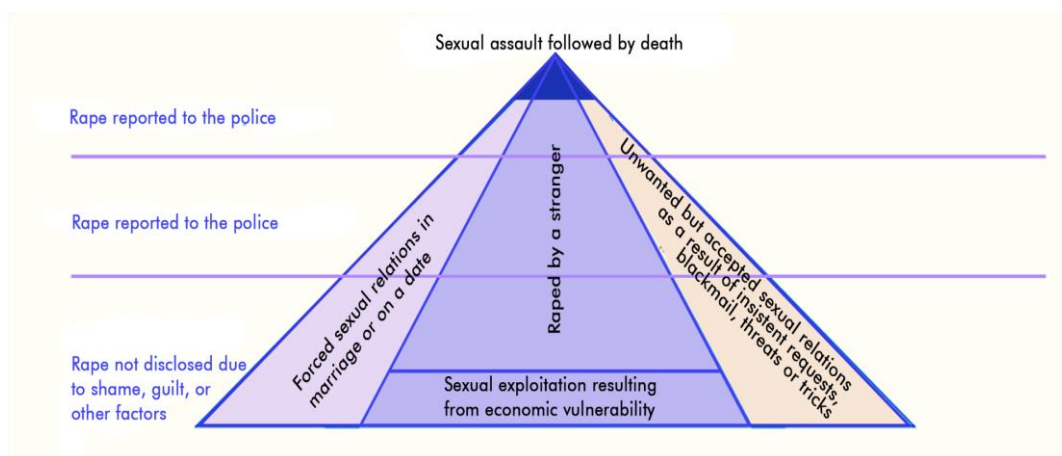
The World Health Organization (WHO) itself acknowledges the difficulties in addressing the magnitude of this problem, as official data on sexual violence come from cases reported to the police, representing only a small portion of the data associated with these incidents, symbolizing just the tip of the iceberg.

An illustration by the WHO (see Figure 1)¹⁵ allows us to visualize how the magnitude of the problem is only revealed when it is reported or has tragic consequences for the victim, leaving other cases invisible for various reasons, which are the subject of this report.

¹⁴ Herrera, 2013, cited in Asociación Por ti Mujer (2020), "*Violencia Sexual a mujeres inmigrantes del sector de los cuidados*", pág.5. Available at: <https://asociacionportimujer.org/informe-violencia-sexual-a-mujeres-inmigrantes-del-sector-de-los-cuidados-2/>

¹⁵ UN: World Health Organization (WHO) (2002): ¿Cómo se define a violencia sexual? In: *Informe mundial sobre la violencia y la salud*, págs. 161 y 162. Available at: <https://www.refworld.org/es/docid/54aa900a4.html>

FIGURE 1. Magnitude of the problem of sexual violence



Source: WHO, "How is sexual violence defined?", in [World report on violence and health](#) 2002, p. 162

Sexual violence can manifest in different forms and levels, ranging from sexual harassment that employs coercion to make derogatory and sexually explicit comments about victims, to rape or sexual exploitation. Many of these forms of violence are invisible or often normalized to the point where victims may not identify them as such, assuming feelings of guilt and shame, undermining their self-esteem, and affecting their emotional stability.¹⁶

These forms of violence can extend into the workplace and have been classified as "a global-scale issue" that finds expressions in all professional and occupational settings. To the extent that the International Labour Organization (ILO) has recognized the right of all individuals to a workplace free from violence and harassment¹⁷, emphasizing that occupations and work modalities such as "night work" and "domestic work"¹⁸ are particularly susceptible to these forms of violence.

The ILO also acknowledges that certain job characteristics facilitate the commission of these abuses, such as the privacy of the workplace, high levels of informality, and the low social and economic valuation of the work performed, as is the case with household and caregiving work.¹⁹

*The Istanbul Convention defines **sexual harassment** as "any form of unwanted verbal, non-verbal or physical conduct of a sexual nature, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating, or offensive environment" (Art. 40).*

¹⁶ Asociación Por ti Mujer (2020), *Op.Cit.*, pág.6.

¹⁷ UN: International Labour Organization (ILO), *Estudio cualitativo sobre la violencia y el acoso en el sector del trabajo doméstico: Informe final*, 2022, page 9. Available at: https://www.ilo.org/wcmsp5/groups/public/---americas/---ro-lima/---ilo-buenos-aires/documents/publication/wcms_851940.pdf

¹⁸ UN: International Labour Organization (ILO), *Recomendación sobre la violencia y el acoso*, 2019 (núm. 206). Available at: https://www.ilo.org/dyn/normlex/es/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R206

¹⁹ UN: International Labour Organization (ILO), 2022, *Op.Cit.*, page 9.

Meanwhile, Directive 2006/54/EC²⁰ of the European Parliament and of the Council includes sexual harassment²¹ as a form of **discrimination**.

At a global level, more than one in five people have experienced violence in the form of physical, psychological, or sexual harassment at work, disproportionately affecting women, according to UN Women²². According to the organization, more than 8% of women have experienced some form of harassment or violence, compared to 5% of men.

In this regard, migrant women are a group of special attention, as the intersection of their identities increases the likelihood of experiencing violence and sexual harassment. According to the International Labour Organization's First Global Survey on Experiences of Violence and Harassment in the World of Work (*Experiences of violence and harassment at work: a global first survey*)²³ the **intersectionality** between gender, age, and migratory status increases the likelihood of facing violence or harassment in the workplace. That is, a young migrant woman is more likely to experience it than a non-migrant woman.

At this point, it is important to emphasize the fact that **sexual violence is a vastly underreported crime**, due to factors such as stigma and fear of reprisals contributing to the lack of reporting.

1.4. Sexual harassment and gender-based harassment in the workplace²⁴

As established by **Organic Law 3/2007, of March 22**, for the effective equality of women and men, sexual harassment is defined as any verbal or physical behavior of a sexual nature that has the purpose or effect of undermining the dignity of a person, particularly when it creates an intimidating, degrading, or offensive environment.

²⁰ European Parliament and Council of the European Union, *Directiva 2006/54/CE relativa a la aplicación del principio de igualdad de oportunidades e igualdad de trato entre hombres y mujeres en asuntos de empleo y ocupación*, 2006, artículo 2, 2 (a). Available at: <https://www.boe.es/buscar/doc.php?id=DOUE-L-2006-81416>

²¹ Council of Europe, *Convenio sobre prevención y lucha contra la violencia contra las mujeres y la violencia doméstica*, 2011, artículo 40. Available at: <https://rm.coe.int/1680462543>

European Parliament and Council of the European Union, *Directiva 2006/54/CE relativa a la aplicación del principio de igualdad de oportunidades e igualdad de trato entre hombres y mujeres en asuntos de empleo y ocupación*, 2006, artículo 2, 2 (a).

²² UN Women, *Four actions to forge workplaces free from sexual harassment and violence*, 2023. Available at: <https://www.unwomen.org/en/news-stories/explainer/2023/10/four-actions-to-forge-workplaces-free-from-sexual-harassment-and-violence>

²³ UN: International Labour Organization (2019). *Violence and Harassment Recommendation*, 2019 (No. 206). Available at: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R206

²⁴ See CCOO - Trade Union Confederation of Workers' Commissions, *El Acoso sexual y el Acoso por razón de sexo en el ámbito laboral en España*, 2021. Madrid: Ministerio de Igualdad, Delegación del Gobierno contra la Violencia de Género. Available at:

<https://violenciagenero.igualdad.gob.es/violenciaEnCifras/estudios/investigaciones/2021/pdfs/estudioacososexual1.pdf>

Gender-based harassment constitutes any behavior carried out based on a person's gender, with the purpose or effect of undermining their dignity and creating an intimidating, degrading, or offensive environment.

1.4.1. Manifestations of sexual harassment

- Verbal behaviors: consist of sexual innuendos, propositions, or pressures, flirting, offensive advances, comments insinuating or proposing any sexual activity, sharing sexual fantasies or rumors, constant offensive jokes about any type of sexual activity, blackmail, etc. Such behaviors can occur both in person and through phone calls or contacts on social media platforms.
- Non-verbal behaviors: consist of sending letters or emails, through applications or social media platforms, or any other digital means, containing sexually explicit content; sending or displaying sexually suggestive or pornographic photos, offensive, unwanted, or non-consensual; unwanted, offensive, or non-consensual sexual gestures and looks; seeking unsolicited or unwanted physical contact, excessive, unnecessary physical contact, deliberate physical contact, inappropriate or constant unwanted, unsolicited, or non-consensual kisses, hugs.
- Intimidating or environmental sexual harassment: refers to harassment in which the harasser creates a hostile, humiliating, degrading, or offensive environment for the victim through unwanted sexual behaviors. It includes habitual or isolated behaviors as a result of a negative and unhealthy work environment. It can be carried out by superiors or peers.

1.4.2. Manifestations of gender-based harassment

- Judging actions done offensively, questioning actions, and undermining decisions made.
- Assigning tasks of higher or lower category linked to the roles attributed to women (possible workplace harassment).
- Issuing impossible or contradictory orders, seeking to provoke mistakes, withholding information.
- Spreading rumors about personal or professional circumstances.
- Ridiculing, making constant sexist jokes or criticisms.

The table below summarizes the manifestations of sexual harassment and those of harassment based on gender:

SEXUAL HARASSMENT	HARASSMENT BASED ON GENDER
<ul style="list-style-type: none"> • Spreading rumors about someone's sexual life. • Making offensive sexual jokes and remarks. • Making crude comments about the body or physical appearance. • Making sexual comments. • Asking for dates without further context. 	<ul style="list-style-type: none"> • Assigning a person to a position of lesser responsibility or professional category solely based on their gender. • Ignoring their contributions, comments, or actions (excluding them from social circles). • Using sexist humor. • Ridiculing or belittling the capabilities, skills, and intellectual potential of individuals because of their gender.

Sexual harassment and harassment based on gender often occur more frequently when the victim occupies a subordinate role to the harasser, such as in the case of domestic and care workers. However, in many other instances, harassment can also be instigated by individuals holding similar positions within the company, meaning it can come from a horizontal direction as well.

This is a result of an unequal situation where hierarchical power relations occur, structured based on gender. Hence, the workplace, marked by various inequalities such as wage gaps, the division of tasks based on gender, and the greater precarity affecting women, among others, is an environment where situations of sexual harassment and harassment based on gender can occur.

1.5 Brief overview of sexual violence in Europe

The European Survey on Violence against Women (EEVG) ([Encuesta Europea de Violencia de Género](#))²⁵ provides data on the prevalence of violence against women and its various types (partner violence, non-partner violence, domestic violence, sexual harassment at work, repeated harassment, and violence in childhood), as well as information on its frequency and severity. Although the survey is aimed at all work environments without disaggregating those related to domestic and care

²⁵ European Survey on Gender-based Violence: The first survey on violence against women conducted within the framework of the European Statistical System (ESS), coordinated by Eurostat (European Commission), the statistical office of the European Union. See: EEVG (2022): *Acoso sexual en el trabajo contra las mujeres*. Capítulo 6. Pág.79. Available at: https://violenciagenero.igualdad.gob.es/violenciaEnCifras/Encuesta_Europea/docs/Cp6.Acosos_sexual_en_el_trabajo.pdf

employment, and the nationalities of the respondents, it provides some relevant data on the current magnitude of sexual harassment, highlighting the following:

- **It is estimated that, out of the total number of women residents in Spain aged between 16 and 74 years who have ever worked in their lives, 28.4% (4,489,219) have experienced sexual harassment at work at some point in their lives.**
- It is observed that the most common forms of sexual harassment at work experienced by women are persistent or lascivious looks (20.6%) and jokes or indecent or offensive comments about their body or private life (18.0%). An estimated 10.9% (1,719,113) of women have "received inappropriate suggestions for a date." On the other hand, it is found that an estimated percentage of 10.4% (1,649,373) of women have experienced unwanted physical contact.
- Data on estimated prevalence by country of birth of women are presented, and the results obtained do not indicate significant differences for this variable: Foreign/European Union: 26.8% (148,367 women). Foreign/Rest of the World: 26.5% (598,479 women).
- Out of the total number of women victims of sexual harassment at work, in 88.5% of cases, the perpetrator was a man.
- It is observed that 58.7% (2,634,468 women) have been sexually harassed at work more than once during their working lives, while 34.6% (1,553,218 women) have experienced it only once.

The EEVG, developed by the European Statistical System (ESS), highlights the relevance of sexual harassment based on gender in the workplace and the importance of further studying this violence in areas such as domestic and care employment, especially when it constitutes the socially assigned sector of labor insertion for migrant women in Spain.

2. NORMATIVE AND LEGAL FRAMEWORK FOR ADDRESSING SEXUAL VIOLENCE

Sexual violence constitutes a transgression that impacts the freedom and sexual integrity of individuals, significantly affecting their development, whether in public or private settings. This phenomenon manifests itself in various forms and intensities, causing suffering and leading to multiple harmful effects in the lives of victims. From a legal standpoint, sexual violence is classified as a crime, and in Spain, there are legal and procedural mechanisms for its prosecution and punishment. However, these resources are utilized to a limited extent, being activated infrequently by the victims themselves, who face various barriers to reporting these cases for various reasons.

It is essential to highlight that only 11% of cases of sexual violence (outside of intimate partnerships) are reported²⁶, and less than 20% result in any conviction²⁷ or effective punishment. This low reporting rate and the lack of effective legal consequences underscore the complexity and difficulties surrounding this issue.

2.1. International Commitments

2.1.1. Istanbul Convention

The Convention on Preventing and Combating Violence against Women and Domestic Violence (2011), Istanbul Convention mandates the establishment of sexual violence as a crime, including acts such as rape, female genital mutilation, forced marriage, sterilization, forced abortion, and harassment, placing consent at the center and as the main element, which *"must be given voluntarily, as a manifestation of the free will of the person considered in the context of surrounding conditions."* It entered into force in Spain in 2014, establishing a legally binding framework, as well as an international commitment to combat violence against women.

Subsequently, in 2017, the State Pact against Gender Violence ([Pacto de Estado contra la Violencia de Género](#)) was signed, aiming to adapt internal legislation and public policy to the Istanbul Convention, improving institutional responses for women victims of gender-based violence, as well as enhancing prevention and awareness actions through sex and affective education and increasing the database to make visible and adequately direct the work.

²⁶ Government Delegation against Gender Violence, 2019, *Macroencuesta de Violencia contra la Mujer*.

²⁷ National Institute of Statistics (INE), 2022, *Estadística de condenados*. Available at: https://www.ine.es/dyngs/INEbase/es/operacion.htm?c=estadistica_C&cid=1254736176793&menu=ultiDatos&idp=1254735573206

2.1.2. International Labour Organization (ILO) Convention on Homeworking

The International Labour Organization (ILO) Convention on Homeworking ([Home Work Convention, 1996 \(No. 177\)](#)) (1996), signed and ratified by Spain on June 16, 2022, aims to promote decent work and equality of treatment between homeworkers and other wage workers. This convention, along with Recommendation No. 184, seeks to ensure fair treatment for homeworkers and uphold principles of decent work.

2.1.3. Convention 190 on Violence and Harassment

The Convention 190 on Violence and Harassment (2019) by the International Labour Organization was signed and ratified by Spain on June 16, 2022, and entered into force on May 25, 2023.

It is the first international treaty addressing violence and harassment in the world of work. Together with Recommendation No. 206²⁸, it provides a common framework for action and for building a work environment based on dignity and respect. It highlights the right of all individuals to a world free from violence and harassment.

The convention recognizes that gender-based violence and harassment disproportionately affect women and girls. It acknowledges that an inclusive and integrated approach, taking into account gender considerations and addressing underlying causes and risk factors, is essential to ending violence and harassment in the world of work. Among these factors, it recognizes gender stereotypes, multiple and intersecting forms of discrimination, and the abuse of power relationships based on gender.

Thus, the ILO defines violence and harassment in the world of work as *"a set of unacceptable behaviors and practices, or threats of such behaviors and practices, whether occurring once or repeatedly, that aim at, result in, or are likely to result in physical, psychological, sexual, or economic harm, and includes violence and harassment based on gender."* It further designates gender-based violence and harassment as *"violence and harassment directed against individuals based on their sex or gender, or disproportionately affecting individuals of a particular sex or gender, and includes sexual harassment."*

It is important to highlight the term "unacceptable" invoked by the ILO, which, for the international community, is an imperative mandate upon ratification of the

²⁸ UN: International Labour Organization. Violence and Harassment Recommendation, 2019. Available at: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R206

Convention. It should be understood as a clear message that situations previously tolerated will no longer be accepted in any way.

Furthermore, it is noteworthy that even if behaviors occur "only once," they will still constitute harassment, signaling a paradigm shift that views harassment not just as repeated behavior over time but as consummated by a single act. Additionally, the approach to gender as a category in the legal definition is emphasized. Consequently, following the task of acknowledging in its foundations that social structures disproportionately affect women in the workplace, recognizing the existence of gender-based harassment and violence, and defining it, the next step will be to provide the necessary interpretation that certain behaviors against women occur solely because of their gender and are directly related to the socio/sexual power asymmetry in the workplace.

2.2 National Regulations or Commitments

2.2.1 The changes introduced by the Comprehensive Guarantee Law on Sexual Freedom

The enactment of the **Comprehensive Guarantee Law on Sexual Freedom**, popularly known as the "Only Yes Means Yes" Law, on September 6, 2022, marked a significant milestone in Spain's legal landscape regarding sexual violence. Among its most notable achievements is the modification of criteria for considering sexual assault, shifting the emphasis from the use of violence and intimidation to the logic of the absence of consent. Now, consent must be expressed freely and voluntarily for an interaction not to be categorized as sexual assault. This groundbreaking modification aligns legislation with the international commitments undertaken by Spain, representing a victory for feminist movements advocating for the visibility, eradication, and effective punishment of this type of violence.

Furthermore, the law eliminated the category of "sexual abuse," classifying any behavior that violates a person's sexual freedom without their consent as "sexual assault." This measure aims to redefine the gravity of these behaviors socially and ensure a more decisive legal response.

However, it is essential to consider the undesirable side effect in the fight against the impunity of sexual violence, resulting in reduced convictions and subsequent releases from incarceration²⁹. This circumstance presents an additional challenge in striking a balance between protecting the rights of victims and ensuring a fair legal process for all parties involved.

²⁹ See at: <https://www.poderjudicial.es/cgpj/es/Poder-Judicial/En-Portada/Los-tribunales-han-acordado-1-205-reducciones-de-pena-en-aplicacion-de-la-Ley-Organica-10-2022>

Regarding the topic addressed in this report, it is worth acknowledging that, as a result of the enactment of this law, a reform to the Immigration Law has been reflected, incorporating sexual violence as a protection hypothesis for migrant women in irregular administrative situations. After filing a complaint and obtaining a protection order, they have the possibility to suspend the opening of an administrative sanctioning procedure and the subsequent expulsion order. This change allows them to apply for a residence and work permit, replicating an existing hypothesis for victims of gender-based violence in a partner context. It is important to note that this protection now extends to victims of sexual violence, regardless of their relationship with the perpetrator.

However, it is crucial to evaluate this victory with nuance, especially considering the low rates of reporting, convictions, and protection orders. This is due, on the one hand, to the inherent evidentiary difficulty in these types of crimes, especially when the assault leaves no obvious physical traces. On the other hand, gender biases and prejudices come into play in the analysis of cases, as well as the influence of differentiated gender socialization in the context of sexual interactions. In many cases, women are unfairly held responsible for the assaults they have suffered, obstacles that complicate the effective application of existing regulations. These challenges underscore the need to address not only legal gaps but also cultural and social aspects that perpetuate impunity and hinder access to justice for victims of sexual violence.

In the workplace, the law grants identical rights and social benefits to victims of sexual violence compared to those granted to victims of gender-based violence. These rights include reorganizing working hours, geographic mobility, changing workplace locations, adapting positions, among others. This achievement represents another step forward in protecting women, although it is essential to analyze it with caution. These rights are guaranteed to women whose reality is protected by an employment contract, a situation that certainly does not occur when one does not have authorization to work or reside. This distinction highlights the need to comprehensively address the barriers faced by women in irregular migration status to ensure comprehensive protection.

Ultimately, it is crucial to consider that among the international commitments undertaken by Spain is the ratification of International Labour Organization (ILO) Convention 190. This convention represents the first international treaty addressing violence and harassment in the workplace, providing a common framework for action. This framework aims to build a work environment based on dignity and respect, while highlighting the fundamental right of all individuals to live and work in a world free from violence and harassment.

In this new context, it is essential to examine whether this robust legal framework, which has sought to consolidate Spain as a pioneer in defending women's rights³⁰, manages to provide the necessary and adequate protection to the most vulnerable groups against gender-based violence. To address this challenge comprehensively, it is imperative to adopt a decolonial and intersectional approach that necessarily includes migrant women, regardless of their administrative status. This becomes more relevant when considering migrant women engaged in domestic and care work, one of the most common occupations in this group.

2.3. Regulations related to the field of domestic employment and care

Female migrant workers in domestic service and caregiving, whose administrative situation allows them to be registered with Social Security and protected by an employment contract, are entitled to the same labor and Social Security rights as other sectors, in accordance with Royal Decree-Law 16/2022 of September 6th and the General Social Security Law.

Regarding sexual violence, Organic Law 3/2007 *for effective equality between men and women*, dated March 22nd, provides protection against sexual harassment and gender-based harassment, mandating public administrations to create action protocols against these behaviors. However, the law makes no mention of domestic work, which represents a significant limitation since this environment is prone to impunity in cases of sexual offenses. This deficiency becomes more concerning when considering that migrant workers in irregular administrative situations, lacking a formal contract, face insufficient legal protection and a weak negotiating position. This situation exposes them to a higher risk of isolation and, consequently, to the invisibility of potential cases of violence.

In practice, domestic service and caregiving remain sectors with high levels of informality. It operates in an intimate, closed, and submerged space that hinders inspections, the development of prevention protocols, the initiation of collective negotiations, or employment subsidies. There is, as in any employment relationship, a relationship of subordination and dependence with a hierarchy that operates - when working without a contract - without protection for the worker, who often, in order to maintain employment (their only source of income in most cases), prefers to tolerate and accept abusive behaviors from their employers, even in the sphere of their sexuality. Thus, it is possible to conclude that labor regulations, to the extent that work authorization is not obtained, do not provide coverage or protection.

Nevertheless, workers, regardless of their administrative situation in the host country, are covered by the catalog of crimes against sexual freedom. Following the enactment of Organic Law 10/2022, of September 6th, on *Comprehensive Guarantee of Sexual Freedom* (only yes means yes law), and the reforms promoted

³⁰ The new stance of Spain regarding gender equality has been widely disseminated, according to the European Institute for Gender Equality. (EIGE). See at: <https://elpais.com/sociedad/2023-10-24/espana-ocupa-por-primera-vez-el-cuarto-puesto-en-igualdad-de-genero-en-europa.html>

by Organic Law 4/2023, of April 27th, **new convictions were introduced that the Spanish Penal Code enumerates as follows:**

- *Sexual Assault Crime* (Article 178 Penal Code), which consists of any non-consensual sexual act or one that conditions the free development of sexual life, such as touching, excessive approach, among others. It carries a penalty of 1 to 5 years in prison.
- *Rape Crime* (Article 179 Penal Code), considered the most serious act, penetration through anal, oral, or vaginal means, with any body part or object. It carries a penalty of 4 to 12 years in prison.
- *Prostitution or Procuring Crime* (Article 187 Penal Code), which consists of abusing the superiority or vulnerability of the victim to force them into prostitution. It carries a penalty of 2 to 5 years in prison.
- *Sexual Harassment Crime* (Article 184 Penal Code), consisting of soliciting favors of a sexual nature in the context of a labor, educational, or similar relationship where hierarchy is evident, causing intimidation. It carries a penalty of 6 to 12 months in prison and disqualifications for the exercise of the profession.

This offense is also covered by other legal bodies (Article 7 Organic Law 3/2007) as any behavior, verbal or physical, of a sexual nature that has the purpose or produces the effect of attacking the dignity of a person, particularly when it creates an intimidating, degrading, or offensive environment. The law adds that "any behavior of the same nature and purpose, carried out based on a person's sex, constitutes harassment on the grounds of sex."

Furthermore, according to international organizations (UNHCR 2019), sexual harassment is broadly understood as any unwanted sexual advance, solicitation of sexual favors, verbal or physical conduct or gesture of a sexual nature, or any other behavior of a sexual nature that may be perceived as an offense or humiliation to another person.

- In addition to this, other forms of sexual violence committed in the digital sphere should be added, such as non-consensual pornography, sexual extortion through technological means, among others.

In general terms, the incorporation of the "consent" element represents a significant contribution to the protection of migrant women working in domestic service and caregiving. In many cases, they face multiple variables and conditions that make it difficult for them to resist potential situations of violence. It is important to note that this violence is not necessarily committed through force and intimidation, but often through the abuse of the relationship of subordination and dependence. The new regulations, by formalizing the importance of consent, represent a significant advancement in eliminating a factor of impunity that may have existed before.

However, it is crucial to emphasize that, while migrant women, regardless of their administrative situation, are recognized as subjects of rights and protection according to the provisions of the Penal Code and guarantees of non-expulsion according to the Immigration Law, this does not imply their comprehensive protection. There are still elements that inhibit reporting, reduce access to justice and reparations, such as the evidentiary difficulty of this type of violence, biases and prejudices in justice operators, as well as the consideration by the women themselves of the risk of losing their only source of income.

2.4. Regulations at the regional level

2.4.1. Catalonia

The Law 5/2008, of April 24, on the right of women to eradicate gender-based violence, includes in its Chapter 7, measures to curb sexual harassment and gender-based harassment in the workplace and social sphere, without prejudice to the fact that these are measures aimed at the development of activities in companies (negotiations, collective agreements, establishment of protocols, etc.).

It was amended by Law 17/2020, of December 22, establishing urgent measures to eradicate gender-based violence, incorporating a definition of sexual consent, which requires express will. Additionally, it incorporates a definition of intersectionality. Another relevant aspect is that it indicates that gender-based violence can manifest itself in the workplace (Article 5, third), both within and outside of work, incorporating elements such as harassment based on sex, sexual harassment, and discrimination due to pregnancy or maternity.

Furthermore, it incorporates the need for coeducation and affective-sexual education, making an explicit, transversal, rigorous, and systematic approach to gender perspective in order to prevent the prevalence of these types of violence.

2.4.2. Community of Madrid

The Comprehensive Law 5/2005, of December 20, against gender-based violence of the Community of Madrid, amended by Law 3/2018 of June 22, refers, among other things, to the provision of specialized resources for the assistance of women victims of sexual assaults, through comprehensive intervention in psychosocial recovery and legal support for them.

A novelty of this regulation is that it allows access to social benefits for a victim who does not want or cannot file a complaint, through an "administrative resolution for sexual harassment or harassment based on sex", without prejudice to which, once again, it would apply in various workplace settings beyond the home or caregiving.

2.4.3. Valencian Community

The Law 9/2003, of April 2, from the Generalitat for Equality between Women and Men, establishes measures to eliminate gender-based violence as a perverse form

of exercising power, including the use of sexual assaults, among others. Additionally, it mandates the establishment of codes of conduct against harassment (Art. 23), while urging the Generalitat to investigate the causes of violence (Art. 33) and to guarantee specialized and free legal and psychological assistance to victims (Art. 34).

The Comprehensive Law 7/2012 of November 23, against Violence towards Women in the Community of Valencia, defines sexual harassment in its article 8 and explicitly recognizes irregularly administrative migrant women as subjects of rights, without prejudice to the fact that effective protection ultimately depends on the Immigration Law and law enforcement agencies.

It is also worth mentioning the Protocol for Comprehensive Attention, Health, and Judicial Care for Victims of Sexual Assault in the Community of Valencia 2019, which requires interdisciplinary, coordinated, and effective care for these cases by professionals sensitized to gender issues and violations in the sphere of sexuality, in order to avoid revictimization, direct blame where it belongs, and not unnecessarily question victims' accounts or invade their privacy.

2.4.4. Andalusia

The Law 13/2007, of November 26, on measures for the prevention and comprehensive protection against gender-based violence, amended by Law 7/2018, of July 30.

This regulation expands the concept of gender-based violence from Organic Law 1/2004 to all types of gender-based violence, expressly including vicarious violence. Additionally, another novelty is that it incorporates within sexual violence the possibility of action with chemical submission "regardless of the relationship the aggressor has with the victim".

Likewise, for the exercise of the rights of victims of gender-based violence, a report from the Labor and Social Security Inspection will suffice in cases of sexual harassment and harassment based on sex in the workplace, allowing the operation to start without the filing of a complaint.

Finally, it refers with special attention to vulnerable groups, explicitly mentioning migrant women as subjects of protection.

3. MIGRANT WOMEN IN DOMESTIC WORK AND CAREGIVING

3.1 Growing importance of the foreign population in the labor market

Since the 1990s, Spain has been an important recipient country of international migration due to factors not only of historical-cultural nature but also geographical, productive, demographic, and climatic. Its connection with Latin America, proximity to Africa, membership in the Schengen area, productive and touristic characteristics, and aging population³¹ are elements that determine this growth.

Demographic data from the **National Institute of Statistics (INE)**³² indicate a significant increase in foreign immigration to Spain since the first half of 2021. According to the Continuous Population Statistics (ECP), during the second quarter of 2023, the population of Spain reached 48,345,223 inhabitants. The number of foreigners and those born abroad experienced an increase, reaching a total of 8,457,886, of which more than 49% are women. In relative terms, the autonomous communities that recorded the largest population increases are Catalonia, Madrid, and Valencia. According to the INE, the percentage of the population resident in Spain born abroad will increase to 25% of the total population in 30 years³³.

According to the country of origin, up to the year 2022³⁴, the largest migrant group in Spain is of Moroccan origin, representing 9% of the foreign population residing in the country. Following them, in that order, are people from Romania, the United Kingdom, Colombia, Italy, Venezuela, China, Germany, France, Honduras, Ecuador, and Peru. The significant growth of the Colombian and Italian communities stands out, both experiencing an increase of more than 6%.

Regarding the groups of foreign women³⁵ residing in Spain, they mainly come from Morocco, Romania, the United Kingdom, Colombia, Italy, Honduras, and Ukraine, in that order. These data reflect the diversity and changing dynamics of the immigrant population in the country.

³¹ OIM, *Informe sobre las Migraciones en el Mundo 2022*. Available at: <https://worldmigrationreport.iom.int/wmr-2022-interactive/?lang=ES>

³² National Institute of Statistics, august 8, 2023, *Nota de prensa Estadística Continua de Población (ECP) a 1 de julio de 2023*. Recuperado de: <https://www.ine.es/daco/daco42/ecp/ecp0223.pdf>


³³ INE: Population projections. 2020-2070. https://www.ine.es/dyngs/INEbase/es/operacion.htm?c=Estadistica_C&cid=1254736176953&menu=ultiDatos&idp=1254735572981

³⁴ Statista, 2023, *Población extranjera de España en 2021 y 2022 por nacionalidad*. Available at: <https://es.statista.com/estadisticas/472512/poblacion-extranjera-de-espana-por-nacionalidad/>

³⁵ National Institute of Statistics, 2022, *Población extranjera por nacionalidad, comunidades, sexo y año*. Available at: <https://www.ine.es/jaxi/Datos.htm?path=/t20/e245/p08/&file=02005.px#!tabs-grafico>

The **Report on the Integration of the Foreign Population into the Spanish Labor Market (2022)**³⁶, through a thorough quantitative analysis, highlights how despite its growing importance, there is a significant lack of labor integration of the foreign population in Spain, a situation that particularly affects foreign women, who have a lower overall activity rate (65%) than men (71%). Foreign women also appear to be clearly discriminated against when compared to Spanish women.

FIGURE 2. Labor comparison between migrant women and Spanish women³⁷

COMPARISON	
MIGRANTS	SPANISH
	
16% of migrant women are affiliated with the Domestic Employment Regime , out of the total affiliations	3% of Spanish women are affiliated with the Domestic Employment Regime , out of the total affiliations
12% of migrant women have a 'verbal' contract	42.2% of Spanish women have a 'verbal' contract
35% of foreign women work part-time	26% of Spanish women work part-time
14.3% of unemployed foreign women work in the 'other services' sector	8.1% of unemployed Spanish women work in the 'other services' sector
56% SEPE coverage rate for unemployed foreign women	35% SEPE coverage rate for unemployed Spanish women
34% wage gap between Spanish and foreign nationality	37% wage gap between women by nationality

“If the quality of employment is analyzed from a gender perspective, it is concluded that the labor integration process of migrant women reveals a double deficit of integration. On one hand, the differences between foreign women and men, and on the other, the differences between these foreign women and Spanish women.”

Mahía Casado, Ramón and Eva Medina Moral (2022)

³⁶ MAHÍA CASADO, Ramón y Eva MEDINA MORAL (2022), *Informe sobre la integración de la población extranjera en el mercado laboral español*. Observatorio Español del Racismo y la xenofobia - OBERAXE, dependiente de la Dirección General de Atención Humanitaria e Inclusión Social de la Inmigración. Available at: <https://www.inclusion.gob.es/oberaxe/ficheros/documentos/Integraciondelapoblacion.pdf>

³⁷ Taken from *Diagnóstico y Recomendaciones. Intersección entre Explotación, Violencias y Discriminaciones de las Mujeres Migrantes en el Empleo del Hogar*. Coordinación y Textos: Sandra Camacho, Nerea Bilbatúa y Marta González, Maquetación: Milagros Romero Meza. Publication of the Spaces for Empowerment and Action (S.E.A.) a project implemented by AMALGAMA, SEDOAC, Fundación de Solidaridad Amaranta, SICAR cat, and Proyecto Esperanza, with funding from Porticus. In: <https://cuidarestretrabajar.org>

3.2 Migrant women in domestic work and caregiving

Research on the topic shows that a large part of migrant women enter the labor market through domestic work and caregiving services³⁸. The ILO estimates that one in five people working in domestic work is an international migrant.³⁹ Globally, around 73% of the 11.5 million migrant domestic workers are women.

Spain is one of the countries with the highest weight of work in the household and caregiving sector within the European Union. It ranks second in Europe with more personnel in the household and caregiving sector, only behind Italy and France in third place.

The work carried out by domestic workers has allowed for the massive incorporation of middle-class Spanish women into the labor market since the late 1990s. The tasks and care they performed, in the absence of public assistance devices, were partly transferred to migrant women, which resulted in significant growth in the sector.⁴⁰

Pondría que solo está Available at español

According to the White Paper on the situation of immigrant women in the household and caregiving work sector in Spain, (*[Libro Blanco sobre la situación de las mujeres inmigrantes en el sector del trabajo del hogar y los cuidados en España](#)*)⁴¹ As of 2022, there were 545,700 people employed as domestic and caregiving workers (2.7% of total employment).

Of those affiliated with the Domestic Employees System, **44.01% are foreign population** (164,838). Of these, **94.03% are women** and 5.97% are men. This figure could be higher if migrant women who have obtained Spanish nationality were counted, and it excludes women in irregular administrative situations, many of whom are live-in workers.⁴²

As of 2021, according to the White Paper, the continent that contributes the most affiliated persons to the Special Domestic Employees System is America (53.68%), followed by Europe (31.15%). In terms of presence by countries of origin, the top

³⁸ See for ex.: MORENO- MANZANARO, Nuria (2020): *Integración y segregación de la población migrante en España: ¿realidades paralelas?* Available at:

<https://fundacionalternativas.org/wp-content/uploads/2022/07/909506b6bf6507db3de5339f08276932.pdf>; y FEDERACIÓN DE MUJERES PROGRESISTAS (2020): *Mujer Inmigrante y empleo del hogar: situación actual, retos y propuestas* en <https://fmujeresprogresistas.org/wp-content/uploads/2020/12/Estudio-Mujer-inmigrante-y-empleo-de-hogar-FMP-2020.pdf>;

³⁹ UN: International Labour Organization (ILO). *Trabajadores domésticos migrantes*, s/f. Available at: <https://www.ilo.org/global/topics/labour-migration/policy-areas/migrant-domestic-workers/lang-es/index.htm>

⁴⁰ Arantxa Zaguire Altuna (2020): *Empleadas de hogar: un caso evidente de discriminación indirecta*. Available at: <https://fundacionalternativas.org/publicaciones/empleadas-de-hogar-un-caso-evidente-de-discriminacion-indirecta/>

⁴¹ Monguí, M. (coord.), Cáceres, P. y Ezquiaga, A. (2022): *Libro Blanco sobre la situación de las mujeres inmigrantes en el sector del trabajo del hogar y los cuidados en España*. Madrid: Instituto de las Mujeres, Universidad Complutense de Madrid y Dykinson, page. 17.

⁴² The data on women with foreign nationality are taken into account, without considering the country of origin, as they are the only available and provided by Social Security (2022) / Note on page 18.

positions are held by Romania, Honduras, Colombia, Ukraine, Morocco, Peru, Venezuela, and Ecuador.

These figures highlight that domestic work and caregiving services are a necessity in the host country that is largely being met by migrant women of Latin American origin.

The national distribution of foreign women affiliated with the Special Domestic Employment System of Social Security shows that the **Communities of Madrid, Catalonia, Andalusia, Valencia, and the Basque Country** are the communities with the highest number of registrations of foreign individuals in the sector. These account for 75.85% of the total affiliations at the national level.

The study "Essential and without rights" (*Esenciales y sin derechos*) carried out by Oxfam Intermón (2021) clearly pointed out the reality of migrant women linked to domestic work and caregiving:

- According to the Active Population Survey, slightly more than 600,000 workers, of which 88% are women, mostly of foreign origin, are affected by the informal economy (only 410,634 are affiliated with Social Security).
- Their earnings are limited to 44% of the average salary, and one-third of these workers live below the poverty line. They are also likely to be poor retirees, as the average amount of their contributory retirement pensions reaches €521, which is half the average amount of total pensions.
- It is estimated that 40,000 women perform their duties as live-in workers with an average effective working time of 45 hours per week. According to data from the EPA (2021), at least 1 in 10 work more than 61 hours per week, and 7.4% work more than 71 hours per week.

Migrant women in the domestic work and caregiving sector earn much lower incomes than native individuals, especially those from non-EU countries, and are more frequently exposed to unfavorable labor or contractual situations, such as temporary employment, involuntary part-time work, or overqualification.⁴³

In addition to the **issue of the administrative irregularity** faced by women linked to domestic work and caregiving, another critical situation is added: that related to **live-in work**.

- It is estimated that out of the 40,000 women working as live-in workers in Spain, 9 out of 10 are foreigners, and 1 out of 4 care for a dependent adult.⁴⁴
- One of the fundamental characteristics of life as a live-in worker is the absence of one's own space and/or privacy, which socially isolates women

⁴³ See: MORENO- MANZANARO, Nuria (2020): *Integración y segregación de la población migrante en España: ¿realidades paralelas?* Available at:

<https://fundacionalternativas.org/wp-content/uploads/2022/07/909506b6bf6507db3de5339f08276932.pdf> y FEDERACIÓN DE MUJERES PROGRESISTAS (2020): *Mujer Inmigrante y empleo del hogar: situación actual, retos y propuestas en* <https://fmujeresprogresistas.org/wp-content/uploads/2020/12/Estudio-Mujer-inmigrante-y-empleo-de-hogar-FMP-2020.pdf>;

⁴⁴ See: Manifiesto "*El trabajo de internas, un trabajo de esclavitud*", presented in the "III ENCUENTRO DE TRABAJADORAS DEL HOGAR Y LOS CUIDADOS", conducted in november 2022 and endorsed by over 49 signing entities. Hashtag #ErradicaciónTrabajodelInterna.

and undermines their psychological well-being, "creating an environment of increasing vulnerability in which workers, among other things, are afraid to express their demands for fear of losing their job or being deported".⁴⁵

"Although live-in work is regulated by legislation, including provisions for breaks, compensation, or payment in kind, the high incidence of administrative irregularity, the strong dependence of these women on income, housing, and assistance with legal papers, as well as the lack of oversight, make stories of abuse and mistreatment especially common. In these situations, women are not protected by the law but rather by the goodwill of their employers.

Manifiesto "Live-in work, a form of slavery" (2022)

Women workers in irregular administrative situations are particularly vulnerable to labor exploitation, a situation that intersects with discrimination based on racism and xenophobia and instances of sexual violence, as outlined in the following chapters. These negative experiences constitute a violation of rights while also serving as a barrier to their inclusion in society and having significant effects on their physical and mental health⁴⁶.

"I also worked as a live-in worker when I first came. In the first job I had, I cared for a grandfather who treated me worse than dogs, he compared me to the dogs. He told me that the dogs were smarter than me. Every day he made me cry, there wasn't a day I didn't cry (...) Domestic work is the heaviest job and also poorly paid."

(Honduran woman, 59 years old, resident in Barcelona, group interview)

"I arrived on November 25th. Four days later, I started working 3 hours cleaning in Port de la Selva, with a couple. The Spanish husband and the Honduran wife. I had to clean the two-story house, with the girl on my waist, they left me taking care of the girl. I had to work from 7:30 in the morning until 2-3 in the afternoon. They paid me 350 euros per month. I was there for about 2 months because I had just arrived. And then in Sant Narcis, in the afternoon, 2 hours to take care of a Spanish lady. She hit me twice. I took care of her for two months and I told her that, with all due respect, but that my mother was in Honduras, that she was not my mother to hit me. She just kept saying that she was going to report me to the police, that there we were starving and stealing husbands from Spanish women. I told her, I come here

⁴⁵ Ref. Libro Blanco (2022), page. 64

⁴⁶ Here are some indicators that show situations of vulnerability related to labor exploitation, discrimination due to racism and xenophobia, and sexual abuse in: FUNDACIÓN DE SOLIDARIDAD AMARANTA, SICAR CAT, Y PROYECTO ESPERANZA, AMALGAMA y SEDOAC (2023): "Análisis de la situación y necesidades de las mujeres trabajadoras migrantes, especialmente en el sector del empleo del hogar y los cuidados:" RESUMEN EJECUTIVO. Project SEA/ PORTICUS. In: <https://cuidarestrabajar.org>

to work. I took care of her for only two months and then I started working here in Salt as a live-in worker from Sunday to Sunday."

(Honduran woman, 35 years old, resident in Salt, group interview)

"It's a matter of luck because of those jobs that girl inherited for me, were with families that are wonderful. Through those families, I got my papers. She (referring to another participant) has had very bad luck."

(Honduran woman, 40 years old, resident in Salt, group interview)

4. SEXUAL VIOLENCE IN THE WORKPLACE OF DOMESTIC WORK AND CARE: A NEW APPROACH

As previously indicated, the European Survey on Gender-based Violence 2022 **points out that one-third of women residing in Spain have experienced some form of psychological, physical, and/or sexual violence**, with psychological violence being the most prevalent. Regarding sexual harassment in the workplace, 28.4% of women (4,489,219) have faced this situation at some point in their lives. The most common forms of harassment include persistent or lewd looks, jokes, or indecent or offensive comments about the body or private life. Also noted, albeit less frequently, are inappropriate suggestions that made the victim feel offended, humiliated, or intimidated, as well as unwanted physical contact⁴⁷.

The survey reveals that sexual harassment in the workplace affects women of all ages, although a higher incidence is observed in the 18 to 29 age group. However, it is recognized that factors such as the memory effect or the education received may influence a lower disclosure of violence in older women.

The data also indicate that the prevalence of sexual harassment in the workplace (without specifying the sector) has remained constant over the past 12 months, being more frequent in densely populated municipalities. Additionally, the country of birth of women shows no significant differences⁴⁸, with over 80% of cases involving male perpetrators. Although more than 60% of victims have shared their experience, a small percentage has reported to the police (3.2%) or sought support from health or social services (4.3%).

The ILO acknowledges that certain job characteristics and the intersectionality of women's conditions may increase the risk of experiencing sexual violence at work, especially **for migrant women employed in domestic work or caregiving**.

The figures⁴⁹ for violence and crimes against sexual freedom in Spain, presented by the Ministry of the Interior, reveal a sustained increase in cases over the past 12 years, where over 80% of the victims are women. In 2010, there were 7,474 victims,

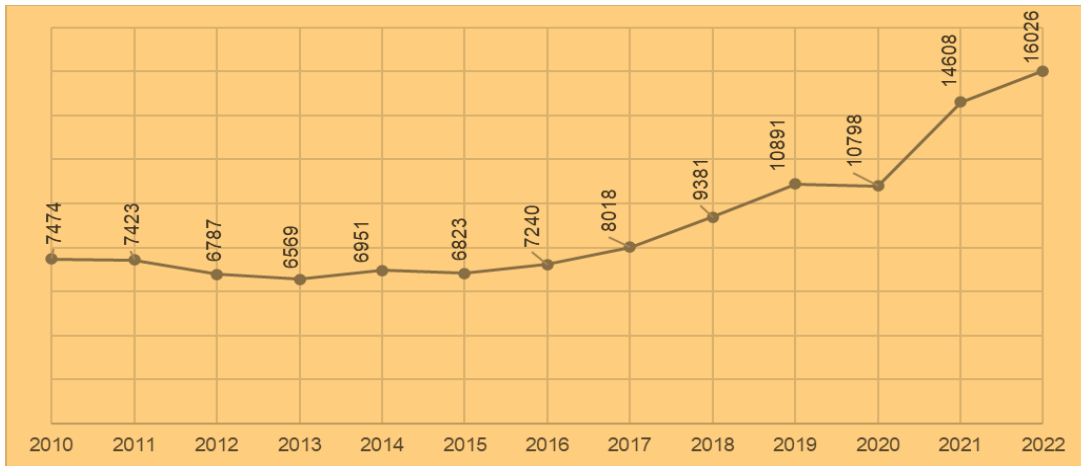
⁴⁷ Ministry of Equality, *Encuesta Europea de Violencia de Género 2022*, pages. 79-80. Available at: https://violenciagenero.igualdad.gob.es/violenciaEnCifras/Encuesta_Europea/docs/EEVG.pdf

⁴⁸ The significant difference in this variable should be approached with caution according to the same survey.

⁴⁹ Ministry of Interior, *Delitos contra la libertad sexual: victimizaciones por comunidad autónoma*, 2023, cited by the Women's Institute. Available at: <https://www.inmujeres.gob.es/MujerCifras/Violencia/DelitosLibertadSexual.htm>

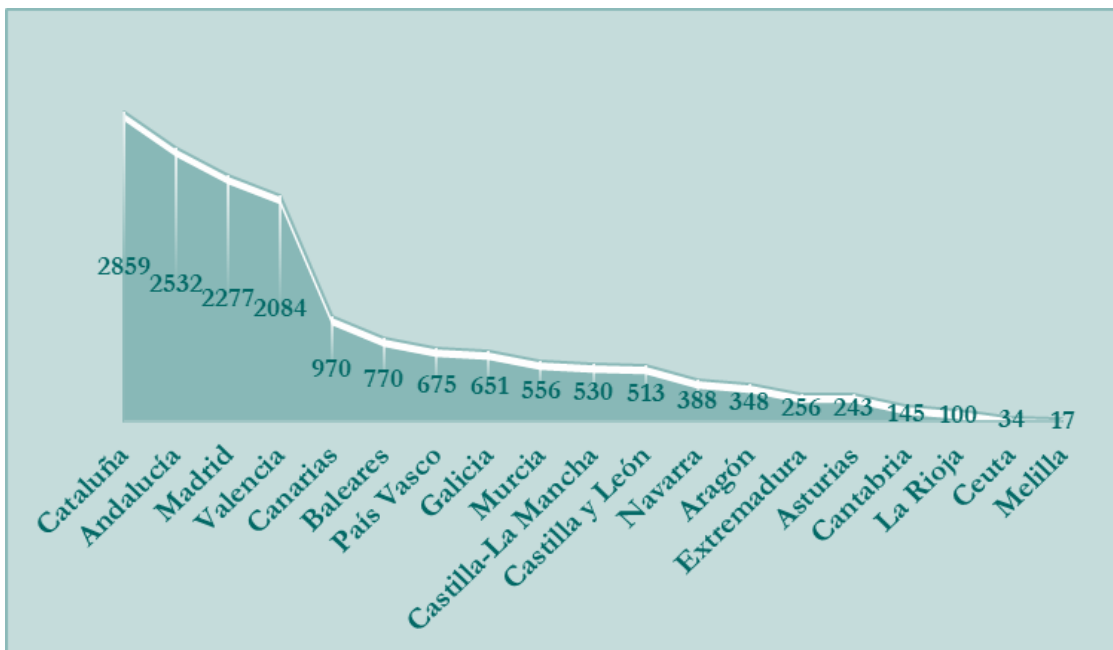
and in 2022, 16,026. **The Peninsular Autonomous Communities with the highest concentration are: Catalonia (2,859 crimes), Andalusia (2,532), Madrid (2,277), Valencia (2,084), and the Basque Country (675).** The Canary Islands (970) and the Balearic Islands (770) have a higher incidence than the Basque Country, but from an insular perspective. These dimensions can be visualized in the following graphs:

GRAPH 1. Crimes against women's sexual freedom: Victimizations by year of occurrence (2010 – 2022)



Source: Own elaboration with data from the Ministry of the Interior: Crimes against sexual freedom: victimizations by autonomous community, 2023.

GRAPH 2. Crimes against women's sexual freedom: Victimizations by Autonomous Community 2023.



Source: Own elaboration with data from the Ministry of the Interior, Crimes against sexual freedom: victimizations by autonomous community, 2023.

Bofill and Véliz (2019)⁵⁰ indicate that even though criminal legislation incorporates gender-based sexual harassment and establishes specific procedures to prevent and report such situations, sexual harassment of migrant women working in domestic service is one of the most hidden and invisible forms of gender-based violence in society. In Spain, it exhibits characteristics that manage to evade all regulation in this matter.

One form of invisible violence that often expresses the fear of migrant women to report an incident stems from various factors, including ignorance about support resources, fear of confronting the power of the abuser, the shame of exposing such situations, the disregard, and the existence of a family or work context that permits or normalizes such behavior. In many cases, this also reveals stereotypes and prejudices related to their ethnic and racial origins.

As already indicated in the "**Sexual Violence against Immigrant Women in the Care Sector**" report⁵¹, published by Por ti Mujer Association in 2020, some conditioning factors that favor migrant women facing situations of sexual harassment in the workplace include:

- Irregular administrative status as the cornerstone upon which all institutional lack of protection and precarization of the collective is based.
- Lack of economic resources leading to a lack of decision-making freedom, where women end up submitting to abuse out of fear of being fired, reported, or deported.
- In many cases, the absence of an articulated social fabric and support network to provide them with shelter.
- Lack of knowledge about their own rights and the reporting procedures, compounded by distrust in the Spanish judicial and police system.
- The normalization of gender-based violence both in the country of origin and in the destination country, preventing women from escaping situations that violate their dignity.

Three years have passed since this initial approach to the issue, during which, as indicated, significant normative advances have occurred. These include Spain's ratification of ILO Convention 189 and **ILO Convention 190 on the Elimination of Violence and Harassment in the World of Work**, which entered into force in May 2023 with the aim of eradicating harassment and violence in the workplace; the **Integral Law for Equal Treatment and Non-Discrimination (Law 15/2022)** of July 12; and the **Organic Law 10/2022, Guaranteeing Comprehensive Freedom of Sexual Expression**.

These normative advances, as well as the EEVG and ILO surveys, highlight the relevance of the topic and the need to deepen our understanding of sexual violence

⁵⁰ Bofill-Poch, Sílvia; Véliz, Norma (2019). *Una violència oculta. Assetjament sexual en dones migrades treballadores de la llar i les cures*. Barcelona: Fundació Josep Irla. Available at:

<https://irla.cat/publicacions/assetjament-sexual-dones-migrades-treballadores-llar-cures/>

⁵¹ Available at: <https://asociacionportimujer.org/wp-content/uploads/2020/12/Informe-Violencia-Sexual-Mujeres-Inmigrantes-Cuidados.pdf>

in the context of domestic service and care work in Spain, and to update the "Sexual Violence against Immigrant Women in the Care Sector" report ([Violencia Sexual a Mujeres Inmigrantes en el Sector de los Cuidados](#)) prepared by Por ti Mujer Association in 2020.

With that central objective in mind, a qualitative research project has been developed, integrating human rights, gender, intersectionality, and interculturality as tools to make visible these invisible violences, some of which have even been questioned regarding their demeaning nature.

The phenomenon of sexual violence against migrant women in a specific labor context, the domestic service and care sector, has been addressed, including random samples from the study population in the following autonomous communities⁵²: Andalusia, Catalonia, Castilla-La Mancha, Extremadura, Galicia, Madrid, Basque Country, and Valencia.

The instruments used to gather information from migrant women working in domestic service and/or care (Ref. Annex 1) included a questionnaire⁵³, in-depth interviews, and group interviews.

4.1 Sociodemographic characteristics of the sample

The sample of participants in the report was randomly selected from groups of migrant women working in the household and care sectors at the national level. In this selection process, various variables were taken into consideration, including the following:

- Autonomous communities with a higher foreign population, such as Catalonia, Madrid, and Valencia, as well as those with higher rates of violence and crimes against sexual freedom, such as Catalonia, Andalusia, Madrid, Valencia, and the Basque Country.
- Countries of origin of the majority of women working in household and care work. It is noteworthy that, according to the *White Paper on the situation of immigrant women in the household and care work sector in Spain*, in absolute numbers, individuals from Romania report the most affiliations to the Special Household Employees System. Individuals from Ukraine and Morocco rank fourth and fifth in absolute numbers, respectively. However, collectively, more than 50% of affiliated individuals come from Latin America⁵⁴, particularly from Honduras, Colombia, Peru, Venezuela, and Ecuador.

⁵² The sample selection is explained in the section designated for that purpose, in *Annex I*.

⁵³ Refer to the questionnaire structure in *Annex II*.

⁵⁴ In absolute numbers, Romanian nationality contributes the most individuals to the affiliation of the Special System for Domestic Employees. It is also acknowledged that the largest migrant community in Spain originates from Morocco; however, women from this background rank fifth in the domestic work and care sectors. Efforts were made to involve women from these nationalities by disseminating the questionnaire among

The information provided by migrant women working in household and/or care who participated in this report has been systematized based on the responses received in the **122 questionnaires**⁵⁵. The questionnaire was disseminated among users of [Por Ti Mujer](#), and collaboration spaces were created with other entities at the national level, such as Active Domestic Service ([SEDOAC](#)) in Madrid; [Malen Etxea](#) in the Basque Country; Women Survivors ([Mujeres Supervivientes](#)) in Andalusia; Human Mobility Association ([Asociación Movilidad Humana](#)) in Galicia; Intercultural Association of Household and Care Professionals ([AIPHYC](#)) in Valencia; [Mujeres Pa'Lante](#) in Catalonia; and the Association of Household, Care, and Cleaning Employees ([Asociación de empleadas de hogar, cuidados y limpieza](#)) in Extremadura.

This information was complemented with testimonies collected in **4 group interviews and 4 in-depth interviews conducted**⁵⁶.

FIGURE 3. Information collection communities



In total, more than a hundred migrant women working in household and/or care from 20 different nationalities and residing in Andalusia, Castilla-La Mancha,

representative entities of these communities. Due to the lower number of responses from women of these nationalities, their voices were included through in-depth interviews.

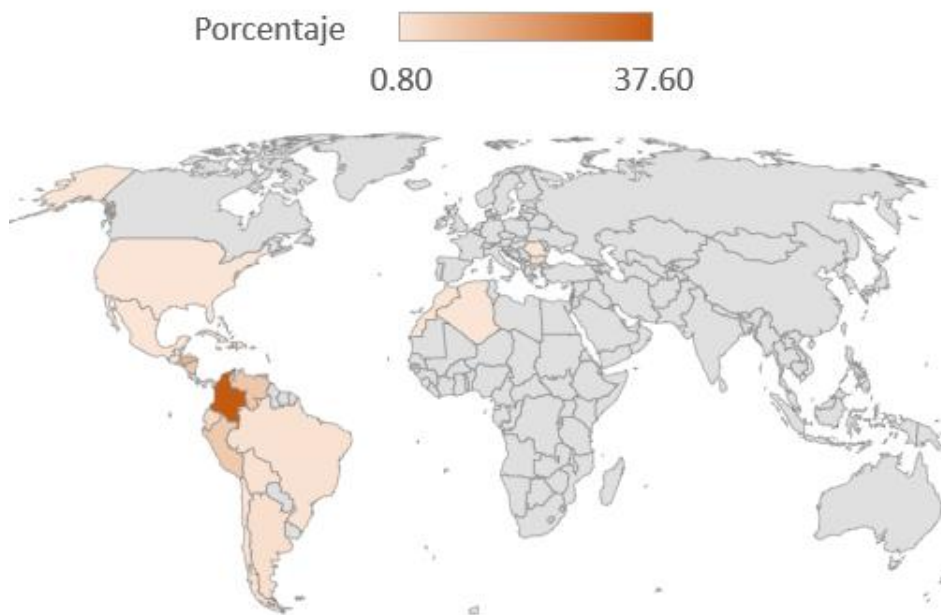
⁵⁵ The 122 questionnaires were answered by migrant women in various communities, including Andalusia, Castilla-La Mancha, Catalonia, Extremadura, Galicia, Madrid, the Basque Country, and Valencia.

⁵⁶ Four in-depth interviews were conducted in Valencia, Gipuzkoa, Madrid, and Seville, and four group interviews were conducted in the cities of Barcelona, Madrid, Manises, and Valencia.

Catalonia, Extremadura, Galicia, Madrid, the Basque Country, and Valencia participated.

From this group, 38% were originally from Colombia, 14% from Honduras, 9% from Venezuela, 9% from Nicaragua, and 8% from Peru. Although in smaller numbers, the remaining 16% comprised women from countries such as Argentina, Bolivia, Brazil, Chile, Cuba, El Salvador, Guatemala, Mexico, Peru, the Dominican Republic, and the United States of America. Meanwhile, from Europe, 4% of the responses received were from women originating from Romania and Bulgaria; and from Africa, 2% of the responses were from women from Morocco and Algeria⁵⁷.

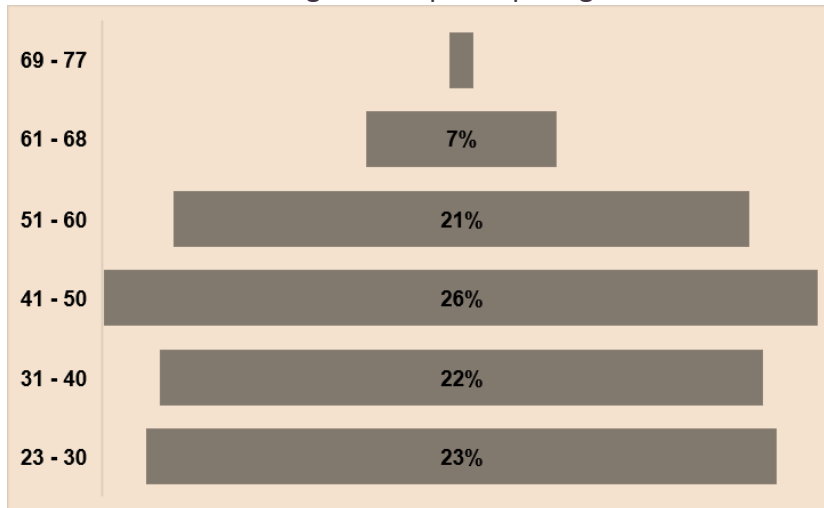
FIGURE 4. Country of birth of the participating women



Regarding **age distribution**, 26% of the participants were in the 41 to 50 age range. The age ranges of 23 to 30 and 31 to 40 years accounted for 45%. Participants aged 51 to 60 represented 21%, while those aged 61 to 77 comprised 8% of the group.

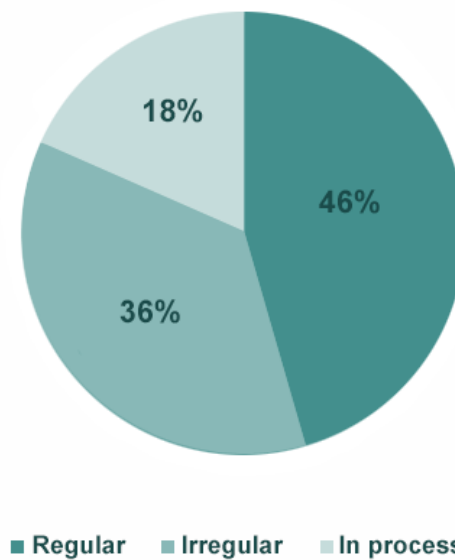
⁵⁷ The participation of women from Romania and Bulgaria was sought, but there was no receptivity to receive more responses to the questionnaire and/or conduct in-depth interviews. The challenge of continuing to deepen the understanding of the specific needs of this group of migrant women residing in Spain is recognized.

GRAPH 3. Age of the participating women



Most of the participants fell into the group of 1 to 5 **years of residency** in Spain, with variations extending up to those who have been in the host country for 10 years. Additionally, 46% of the participants have their administrative status regularized. Within this percentage, almost half have opted for Spanish nationality. An 18% are in the regularization process, while the remaining 36% are in an **irregular administrative situation**.

GRAPH 4. Administrative situation of the participants.

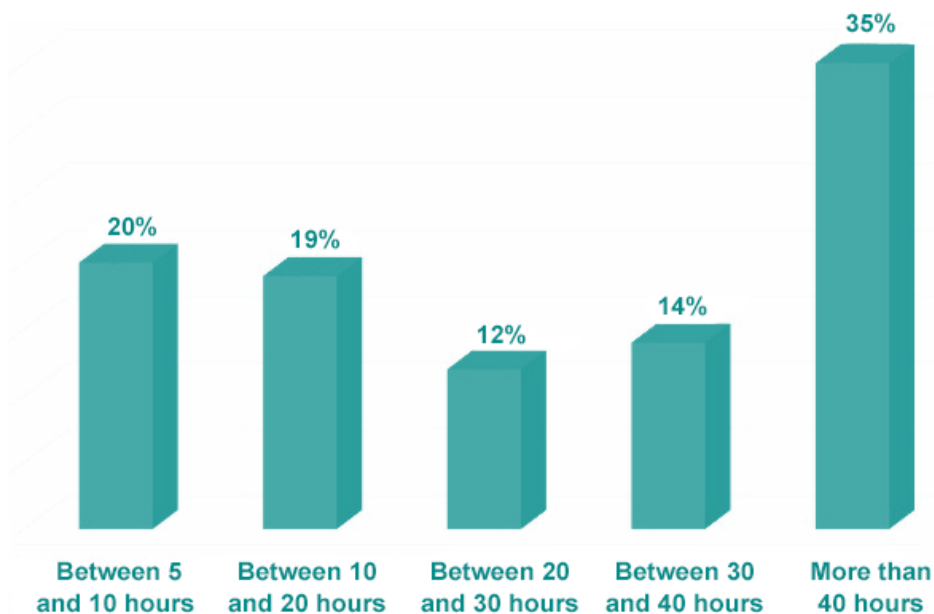


63% of immigrant women who are domestic and care workers indicate that they do not have a formal employment

El 57% of the participants are currently **employed**, while 42.8% state that they are unemployed and/or seeking employment. 64% declare not having a formal employment contract, and 9% have verbally agreed to their conditions. Only 22% have a permanent contract, and 6.4% have a temporary contract. 24% of them work as live-in employees.

A relevant piece of information worth noting is that 36% of migrant women employed in household and care work work more than 40 hours per week. Within this group, 47% work between 41 and 60 hours, 36% between 61 and 80 hours, and 16% more than 80 hours. This aspect underscores the dedication of migrant women who work in household and care work to extensive **working hours**.

GRAPH 5. Hours per week worked by migrant women working in household and care work



From the ESENCIALES Project ([Proyecto ESENCIALES](#)) of the Federation of Progressive Women, it is pointed out that working more than 40 hours per week jeopardizes people's health.

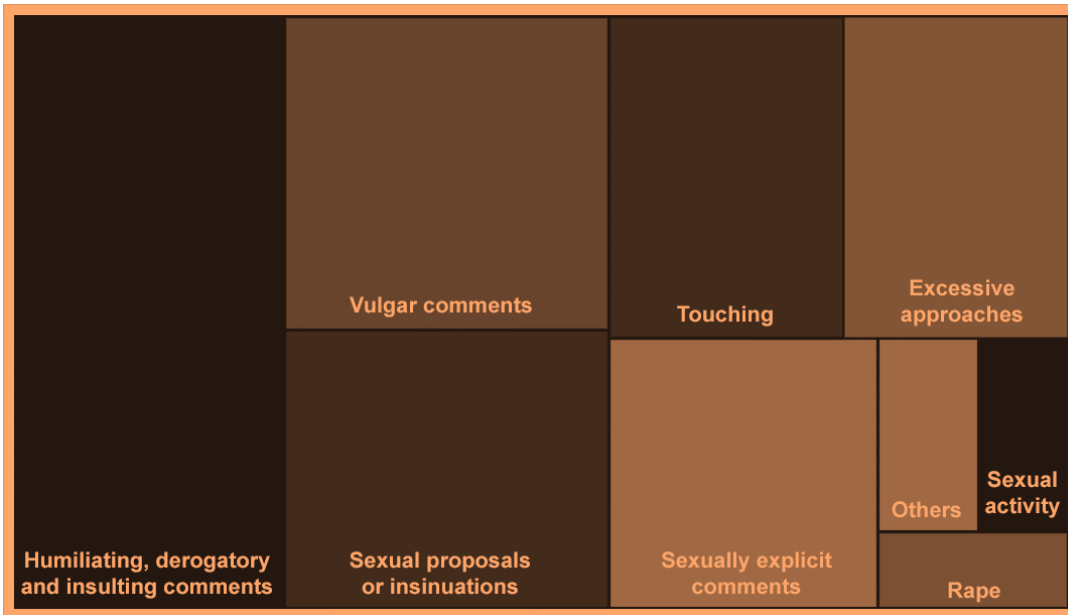
“In Spain, we are discussing reducing the weekly working hours, but here we have women who work more than 60 hours per week. These are women who come to take care of what is not being taken care of in Spain. Attention is not being paid to caregiving. It is not valued.”

Mariana Fombella. ESENCIALES Project- FMP

“Another issue that also arises is the violation between the agreement, the type of work that is supposed to be done, and the actual work performed. A family hires a woman to take care of the mother, to sleep with her at night, administer medication, but she ends up cooking, cleaning, doing laundry, washing the clothes of the mother and the son who is the one who pays her.”

Natalia Oldano. Mosaico Acción Social

5. THE MAP OF SEXUAL VIOLENCE AGAINST MIGRANT WOMEN WORKING IN DOMESTIC AND CARE WORK



The International Labour Organization's Convention 190 recognizes that violence and harassment in the workplace are a violation of human rights, a threat to equal opportunities, and are unacceptable and incompatible with decent work. The same organization also acknowledges that domestic and care work, due to its characteristics, is one of the services particularly prone to this form of violence. As indicated in the conceptual section, the privacy of the workplace, high levels of informality, and low social and economic valuation, as elements that converge in domestic and care work, facilitate the commission of this violence. As mentioned in a previous section, the **survey on experiences of violence and harassment in the workplace by the ILO⁵⁸** shows that being a migrant woman increases the risk of experiencing violence and harassment at work.

Violence and harassment are unacceptable and incompatible with decent work. However, according to the sample of this report, **52.1% of migrant women working in domestic and care work who responded to the questionnaire stated that they have felt victims of sexual harassment or violence in the workplace. And of the 6% who indicate not being sure whether they have experienced it, half have recognized it as such in the experiences they shared in the open-ended questions of the questionnaire.**

"In one job taking care of an elderly man, during personal hygiene, he proposed that I masturbate him, touch him, and do things, to which I flatly refused, making it known to his family."

(Salvadoran woman, 35 years old, resident in Valencia, questionnaire)

"He was the youngest child in the house, but he touched me inappropriately. And the adults found it funny."

(Colombian woman, 41 years old, resident in Madrid, questionnaire)

⁵⁸ UN: ILO, *Op.Cit*, 2023.

In some cases, migrant women who experience sexual violence in the workplace do not identify it as such when it involves behaviors such as verbal harassment, insinuations, or touching of intimate parts, among others.

"From my professional experience, in many cases, this lack of recognition is due to the fact that, when dealing with elderly individuals, although it causes discomfort, they downplay its seriousness or normalize it as part of the job"

Silvia Iglesias, psychologist for the Association Por Ti Mujer

It is also important to highlight that **socio-cultural norms influence the identification of harassment**. In non-Western cultures, actions such as touching someone's shoulder or greeting with a kiss, among others, may be considered harassment. It is important to emphasize this fact because all of these contexts refer to incidents that occur in the workplace.

"I didn't know how to tell my boss not to touch my hair, but my boss did it, and out of fear of losing my job, I didn't say anything. When I discuss this with Maghrebi women, they don't see it as harassment because, for them, harassment is more extreme. Sometimes, we also struggle to identify and recognize harassment! Even sometimes, we struggle to identify harassment when it comes from a female boss because we have normalized closeness between women."

(Moroccan woman, 58 years old, residing in Valencia, individual interview)

Domestic work and caregiving also provide opportunities for incidents that do not occur in other types of jobs, such as during **job interviews**.

"In other sectors, people may feel nervous about a job interview, but in the household sector, they fear what they may encounter. Now they decide to go in pairs because they don't know what they will face. There are cases where a woman has gone to an interview at a house and they have locked the door with a key, with all the violence that just the act of locking the door implies. They go to interviews in a private setting. They are afraid. In themselves, they already face psychological violence. All of this is unthinkable in other sectors."

Mariana Fombella, responsible for the ESENCIALES

Furthermore, it is a sector in which comments, humiliations about the way of dressing, the body of the workers and insinuations frequently occur:

"When I listen to them, they don't always tell me everything that happens, but there are insinuations or touches: 'the son of the lady I'm caring for approached me, and I don't know if he realized it or not, but he touched or brushed against my chest. I felt uncomfortable the first time, even more uncomfortable the second time, the third time I told him, and the fourth time he got angry.' That happens a lot. Another thing that, for me, is directly linked to sexual harassment is the comments, the jokes, that starts like the iceberg of violence and sometimes refers to control or judgment over their bodies, the clothes they wear, their physical appearance, if they are chubby, if they are not chubby, if they are eating too much, etc. The issue of power has also been manifested there."

Natalia Oldano, Mosaico Acción Social

The risk of **suffering sexual violence in a job interview**, and the fear based on it, is confirmed by the women who collaborated with this report.

"I am a single mother and I needed to work all my hours. By then I had half a day. Some friends told me to put myself on ad pages. So I made a resume and got started. The next day she calls me and tells me to go to the interview. It was where I lived before, in Valladolid. I went to the interview. He was a young man, in his fifties. He told her that I don't want to work as an intern, only for hours. He tells me I just have to make the food and I can go. «But in the afternoon you have to be here. The only condition is that at night you sleep here, that you share the bed with me », he told me. That was the condition! That's all! Yes, sharing the bed with him!

(Ecuadorian woman, 61 years old, resident in Madrid, group interview)

"I recommend that, when doing an interview, you send the location of the house; tell a colleague; and leave the phone with active location, which helps the police identify that you were there. "A colleague, during the interview, was offered a glass of water and she woke up the next day raped."

(Moroccan woman, 58 years old, resident in Valencia, individual interview)

Furthermore, **more than half (51.9%) of the women who responded to the questionnaire indicated that they knew a woman in their environment who had suffered sexual violence in the workplace**, which is an indicator of other cases that may be remaining invisible.

Within the framework of the *Esenciales Project*, it is also recognized that there are more cases than are named, situations of sexual violence that are not told out of fear and shame.

"This type of violence is a taboo and generates a sense of guilt when the victim themselves questions, 'How could I have allowed it?'"

Mariana Fombella, responsible for the ESENCIALES project -FMP

"We question ourselves. I wonder, if I wear loose pants or oversized shirts, will they still say something to me?"

(Colombian woman, 33 years old, resident in Valencia, from a group interview)

"I used to take a bus to go to Madrid and look for work without knowing anyone. I started posting ads on internet pages. They started calling me, but I only had bad experiences. On one occasion, the man asked me if I had a uniform. When I said no, he told me not to worry, that he would provide it for me. I was happy because I had found a job. The next day when I arrived at his house, he said, 'here is the uniform.' It was lingerie. He wanted me to clean the house in underwear. I ran away from there! In another house, the man asked me to clean in a bra. I quit those jobs, but I didn't tell anything to my partner so that he wouldn't judge me." -

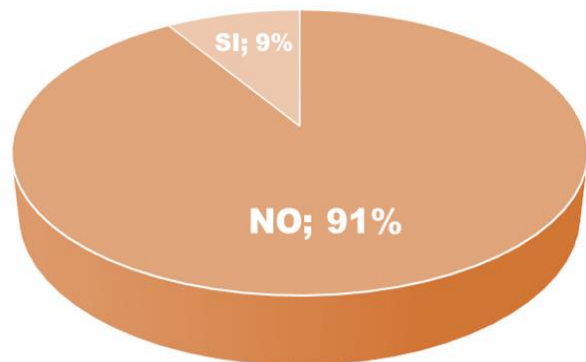
(Colombian woman, 29 years old, resident in Madrid, from a group interview)

"It happened to another woman, a cousin of ours, who went to look for a job, and in the interview, they told her what she had to do. The man said, 'I live alone, you have to do this for the house and everything, nothing special for my meals, nothing out of the ordinary, the food, cooked vegetables, and grilled chicken.' She said okay, that's fine. They offered her 800 euros. The man said, 'You will sleep upstairs, because upstairs are the bedrooms, I have mine on one side, you will sleep nearby with me.' Well, she said okay. 'But don't lock the door, leave it open,' he said. And she says that when she was making dinner, around 9 p.m., he tried to touch her, going behind her, following her, and told her: 'You have to do all the work and it includes going to bed with me.' She ran upstairs to lock herself in and the old man followed her. She called her cousin to come pick her up, 'Cousin, come pick me up because this old man wants to rape me.' She was there only for that day. Then he didn't want to open the door for the cousin: 'I've come to bring her back because she says you want to rape her, I'm going to report you.' He said to her, 'I haven't done anything, you're a liar, 'you are all liars.' He told her he would accuse her of theft, that she had stolen from him. She replied, 'Accuse me of whatever you want, but you won't rape me, you dirty old man.' 'I'm not going to work for a single man anymore,' she says now." -

(Honduran woman, 59 years old, resident in Catalonia, from a group interview)

The data collected within the framework of this report demonstrates **extremely high levels of underreporting**, with the associated impunity that implies. The response from women who perceived experiencing sexual violence at work highlights the magnitude of the issue: **91% of them did not report the incident**. This data reinforces the evidence that sexual violence is an underreported crime, with factors such as stigma and fear of reprisals contributing to the lack of reports.

GRAPH 6. Did you report the incident?



Nearly half of the women who responded to the questionnaire indicated that they did not report due to administrative reasons (45%), fear (32%), or lack of awareness (19%). Some cite other reasons or do not respond.

GRAPH 7. If you didn't report the incident, why didn't you do it?



The graph illustrates how administrative immigration status is a determining factor for 45% of the women who did not report the incident due to their perception of insecurity related to it.

"The possibility of deportation is the greatest fear of a migrant. From the very social structure, there is already violence and it is reproduced in all sectors. And there is a psychological context that immigrant women face and that affects their self-esteem automatically; it diminishes and they are vulnerable. Women accept anything to have a roof over their heads or a meal."

Edith Espínola, spokesperson for the Active Domestic Service ([SEDOAC](#))

Fear ranks second, at 32%; lack of awareness, in 19% of cases.

"When I reported, the police asked me what I had done to make the person physically assault me."

(Colombian woman, 49 years old, resident in Madrid, questionnaire)

"I am brutally exploited but I have no papers... They don't even pay me 5 euros an hour!"

(Colombian woman, 25 years old, resident in Manises, group interview)

The 23% indicate other reasons such as shame, lack of knowledge about rights, fear of losing their job, or not having legal advice, among others. **Some of the statements shared by women for not reporting** can be visualized in the following affirmations:

- *“He was a person of high economic and administrative capacity”*
- *“I felt ashamed”*
- *“He told me that I had no chance of winning because he is a Spanish citizen”*
- *“I didn't know my rights as an immigrant woman”*
- *“I didn't want to lose my job, even though I had documents”*
- *“I didn't have papers and I didn't know anyone”*
- *“I was afraid and didn't have anyone to advise me”*
- *“When I reported, the police asked me what I had done to provoke the person physically assaulting me”*
- *“I had just arrived in the country and I was afraid”*
- *“I was in an irregular situation”*
- *“I work with some judges and they tell me that there are many reports from people who have gathered courage, but for violence, for mistreatment of men against women”*
- *“Who is going to believe someone like me? One is afraid because without papers, they think they will be deported...”*
- *“There must be a place to report these cases, because one doesn't go because they don't know where to report it”*
- *“It's complicated because if a person comes, they are alone here, they don't have support from anyone. I say it's difficult”*



5.1 Manifestations of sexual violence

The data collected through the questionnaire shows that **women have received humiliating, degrading and insulting comments in 55% of cases; vulgar comments in 34% of cases; and proposals or insinuations of a sexual nature, in 32%**. Some say that men walk around the house naked while they are doing their work.

“When I was cleaning and picking up things from the pool, the man came and got undressed. I hurried and left the pool. I said nothing.”

(Colombian woman, 53 years old, resident in Valencia, group interview)

“In the house where I work, the man goes from the bedroom to the bathroom naked when I am there. I can't say anything because they would kick me out.”

(Colombian woman, 33 years old, resident in Manises, group interview)

In cases where violence begins to escalate, **women report experiences that imply that they have touched their body in 24% of cases.** Furthermore, women report **excessive approach, in 27% of the responses; or comments of sexual content, 25%.**

“The man began behaving inappropriately, touching my breasts and even threatening not to pay me if I did not comply with his advances. Furthermore, his behavior became violent, reaching the point of hitting the kitchen and entering the bathroom while he was showering me. He masturbated in front of me and touched my ass. He came into my room and wanted to touch me constantly. The situation worsened when he repeatedly sexually harassed me, making unpleasant comments and taking the situation to the point of affecting my mental health. Despite trying to seek help from family members, I found no support, since the man's children were accomplices and claimed that his father was the one in charge in the house. After three long years of constant humiliation, the time came when I begged to have the papers done to regularize my situation. "I'll do the paperwork for you if you're good to me," he told me. It brings tears to my eyes when I remember it. "There were many humiliations that I suffered when I didn't want him to touch me.”

(Venezuelan woman, 54 years old, resident in Galicia, questionnaire)

In the most severe cases, women **have been forced to engage in sexual activity (7%) or have been raped (4%).**

“I was in charge of an older man who, when it came to personal hygiene, suggested that I masturbate, touch him and do things to him. I flatly refused and let his relatives know.”

(Mexican woman, 42 years old, resident in Andalusia, questionnaire)

“At night he forced me to masturbate him, without her wife knowing. She was very ill.”

(Colombian woman, 52 years old, resident in Andalusia, questionnaire)

“It started with harassment until one night it was rape”.

(Peruvian woman, 39 years old, resident in Andalusia, questionnaire)

Although Spain has ratified the ILO Convention 190 on violence and harassment in the workplace, all these testimonies reflect the pressing need to define and prohibit violence and harassment, particularly in settings such as domestic work and caregiving, where elements like protocols and inspections are not applied due to the very nature of this work: domestic setting, confronting the employer alone, without other witnesses, without other coworkers. According to expert voices, Spain has not adapted its internal regulations to the Convention in question as stipulated by its Article 12.

"The recommendation 206, which develops Convention 190, urges states to adopt legislative measures for the protection of all individuals regardless of their migratory status. Whether we are talking about this violence occurring in the country of origin, transit, or destination, it is essential that the State ensures the application of labor legislation and social security under conditions of equal treatment, through necessary controls. Therefore, Spain will have to take action if it wants to comply with the international standards of the ILO."

Sara López, Technical Advisor of the ILO Office in Spain.

According to the information collected through the questionnaires in this report, **in 63% of the cases recognized as sexual violence in the context of domestic work and caregiving, the woman identifies the immediate boss as the perpetrator.** Considering that Spain ranks second in Europe with the most personnel in the household and caregiving sector, this evidence should be given special consideration.

Meanwhile, 32% of the women who responded to the questionnaire and indicated that they had felt victims of sexual violence, identified that it was perpetrated by a family member or a friend of the person who hired them, in which case, in half of the events, it was someone living in the same household. In other cases, it was someone else.

Some of the stories narrate violence perpetrated by individuals who have access to the home as workers, who are coworkers.

"I came out of the bathroom and I couldn't feel anything anymore. I go up to the lady's room and I say to her: 'Madam, are you in your room? May I come in?' And I said: 'Madam, I feel bad. She calls the police ". That was the last thing I remember. She called the ambulance. And I arrived at the hospital like crazy. I arrived like crazy. What I remember is that someone said 'to psychiatry, to psychiatry', I heard people saying, because I heard voices like that. When they did the CT scan, I was repeating the same thing, I was already accusing the boy directly. That's what the lady told me later. I stayed in a coma for three days. When I woke up, a doctor told me, "We'll call the police because they made an attempt on your life and against public health." I remember that I grabbed the doctor and started crying. "Don't worry," she told me, "what they gave you was burundanga with benzodiazepine." So I asked her if I had been raped. And she tells me, "no, no one raped you. But it may have happened the first time" (she had narrated the first time she lost consciousness). She received support from her boss, they filed a complaint and delivered the doctor's report to the police station. "The police never did anything. I went to the Alcobendas police station again, I asked what happened, and they told me, "this boy is still here, be careful." The only thing they told me was that, be careful, and they recommended that I get the location out from my cell phone."

(Paraguayan woman, 58 years old, resident in Madrid, individual interview)

The European Survey on Gender-based Violence 2022 shows that, in Spain, the prevalence of sexual harassment in the workplace has been carried out by male perpetrators in over 80% of cases. **The data collected for this report confirms a similar trend: in 77% of cases, sexual violence against migrant women working in domestic and caregiving roles was committed by a man.** The remaining 23% indicate that it was a woman.

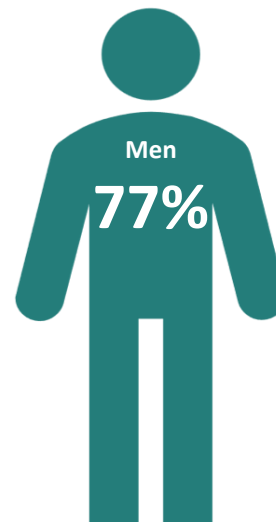
The collected data also indicate that **the majority of women who have experienced sexual violence in domestic and caregiving work have spoken to someone about it (66%),** in most cases with a family member and/or friend (76%); with staff from an organization (women's group or association, 23%); and, to a lesser extent (11%), with a professional in psychology or healthcare.

Despite over half of them sharing the fact with someone close or with staff from an organization, **a very small percentage reported it officially, 9%; and only 18% sought professional help** to manage the violence they experienced. **82% did not seek professional support.**

The reasons for **not seeking professional help** include expressions of fear, shame regarding the situation, lack of information and/or time, mistrust, lack of personal and support networks, or even due to administrative status. In response to the question *"Can you tell us why you didn't seek professional help to manage the situation?"* some of the responses collected in the questionnaire were as follows:

- *"Out of pity and fear"*
- *"I had no one to tell"*
- *"I was alone, without friends"*
- *"Lack of time and money"*
- *"I was a live-in worker and didn't know anyone"*
- *"I was trying not to let it affect me because I needed the job"*
- *"Because I was in the process of getting my papers"*
- *"Because I didn't know who to turn to"*
- *"It is very difficult to talk about this situation"*
- *"I didn't want to keep remembering the episodes"*
- *"I could not do anything"*
- *"I didn't know I was being harassed"*

GRAPH 8. What is the gender of the person who committed sexual violence or harassment?



“State institutions are not answering on time. Social entities, we are carrying out an ant-like work towards the migrant population. We are providing support and empowerment. Grassroots entities are the first aid for our companions. We are the first listener. However, the individual must recognize themselves as rights holders.”

Edith Espínola, from SEDOAC

Meanwhile, the consequences and impacts of these violences leave their mark on the lives of migrant women working in domestic and care roles. **Psychological harm is acknowledged by 87% of the women** who responded to the questionnaire and confirmed having experienced it.

“I feel shame, disgust and distrust”.

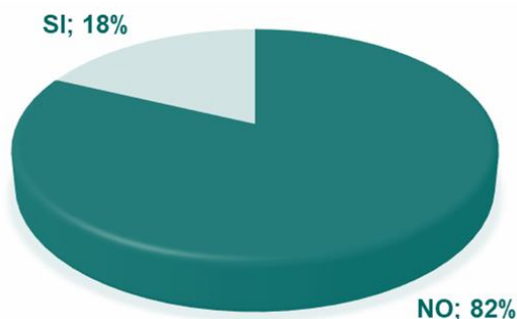
(Salvadoran woman, 45 years old, resident in Andalusia).

“I had just arrived, my emotional state was not at its best, that violence put me in a vulnerable situation and I became more depressed.”

(Colombian woman, 50 years old, resident in Valencia).

The **repercussions on a woman's mental health** can vary greatly depending on the violence suffered and the victim of it. Some of the psychological consequences that can be observed include: symptoms of anxiety, symptoms of depression, sleep problems, apathy, hopelessness, frustration, and guilt about the situation experienced, among others.

GRAPH 9. Did you seek professional help?



“The emotional impact of the violence and/or sexual harassment experienced by migrant women in their workplace will vary depending on the type and severity of the violence, as well as the support network available to the victim, the resources and information available to report the situation, and the pre-existing emotional resilience they may have had.”

Pilar Rodríguez, psychologist from the Asociación Por Ti Mujer

The narration of stories accompanied by tears is an indicator of the stress and psychological damage that these violences have had on them.

“The man would start watching television where I had to iron the clothes. He watched pornography and masturbated. I had no choice!... I had already left many jobs and was pressured by my partner! I learned to normalize those behaviors and keep quiet. I held back. I started quitting jobs. Sometimes they would leave money on the table for me to sleep with him. I didn't want to go out to work anymore. I wasn't going to tell my family anything.”

(Colombian woman, 25 years old, resident in Valencia, group interview)

“Going in and out of depression all the time... this destroys from the inside! Wounds are difficult to heal and they stay with us! It's hard for me to be alone, I wanted to work all the time just to fall into bed and avoid thinking or reflecting! I have realized that I cannot have a partner because every time I am intimate, I do not see his face, I only see that of my rapist, of my harassers. This is a tremendous drain! It has killed that feeling of wanting to enjoy, give and receive pleasure!”

(Moroccan woman, 58 years old, resident in Valencia, individual interview)

The psychological footprint left by sexual violence is very complex and transcends into other spheres of the person's life.

“Undoubtedly, it generates a significant impact on the psychological and social well-being of women, often resulting in symptoms of anxiety and depression due to the violence experienced. Moreover, it can lead to isolation due to feelings of shame and guilt that often arise. On the other hand, all of this creates a great discomfort that interferes with all areas of their life.”

Silvia Iglesias, psychologist from the Association Por Ti Mujer

Other statements gathered in the questionnaire, highlighting experiences of such violence, include:

- "It's a very stressful situation, with severe episodes of anxiety, I have been very depressed."
- "I felt very vulnerable and relived my past abuses."
- "I feel very lonely and disoriented."
- "The psychological humiliation and physical paralysis during the act are incredible, as well as the lack of support."

When asked about what would be necessary to prevent these situations from occurring, some respondents mentioned:

- "There are very racist people."
- "One receives humiliation from the children as well, and in the same house, one receives double humiliation, from the elderly person one works for and sometimes even from the children, daughters-in-law because it often happens."
- "There should be a law that protects, starting with domestic workers, there should be, I don't know..."

- "That they respect one's rights, that they respect workers' rights, we domestic workers are humiliated too much."
- "Some people are lucky, they have all their rights recognized even without papers from the moment they arrive. Having papers."

"Sensitivity has been lost considerably, hearts have hardened so much, and well, I understand it, here we live day by day, and it's a rush. So, one says, what can I do? If I'm looking out for myself. But if there are groups, for example, she knows me, we know each other, she can tell me anything. Maybe I can't help solve her problem, but I listen to her, I understand her, things like that... I think the problem here is more that there is no law protecting immigrants."

(Honduran woman, 40 years old, resident in Catalonia, group interview)

The ideal of a workplace free from violence for migrant women working in domestic and care roles seems very distant, and even further away is justice and reparations for the victims. **Additionally, 10% of the women reported physical harm.**

"I had just arrived and I started working with a family as a domestic worker. One day the lady told me that her brother was coming, who was coming from outside. The problem is that he always arrived drunk or high. One morning I found him lying next to the sofa when I was about to vacuum. He insulted me and took a dislike to me. Another day I found him injecting himself in the vein. He kicked me out of the room! Since then, every time he arrived, he knocked on the door. I didn't go out. One morning, I was taking a bath when he walked straight into the bathroom. I was naked! He was like crazy and started to strangle me! I was trying to break free and started screaming! The sister heard my screams and came with her husband. Imagine that situation: me naked, the guy strangling me, the sister pulling. It was horrible! I crouched down and made myself small! I cried my eyes out. I left the room. The woman said to me, 'thank goodness nothing happened to you. Go on, finish getting dressed and take the kids to school.'"

(Nicaraguan woman, 59 years old, resident in the Basque Country, individual interview)

Added to the consequences of sexual violence, experienced in the area of domestic and care work, is the fact of being left without income due to the loss or resignation of that job. **63% of women indicated that they resigned or were fired as a result of the sexual violence they suffered.**

"I went to work taking care of a man. I had to bathe him. I was wearing gloves and he told me that he didn't like the texture of the gloves, that I should take them off. He also asked me to put on a swimsuit. I refused everything, but I felt uncomfortable, I felt harassed. When I bathed him he had erections and asked me to masturbate him. 'Don't leave me like this, help me,' he told me. I stopped working there."

(Colombian woman, 25 years old, resident in Valencia, group interview)

37% kept on working in the same place, exposed to keep on facing sexual violence in the workplace.

“The social structure belittles this sector due to paternalism and lack of social recognition. It is thought that, as a migrant woman, you have no value and are obligated to work more than 40 hours per week. The normalization of exploitation is embedded in society due to being migrants.”

Marcela Bahamón, president of the [AIPHYC](#)

Some legal experts also highlight the importance of prevention at the time of first reception to warn about the dangers of certain job advertisement channels, and on the other hand, in intervention through public policies and access to justice. Likewise, the need for reparation to avoid leaving women in another situation of vulnerability that could re-victimize them or even facilitate their experience of sexual violence again.

“One of the major consequences for migrant women is that they find themselves subjected to ongoing violence and end up “accepting” that this violence is “necessary” in order to maintain a job and even, in many cases, housing that they require due to their administrative status in the host country.”

Belén Zurita, lawyer of the Association Por Ti Mujer

The information gathered in this report empirically demonstrates what the WHO has illustrated in the pyramid regarding the magnitude of sexual violence, particularly concerning sexual violence not disclosed due to shame, guilt, and other factors. This violence results from economic vulnerability and is accepted through blackmail, threats, or cunning. Furthermore, it is a type of violence more revealed in surveys than reported to the police, and at the tip of the iceberg, it is only visible when it involves the death of the victim.

It is also empirically evident that the intersection between gender, age, and migrant status increases the risk of experiencing sexual violence in the workplace, reaffirming as conditioning factors the factors indicated in the report advanced by Por ti Mujer in 2020, related to irregular administrative status as the cornerstone upon which the precarization of the collective rests; the lack of economic resources; the absence of an articulated social fabric and support network; and the lack of knowledge about one's own rights and reporting procedures; and the permanence and normalization of macho violence.

This new approach to the issue of sexual violence in the workplace highlights the need to continue delving into the topic and reflecting on the mechanisms and scope of the regulations and public policies designed to facilitate social intervention, to achieve the necessary social transformation that guarantees the fulfillment of human rights linked to the achievement of dignified work and a life free of violence and discrimination.

6. CONCLUSIONS AND RECOMMENDATIONS

- Sexual violence is a historical manifestation of power imbalances linked to gender that persist in the social imagination as a manifestation of patriarchal hierarchy, continuing to subordinate women to their male counterparts. Additionally, it remains invisible or is often normalized to the extent that victims often do not identify it as such, assuming feelings of guilt, shame, and affecting their emotional stability. There is extensive literature on the impacts of gender-based violence that transcend the interpersonal or family level, highlighting, by situating it in the social and structural realm, how it historically reproduces the patriarchal gender order. In the case of migrant women, it also serves to sustain other axes of oppression/privilege related to skin color, class, religion, age, gender identity, sexual orientation, disability, migrant status, among others.
- Thanks to the advancement of the international feminist movement, gender-based violence, in addition to exposing historically silenced discrimination, is now considered a violation of human rights. In the last two decades, significant progress has been made in the fight against its multiple dimensions. In Spain, the ratification or entry into force of international commitments, such as ILO Conventions 189 and 190, what is dictated by the Istanbul Convention and the European Parliament recognizing sexual harassment as a form of discrimination; as well as the enactment of state or community laws and regulations, have allowed significant advances in preventing and punishing sexual violence.
- The enactment of the **Comprehensive Guarantee Law for Sexual Freedom**, popularly known as the "only yes means yes" law, marked a significant milestone in the legal landscape by modifying the criteria for considering sexual assault, shifting the emphasis from the use of violence and intimidation to the logic of absence of consent. However, it is crucial to continue evaluating the scope of this norm, especially considering the low rate of reports, convictions, and protection orders. There are still elements that inhibit reporting, reduce access to justice and reparation, such as the evidentiary difficulty of this type of violence, biases and prejudices in justice operators, as well as the consideration by women themselves of the risk of losing their only source of income. Different expert voices indicate that Spain needs to adapt its internal regulations to ILO Convention 190, as stipulated in Article 12, to adopt legislative measures for the protection of all individuals regardless of their migratory status.
- Since the 1990s, Spain has been an important recipient country of international migration due to factors not only of historical-cultural nature but also geographical, productive, demographic, and climatic. According to the Continuous Population Statistics (ECP), during the second quarter of 2023, the population of Spain reached 48,345,223 inhabitants. The number of foreign-born individuals experienced an increase, reaching a total of 8,457,886, of which more than 49% are women. However, according to the Report on the integration of the foreign population into the Spanish labor market (2022), there is a

significant lack of labor integration of the foreign population in Spain, a situation that especially affects women. Foreign women are also clearly discriminated against when compared to Spanish women.

- The White Paper on the situation of immigrant women in the domestic work and care sector in Spain, highlights that as of 2022, 2.7% of the employed population were domestic workers and caregivers. Of those affiliated with the Home Employees System, **44.01% are foreign-born** (164,838), and of these, **94.03% are women**. The reality of migrant women linked to domestic work and care employment is clearly reflected in the study "Essentials and without rights," conducted by Oxfam Intermón (2021), which clearly points to the underground economy of the sector, the precariousness of wages, and the more than 45 weekly hours dedicated to work. Precariousness is also highlighted through the Manifesto "*Live-in work, a slavery job*", disseminated following the "*III meeting of domestic workers and caregivers*" in 2022, and which has received the support of more than 49 entities. Confronting the precariousness, labor exploitation, and discrimination faced by many workers in this sector remains a significant challenge not only for achieving equal opportunities but also for guaranteeing rights and protection.
- The First Global Survey on Experiences of violence and harassment in the workplace by the ILO highlights that the **intersectionality** between sex, age, and migratory status increases the likelihood of facing violence or harassment in the workplace. In other words, a young migrant woman is more likely to experience it than a non-migrant woman. This sexual violence particularly leads to the violation of essential rights of migrant women working in domestic work and care, and it manifests with high incidence rates and scarce reporting. According to the data collected by this report, **more than 53% of women report having felt victims of harassment or sexual violence at work, and 91% of them have not reported it.**
- The European Survey On Gender-based Violence 2022 highlights the relevance of sexual harassment based on gender in the workplace and the importance of deepening our understanding of this violence in areas such as domestic work and care, especially when this constitutes the sector of labor insertion socially assigned to migrant women. According to the EEVG, **of the total women residents in Spain aged between 16 and 74 who have ever worked in their lives, 28.4% (4,489,219) have experienced sexual harassment at work at some point in their lives.** In this context, it is imperative to highlight the term "unacceptable" invoked by the ILO, as a mandate to the international community, which, since the entry into force of Convention 190, cannot be accepted again.
- The report carried out in 2020 by the Association Por ti Mujer, titled "Sexual Violence against Immigrant Women in the Care Sector," allowed for an important step forward in deepening the understanding of sexual violence in the context of migrant women working in domestic work and care in Spain, from a gender, intersectional, intercultural, and human rights-based approach. It

pointed out **conditioning factors that favor migrant women facing situations of sexual harassment in the workplace: irregular administrative status** as a cornerstone of institutional lack of protection and precarization of the collective; **lack of economic resources** translating into a lack of decision-making freedom for women; **absence of an articulated social fabric and support network**; **ignorance of their own rights and reporting procedures**, adding to **distrust in the Spanish legal and police system**; and the **normalization of gender-based violence** both in the country of origin and in the destination country, which prevents women from leaving situations that violate their dignity.

- All these conditioning factors remain relevant based on the results of the 2023 Study, but they show their magnitude and scope by including situations described by migrant women residents not only in the Valencian Community but also in: Madrid, Catalonia, Extremadura, Andalusia, the Basque Country, Castilla-La Mancha, Catalonia, Extremadura, Galicia, Madrid, and the Basque Country.
- **The map of sexual violence** in the field of domestic work and care prepared for this report **reflects that its main manifestations towards migrant women in Spain refer to humiliating, degrading and insulting comments (55%); vulgar comments (34%); proposals or insinuations of sexual nature (32%); touching (24%); as well as excessive approach (27%) or comments of sexual content (25%). In the most serious cases, women have been forced to engage in sexual activity (7%) or have been raped (4%).**
- The data show high rates of occurrence and underreporting: **52.1% of migrant women working in domestic and care work who responded to the questionnaire for this report said they have experienced harassment or sexual violence in the workplace; only 9% reported it.** Additionally, **more than half (51.9%) indicated knowing a woman in their circle who has experienced sexual violence in the workplace, which is an indicator of other cases that may be going unreported.**
- The fact that **91% of women did not report the incident indicates that sexual violence is an underreported crime**, influenced by factors such as stigma and fear of reprisals. **Nearly half of the women who responded to the questionnaire stated they didn't report it due to their immigration status (45%); out of fear (32%), or due to lack of knowledge about their rights and the legal framework (19%).**
- Professional support, justice, and reparations are not easily accessible for migrant women working in domestic and care work. **Although 66% of the women surveyed for this study reported having spoken to someone about the sexual violence they experienced, 82% said they have not sought professional help.** Considering that Spain is the second country in the European Union with the highest proportion of work in the domestic and care sector, this evidence highlights the need to evaluate associated public policies. It is recommended to address the psychological consequences of sexual violence, which transcend into other aspects of migrant women's lives.

- **Psychological damage is acknowledged by 87% of the women** who responded to the questionnaire and stated they have experienced it. Additionally, **10% of women reported physical harm**. The repercussions on a woman's mental health can vary greatly depending on the violence experienced and the individual victim. Some of the psychological consequences they highlighted include symptoms of anxiety, depression, sleep problems, apathy, hopelessness, frustration, and guilt about the situation they experienced, among others. The narration of their testimonies amidst tears is an indicator of the stress and psychological damage these violences have had on them. The findings of the study reflect the invisibilization of a violence associated with factors such as taboo, fear, shame, and guilt. A violence that intersects with age, ethnic origin, and migratory status, increasing the risk of facing violence or harassment in the workplace.
- The need to address the reality of migrant women from an inclusive, human rights, and intersectional approach becomes evident when considering that **63% of women indicated they resigned or were dismissed as a result of the sexual violence they suffered**.
- Migrant women in irregular administrative situations in Spain, besides being usually more exposed to violence and experiencing labor, legal, economic, emotional, and rootlessness precarity, often encounter **structural barriers to accessing justice**, such as language barriers, lack of knowledge, lack of access to services, fear of child removal, and fear of expulsion for exposing their migratory legal status to the judicial system after filing a complaint. A social debate is recommended that includes various actors, but particularly migrant women's collectives, to address the informality and precariousness of domestic and care work, labor conditions, matters relating to job security, and to simplify existing bureaucracy regarding the recognition of administrative status in the host country to ensure their working conditions and protection under legislation on violence and harassment.

Recommendations

- ❖ **Regarding the labor situation in domestic and care work:**
 - Deepen **understanding, analysis, and addressing of sexual violence** in the domestic and care work sector from a human rights, intersectional, and intercultural approach.

- Facilitate **administrative regularization and legal hiring processes** by recognizing actual situations, respecting the dignity and rights of domestic and care workers.
- Foster a **social debate involving key agents**, including organized migrant women's entities, to address the labor reality and precariousness of domestic and care work, to comprehend the particular challenges faced by migrant women working in this sector, and to ensure protection against sexual violence and harassment, as well as comprehensive care.

❖ **Regarding Training and Sensitization**

- Promote the right to **equal treatment and non-discrimination** through public policies that develop awareness-raising, prevention, protection, support, and reparations measures for victims, and encourage reporting.
- **Raise awareness among entities, associations, and professionals** related to the care and counseling of the migrant population about existing legislation and protection mechanisms to combat situations of sexual harassment, related to:
 - Organic Law 3/2007, of March 22, for Effective Equality between Women and Men
 - Article 184 of the Penal Code
 - ILO Convention 190 on the Elimination of Violence and Harassment in the World of Work, and the
 - Comprehensive Law for Equal Treatment and Non-Discrimination (Law 15/2022), of July 12.
- Facilitate access to courses and workshops on labor rights and regulations for the prevention of sexual harassment for migrant women workers, including the possibility of online and weekend training sessions.
- Development of informative brochures and informational campaigns related to the legislation regarding action and protection against situations of harassment and sexual violence.

❖ **Ensuring Access to Safe Reporting**

- Establish secure channels for reporting, or reinforce existing ones, that are safe and accessible in order to eliminate barriers preventing migrant women from reporting instances of sexual harassment and violation of their rights.
- Provide training to operators within the protection and justice system to familiarize them with relevant regulations, sensitize them to gender perspectives and intersectionality, so they do not rush to open sanction/expulsion proceedings in response to reports of sexual violence, and inform women about their rights to protection.
- Evaluate effective protection policies for women workers facing situations of harassment and sexual violence to alleviate fears of job loss in case of reporting. It is necessary to facilitate reporting or at least provide a mechanism for incidents to be brought to light. There is an urgent need to define and prohibit

violence and harassment in the workplace, as stipulated by Article 1 of ILO Convention 190, and to adapt internal regulations as stipulated by its Article 12.

❖ **Support for Migrant Women's and Workers' Organizations and Comprehensive Care**

- **Recognize and provide resources to the associative movement** linked to different migrant groups to strengthen their actions as key spaces for social intervention, information dissemination, training, legal advice, and psychosocial support for migrant women.
- **Improve or establish service offices where women can learn about and access mechanisms for preventing** sexual violence in the workplace; economically accessible professional support for victims, from a comprehensive and multicultural perspective; as well as actions ensuring justice and reparations for migrant women who are victims of sexual violence in domestic and care work.
- **Establish and consolidate coordination and networking** among associations and organizations of migrant women and domestic and care workers, with the Public Administration and key social actors.

❖ **Facilitating Comprehensive Support Services**

- Provide **safe spaces** and facilitate access for victims to psychosocial support services and/or comprehensive accompaniment for their recovery.
- Promote spaces for gathering and the **creation of networks of mutual support** so that women can share their experiences and support other victims of harassment or discrimination. These spaces can be accompanied by conversations regarding the recognition of rights and empowerment.

7. REFERENCES

AIETI y Red de Mujeres Latinoamericanas y del Caribe (2019). *Mujeres migrantes víctimas de violencia de género en España. Documento de análisis en el marco de la Ley Orgánica 1/2004 de medidas de protección integral contra la violencia de género*. Available at: <http://redlatinas.blogspot.com/p/documentos.htm>

- AIETI y Red de Mujeres Latinoamericanas y del Caribe (2020). *Mujeres migrantes víctimas de violencia de género en España*, Segundo informe, Documento cuantitativo. Edición propia. Available at: https://aieti.es/wp-content/uploads/2020/12/Documento_2DO-.pdf
- Amorós, C. (1991). *Hacia una crítica de la razón patriarcal*, 2ª edición. Barcelona: Anthrophos. Available at: <https://www.redmovimientos.mx/2016/wp-content/uploads/2016/10/Amor%C3%B3s-Celia-Hacia-una-cr%C3%ADtica-de-la-raz%C3%B3n-patriarcal.compressed.pdf>
- Asociación Por ti Mujer (2020). *Violencia Sexual a mujeres inmigrantes del sector de los cuidados*. Available at: <https://asociacionportimujer.org/wp-content/uploads/2020/12/Informe-Violencia-Sexual-Mujeres-Inmigrantes-Cuidados.pdf>
- Bofill-Poch, S. y Véliz, N. (2019). *Una violència oculta. Assetjament sexual en dones migrades treballadores de la llar i les cures*. Barcelona: Fundació Josep Irla. Available at: <https://irla.cat/publicacions/assetjament-sexual-dones-migrades-treballadores-llar-cures/>
- Brey, e. (Coord), Mongií, M., Ezquiaga, A. y Cáceres, P. (2021). *Vivienda y vulnerabilidad: Mujeres inmigrantes en el servicio doméstico*. Madrid: Universidad Complutense de Madrid / GISMAT (2021). Available at: <https://gismat.es/informe-vivienda-y-vulnerabilidad-mujeres-inmigrantes-en-el-servicio-domestico-2021/>
- Cagigas, A. (2020). *El Patriarcado como origen de la violencia doméstica*. Available at: <https://dialnet.unirioja.es/descarga/articulo/206323.pdf>
- Camacho, S., Bilbatúa, N., González, M, (Coord.), Diagnóstico y Recomendaciones. Intersección entre Explotación, Violencias y Discriminaciones de las Mujeres Migrantes en el Empleo del Hogar. Maquetación: Milagros Romero Meza. Publicación del proyecto Espacios para el Empoderamiento y la Acción (S.E.A.) implementado por AMALGAMA, SEDOAC, Fundación de Solidaridad Amaranta, SICAR cat, y Proyecto Esperanza, con la financiación de Porticus. Available at: <https://cuidarestrabajar.org>
- CCOO- Confederación Sindical de Comisiones Obreras (2021). *El Acoso sexual y el Acoso por razón de sexo en el ámbito laboral en España*. Ministerio de Igualdad/Delegación del Gobierno contra la Violencia de Género. Available at: <https://violenciagenero.igualdad.gob.es/violenciaEnCifras/estudios/investigaciones/2021/estudios/acoso.htm>
- European Commission/Eurostat (2022). *Acoso sexual en el trabajo contra las mujeres* (Capítulo 6) en Encuesta Europea de Violencia de Género 2022. Ministerio de Igualdad. Available at: https://violenciagenero.igualdad.gob.es/violenciaEnCifras/Encuesta_Europea/docs/Cp6.Acodos_sexual_en_el_trabajo.pdf
- European Commission/Eurostat (2022). EU survey on gender-based violence against women and other forms of inter-personal violence (EU-GBV) – first results. Available at:

<https://ec.europa.eu/eurostat/documents/7870049/15323622/KS-FT-22-005-EN-N.pdf/315d443b-ba8d-e607-3ce0-845f642a8c00?version=1.0&t=1669371271599>

Council of Europe (2011). Convention on preventing and combating violence against women and domestic violence (CETS No. 210). Available at: <https://www.coe.int/en/web/conventions/full-list?module=treaty-detail&treatyid=210>

Delegación del Gobierno contra la Violencia de Género (2020). *Macroencuesta de Violencia contra la Mujer 2019*. Madrid: Ministerio de Igualdad. Available at: <https://violenciagenero.igualdad.gob.es/violenciaEnCifras/macroencuesta2015/Macroencuesta2019/home.htm>

Delegación del Gobierno contra la Violencia de Género (2023). Mujeres víctimas mortales por violencia de género en España a manos de sus parejas o exparejas: Datos provisionales, Años 2003 a 2023. Ministerio de Igualdad. Available at: <https://violenciagenero.igualdad.gob.es/violenciaEnCifras/victimasmortales/fichamujeres/home.htm>

Federación de Mujeres Progresistas (2020). *Investigación Mujer Inmigrante y empleo del hogar: situación actual, retos y propuestas*. Financiado por la Dirección General de Inclusión y Atención Humanitaria y el Fondo Social Europeo. Available at: <https://fmujeresprogresistas.org/wp-content/uploads/2020/12/Estudio-Mujer-inmigrante-y-empleo-de-hogar-FMP-2020.pdf>

Federación de Mujeres Progresistas (2020). *Mujer Inmigrante y empleo del hogar: situación actual, retos y propuestas*. Madrid: FMP. Available at: <https://fmujeresprogresistas.org/wp-content/uploads/2020/12/Estudio-Mujer-inmigrante-y-empleo-de-hogar-FMP-2020.pdf>

Federici, S (2013). *Revolución en punto cero: Trabajo Doméstico, reproducción y luchas feministas*. Madrid: Traficantes de Sueños. Available at: <https://traficantes.net/sites/default/files/pdfs/Revolucion%20en%20punto%20cero-TdS.pdf>

Subdirección General para el Emprendimiento, la Igualdad en la Empresa y la Negociación Colectiva de Mujeres (2023). *Protocolo para la prevención y actuación frente al acoso sexual, el acoso por razón de sexo y otras conductas contrarias a la libertad sexual y la integridad moral en el ámbito laboral*. Manual de Referencia. Madrid: Instituto de las Mujeres. Available at: https://www.igualdadenaempresa.es/asesoramiento/acoso-sexual/docs/Protocolo_Acoso_Sexual_Por_Razon_Sexo_2023.pdf

Instituto Nacional de Estadística (2022). *Población extranjera por nacionalidad, comunidades, sexo y año*. Available at: <https://www.ine.es/jaxi/Datos.htm?path=/t20/e245/p08/&file=02005.px#!tabs-grafico>

Instituto Nacional de Estadística (2022). *Proyecciones de población 2020-2072 - Nota de prensa 13/10/2022*. Available at: https://www.ine.es/dyngs/INEbase/es/operacion.htm?c=Estadistica_C&cid=1254736176953&menu=ultiDatos&idp=1254735572981

Instituto Nacional de Estadística (2023). *Estadística de condenados: Adultos/menores. Año 2022* - Nota de prensa 25/09/2023. Available at: https://www.ine.es/dyngs/INEbase/es/operacion.htm?c=estadistica_C&cid=1254736176793&menu=ultiDatos&idp=1254735573206

Instituto Nacional de Estadística (2023, 8 de agosto). *Estadística Continua de Población (ECP) a 1 de julio de 2023 - Nota de prensa*. Available at: <https://www.ine.es/daco/daco42/ecp/ecp0223.pdf>

Gonzalo, M. (2023). Guía de actuación ante situaciones de violencia interna en el trabajo. Instituto Asturiano de Prevención de Riesgos Laborales/Área de ergonomía y psicología aplicada. Available at: <https://www.uam.es/uam/media/doc/1606939383642/guia-actuacion-situaciones-violencia-interna-en-trabajo.pdf>

Mahía, R. y Medina, E. (2022). *Informe sobre la integración de la población extranjera en el mercado laboral español*. Madrid: Observatorio Español del Racismo y la Xenofobia (OBERAXE)/Ministerio de inclusión, Seguridad Social y Migraciones. Available at: <https://www.inclusion.gob.es/oberaxe/ficheros/documentos/Integraciondelapoblacion.pdf>

Ministerio del Interior (2020). Informe sobre violencia contra la mujer, España 2015-2019. España: Gabinete de Coordinación y Estudios. Available at: <https://www.interior.gob.es/opencms/ca/archivos-y-documentacion/documentacion-y-publicaciones/publicaciones/publicaciones-descargables/publicaciones-periodicas-anuarios-y-revistas/informe-sobre-violencia-contra-la-mujer/>

Ministerio del Interior (2023). *Delitos contra la libertad sexual: victimizaciones por comunidad autónoma*, citado por el Instituto de las Mujeres. Available at: <https://www.inmujeres.gob.es/MujerCifras/Violencia/DelitosLibertadSexual.htm>

Monguí, M. (coord.), Cáceres, P. y Ezquiaga, A. (2022). *Libro Blanco sobre la situación de las mujeres inmigrantes en el sector del trabajo del hogar y los cuidados en España*. Madrid: Instituto de las Mujeres, Universidad Complutense de Madrid y Dykinson. Available at: <https://www.inmujeres.gob.es/publicacioneselectronicas/documentacion/Documentos/DE1924.pdf>

Moreno-Manzanaro, N. (2020): *Integración y segregación de la población migrante en España: ¿realidades paralelas?*, Documento de trabajo 203/2019. San Vicente, J. (ed). Fundación Alternativas. Available at: <https://fundacionalternativas.org/wp-content/uploads/2022/07/909506b6bf6507db3de5339f08276932.pdf>

ONU: Comité para la Eliminación de la Discriminación Contra la Mujer, CEDAW (1992). *Recomendación General Nº 19: La violencia contra la Mujer*. CEDAW, 29/01/1992. Oficina del Alto Comisionado para los Derechos Humanos. Available at: <https://www.refworld.org/es/docid/5d7fbd535.html>

ONU: Comité para la Eliminación de la Discriminación Contra la Mujer, CEDAW (2004). *Recomendación general Nº 25, sobre el párrafo 1 del artículo 4 de la Convención sobre la eliminación de todas las formas de discriminación contra la mujer, referente a medidas especiales de carácter temporal*. Available at:

<https://www.refworld.org/es/docid/52d905144.html>

ONU: Organización Internacional de Migraciones (2022). *Informe sobre las Migraciones en el Mundo 2022*. McAuliffe, M. y A. Triandafyllidou (eds.). Ginebra: OIM. Available at: <https://worldmigrationreport.iom.int/wmr-2022-interactive/?lang=ES>

ONU: Organización Internacional del Trabajo (2019). *Recomendación sobre la violencia y el acoso* (número 206). Available at: https://www.ilo.org/dyn/normlex/es/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R206

ONU: Organización Internacional del Trabajo (2022). *Estudio cualitativo sobre la violencia y el acoso en el sector del trabajo doméstico: Informe final*. Buenos Aires: Oficina de país de la OIT para la Argentina. Available at: https://www.ilo.org/wcmsp5/groups/public/--americas/---ro-lima/---ilo-buenos-aires/documents/publication/wcms_851940.pdf

ONU: Organización Internacional del Trabajo (2022). *Violencia y acoso en el trabajo: Guía práctica para las empresas*. Ginebra: Oficina Internacional del Trabajo. Available at: https://www.ilo.org/actemp/publications/WCMS_862627/lang--es/index.htm

ONU: Organización Internacional del Trabajo (2023). *Experiencias de violencia y acoso en el trabajo: Primera encuesta mundial*. Ginebra: Oficina Internacional del Trabajo y Lloyd's Register Foundation. Available at: https://www.ilo.org/wcmsp5/groups/public/--dgreports/---gender/documents/publication/wcms_884354.pdf

ONU: Organización Internacional del Trabajo (s/f). *Trabajadores domésticos migrantes*. Available at: <https://www.ilo.org/global/topics/labour-migration/policy-areas/migrant-domestic-workers/lang--es/index.htm>

ONU: Organización Mundial de la Salud /OMS (2003). *¿Cómo se define a violencia sexual?*, en Informe mundial sobre la violencia y la salud. Washington: Organización Panamericana de la Salud, Oficina Regional para las Américas de la Organización Mundial de la Salud. Available at: <https://iris.paho.org/bitstream/handle/10665.2/725/9275315884.pdf>

Parlamento Europeo y Consejo de la Unión Europea (2006). *Directiva 2006/54/CE relativa a la aplicación del principio de igualdad de oportunidades e igualdad de trato entre hombres y mujeres en asuntos de empleo y ocupación*. Available at: <https://www.boe.es/buscar/doc.php?id=DOUE-L-2006-81416>

Pérez, A. (2020, 15 de diciembre). *¿De qué hablamos cuando hablamos de cuidados?* El Laboratorio. Available at: [https://redfilosofia.es/laboratorio/2020/12/15/de-que-hablamos-cuando-hablamos-de-cuidados-amaia-perez-orocho/;](https://redfilosofia.es/laboratorio/2020/12/15/de-que-hablamos-cuando-hablamos-de-cuidados-amaia-perez-orocho/)

Poder Judicial de España (2023, 18 de septiembre). *Los tribunales han acordado 1.205 reducciones de pena en aplicación de la Ley Orgánica 10/2022*. Available at: <https://www.poderjudicial.es/cgpj/es/Poder-Judicial/En-Portada/Los-tribunales-han-acordado-1-205-reducciones-de-pena-en-aplicacion-de-la-Ley-Organica-10-2022>

Pombo, G (2014). *Las mujeres migrantes y la violencia de género. Aportes para la reflexión y la intervención*. Argentina: Organización Internacional para las Migraciones (OIM) /

Ministerio de Desarrollo Social del Gobierno de la Ciudad Autónoma de Buenos Aires. Available at: https://repository.iom.int/bitstream/handle/20.500.11788/1431/ARG-OIM_009.pdf?sequence=1&isAllowed=y

Statista (2023). *Población extranjera de España en 2021 y 2022 por nacionalidad*. Available at: <https://es.statista.com/estadisticas/472512/poblacion-extranjera-de-espana-por-nacionalidad/>

UAM-GERI (Coord.), AIETI, APS, RED Latinas (2020). *Mujeres en Movimiento y su derecho a una vida libre de violencia y discriminación: Recomendaciones para una política municipal madrileña con enfoque DDHH-Género-Interseccionalidad*. Available at: https://www.madrid.es/UnidadesDescentralizadas/FondosEuropeos/madrid_es/Contenidos%20mapa%20interactivo/Especiales%20Proyectos/Investigaci%C3%B3n/Investigaci%C3%B3n%202019/UAM%202019/capitulos/Divulgacion.pdf

UN Women (2023). *Four actions to forge workplaces free from sexual harassment and violence*. Available at: <https://www.unwomen.org/en/news-stories/explainer/2023/10/four-actions-to-forge-workplaces-free-from-sexual-harassment-and-violence>

Visbles.org (2023, 13 de marzo). *Manifiesto El trabajo de internas, un trabajo de esclavitud*, en III Encuentro de trabajadoras del hogar y cuidados: Posicionamiento común sobre el trabajo de las internas (noviembre de 2022). Available at: <https://www.visibles.org/es/actualidad/incidencia-manifiestos-informes-investigaciones-denuncia/iii-encuentro-trabajadoras-hogar>

Zaguirre, A. (2019). *Empleadas de hogar: un caso evidente de discriminación indirecta* (14 marzo 2019/N.º 03/2019). Fundación Alternativas. Available at: <https://fundacionalternativas.org/publicaciones/empleadas-de-hogar-un-caso-evidente-de-discriminacion-indirecta/>

8. ANNEX 1. RESEARCH AND METHODOLOGY

This document arises from the need to update the report on Sexual Violence against Immigrant Women in the Care Sector, ([Violencia Sexual a Mujeres Inmigrantes en](#)

[el Sector de los Cuidados](#)) to delve into the understanding of sexual violence within the realm of migrant women working in household and care services in Spain, from a gender, intersectional, intercultural, and human rights-based approach. Considering variables that facilitate the commission of these abuses and their invisibility, research was conducted from an intersectional perspective aimed at identifying patterns that may be representative with their specific regional contextualization.

The objective of this report is to deepen the understanding of sexual violence within the realm of migrant women working in household and care services in Spain, from a gender, intersectional, intercultural, and human rights-based approach, as an update to the situation outlined in a previous report published by the Por Ti Mujer Association in 2020.

Methodology

The methodology employed for conducting the research is qualitative, incorporating the transversality of human rights, gender, and interculturalism as tools to make visible these invisibilized violences, even those whose humiliating nature has been questioned.

The phenomenon of sexual violence against migrant women in a specific labor context is addressed, including random samples from the study population in the following autonomous communities: Andalusia, Catalonia, Castilla-La Mancha, Extremadura, Galicia, Madrid, the Basque Country, and Valencia.

Sample selection and information gathering

The sample of participants in the report was randomly selected from groups of migrant women working in household and care services nationwide. In this selection process, various variables were taken into consideration, including the following:

Autonomous communities with a higher foreign population such as Catalonia, Madrid, and Valencia, as well as those with higher rates of violence and crimes against sexual freedom, such as Catalonia, Andalusia, Madrid, Valencia, and the Basque Country.

Countries of origin of the majority of household and care workers. It is noteworthy that, according to the White Paper on the situation of immigrant women in the household and care work sector in Spain, in absolute numbers, individuals from Romania have the highest affiliations reported to the Special System for Domestic Employees. Individuals from Ukraine and Morocco rank fourth and fifth in absolute numbers, respectively. However, collectively, 54% of affiliated individuals come from a Latin American country, particularly from Honduras, Colombia, Peru, Venezuela, and Ecuador.

To gather information, a virtual questionnaire was disseminated among users of [Por Ti Mujer](#) and collaboration spaces were established with other entities at the national level, such as Active Domestic Service (SEDOAC) in Madrid; [Malen Etxea](#) in the Basque Country; Survivor Women ([Mujeres Supervivientes](#)) in Andalusia; Human Mobility Association ([Asociación Movilidad Humana](#)) in Galicia; Intercultural Association of Household and Care Professionals (AIPHYC) in Valencia; [Mujeres Pa'Lante](#) in Catalonia; and the Association of Household, Care, and Cleaning Employees ([Asociación de empleadas de hogar, cuidados y limpieza](#)) in Extremadura.

Although the questionnaire had the option to be answered remotely, the collaboration of these entities was vital to assist, in many cases, with the completion of the information on-site by migrant women working in household and care services, particularly in Catalonia, Galicia, the Basque Country, and Andalusia.

In total, the questionnaire was answered by 122 migrant women from 20 different nationalities working in household and care services, residing in eight Autonomous Communities: Andalusia, Catalonia, Castilla-La Mancha, Extremadura, Galicia, Madrid, the Basque Country, and Valencia.

94% of the women who answered the questionnaire come from Latin American countries, mostly from Colombia, Honduras, Venezuela, Peru, Nicaragua, and Ecuador; but also from Argentina, Bolivia, Brazil, Chile, Cuba, El Salvador, Guatemala, Mexico, Peru, the Dominican Republic. Likewise, a woman from the United States of America responded. From Europe, responses were received from women originating from Bulgaria and Romania; from Africa, responses were received from women from Morocco and Algeria.

País de nacimiento	Respuestas recibidas
Argelia	1
Argentina	3
Bolivia	2
Brasil	2
Bulgaria	4
Chile	1
Colombia	46
Cuba	2
Ecuador	5
El Salvador	2
Estados Unidos de América	1
Guatemala	1
Honduras	16
Marruecos	1
México	1
Nicaragua	10
Peru	10
Dominicana	2
Rumania	1
Venezuela	11
Total	122

The information provided by migrant women working in household and/or care services who participated in this report has been systematized based on the responses provided in the **122 received questionnaires**. This information was complemented with testimonies collected in **4 group interviews** and **4 in-depth interviews conducted**.

The instruments used to gather information from migrant women working in household and/or care services were as follows:

- A questionnaire that was answered by 122 migrant women from 20 different nationalities working in household and care services, residing in eight autonomous communities: Andalusia, Castilla-La Mancha, Catalonia, Extremadura, Galicia, Madrid, the Basque Country, and Valencia.
 - On-site information gathering to facilitate the completion of the questionnaire and/or collection of testimonies in Catalonia, Galicia, the Basque Country, and Andalusia.
- In-depth interviews (4) in Andalusia, the Basque Country, Madrid, and Valencia.
- Group interviews (4) involving 28 migrant women residents in Catalonia, Madrid, and Valencia.

In addition, in-depth interviews were conducted with key actors from associations, collectives, and/or institutions that provide services or are familiar with the reality of migrant women from a labor perspective, particularly in the household and care sector. Among them were Active Domestic Service ([SEDOAC](#)), the Intercultural Association of Household and Care Professionals ([AIPHYC](#)), the Project for the recognition of essential household and care employment [ESENCIALES](#), Mosaico Social Consultancy, ([Mosaico Consultoría Social](#)), [Asociación Por Ti Mujer](#) and a Counselor from the ILO Office in Spain.

Research Phases and Techniques

The methodology is structured into three research phases: The first is the exploratory phase that involves reviewing the current landscape of Spanish legislation and statistical information regarding sexual violence experienced by migrant women in Spain. An initial approach is made to concepts, legislative resources at various levels of application (international, national, and community), and statistical information on sexual violence in general, particularly towards migrant women employed in household and care services.

The second is the analytical phase. The objective of this phase is to identify and illustrate the manifestations of sexual violence against migrant women in the household and care labor sector. Through a questionnaire and semi-structured interviews with migrant women working in household and care services, a profile of the manifestations of sexual violence they face and a sociodemographic profile of the sample are outlined.

The third is the explanatory phase. In this phase, a qualitative analysis of the phenomenon is conducted, and specific questions are addressed to women who participated in the report and key stakeholders. The aim is to identify needs and recommendations regarding the manifestations of sexual violence against migrant women in the labor sector of caregiving and household work.

Phases	Scope	Technics	Products
--------	-------	----------	----------

Phase I: Documentary, Legislative, and Statistical Review	Conceptualization and frames of reference on sexual violence	Documentary, bibliographic, and normative review	Conceptual, contextual, and socio-legal framework
		Statistical review.	Contextual analysis of sexual violence in Spain.
Phase II: Identification of manifestations of sexual violence	Perceptual analysis of scenarios of sexual violence against migrant women in household and care work	Questionnaire	Sample profile and qualitative analysis of the phenomenon
		Semi-structured interviews	
Phase III: Explanatory analysis of the phenomenon	Understanding the manifestations of the phenomenon	Group interviews	Identification of patterns of the phenomenon, needs, and recommendations
		In-depth interviews with key actors	

The research data was obtained from primary sources, primarily from information provided by migrant women who work or have worked as household employees or in the care sector. To achieve this, the following research techniques were implemented:

- Systematization and analysis of documentary and bibliographic resources preceding this report.
- Collection and refinement of statistics related to sexual violence in the workplace in Spain, particularly in household employment and care.
- Review and analysis of normative and legislative resources, at the international, national, and community levels, related to the crime of sexual violence against migrant women in the workplace.
- Application of instruments and techniques for collecting information with migrant women employed in household and/or care:
 - A questionnaire to be answered by a sample of migrant women employed in household and/or care residing in various autonomous communities of Spain.
 - In-depth interviews with migrant women employed in household and/or care in each autonomous community included in the report.
 - Group interviews with 6 to 8 migrant women employed in household and/or care in each autonomous community.
 - In-depth interviews with key actors from associations, collectives, and/or institutions providing services or familiar with the reality of migrant women from a labor perspective, particularly in the household and care sector.

The application of these techniques and information-gathering instruments is summarized in the following table:

Technique	Total conducted
Questionnaire answered by migrant women employed in household and/or care residing in Andalusia, Castilla-La Mancha, Catalonia, Extremadura, Galicia, Madrid, the Basque Country, and Valencia.	122
In-depth interviews with migrant women employed in household and/or care in Andalusia, Madrid, the Basque Country, and Valencia.	4
Group interviews with migrant women employed in household and/or care in Catalonia, Madrid, and Valencia. 28 participating women.	4
In-depth interviews with key actors from associations, collectives, and/or institutions providing services or familiar with the reality of migrant women from a labor perspective, particularly in the household and care sector.	8