



Beyond Victimhood: Gender, Migration, and the Repoliticization of Humanitarian Law

Daniela Belliti 

University of Milano-Bicocca¹

Abstract: Over the last thirty years, international attention to the issue of sexual and gender-based violence (SGBV) in humanitarian contexts has grown steadily. This attention has led to strategies for its prevention, resolution and management; however, these are either consistently disregarded by Member States or generally prove ineffective in improving living conditions during and after crises. Taking a philosophical-political perspective, this article adopts an intersectional and postcolonial lens to analyse these approaches, with a particular focus on migration contexts. The article's thesis is as follows: the difficulty in applying international humanitarian law to cases of SGBV in crisis contexts, particularly in migration contexts, stems from a humanitarian paradigm rooted in the victimisation of groups defined as vulnerable - including women - and in the exclusion of these individuals from spaces of agency and public power.

Keywords: humanitarian law, migration, sexual and gender-based violence (SGBV), victimhood

INTRODUCTION

Over the last thirty years, international attention to sexual and gender-based violence (SGBV) in humanitarian contexts has grown steadily. Whether occurring in the context of armed conflict, migration and displacement, or natural disasters, SGBV remains a persistent concern. International agencies have responded by developing strategies for its prevention, redress, and management; yet these strategies are either consistently disregarded by states or, more generally, prove ineffective in bringing about lasting improvements in living conditions during and after crises.

From a philosophical and political perspective, this article adopts a critical, intersectional, and postcolonial lens to examine these approaches, with particular attention to migration contexts, where the contradictions between states' repressive policies towards migrants and the humanitarian 'exception' extended to women are particularly striking. The central thesis advanced and defended in these pages is that the difficulty of applying international humanitarian law to cases of SGBV in crisis contexts, and particularly in migration contexts, stems from a humanitarian paradigm rooted in the victimisation of groups defined as vulnerable – including women – and in the exclusion of such individuals from spaces of agency and political power.

The first section outlines the main international instruments and documents addressing SGBV in crisis contexts, ranging from international humanitarian and human rights law to European legislation. The second section summarizes the key critical issues

¹ This study is based on research carried out as part of the MUSA project - Multilayered Urban Sustainability Action - funded by the European Union - NextGenerationEU, PNRR Mission 4, Component 2, Investment Line 1.5: Creation and strengthening of 'innovation ecosystems', development of 'regional R&D leaders'.

raised by these instruments, as identified in feminist scholarship on the subject. The third section proposes a philosophical and political re-conceptualization of the categories of migration, gender, and violence, with the aim of rethinking the humanitarian paradigm. It argues for a shift away from the current victim-centred approach – which is both politically neutralizing and itself shaped by processes of neutralization – towards the political subjectification of human beings oppressed by the persistence of intersecting structures of power and violence.

GENDER-BASED VIOLENCE IN INTERNATIONAL LAW

At the 2016 United Nations World Summit (Istanbul, Turkey, 23-24 March 2016), one of the five key commitments was to promote «greater gender equality and inclusion», with a call to strengthen the role of women and girls in humanitarian aid. This event was regarded as something of a watershed for gender equality policies at the international level, which until then had been guided by the ‘Women in Development’ approach stemming from the UN World Conference on the Status of Women (Mexico City, Mexico, 19 June-2 July 1975), which aimed to integrate women into development processes by drawing fully on their productive resources. This approach was criticised and superseded by two subsequent paradigms: ‘Women and Development’, which adopts a more inclusive view of women’s productive, reproductive and social roles in development processes; and ‘Gender and Development’, which emphasizes the social roles of men and women and addresses the issue of gender inequality. Thanks to this shift, the issue of gender equality has come to be addressed across the board; it no longer concerns solely the economic and social spheres, but has become a fundamental focus of human rights, first with the *UN Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW 1979), and then - following the outbreak of violence against women in the Balkan wars and in Rwanda - through a series of measures aimed at combating sexual and gender-based violence in armed conflicts. Since the year 2000, the United Nations Security Council has adopted a series of resolutions - 1325/2000, 1820/2008, 1888/2009, 1889/2009, 1960/2010, 2106/2013, 2122/2013 and 2242/2015 - on the role of women and girls in armed conflicts. Together, these resolutions constitute the *Women, Peace and Security (WPS) Agenda*, and the main themes concern the active role of women and girls in peace-building processes and in policies to combat sexual and gender-based violence in conflicts. In addition to these resolutions, there are the *Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action* (IASC 2015) and the *Policy on the Prevention, Risk, Mitigation and Response to Gender-Based Violence* (UNHCR 2020), which address more specifically the issue of gender-based violence against migrants, asylum-seekers, refugees and internally displaced persons.

At European level, it is worth noting the Council of Europe Convention on Action against Trafficking in Human Beings (2005) and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (2011), with Chapter VII devoted to migrant women, asylum seekers and refugees. The European Union, having previously adopted a directive on victims’ rights (EU Directive 2012/29 establishing minimum standards on the rights, support and protection of victims of crime), finally adopted in 2024 the new Pact on Migration and Asylum and the EU Directive 2024/1385 on combating violence against women and domestic violence.

Yet in recent years, particularly with the exponential rise in migration caused by wars, persecution, poverty and climate change, the United Nations' humanitarian approach has largely failed to protect people from gender-based violence, in at least two respects: firstly, in terms of impact and outcomes, which have not only failed to reduce the phenomenon but have instead revealed changes in its nature corresponding to shifts in armed conflicts and humanitarian emergencies; secondly, the policies adopted by states, which tend not to integrate these measures with one another, and to address the issue of sexual and gender-based violence in a manner that is uncoordinated with interventions on migration and humanitarian emergencies in general. In the *Mid-Term Report* drawn up by GREVIO to monitor the state of implementation of the *Convention on Preventing and Combating Violence against Women and Domestic Violence* (GREVIO 2022), the analysis of Articles 59, 60 and 61, relating to migrant women, asylum seekers and refugees, reveals highly worrying data. Whether in terms of recognizing forms of international protection for those who have suffered violence, adopting gender-sensitive measures in reception procedures, or applying the principle of non-refoulement, the Convention's member states demonstrate an inability to integrate international humanitarian law implemented from a gender perspective alongside national security and border protection policies aimed at tackling the issue of irregular migration (Belliti 2024).

This gap has not been bridged even by the European Union's most recent measures; the Pact on Migration and Asylum contains only a reference to vulnerable groups, which draws on the approach taken in the Convention relating to the Status of Refugees, where the vulnerability of specific groups has been linked to gender², but without introducing significant changes in terms of procedures, reception arrangements and social integration (Azad Mow 2024). The European Institute for Gender Equality (EIGE) also highlights the gap between security policies and provisions on SGBV in migration contexts. In a recent *Policy Brief* (EIGE 2025), the Institute criticizes the lack of a gender perspective in the *Pact on Migration and Asylum* and highlights the problem of inadequate coordination across all levels of social and institutional intervention. In this regard, EIGE proposes strengthening the National Action Plans for implementing the *Women, Peace and Security Agenda*, moving beyond the tendency of states to apply the Agenda only outside their borders, whilst failing to apply it domestically in the management of migration.

«The WPS agenda, initiated by United Nations Security Council Resolution (UNSCR) 1325 and complemented by nine subsequent Security Council resolutions (1), has fundamentally changed the narrative around women in conflict (United Nations Security Council, 2000). Building upon the frameworks of the UN Convention on the Elimination of All Forms of Discrimination against Women and the Beijing Declaration and Platform for Action, the agenda redefined the roles of women in conflict, repositioning their roles from vulnerable victims to active peace-builders. This demanded a shift in the traditional understanding of security, progressing from a heavily militarised to a human-centred approach to security, in which all states work towards addressing 'the gendered root causes and consequences

² See UNHCR Guidelines on International Protection No. 1: Gender-based Persecution in the Context of Article 1A(2) of the 1951 Convention and/or the 1967 Protocol relating to the Status of Refugees, 7 May 2002: <https://www.unhcr.org/media/guidelines-international-protection-no-1-gender-related-persecution-within-context-article-1a>.

of conflict' and promoting women's rights (Kaptan, 2020). This shift in the understanding of security has highlighted the need to include women's active participation in peace-building and ensure that they are free from GBV. GBV is a critical issue in the area of WPS, as it impedes the attainment of lasting peace and stability because high levels of interpersonal GBV, including domestic violence and female infanticide, are predictive of reduced societal peace. Moreover, GBV is increasingly recognized as both an indicator of ongoing violence and a predictor of future conflicts» (EIGE, 2025, p. 4).

The paradigm shift represented by Resolution 1325/2000 has therefore not yet been fully understood, and the context of migration sheds light on this point.

FEMINIST CRITIQUES OF INTERNATIONAL LAW AND INTERNATIONAL HUMANITARIAN LAW

A new feminist conception of security, peace, and human rights calls into question international humanitarian law and the related notion of humanitarianism, from its origins to its most recent interpretations (Calloni 2009). Humanitarianism originated with the work of civil society organizations³ that intervened to assist victims of interstate conflicts, with the aim of mitigating the effects of war and preventing violations of human rights, whether perpetrated against military personnel or civilians. It subsequently evolved into institutionalized forms of intervention by states, supranational bodies, and civil society organizations, following the incorporation of these objectives into the Geneva Conventions⁴. Over time, as human rights have assumed an increasingly central role in international relations, such interventions have extended beyond conflict zones to peacetime situations in which populations are affected by natural disasters or economic crises. Despite this expansion, humanitarian action has retained its fundamental character as an intervention in situations of need and emergency, aimed at mitigating harm rather than transforming the structural conditions that produce crises. Humanitarian intervention is therefore accompanied by an intrinsically victimizing representation of those who receive aid on the part of those who administer it. For this reason, it has also become an instrument of power and a means of legitimizing military intervention (Duffield, 2001). In this form, humanitarian intervention can function as a 'weapon' for controlling and politically neutralizing the groups towards which it is directed, thereby mitigating the distortions of the political order – both national and international – without transforming that order itself.

This instrumental and self-legitimizing dimension of humanitarian intervention under international law becomes particularly evident when it is applied to sexual and gender-based violence in crisis contexts and has therefore long been the subject of feminist critique⁵. This critique has focused primarily on the essentialist understanding of gender

3 The first of these organisations, the International Red Cross, was founded on the initiative of the Swiss philanthropist Henry Dunant, who in 1859 witnessed the Battle of Solferino (Second Italian War of Independence) and was shocked by the massacres on the battlefield and the absence of any form of medical care: <https://www.icrc.org/en/our-history>.

4 The First Geneva Convention (1864) was adopted during the Diplomatic Conference that followed the establishment of the Red Cross. Further conventions were adopted in the early decades of the 20th century, all of which were subsequently superseded and incorporated in 1949 by new Conventions and Protocols, which form the body of international humanitarian law: <https://www.eda.admin.ch/en/geneva-conventions>.

5 On legal criticism and legal feminism, see Scales 2006; for an overview, see Pitch 2010, pp. 91-127.

that continues to underpin legal frameworks. Such essentialism gives rise to several interconnected effects: the systematic victimization of women who receive humanitarian assistance; a rigidly binary conception of gender that fails to account for violence perpetrated in crisis contexts against men, boys, and LGBTQiA+ people; and a dichotomous representation of the world divided between ‘civilized’ countries, presumed to respect women’s rights, and ‘uncivilized’ countries, presumed not to do so – particularly countries outside the West, including Arab and Muslim-majority countries.

The essentialist framework underpinning humanitarian law perpetuates gender stereotypes and the subordination of women to men through at least three mechanisms. First, women and girls are categorized as a group of vulnerable people, with vulnerability treated as a natural and necessary condition of victimhood, in contrast to the equally naturalized and allegedly necessary representation of men as predators and perpetrators of violence. In her studies on migration, Jane Freedman (2016) has highlighted how the use of the category of vulnerability is shaped by racial prejudices and gender stereotypes. Although vulnerability emerges within specific power relations and socio-cultural contexts, it tends to be interpreted as a ‘natural’ and ‘objective’ condition in situations that are judged to be dangerous from a particular standpoint. This can, on the one hand, obscure forms of vulnerability that might otherwise remain unrecognized and, on the other, reduce women to passive subjects. Furthermore, the ‘naturalization’ of vulnerability when it is automatically associated with migrant women not only dehumanizes them but also creates conditions for further discrimination and marginalization, including in spaces ostensibly devoted to refuge and protection, such as transit and reception centres.

Second, victimization is accompanied by the tendency to represent women as naturally responsible for caring for other vulnerable people. Women consequently become the default recipients of aid intended to benefit other groups, such as children, older people, and the sick, while NGOs play a significant intermediary role by orienting their missions and projects towards areas in which funding is most readily available (Hardi, 2019). This dynamic also perpetuates stereotypical understandings of family roles, placing responsibility on women by shifting the burden of caring for the household – partly sustained through humanitarian assistance – onto their shoulders. In turn, this may limit their capacity to develop genuine forms of agency and participate fully in the public sphere. The channelling of economic resources into humanitarian interventions aimed at combating violence has also been described as a process involving the fetishization of sexual and gender-based violence in humanitarian crises, itself an effect of the securitization of humanitarian interventions (Meger, 2016).

Third, the essentialization of vulnerability as a category associated with women and girls may lead women themselves to strategically adopt the identity of the victim in order to gain access to international protection. Drawing on research on the civil war in Liberia, Utas (2005) coined the term ‘victimcy’ – a portmanteau of ‘victimhood’ and ‘agency’ – to describe the ways in which self-representation as a victim can serve the dual purpose of absolving individuals of moral responsibility while simultaneously re-establishing the conditions for social and economic rehabilitation, both during wartime and in the post-war period.

Critiques of essentialism also concern the gender binary through which SGBV continues to be conceptualized, thereby obscuring forms of violence experienced by men and boys and by LGBTQiA+ people in crisis contexts (Ní Aoláin, 2011; Dolan, 2014a).

Migrants, regardless of gender, often find themselves in situations of dependency on individuals or institutions occupying positions of power and are therefore exposed to various forms of abuse and exploitation. The more negative the political, social, and cultural attitudes towards migrants, the greater their exposure to conditions of dependency, which may in turn facilitate SGBV, partly through processes of de-masculinization and feminization of the body.

For this reason, scholars have argued that the prioritization of SGBV against women and girls can overshadow other victims of violence who are equally deserving of humanitarian attention. Chris Dolan, director of the Refugee Law Project at Makerere University in Uganda, writes:

«There are good grounds for challenging the statement that sexual violence affects women and children primarily; firstly, [...] humanitarian response should not be restricted to what is seen as the “majority” of those suffering from a given form of violence. Secondly, evidence is slowly but surely emerging that men are victims of sexual violence in a range of conflict settings. In those places where gender-inclusive statistics on sexual violence are available, they tend to confirm that overall more women than men are affected, but they certainly do not show that male victims are so few as to require no attention - instead, they suggest that the numbers of male victims whose needs are currently entirely unaddressed should be a matter of concern and concerted action» (Dolan, 2014b, pp. 491-492).

The same can be said of violence against LGBTQiA+ people, who also seek protection in humanitarian contexts.

Dolan argues that a binary approach to gender in the analysis of SGBV should be replaced by a broader perspective capable of recognizing a wider range of forms of violence as gender-based. For example, he points to the possibility of including militarization and a range of related forms of violence – such as abduction, forced recruitment, gender-specific massacres, and landmines – as serious and complex manifestations of SGBV, whose primary targets are often men. By contrast, the continued conceptualization of SGBV primarily as violence against women, as exemplified by the 2015 *IASC Guidelines*, keeps attention centered on women while continuing to deny men and LGBTQiA+ survivors of SGBV access to resources and services. According to Dolan, this denial is itself a form of SGBV and constitutes an additional form of harm.

In response to these objections, Jeanne Ward, author of the 2015 *IASC Guidelines*, argues that a specific focus on women and girls in relation to SGBV must remain central. Ward points out that gendered language has played a crucial role in women’s rights activism and in efforts to combat violence against women within the prevailing gender order. Given that even critics such as Dolan acknowledge that the available data «tend to confirm that, overall, more women than men are affected» by sexual violence – and given the many other forms of SGBV that women and girls experience in distinctive ways, not only during humanitarian emergencies but throughout their lives– Ward maintains that the continued focus on women and girls in international discourse on SGBV remains justified.

In analyzing this debate over the nature of gender-based violence in crisis contexts, scholars have also stressed that simply drawing attention to male and non-cisgender victims

is insufficient. Indeed, doing so may inadvertently create a dichotomy between violence against women and violence against people of other genders, without contributing to effective solutions. Humanitarian interventions should therefore address not only the exclusion of particular groups, but also the intersection of the various axes of oppression and discrimination that shape the experiences of all victims. These intersecting dynamics may connect individuals who differ in terms of their identities and circumstances through their shared exposure to violence. An intersectional approach can thus contribute to a more comprehensive understanding of the multidimensional nature of SGBV in humanitarian crisis contexts (Fitriyah 2016).

Finally, another line of criticism of humanitarian law emerges from postcolonial and decolonial thought. Turner (2019) argues that the international community's current focus on gender-based violence in humanitarian contexts forms part of a neo-colonial Western worldview. The emphasis placed by international authorities and agencies on gender-based violence, she argues, contributes to reproducing an Orientalist and neo-colonial worldview in which the Global North is positioned as superior to the Global South. According to Turner, this approach not only limits our ability to understand the phenomenon of violence but may also 'add insult to injury' by reinforcing gendered and racialised stereotypes and constructing the male refugee of colour as a threat to humanitarian aid and human rights.

The traditional humanitarian approach, which represents women as inevitably vulnerable to violence perpetrated both in their countries of origin and by male migrants, can have two mutually reinforcing effects. On the one hand, it may strengthen the legitimacy of repressive migration-control and refoulement policies; on the other, it may marginalize migrant women within Western public discourse. By limiting their role to the provision of assistance or protection, host countries may absolve themselves of broader responsibilities and fail to address the structural roots of violence, which are embedded in gendered power relations, processes of racialization, and social, economic, and generational forms of injustice and inequality.

HUMANITARIAN LAW, VICTIMHOOD AND STRUCTURAL VIOLENCE

To highlight the contradictions between the normative principles of international humanitarian law – which proclaim equality and reject violence – and their political and administrative implementation, which is often security-driven and detrimental to human rights, a number of theoretical steps are required:

1. To deconstruct the paradigm of victimization underpinning humanitarian law, making visible the subjectivities of the bodies affected and thereby re-politicizing a humanitarian framework that has been reduced to the condition of 'bare life'. This requires, first and foremost, defining what a migrant is, how migrants are represented, and what place they occupy within the domestic and international political order – or disorder.
2. To move beyond binary conceptions of gender, recognizing the multiplicity of gendered power relations that emerge in different contexts of oppression, as demonstrated by intersectionality theory (Crenshaw 1989; 1991).
3. To decolonize our perspective, both in relation to migration policies and to practices of reception. This does not mean renouncing one's own identity, but rather

recognizing the self as situated in relation to other selves (Bellinvia and Poguisch 2018).

From 'Bare Life' to Embodied Subjectivity

The characterization of individuals living in humanitarian crisis contexts as existing in a condition of 'bare life' can be traced back to Hannah Arendt's analysis of the condition of stateless persons in the period preceding the Second World War (Arendt, 1955). According to Arendt, stateless persons are reduced to possessing only human rights within an international order in which, in practice, membership in a political community – and, above all, citizenship – is what guarantees their effective enjoyment. The loss of a homeland and citizenship, and the reduction of the individual to the pure abstraction of being human – to a supposedly natural state, to the 'nakedness' of human life– leaves them deprived of protection and recognition. This condition may expose them to arbitrary confinement, including internment, and ultimately to forms of political disposability and even death.

This condition continues to be attributed to individuals living in humanitarian emergencies. The violence directed towards 'bare life' can take two principal forms. The first is state violence, through which 'bare life' is recognized only in and through exclusion: the non-citizen can therefore be subjected to the violence of sovereign power. This points to the subtle fault line between law and violence already identified by Benjamin. The second is the private violence of hatred and intolerance perpetrated by citizens who perceive an indistinct 'other' as a threat to their own identity. At the same time, however, 'bare life' is also the condition of the victim to be rescued by humanitarian agencies. Violence and hatred on the one hand, and assistance and protection on the other, thus become two sides of the same condition: that of the subject stripped of rights and political agency, whether on the basis of gender, race, or other collective identities.

It is therefore necessary to move beyond the abstraction of 'bare life'. This is the direction suggested by Butler (in Butler and Spivak, 2007), who argues that there is no such thing as 'bare life' in humanitarian contexts, but rather bodies that are deeply invested with meaning and situated within particular histories and relations of power, including exceptional and disciplinary forms of control. Only by recognizing the density of meaning, power, and history inscribed in these bodies can vulnerability be re-conceptualized in active terms: not as a precondition for victimization, but as a potential condition for the exercise of agency.

For this reason, it is necessary to reject forms of abstraction that individualize and depoliticize subjects, and instead place the sharing of a common condition at the center of analysis. Such an approach makes it possible to recognize forms of collective belonging through which individuals can constitute, recognize, and ultimately subjectify themselves as a political group.

From Binarism to Intersectionality

Gender binarism has provided the foundational framework for a dichotomized understanding of the world. The male/female binary gives rise to a series of analogous oppositions – reason/passion, culture/nature, public/private – in which the first term is consistently

constructed as superior to the second and therefore occupies the position of power. The assertion and legitimization of power thus emerge through a process of constructing the Other: a process whereby the primary subject constitutes and defines itself precisely by identifying that which is positioned as its opposite. This mechanism is reproduced across multiple sites of differentiation, including race, class, ability, and other axes of social difference. Challenging this process of multiple othering is therefore a necessary precondition for deconstructing the structures of power that subordinate and discriminate against those relegated to the supposedly inferior side of these dichotomies.

Toni Morrison contributes to this critical project by exposing the pathological dimension inherent in processes of self-construction through othering. Toni Morrison says:

«Race has been a constant arbiter of difference, as have wealth, class, and gender – each of which is about power and the necessity of control [...] Race is the classification of a species, and we are the human race, period. Then what is this other thing – the hostility, the social racism, the Othering? [...] What is the nature of Othering’s comfort, its allure, its power (social, psychological, or economical)? [...] My initial view leans toward the social / psychological need for a “stranger,” an Other in order to define the estranged self» (Morrison, 2017, pp. 15-16)

Later on, Toni Morrison discusses migration.

«Much of this exodus can be described as the journey of the colonized to the seat of the colonizers (slaves, as it were, leaving the plantation for the planters’ home), while more of it is the flight of war refugees, and (less of it) the relocation and transplantation of the management and diplomatic class to globalization’s outposts. The establishment of military bases and the deployment of fresh military units feature prominently in legislative attempts to control the constant flow of people.

The spectacle of mass movement draws attention inevitably to the borders, the porous places, the vulnerable points where the concept of home is seen as being menaced by foreigners. Much of the alarm hovering at the borders, the gates, is stoked, it seems to me, by 1) both the threat and the promise of globalization; and 2) an uneasy relationship with our own foreignness, our own rapidly disintegrating sense of belonging» (Morrison, 2017, pp. 94-95).

For Morrison, then, fear of migrants stems from the fear of losing one’s sense of self in an age marked by crisis and uncertainty. In migrants, we see what we might become if deprived of our rights and citizenship. The fear and anger generated by the uncertainties of the global age are displaced onto migrants, who are among the groups most affected by globalization and who may foreshadow a possible future for ourselves. The fear we experience in relation to them is, therefore, also a fear of what might happen to us, while the hostility directed towards them may express the anxiety associated with what remains unfamiliar and unknown. Black people, migrants, and women: what these ‘classes’ have in common in humanitarian contexts is their historical and political exclusion from the public sphere, from full freedom and equality, and from citizenship and rights. A migrant woman of color is thus doubly ‘other’, doubly associated with ‘nature’, and doubly relegated to the

‘private sphere’; in this sense, she poses a twofold challenge to the political order of the sovereign territorial state.

An intersectional approach to this issue should not be understood as the mere aggregation of multiple indicators used to determine an individual’s identity or circumstances. Rather, it concerns the intersection of different forms of discrimination and oppression, which together produce specific and irreducible conditions of subordination. In applying this approach to sexual and domestic violence, Crenshaw distinguishes between three dimensions of intersectionality: structural intersectionality, which concerns the ways in which the interaction of race and gender shapes experiences of violence; political intersectionality, which refers to the marginalization and invisibilization of Black women within both anti-racist and feminist political discourses; and representational intersectionality, which concerns the ways in which intersecting axes of discrimination and oppression shape cultural representations and constructions of social groups.

This framework also makes it possible to draw an analogy between migration and violence and the relationship between women and gender-based violence. Just as migrants may become targets of violence because they are simultaneously constructed as radically different from ‘us’ and as embodiments of the precarious condition of ‘bare life’, violence against women can be understood as emerging from the encounter with subjects who cannot be fully assimilated to the abstract and supposedly neutral category of the ‘human being’. Women are thereby constructed as an ‘otherness’ that reflects a dimension of human existence – embodiment, corporeality, and vulnerability – that is positioned in opposition to a hierarchical, binary, and hetero-normative social order.

Gender-based violence in migration contexts should therefore be understood as embedded within broader structures of violence associated with migration. It is both a manifestation and a consequence of intersecting forms of discrimination, oppression, and relations of domination. An intersectional perspective makes it possible to understand how these structures interact rather than treating gender-based violence as an isolated or exclusively gendered phenomenon.

Decolonial Feminisms and the Coloniality of Gender

According to postcolonial and decolonial feminisms, Western colonialism was constituted in significant part through the racialization and gendering of human difference, with race and gender emerging as fundamental axes of othering. The various forms of oppression and domination associated with gender, race, class, sexual orientation, age, ability, and other embodied differences should therefore not be analyzed as separate or independent phenomena, but as interconnected dimensions of a broader process of conquest and colonization imposed by the West upon other parts of the world. From this perspective, gender, like race, can itself be understood as a product of coloniality.

Lugones refers to a ‘modern colonial system of gender’, founded upon a series of interconnected dichotomies: from the distinction between human and non-human, which racializes populations, to that between man and woman, upon which modern conceptions of gender and the resulting patriarchal and heterosexual order are constructed. The ‘coloniality of gender’, which re-emerges in migration contexts, can be challenged only by embracing alternative forms of life capable of resisting these colonial dichotomies. Such

forms of life are grounded in a ‘historicized and embodied intersubjectivity’ (Lugones, 2010, p. 746), through which gender oppression can be critically interrogated and the social sphere transformed – namely, the sphere of everyday life in which women act and in which relations of power are reproduced.

Rita Segato, by contrast, argues that gender predates the colonial order in the form of a ‘low-intensity patriarchy’, which capitalism subsequently transformed by intensifying its structures of domination, oppression, and violence. Like Lugones, Segato challenges the Eurocentric assumption that asserting the rights of non-white, Indigenous, and Black women in colonized societies simply requires the transmission of the values and institutions of a supposedly modern civilization that has overcome its own patriarchal structures (Segato, 2016). Unlike Lugones, however, Segato regards gender itself as a potentially critical resource through which autonomous forms of subjectivity can be generated.

Whether gender or another form of embodied identity is at stake, migrant women may need to draw upon the particular faculty described by Anzaldúa (2012): an acute awareness that ‘communicates through images and symbols’, a form of ‘sensitivity’ characteristic of those who are ‘extremely open to the world’. According to Anzaldúa, those who possess this sensitivity are also ‘those who suffer the most attacks: women, homosexuals of all races, people with dark skin, the outcasts, the persecuted, the marginalized, the foreigners’: all those who inhabit the borderlands, at the intersection of bodies, identities, cultures, and forms of oppression.

CONCLUSIONS

In this article, I have sought to examine the contradictions inherent in humanitarian law, caught between, on the one hand, the proclaimed centrality of human rights in international politics and, on the other, the repressive and security-oriented character of contemporary migration policies, particularly in relation to sexual and gender-based violence in crisis contexts.

To address these contradictions, I have proposed a process of deconstructing the humanitarian condition as one of ‘bare life’: a framework that tends to neutralize and victimize those to whom it is applied. The aim is to redefine this condition as one characterized by a complex density of meaning, power relations, and emerging forms of subjectivity. This requires re-politicizing humanitarian law by drawing on the challenges that feminist critiques have posed to law, politics, and human rights theory.

A practical approach to the political subjectification of groups constructed as vulnerable, combined with a radical application of intersectional and decolonial perspectives, is therefore necessary to illuminate the contradictions of the contemporary international order and to address discrimination, oppression, and violence wherever unequal relations of power persist.

REFERENCES

- G. Agamben (1995), *Homo sacer. Il potere sovrano e la nuda vita*, Bollati Boringhieri, Torino
- G. Anzaldúa (2012), *Borderlands. La Frontera. The New Mestiza*, Aunt Lute Books, London
- H. Arendt (1955), *The Origins of Totalitarianism*, Harcourt & Brace, New York

T. Azad Mow (2024), A Gendered Approach to the New Pact on Migration and Asylum: Analyzing the Placement of Migrant Women in Europe, «International Journal of Scientific and Research Publications», June 2024

bell hooks (1995), *Yearning: Race, Gender and Cultural Politics*, Turnaround Books, London

T. Bellinvia, T. Pognisch (a cura di) (2018), *Decolonizzare le migrazioni. Razzismo, confini, marginalità?*, Mimesis, Roma

J. Butler (2004), *Precarious Life. The Powers of Mourning and Violence*, Verso, London

J. Butler, G.C. Spyvak (2007), *Who Sings the Nation State? Language, Politics, Belongings*, Seagull Books

J. Butler (2016), *Rethinking Vulnerability and Resistance*, in J. Butler, Z. Gabetti, L. Sabsay (eds.), *Vulnerability and Resistance*, Duke University Press, Durham, pp. 12-27

M. Calloni (2009), *Introduzione a M. Calloni (a cura di), Umanizzare l'umanitarismo? Limiti e potenzialità della comunità internazionale*, UTET, Novara, pp. XXIII-XXXIII

T. Casadei (2015), *La vulnerabilità in prospettiva critica*, in O. Giolo, B. Pastore (a cura di), *Vulnerabilità. Analisi multidisciplinare di un concetto*, Carocci, Roma, pp. 73-99

K. Crenshaw (1989), *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Policies*, «University of Chicago Legal Forum», 1, pp. 139-167

K. Crenshaw (1991), *Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color*, «Stanford Law Review», Vol. 43, 6, pp. 1241-1299

C. Dolan (2014a), *Has Patriarchy Been Stealing the Feminist's Clothes? Conflict-related Sexual Violence and UN Security Council's Resolutions*, «IDS Bulletin», Volume 45, Number 1, January 2014, pp.80-84

C. Dolan (2014b), *Letting go of the gender binary: charting new pathways for humanitarian interventions on gender-based violence*, «International Review of the Red Cross», 96(894)

M. Duffield, (2001), *Global Governance and the New Wars. The merging of Development and Security*, Zed Books, London

EIGE (2025), *Addressing gender-based violence in migration: How to strengthen national action plans on Women, Peace and Security across the EU*: <https://eige.europa.eu/publications-resources/publications/addressing-gender-based-violence-migration-how-strengthen-national-action-plans-women-peace-and-security-across-eu>

M. Fineman (2008), *The Vulnerable Subject. Anchoring Equality in the Human Condition*, «Yale Journal of Law & Feminism», 20, pp. 1-23

L. Fitriyah (2016), *Intersectionality, sexual and gender-based violence and humanitarian intervention*, «Horn of Africa Bulletin», Volume 28, N. 2, pp. 16-19

J. Freedman (2016), *Engendering Security at the Borders of Europe: Women Migrants and the Mediterranean 'Crisis'*, «Journal of Refugee Studies», 29, 4

D. Giglioli (2014), *Critica della vittima, nottetempo*, Roma

GREVIO (2022), *Mid-term Horizontal Review of GREVIO baseline evaluation reports*, Council of Europe: <https://edoc.coe.int/en/violence-against-women/11030-mid-term-horizontal-review-of-grevio-baseline-evaluation-reports.html>

C. Hardi (2019), *Gender Issues in the Context of a Humanitarian Crisis*, Centre for Women, Peace and Security, London School of Economics and Political Science, Peace and Security Working Paper, 21: https://eprints.lse.ac.uk/104050/1/Hardi_Gender_issues_humanitarian_crisis_published.pdf

- S. Kaptan (2020), UNSCR 1325 at 20 Years. Perspectives from Feminist Peace Activists and Civil Society, WILPF: https://www.wilpf.org/wp-content/uploads/2020/11/WILPF_UNSCR-1325-at-20-Years_Web.pdf
- M. Lugones (2010), Towards a Decolonial Feminism, «Hypatia. A Journal of Feminist Philosophy», 25(4), pp. 742-759
- S. Meger (2016), The Fetishization of Sexual Violence in International Security, «International Studies Quarterly», Volume 60, Issue 1, pp. 149-159
- T. Morrison (2017), The Origins of Others, Harvard University Press, New York
- F. Ni Aolain (2011), Women, Vulnerability, and Humanitarian Emergencies, «Michigan Journal of Gender and Law», 18(1), 1-25
- T. Pitch (2010), Sesso e genere del e nel diritto: il femminismo giuridico, in E. Santoro (a cura di), Il Diritto come questione sociale, Giappichelli, Torino, pp. 91-127
- A. Scales (2006), Legal Feminism: Activism, Lawering, and Legal Theory, New York University Press, New York
- R. Segato (2016), La guerra contra las mujeres, Traficantes des sueños, Madrid
- C.G. Spyvak (1999), A Critique of Postcolonial Reason, Harvard University Press, Harvard
- S. Turner (2019), Victims of Chaos and Subaltern Sexualities? Some Reflections on Common Assumptions about Displacement and the Prevalence of Sexual and Gender-Based Violence, in S. Buckley-Zistel, U. Krause (a cura di.), Gender, Violence, Refugees. Studies in Forced Migration, Berghahn
- M. Utas (2005), Victimcy, girlfriending, soldiering: tactic agency in a young woman's social navigation of the Liberian war zone, «Anthropological Quarterly», 78(2)
- J. Ward (2016), 'It's not about the gender binary, it's about the gender hierarchy: a reply to "letting go of the gender binary"', «International Review of the Red Cross», 98(1)

Declaration of conflicting interests

The author(s) declare that there are no potential conflicts of interest with regard to the research, authorship and/or publication of this article.

Funding

Research carried out within the project MUSA - Multilayered Urban Sustainability Action, funded by the European Union - NextGenerationEU, PNRR Mission 4 Component 2 Investment Line 1.5: Strengthening of research structures and creation of R&D "innovation ecosystems", set up of "territorial leaders in R&D".