Reception of female refugees and asylum seekers in the EU
Case study Belgium

IN-DEPTH ANALYSIS

2016
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Abstract

Upon request by the Committee on Women’s Rights and Gender Equality (FEMM) of the European Parliament, this note provides background information for the FEMM Committee mission to an asylum seeker reception centre in Jette. It presents both the EU and the Belgian legal framework concerning the reception of asylum seekers and examines how gender aspects have been taken into consideration in the context of the asylum application procedure and reception conditions in Belgium.
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<tr>
<td><strong>AIDA</strong></td>
<td>Asylum Information Database</td>
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<td><strong>Art.</strong></td>
<td>Article</td>
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<td><strong>CALL</strong></td>
<td>Council for Alien Law Litigation</td>
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<td><strong>CGRS</strong></td>
<td>Commissioner-General for Refugees and Stateless Persons</td>
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<td><strong>Charter</strong></td>
<td>Charter of Fundamental Rights of the European Union</td>
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<td><strong>ECRE</strong></td>
<td>European Council on Refugees and Exiles</td>
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<td><strong>EU</strong></td>
<td>European Union</td>
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<tr>
<td><strong>Fedasil</strong></td>
<td>Federal Agency for the Reception of Asylum Seekers</td>
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<tr>
<td><strong>FGM</strong></td>
<td>Female Genital Mutilation</td>
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<td><strong>FRA</strong></td>
<td>EU Fundamental Rights Agency</td>
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<td><strong>IO</strong></td>
<td>Immigration Office</td>
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<td><strong>IOM</strong></td>
<td>International Organisation for Migration</td>
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<td><strong>LRI</strong></td>
<td>Local Reception Initiative</td>
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<td><strong>PCSW</strong></td>
<td>Public Centre for Social Welfare</td>
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<tr>
<td><strong>SGBV</strong></td>
<td>Sexual and Gender Based Violence</td>
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<tr>
<td><strong>TFEU</strong></td>
<td>Treaty on the Functioning of the European Union</td>
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<tr>
<td><strong>UN</strong></td>
<td>United Nations</td>
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<tr>
<td><strong>UNHCR</strong></td>
<td>United Nations High Commissioner for Refugees</td>
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<td><strong>UNICEF</strong></td>
<td>United Nations International Childrens Emergency Fund</td>
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EXECUTIVE SUMMARY

- Since 2015, there has been a huge increase in the numbers of asylum seekers in the European Union (EU). A large majority of these asylum seekers are male. Female asylum seekers and girls represent a minority and are in need of protection. International and EU law provide protection for these women and girls. The United Nations High Commissioner for Refugees (UNHCR) and the Council of Europe have adopted instruments which require asylum application procedures and reception conditions to be made more gender-sensitive. EU law has recognised gender based persecution as a ground for granting refugee status. In reception, EU law provides guidance on facilities for women and the asylum applications of female asylum seekers. However, additional protection is only provided when women are considered to be vulnerable persons. This could be the case for pregnant women and women who have been victims of gender-based violence.

- Women have a number of specific needs during reception. During the asylum application procedure, women should have the right to a female interviewer and interpreter. Furthermore, childcare should be offered during the interview and other family members should not be present during this interview. It is important that the procedures are gender-sensitive in order for staff to recognise victims of gender-based persecution. In reception centres, women should be housed separately from men and women should have safe access to private sanitary facilities. Access to health-care and education should be provided. In addition, there is a need to ensure that women and girls won't become victims of human trafficking or sexual or gender-based violence.

- In Belgium, in total 5,739 asylum applications were filed during the first three months of the year 2016. Less than a third of the applicants were female. The main national laws which regulate the asylum procedure and reception conditions are "The Law of 15 December 1980 regarding the entry, residence, settlement and removal of aliens" and "Law of 12 January 2007 regarding the reception of asylum seekers and other categories of aliens". The authority competent for registering the asylum applications is the Immigration Office (IO), while the Commissioner-General for Refugees and Stateless Persons (CGRS) is in charge of granting a protection status where appropriate.

- Asylum seekers have the right to accommodation, food, clothing and medical, social and psychological help. They also have access to interpretation services and legal representation, training, a voluntary return programme and a daily allowance. Minors are under the obligation of attending school. The Federal Agency for the Reception of Asylum Seekers (Fedasil) coordinates the whole reception structure in Belgium.

- Since September-October 2015, Belgian reception centres are facing an emergency situation due to overcrowding. As a consequence, more than 18 000 extra places have been created.
1. RECEPTION OF WOMEN AND GIRLS: BACKGROUND INFORMATION

KEY FINDINGS

- During the first quarter of 2016, more than 180,000 people have arrived in the EU. They all add up to the approximately one million people who arrived to the EU in 2015. Even though the majority of these people are male, since January 2016, there has been an increase in the amount of female asylum seekers and children.

- Asylum seeker is a person claiming international protection due to the risk of persecution in their home country.

- Refugee is a person who receives protection under the Geneva Convention in a Member State, following a defined legal procedure.

- Irregular migrant is a third-country national who does not fulfil, or no longer fulfils, the conditions of entry as set out in Article 5 of the Schengen Borders Code or others for entry, stay or residence in that Member State.

1.1. Introduction

Many asylum seekers have come to the EU during the current asylum seeker crisis. The majority of these asylum seekers are male. Nevertheless, also many female asylum seekers arrive in the EU, trying to escape situations of war, gender-based persecution and gender inequality. Women and girls are exposed to serious risks of sexual and gender-based violence (SGBV) during the migration process:¹ women and girls are exposed to violence and abuse from smugglers, other asylum seekers but also by state actors such as police agents and staff in reception centres.

There is a need to provide gender-sensitive asylum procedures and reception conditions. EU Member States should treat women as vulnerable persons and provide suitable gender-sensitive facilities in reception centres. Moreover, Member States should ensure that gender-based persecution is accepted as a ground for asylum status. At the moment, there are large differences between the Member States in accepting gender-based asylum applications. The reception conditions in some Member States are also below the minimum level.² In this in-depth analysis, the Belgian asylum procedure and reception conditions for female asylum seekers are examined. The general part of the document is largely based on a previous in-depth analysis entitled "Reception of female refugees and asylum seekers in the EU, Case study Germany"³.

The following definitions are used in this analysis⁴:

- **Asylum seeker**: A person claiming international protection due to the risk of persecution in their home country (Article 1 A (2) of the UN Geneva Convention);

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• **Refugee**: A person who receives protection under the Geneva Convention in a Member State, following a defined legal procedure;

• **Irregular migrant**: A third-country national who does not fulfil, or no longer fulfils, the conditions of entry as set out in Article 5 of the Schengen Borders Code or others for entry, stay or residence in that Member State.

### 1.2. Numbers of refugees/migrants entering the EU

#### 1.2.1. Statistics on the number of refugees/migrants entering the EU

There is different data available for the number of migrants entering the EU in 2015 and 2016. During this period far more refugees/migrants have arrived in the EU in comparison to previous years. Because of these high numbers, not all data is up to date or shows the share of male and female refugees/migrants.

According to the United Nations High Commissioner for Refugees (UNHCR), **1 015 078** people arrived by sea (mainly by the Mediterranean Sea) in the EU in 2015. Of these people **50 per cent were men**, **19 per cent were women** and **31 per cent were children**. In 2016, up to 8 May, **187 510** people have arrived by sea in the EU.\(^5\)

UNHCR indicates that the percentages based on gender since January 2016 are the following: **45 per cent of men**, **20 percent of women** and **35 percent of children**. Consequently, in comparison with 2015, there has been a slight increase in the amount of women and children. Women (34 998 in 2016 as of March 2016), children (61 399) and unaccompanied minors (2 680) now account for more than half of all refugees arriving in Greece, Italy, Malta, Spain and Cyprus altogether. According to UNHCR, there are two possible explanations to this phenomenon, the first one being that men who made the initial trip in 2015 are now attempting to bring their families to join them. The second possible explanation is that women and children, unlike men, tend to have a higher chance of receiving protection in EU countries.\(^6\) This shift may have a positive impact on the gender balance among asylum seekers in Europe.

#### 1.2.2. Statistics on asylum seekers in the EU

The asylum seekers are not equally spread among the Member States. Most asylum seekers arrive in Greece or Italy. However, most asylum applications are filed in Germany with **67 765 asylum applications** filed in February 2016 and **59 915 asylum applications** filed in March 2016.\(^7\) In 2015, a record number of over 1,2 million first time asylum seekers was registered, with Hungary receiving the highest number of asylum applications per capita (17 699 first time applicants per million inhabitants) ahead of Sweden (16 016).\(^8\)

Data from 2014 shows that during 2014, there were more men who filed an asylum application. Data from Eurostat shows the amount of male/female asylum applicants in the EU. In 2015, in the age group for applicants under 14, the numbers were almost

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\(^5\) For more information see UNHCR data on refugees & migrants in the Mediterranean, available at: http://data.unhcr.org/mediterranean/regional.php. The UNHCR updates the numbers regularly.

\(^6\) The Financial Times, Women and children refugee numbers crossing into Europe surge, Duncan Robinson, 20 January 2016.

\(^7\) More information on the number of asylum applicants in each Member State in 2016 can be found via this link - European Commission, Eurostat, Table, Asylum and first time asylum applicants - monthly data (rounded), available at: http://ec.europa.eu/eurostat/tgm/table.do?tab=table&init=1&language=en&code=tps00189&plugin=1.

\(^8\) European Commission, Eurostat, News Release, Asylum in the EU Member States - Record number of over 1.2 million first time asylum seekers registered in 2015, 4 March 2016.
equal; 55 per cent of the applicants were boys. In the groups 14–17 and 18–34, around 80 per cent of the applicants were male. There were only more female applicants in the group for age 65 and over (see chart below)\(^9\). Consequently, there was a majority of male asylum seekers in 2014 and 2015.

**Figure 1- Chart on share of male (non-EU) first time asylum applicants in the EU-28 Member States by age group in 2015 (%)**

![Chart on share of male (non-EU) first time asylum applicants in the EU-28 Member States by age group in 2015 (%)](chart.png)

Source: Eurostat (online data code: migr_asyappctza)

### 1.3. Legal Framework

The legal framework regulating asylum and reception in the EU consists of both international and European law instruments. The following legal instruments are the most relevant ones regulating the reception conditions of asylum seekers.

#### 1.3.1. International law

The 1951 **Convention and Protocol relating to the status of refugees** (hereafter "1951 Convention" or "Refugee Convention") is the oldest international convention regulating the status of refugees. The 1951 Convention defines a **refugee** as: "a person who, owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinions, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country."\(^{10}\) Another important principle regulated in the Refugee Convention is the **principle of non-refoulement** which prohibits States to expel or return a person when this person faces persecution or violence based on his/her race, religion, nationality, membership of a particular social group or political opinions.\(^{11}\)

Today, the Refugee Convention is still the fundamental instrument to grant a person international protection. Due to its historical development, it does not include specific provisions for protection based on gender and is mainly focused on political persecution by a state actor. However, nowadays several situations which influence the safety of women and girls are considered to fall under the persecution requirement. For example, female genital mutilation (FGM), gender based violence and domestic violence are used as grounds which fulfil the persecution requirement, which give women, who have

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\(^{11}\) ibid n°10, article 33.
become victims of these crimes, the right to refugee status. All Member States of the EU are also State parties to the Refugee Convention.

**The Council of Europe Convention on preventing and combating violence against women and domestic violence of 2011** (hereafter "Istanbul Convention") is also a relevant international law instrument. Article 60 of the Istanbul Convention regulates the protection of refugee women against violence. The article addresses three aspects. Firstly, parties to the Convention must provide the legislative framework to recognise gender based violence as a ground for persecution within the meaning of Article 1 of the 1951 Refugee Convention. Secondly, a gender-sensitive interpretation must be given by states to all the other grounds of Article 1, for example, membership of a social group. Thirdly, states must develop gender-sensitive reception procedures and support services for asylum seekers. In addition, procedures for the application of refugee status should be gender-sensitive.\(^\text{12}\) Article 61 ensures that the principle of non-refoulement applies for victims of gender-based violence. The Istanbul Convention has not been ratified by all EU Member States. In addition to the Istanbul Convention, the Council of Europe has also adopted **resolution 1763** and **recommendation 1940** on gender-related asylum claims.

Non-binding but important international instruments concerning reception conditions are published by the UNHCR. These documents can serve as a guideline. The UNHCR has also published concrete documents focused on the EU such as position papers and recommendations. These documents include:

- Guidelines on the Protection of Refugee Women,
- the 2008 Handbook for the Protection of Women and Girls,
- the UNHCR's Recommendations as Regards Harmonisation of Reception Standards for Asylum Seekers in the European Union, and
- Guidance Note on Refugee Claims relating to Female Genital Mutilation.

### 1.3.2. EU asylum and reception law

The **Treaty on the Functioning of the European Union (TFEU)** has made the EU competent to create a common asylum policy. According to Article **78 TFEU**, the EU shall develop a common policy on asylum, subsidiary and temporary protection for those in need of international protection; it can also create common standards concerning the conditions for reception for asylum seekers. Article 78 TFEU has served as the legal basis for many EU asylum policy directives.

In EU law, the following directives are relevant for reception conditions:

- **Recast Reception Conditions Directive (2013/33/EU)** laying down standards for the reception of applicants for international protection;
- **Recast Directive on common procedures** for granting and withdrawing international protection (2013/32/EU);
- **Qualification Directive** (2011/95/EU) on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast);
- **Dublin Regulation 604/2013** establishing the criteria and mechanisms for determining the Member State responsible for examining an application for asylum.

international protection lodged in one of the Member States by a third-country national or stateless person.

In EU legislation, gender is an aspect which needs to be taken into account when assessing an applicant's individual position. **Physical, mental and sexual violence and acts of a gender specific nature are recognised as acts of persecution.** In addition, gender is recognised to be a ground for membership of a particular social group [Qualification Directive Art.4 (3), Art. 9 (2), 10 (1)]. Based on this legislation, Member States should ensure that gender-based violence, FGM, and domestic violence are taken into account as grounds for persecution as required for a refugee status.

If women do not fulfil the requirements for refugee status, they may be granted a **subsidiarity protection status** (Art. 15 Qualification Directive). In these circumstances the applicant must prove that he/she is at risk of serious harm, which can consist of "the death penalty or execution; or torture, inhuman or degrading treatment or punishment in the country of origin; or serious and individual threat to a person's life by reason of violence in situations of international or internal armed conflict". For example, for women, this could be the case when they face serious threats of violence by family in the country of origin.

In the EU, the rules concerning **reception conditions** are mostly laid down in the Reception Directive. However, Directive 2013/32/EU on granting and withdrawing international protection is also relevant because several stages of the asylum application are regulated in this Directive. Some of these stages, such as the personal interview, take place in reception centres, and are therefore relevant when considering reception conditions. The **Reception Directive** regulates the minimum conditions for the reception of asylum seekers in the Member States. There are a couple of references to the reception of female asylum seekers in the Directive. Article 11 requires Member States, in case of detention, to detain female applicants separately from men. Families can be exempted from this requirement. According to Article 18(3), Member States shall take into consideration any gender and age-specific concerns in **housing** applicants in reception and accommodation centres. Article 18(4) obliges Member States to take measures to prevent assault and gender based violence, such as sexual assault and harassment, in reception and accommodation centres. In addition, Member States must take into account the specific situation of vulnerable persons, who include, amongst others, minors/unaccompanied minors, pregnant women, single parents with minor children, victims of human trafficking and victims who have been subject to rape, sexual/physical or psychological violence, including FGM (Article 21). Article 29, finally, requires that authorities implementing the Directive should have received the necessary training to deal with both the needs of male and female applicants.14

In Belgium, Directive 2013/33/EU was implemented into national law by **Law of 8 May 2013** amending **Law of 15 December 1980**. However, the 2008 Law did not fully implement the Reception Directive, implying Belgium's infringement of its legal obligation to transpose the latter directive completely and timely before the 20 July 2015 deadline. As such, the European Commission sent a Letter of Formal Notice for non-communication of transposition on 23 September 2015.15 As pointed out in "AIDA (Asylum Information Database) – Country report: Belgium", in practice, some important
aspects of the asylum acquis are not yet implemented (e.g. maximum detention periods, vulnerability identification and evaluation).\textsuperscript{16}

Directive 2013/32/EU on granting and withdrawing international protection also pays attention to gender differences: Member States should identify vulnerable persons and provide special procedural guarantees for these persons. Vulnerability can be based on, amongst others, gender or age and might also be the consequence of violence and rape. It is also stated that all procedures should be gender-sensitive and should provide equal chances to male and female applicants. Interviews should be conducted in a way that both male and female applicants feel comfortable to tell about their past. Article 10 requires that staff dealing with asylum applications should be able to ask advice on, amongst others, gender issues. In addition, Article 11 offers Member States the possibility to grant individual status to a woman, who has been victim of gender-based persecution, even where a family has applied for asylum as a whole. Lastly, Article 15 of the Directive sets the requirement that the interviewer during the personal interview should be capable of taking into account personal and general circumstances such as gender.\textsuperscript{17} On 23 September 2015, the European Commission sent a letter of formal notice for non-communication of transposition of Directive 2013/32/EU to Belgium.\textsuperscript{18}

When implementing the Recast Reception Conditions Directive, Member States are obliged to respect the EU Charter of Fundamental Rights. Some rights in the Charter are relevant with regard to the reception of female asylum seekers. Article 2 of the Charter, which protects the right to integrity, can be violated, if Member States do not provide for gender-sensitive reception conditions. Gender-based violence would fall within the scope of this article. Moreover, the right to family life can also be relevant, for example, by keeping families together in reception centres. Article 5 of the Charter prohibits the trafficking in human beings. Member States must therefore protect women and girls against falling into the hands of traffickers during their time in reception centres.\textsuperscript{19}

In addition to these Directives, Directive 2012/92/EU establishing minimum standards on the rights, support, and protection of victims of crime, can also be interpreted to apply to asylum seekers because it applies in a non-discriminatory manner with respect to residence status. This Victim Directive obliges Member States to inform and protect victims of crimes committed in EU Member States. This includes, for example, trauma support and counselling.\textsuperscript{20}

\textsuperscript{16} Ruben Wissing [Coordinator for policy and legal work at The Belgian Refugee Council (BCHV-CBAR)], European Council on Refugees and Exiles, Country Report: Belgium, Asylum Information Database (Aida project), December 2015.


\textsuperscript{18} European Commission, Press Release, More Responsibility in managing the refugee crisis: European Commission adopts 40 infringement decisions to make European Asylum System work, Brussels, 23 September 2015.

\textsuperscript{19} European Council on Refugees and Exiles, Study, Reception and Detention Conditions of applications for international protection in light of the Charter of Fundamental Rights of the EU, January 2015, pages 14-20.

2. RECEPTION NEEDS OF FEMALE ASYLUM SEEKERS AND GIRLS

**KEY FINDINGS**

- Women have more difficulty in obtaining asylum status since their applications are considered to be less credible.
- The asylum application procedures should become more gender-sensitive. Female interviewers and interpreters should be provided. Individual interviews should be organised separately from other family members in order to allow women to speak more freely.
- Reception conditions should guarantee the safety and protection of women and girls, also to prevent gender-based violence.
- Women and girls should have access to education and proper health-care services.

### 2.1. A gender sensitive asylum application

Even with the recognition of persecution based on gender, women have, in general, more difficulties in proving their claim for asylum. It is more difficult to show evidence of, for example, gender-based violence. Women often only have their story and no evidence. This is also the reason why female applicants for asylum are less successful than male applicants. Their stories are considered to be less credible than those of men (who can provide actual proof for their persecution, for example membership of a certain party). The way in which women present their story is therefore even more important than for men.

Women will most probably find it more difficult to tell their story to a man. Female asylum seekers should therefore have the possibility to get a woman as interviewer for their asylum claim, in line with Article 15(3) of Directive 2013/32/EU. Women should also be able to ask for a female interpreter besides the female interviewer. Member States should also ensure that female interviewers and interpreters are available in the reception centres in practice. In particular, in these times of quite crowded reception centres, it can become difficult to maintain the right to both a female interviewer and interpreter in practice. The positive effect of having a female interviewer would be undermined if there were no female interpreter.

In order to improve the success rates of women's asylum applications, gender-sensitive asylum procedures should be used in the Member States. This is also recognised in Directive 2013/32/EU. To guarantee gender-sensitive asylum procedures, staff dealing with applications should be aware of gender specific problems and thereby become capable of recognising these gender issues. Specialised officers should be available for gender cases, especially when the applicant can be categorised as a vulnerable person. These specialised officers could also assist other staff with questions or procedures regarding gender cases.

An important facility which influences the success of female asylum seekers' applications for asylum is the availability of child care facilities in reception centres. Not all Member States provide such facilities. Female applicants are, therefore, forced to bring their children to the asylum status interview. In those circumstances, these women have to talk about their past and share their traumatic experiences in front of their children. This might influence the willingness of these women to talk about their experiences with,
for example, domestic violence, FMG or rape. Women can also be distracted by their children, which can influence their credibility as well. Moreover, it is also not in the interest of the child to witness these interviews and to listen to the traumatic experiences of their mothers. In addition, the interview should not take place in the presence of other family members.\textsuperscript{21} Women might be put under pressure not to talk about domestic violence, honour crimes or other threats coming from family. In these circumstances, women might be entitled to asylum status on their own account but are not able to get this individual status since they cannot talk about these experiences.

Another issue during the application for asylum is that sufficient information about the procedure and specific rights should be provided in reception centres. During the interview, the interviewer should inform the applicant on his/her individual rights to an asylum claim or inform the applicant when he/she could use legal counselling.\textsuperscript{22} This is especially important in cases where the interview is the only moment that the asylum seeker can get access to this information. Not all asylum seekers are aware that women and children can file an individual application for a refugee status.\textsuperscript{23} Female asylum seekers but also children should therefore be counselled on their rights. If women get an individual asylum status, they are less dependent on their family or husbands. This is especially relevant in cases were women are oppressed by family or are victims of domestic violence because it gives these women the opportunity to escape these violent situations. Information in reception centres on who can make a request for an asylum status should therefore be provided by the responsible actors in the Member States.

2.2. Gender sensitive reception conditions

In the reception centres, certain facilities have to be provided in order to make them more gender sensitive. Staff in reception and accommodation centres should be aware of gender specific problems and how adjustments in the facilities of the reception centres could improve the situation of women but also children. The following aspects need to be taken into account when providing a gender-sensitive reception centre: separate housing, health-care, extra attention to unaccompanied girls and single women, education, separate detention and the prevention of violence against women.

It is very important that the housing of asylum seekers is organised in a gender sensitive way. Men and women must be housed separately, with the exception of families who want to stay together. A lack of privacy for men and women housed together can result in violence against women. Women should have the possibility to lock their rooms in reception centres. In this way, theft and (sexual) violence can be prevented. Overcrowded reception centres pose serious risks of (sexual) violence against women and children. In order to further improve the safety and privacy of women, private bathing and sanitation facilities should also be provided in reception centres, in particular in cases were the centres are overcrowded. Men and women's sanitary facilities should be strictly separated. In addition, sanitary facilities in the reception centres must be easy to reach, for example, by providing these facilities close to the women's rooms, and should be safe to access, in particular during the night.\textsuperscript{24} Long and dark corridors or facilities outside the building create unsafe situations.

In addition, proper health-care must be present at the reception centres, in particular in the case of pregnant women. According to the UNHCR, pregnant women should have the same access to medical care as nationals of the host state.\textsuperscript{25} Women in reception centres should also be informed or receive counselling about their reproductive health

\textsuperscript{22} ibid n°21, pages 13-15.
\textsuperscript{23} UNHCR, Reception Standards For Asylum Seekers In the European Union, Geneva, July 2000, part I, p.18.
\textsuperscript{25} UNHCR, Reception Standards For Asylum Seekers In the European Union, Geneva, July 2000, page 19.
rights in that Member State. In addition, women must have access to psychological aid in order to recover from traumatic experiences. Women, but also children may have been subject to gender based violence during their journey. The UNHCR has reported that refugees with a lack of financial resources are forced to use (survival) sex as a way of paying for their travel. Help must therefore be provided to these victims to recover from these experiences. Women and children should also be recognised as a vulnerable group in order to ensure that they will have access to medical and psychological help.

**Young and unaccompanied girls and single women** need extra attention after arriving in a reception centre. These girls and women travelling alone face more risks. They can become victims of sexual and gender-based violence during their journey but also in the reception centres, since they are not under protection of family members or fellow travellers. The UNHCR has noted that some women even marry someone on the journey out of desperation for protection. Unaccompanied girls and single women should therefore receive particular assistance in reception centres. Otherwise, these women might be excluded from the use of facilities such as kitchens or washing machines because they do not have this protection. The lack of protection also puts these girls and women in a situation in which they can be easily abused when they try to find a form of protection. These girls and young women, therefore, risk becoming victims of human trafficking and/or being forced to become prostitutes. Moreover, there is also a practice that these girls/young women are forced to marry in order to benefit from family reunification provisions. For example, these girls may be married to a family member (in the country of origin) so that, when they obtain asylum in an EU Member State, they can bring their husband (and potentially his financially dependent parents or children) to the EU.

Children, including girls, should have access to education during their stay at a reception centre. Going to school will improve their chances of quick integration in the host country. Furthermore, it will improve their chances for the future if these children learn the language of the host country.

**Violence against women should be prevented.** As set out above, the safety of women and children is better guaranteed when they are housed separately from men. Women and children should also have their own sanitary facilities. These rooms must be exclusively reserved for women and children; men should not be allowed to access these facilities. During the night, hallways and corridors should have sufficient light in order to ensure safe passing.

In reception centres, information should be provided that violence against women, including domestic violence is considered to be a crime. Education about respect for women might prevent SGBV. It is very important that women who have become victims of (sexual) violence are able to report the crime to the reception staff and the police. Complaints and reports about sexually orientated comments, assaults and rape should be taken seriously by staff and the victim must receive support from the reception staff. This will increase the likelihood that other women also report these crimes.

In the case of detention women and children should be detained separately from men. However, it would be best if children, pregnant women and women who just gave birth were never detained.

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26 For more information about sexual and gender based violence see: IRIN news, Definitions of Sexual and Gender Based Violence, Nairobi, 1 September 2004.
3. RECEPTION IN BELGIUM

**KEY FINDINGS**

- In Belgium, in total 5,739 asylum applications were filed during the first three months of 2016. "The top three" countries of origin of asylum seekers were **Afghanistan, Syria and Iraq**, and approximately 68 per cent of the applicants were male and 32 per cent were female.

- The main national laws regulating the asylum procedure and reception conditions in Belgium are the **Law of 15 December 1980 regarding the entry, residence, settlement and removal of aliens** as last amended the Law of 26 February 2015, and the **Law of 12 January 2007 regarding the reception of asylum seekers and other categories of aliens**.

- Asylum seekers have the right to accommodation, food, clothing and medical, social and psychological help. They also have access to interpretation services and legal representation, training, a voluntary return programme and a daily allowance. Minors are under the obligation of attending school.

- Asylum seekers are first placed in a collective reception centre. After four months, they can apply for an individual accommodation structure.

- Since September-October 2015, Belgian reception centres are facing an emergency situation due to overcrowding. As a consequence, more than 18,000 extra places have been created, and the total capacity now amounts to 34,703 places with an 87 per cent occupation rate.

3.1. Numbers of asylum seekers in Belgium

In 2016, by the end of March, in total 5,739 asylum applications had been filed in Belgium. The top 10 countries of origin of persons who filed an asylum application in 2016 were the following: Afghanistan (1,425), Syria (940), Iraq (426), Somalia (223), Guinea (212), Russia (201), Albania (184), undetermined (176), Rwanda (153) and Congo DR (133). Approximately 68 per cent of the asylum applications were filed by men and 32 percent by women.²⁹

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### Figure 2 -
**Total number of persons who filed an asylum application in 2016**

<table>
<thead>
<tr>
<th>Month</th>
<th>2015</th>
<th>2016</th>
<th>+/- in % compared to 2015</th>
<th>+/- in % compared to previous month</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>1.717</td>
<td>2.842</td>
<td>65,5%</td>
<td>-45,7%</td>
</tr>
<tr>
<td>February</td>
<td>1.642</td>
<td>1.523</td>
<td>-7,2%</td>
<td>-46,4%</td>
</tr>
<tr>
<td>March</td>
<td>1.755</td>
<td>1.374</td>
<td>-21,7%</td>
<td>-9,8%</td>
</tr>
<tr>
<td>April</td>
<td>1.627</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>May</td>
<td>2.094</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>June</td>
<td>2.894</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>July</td>
<td>3.601</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>August</td>
<td>5.595</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>September</td>
<td>6.830</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>October</td>
<td>6.043</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>November</td>
<td>5.724</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>December</td>
<td>5.238</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>44.760</strong></td>
<td><strong>5.739</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: Commissioner-General for Refugees and Stateless Persons' website

### 3.2. Belgium legal framework concerning asylum and reception

The following laws regulate asylum applications, reception and detention in Belgium:

- **Law of 12 January 2007 regarding the reception of asylum seekers and other categories of aliens**, and
- **Law of 30 April 1999 concerning employment of foreign workers**.

### 3.3. Asylum application procedure in Belgium

In December 2015, the European Council on Refugees and Exiles (ECRE) published the report entitled "AIDA (Asylum Information Database) - Country report: Belgium" which presents an exhaustive and detailed analysis of the asylum application procedure and its challenges in Belgium. Section 3.3 and 3.4 of this note present a summary of the main findings of the AIDA report. These sections also largely follow the structure and the text of the report.

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30 Ruben Wissing [Coordinator for policy and legal work at The Belgian Refugee Council (BCHV-CBAR)], European Council on Refugees and Exiles, **Country Report: Belgium**, Asylum Information Database (Aida project), December 2015.
3.3.1. Asylum application authorities

There are three main authorities responsible for the asylum application procedures in Belgium:

- **The Immigration Office (IO)** (also called "The Aliens Office" in some reports) is the mandated administration of the Minister responsible for the entry to the territory, residence, settlement and removal of foreign nationals in Belgium. It is also competent for asylum applications registration and deciding whether the Dublin criteria should be applied.

- **The Commissioner-General for Refugees and Stateless Persons (CGRS)** is a central administrative authority which takes individual decisions on asylum applications without any instructions from the competent Minister.

- **The Council for Aliens Law Litigation (CALL)** is an administrative Court which can reform a CGRS decision by granting a protection status, confirm the negative decision of the CGRS or annul it if it deems essential information is missing in order to take a decision on the appeal and further investigation by the CGRS is needed. Appeals lodged before the CALL against a CGRS' decision have an automatic suspensive effect. Such appeals must be filed within 30 calendar days after the contentious decision has been notified to the applicant.

3.3.2. Asylum application procedure

In Belgium, an asylum application may be lodged either on the territory, within 8 working days, or at the border (if the asylum seeker does not dispose of valid documents to enter the border) or from a detention centre (in case the person is already being detained for the purpose of removal). The examination of such an asylum application will take place in three steps:

1) the examination of the criteria in the Dublin Regulation by the IO to determine whether Belgium is competent to rule on the application;

2) the examination of the merits of the asylum application by the CGRS: an asylum interview is organised where the applicant is invited to tell his/her story to the CGRS;

3) the examination of an appeal against a negative decision of the Commissioner-General before the Council for Aliens Law Litigation.

An accelerated admissibility procedure applies to cases where the applicant is an EU national, a national of an EU accession candidate country, a national of a country considered as "safe country of origin" or an applicant who already obtained a protection status in another EU Member State. In those cases the CGRS can deliver a decision of inadmissibility, if no elements are submitted that the person has a well-founded fear of persecution (within 5 working days) or that there are serious grounds for a real risk of serious harm (within 15 working days).

In case of CGRS refuses to take an asylum application into consideration, the applicant can lodge an annulment appeal with the CALL. The same procedure applies to an appeal against a decision taken by the IO in application of the Dublin procedure. The suspension of the decision to remove or refuse entry can also be requested. Both
annulment and suspension appeals must be lodged within 30 calendar days after notification of the negative decision.

Figure 3 - Table on the asylum application procedure

3.3.3. The Dublin procedure

All asylum seekers are fingerprinted and checked in the EURODAC database immediately after lodging their asylum application with the IO. Should they refuse to be fingerprinted, the IO is entitled to detain them.

The IO first, as a **preliminary procedure**, determines which EU Member State is responsible for examining the asylum application based on the criteria of the Dublin III
Regulation. If it finds that Belgium is the responsible Member State, the file is transferred to the CGRS.

Each asylum seeker must attend a Dublin interview without the assistance of a lawyer. During this interview he gets the opportunity to oppose to a transfer to the responsible Schengen State, stating his reasons to do so. He is then asked why he cannot or do not want to return to the responsible State under Dublin III, whether he has a specific medical condition and why he has come to Belgium.

Positive decisions accepting Belgian responsibility for the asylum application and transferring it to the CGRS are not motivated.

Asylum seekers whose claims are considered to be Dublin cases may in certain cases be detained. Following an increase in Iraqi asylum seekers' detention since September 2015, the Council Chambers ruled in several decisions that the applicability of the Dublin Regulation in itself is not a sufficient ground for detention. As a result, this practice has become less frequent.

Once the maximum time-limit under the Dublin Regulation for executing the transfer has passed (which is prolonged in case the asylum seeker did not have a known address with the IO), Belgium's responsibility for examining the asylum application will be accepted when the person concerned presents himself/herself to the IO again.

3.4. Services provided to asylum seekers

3.4.1. Reception conditions

According to the 2007 Reception Act, the right to reception conditions starts from the moment when the asylum seeker has launched his/her asylum application. The State is thus under an obligation to provide **material aid which includes**:

- accommodation, food, clothing;
- medical, social and psychological help;
- access to interpretation services and to legal representation;
- access to training;
- access to a voluntary return programme; and
- a daily allowance (between 4.50€ and 7.40€).

The whole reception structure is coordinated by The Federal Agency for the Reception of Asylum Seekers (Fedasil) created in 2001 to this end. The practical organisation is done in partnership between government bodies, non-governmental organisations and private partners.

Pursuant to Law of 8 May 2013, the Belgian State can legally force all Public Centres for Social Welfare (PCSW) to create a **Local Reception Initiative** (LRI) in case of emergency. Should they fail to comply, they could face financial sanctions. This provision still needs to be implemented.

Due to the **emergency situation in reception capacity** that started in September-October 2015, the reception capacity has been increased in an unprecedented manner with more than 18 000 extra places. On 25 April 2016, the asylum reception network had a total capacity of 34 703 places on the Belgian soil, out of which 30 283 (87 per cent) were occupied (see charts below).  

31 Fedasil's figures: [http://fedasil.be/fr/figures](http://fedasil.be/fr/figures)
Reception of female refugees and asylum seekers in the EU - Case study Belgium

**Figure 4 - Map of all the reception centres in Belgium**

Localisation de tous les centres d’accueil

25/04/2016

Source: Fedasil's website (as of 25 April 2016)

**Figure 5 - Chart on the reception capacity**

Le réseau d’accueil

Source: Fedasil's website (as of 25 April 2016)

Fedasil puts **minimum material reception rights** for asylum seekers into four categories of aid:32

1) **Basic needs** ("bed, bath, bread");
2) **Guidance**: social, legal, linguistic, medical and psychological assistance;

32 *ibid* n°16: Ruben Wissing [Coordinator for policy and legal work at The Belgian Refugee Council (BCHV-CBAR)], European Council on Refugees and Exiles, **Country Report: Belgium**, Asylum Information Database (Aida project), December 2015.
3) **Daily life**: leisure, activities, education, training, work and community services; and
4) **Neighbourhood associations**: among others, each reception centre regularly organises **neighbourhood initiatives** which are intended to integrate the centre in the community and surrounding area as well as possible.

After having introduced the asylum application at the IO, each asylum seeker gets a **collective reception centre** assigned as his/her mandatory place of registration. These collective structures where asylum applicants live in a community are managed by Fedasil, the Belgian Red Cross or other partners and there are fifty of them on Belgian soil.?

Four months later, the asylum seeker can apply to be transferred to an **individual accommodation structure** (flats or houses). These individual structures where asylum seekers are given more autonomy are managed by the Public Centres for Social Welfare and non-governmental organisations.

Since August 2015, two categories are to be exempt from collective accommodation:

1) asylum applicants with a high chance of receiving a protection status are immediately assigned to a Local Reception Initiative;

2) asylum-seekers with particular vulnerabilities are assigned to specialised non-governmental organisations' reception structures.

The Law of 19 January 2012 introduced the **"return track" for asylum seekers**, a framework for individual counselling on return, set up by Fedasil since September 2012. It is aimed at promoting **voluntary return** in order to avoid forced ones and takes place right after the asylum application has been registered. Up to February 2016, 1,195 people decided to voluntarily return to their country of origin, among which 503 Iraqis (see chart below).

**Figure 6 - Chart on voluntary return**

![Chart](source)

<table>
<thead>
<tr>
<th>Type of Return</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asylum seekers</td>
<td>409</td>
</tr>
<tr>
<td>Deported asylum seekers</td>
<td>370</td>
</tr>
<tr>
<td>Migrants with paper</td>
<td>416</td>
</tr>
<tr>
<td>Total</td>
<td>1,195</td>
</tr>
</tbody>
</table>

Source: Fedasil's website - January - March 2016

**Full material reception conditions** are offered for a 10-day period to the asylum seekers only if he collaborates on his return. These are renewable for two extra periods of 10 days. Asylum seekers are thus either placed in one of the four Fedasil **reception**

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centres with return places or in case of families with children, in an open return centre under the direction of the IO.\textsuperscript{34} The latter was harshly criticised by the federal Ombudsman together with the Commissioners for children's rights because of violations of the UN Convention on the Rights of the Child and the Belgian Constitution. Rulings from the Bruges and Liege Labour Courts came to the same conclusion.\textsuperscript{35} When the period for voluntary return as determined in the order to leave the country elapses and there is no willingness to return voluntarily, the right to reception ends and the IO can start up the procedure to forcibly return the person, including by using administrative detention. It should be noted that after a decision granting a protection status, the asylum seeker can stay for a maximum of 2 more months.

During the examination of the Dublin procedure by the IO, asylum seekers are entitled to a reception place. From October 2015 on, asylum applicants under a pending Dublin transfer decision will be accommodated in an open return place and the return track procedure will apply.

Although they are legally entitled to a reception place, EU citizens applying for asylum in Belgium are not accommodated by Fedasil anymore because it considers that EU citizens are legally on the territory since they are exercising their freedom of movement. According to the Federal Ombudsman this goes against the Constitutional Court's interpretation of "legal residence" and violates provisions of the Convention on the Rights to Child and the constitutional non-discrimination and equality principles when it considers EU families with minor children. EU asylum seekers can thus challenge this formal refusal decision of Fedasil before the Labour Court.

Asylum seekers who stay in an open reception centre enjoy freedom of movement on the national territory without restrictions (as long as they are not detained).

Asylum seekers at the border are held in closed collective centres managed by the IO at the border or on the territory. If the asylum procedure takes longer than the allowed maximum detention period of two months they must be transferred to the normal reception structures.

If the asylum seeker is employed, he has an obligation to contribute with a percentage (either 35 per cent or 75 per cent) of his income to the reception facility. No material reception conditions, with the exception of medical care, are due to a person with sufficient financial resources to provide for his basic needs. However, no assessment of these financial resources or of the actual risk of destitution of the person concerned takes place at the moment of the intake.

There are a number of specialised centres for vulnerable persons: children, unaccompanied children, single parents with children, pregnant women, persons with a disability, victims of human trafficking, violence or torture and the elderly. Specialised centres for women are scarce, since there is still a common belief that migration affects mostly men, despite the latest figures. In Belgium, there are 70 places in 21 apartments for single women with children and 40 places in a specialised centre for unaccompanied pregnant girls and young mothers.

\textsuperscript{34} For further information, see: Liesbeth Schockaert, Alternatives to detention: open family units in Belgium in \textit{Forced Migration review}, n°44, pages 52-54, September 2013.

\textsuperscript{35} Labour Court, Liège, Judgment 2014/AN/90 of 18 November 2014.

Labour Court, Bruges, Judgment 13/1179/A of 19 February 2014.
3.4.2. Access to education

School attendance is mandatory for all children under 18 in Belgium, irrespective of their residence status. Children usually go to a school in the neighbourhood of the reception centre. Classes with adapted course packages and teaching methods are organised for children of newly arrived migrants and asylum seekers. Those children are later integrated in regular classes once they are considered ready for it.

3.4.3. Health care

The material aid an asylum seeker is entitled to, includes the right to medical care necessary to live a life in human dignity. However, once the asylum application has been refused and the reception rights have come to an end, the person concerned will only still be entitled to emergency medical assistance, for which he must refer to the local PCSW.

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4. CONCLUSIONS AND RECOMMENDATIONS

KEY FINDINGS

- There is a lack of information on the asylum procedure, and conflicting information is given by various actors. The information should be more easily accessible and better adapted to persons receiving it.

- It should be made clear to each woman or girl individually that her past experiences may qualify for asylum independently from male family members.

- CGSR should ensure that interpreters are perfectly fluent in the languages required in the asylum interviews.

- Women have specific needs which the reception centres should provide for:
  - reception conditions that respect human dignity,
  - need to be and feel safe which implies a policy on violence prevention within the reception centre,
  - need for medical and psychological support,
  - need for involvement and autonomy,
  - need for meaningful and emancipating activities,
  - need for intimacy, quiet and silence.

4.1. General recommendations

In April 2015, the UNHCR published a study entitled "All born on 01/01: A « Snapshot » Assessment of Afghan Asylum Seekers in Belgian collective Reception Centres". The study focuses on the reception of Afghan asylum seekers but presents findings on reception centres and general issues raised by the asylum system in Belgium. Those findings are the following:

As regards life in the collective reception centres, the issues mainly raised were the asylum seekers' loss of independence, the lack of space in reception centres and the fact that although language courses are available, asylum seekers are often keen to learn more. It is therefore recommended to:

- **reduce the size of centres** in order to make them more manageable;
- **introduce a weekly meeting/briefing** where staff can share information and answer queries;
- **involve a cultural mediator** who speaks the main languages used by asylum seekers. The staff should also benefit from his presence and receive training in intercultural communication and mediation;
- **strengthen the access to recreational and socialising activities**;
- **enhance measures increasing autonomy** such as the Federal Reception initiatives which provide with semi-autonomous accommodation near the reception centre, allowing asylum seekers to still benefit from the centre's facilities. This includes the expansion of Fedasil's programme to ensure access to independent cooking facilities in all reception centres and the provision of

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vouchers to travel outside and allow residents to buy their own food and other goods.

**Rejected asylum seekers** are accommodated in the same reception centres than asylum seekers whose claims are ongoing. This situation creates misunderstanding and tension between the residents. It is recommended that:

- all asylum seekers be provided with information about voluntary return during the whole asylum procedure,
- rejected asylum seekers be given individually tailored and adequate advice and psychological support to deal with their situation and plan their future, and
- social workers receive specific training on how to address to rejected asylum seekers in order for them to adjust mentally to the rejection and return to their country in safety and dignity.

On the **asylum procedure** in itself, the UNHCR notes several problems:

1) **Lack of information**: both asylum seekers and staff members feel that conflicting and sometimes erroneous information and guidance is given by a wide range of different actors (Fedasil, the IO, the CGRS, lawyers, social workers, guardians, doctors) and that there should be a harmonisation of the information provided on the asylum procedure. This information should be adapted to individuals’ age, gender and level of education. The study picked up on the fact that only a few interviewees had seen or remembered having seen the Fedasil/CGRS’ information DVD and the information brochure on the asylum procedure appeared not always to have been given. According to the UNHCR this situation should be rectified.

2) **Misunderstanding of the role of the CGRS and the function of the asylum interview**: it is thus recommended that social workers make sure that lawyers properly prepare asylum seekers for the interview. As for non-governmental organisations they should make clear to asylum seekers how important the interview is, what they should expect from it, what are their rights and obligations, what kinds of questions they are likely to be asked and what is important to say.

3) **Perceived unfairness of the credibility assessment**: some participants felt that their credibility was questioned by the lawyer, the CGRS' interviewers and/or their social workers. Some even admitted to using a story that had been given them by smugglers before realising their mistake. The study recommends those assisting asylum seekers (mainly lawyers) to tell the latter that it is better to explain their situation as clearly as possible during the interview and to avoid telling smugglers' fictional stories.

4) **Women’s and girls’ concerns** about the asylum procedure: it should be made individually clear to women and girls that their experiences may qualify for asylum independently of male family members. Lawyers and social workers should let women and girls know that they can require the assistance of female interviewer/interpreter. In order to make this possible, more female interpreters should be made available for interviews at CGRS.

5) **Concerns about the quality of interpretation**: a lot of participants reported problems with the interpretation during the asylum procedure, leading to confusion and perhaps rejection. The UNHCR recommends that interprets should be trained in intercultural and gender-sensitive communication and should know about the requirements of neutrality, impartiality, confidentiality and respectful behaviour that are enshrined in the **UNHCR's Code of Conduct for interpreters**. Social workers and the CGRS should make sure that interpreters are perfectly fluent in the language required for the asylum interview, they should report cases of intimidation by
interpreters and they should respect asylum seekers' preference towards the gender of interpreters.

6) **Concerns about the relationship with lawyers**: the study recommends an evaluation of the Belgian system of legal aid provided to asylum seekers in order to identify obstacles and try to solve those in the planned reform on legal aid. Enough time should be spent explaining the Belgian asylum system, including the legal aid system. An expansion of the already existing practice of having two social workers dedicated only to providing advice on the asylum procedure to residents in one reception centre is recommended. Such as a specific training provided by non-governmental organisations to law students and lawyers specialised in aliens’ law. Also, social workers should encourage and assist asylum seekers to report incidents of misconduct by lawyers.

### 4.2. Recommendations for specific reception conditions for female asylum seekers

In 2010, the Flemish association Nederlandstalige Vrouwenraad edited a study entitled "Asile et migration: l'accueil des femmes dans les centres - Trucs et astuces pour une approche du « genre »" which points out the possible improvements in female reception conditions in Belgian reception centres for asylum seekers. The main findings of the study are the following:

The study highlights the importance of **women's active participation in the reception centres**: women should also be given the opportunity to talk in female groups in order to enable them to find out some solutions and play a conscious role in their reception process. UNHCR also stresses the role of **women's empowerment**.

The study underlines six specific needs for female refugee/asylum seekers in reception centres:

1) **Human dignity**: the reception centre needs to be flexible enough to adapt to specific needs (single women, families with children, pregnant women). Women need, in particular, rooms with a limited number of roommates as well as clean and accessible toilets and showers.

2) **Safety**: the reception centre needs an efficient strategy on violence prevention. This should include a **sexual and gender-based violence prevention plan/protocol** defined with the help of experts. To this end, stakeholders can refer to the [European Frame of Reference for Prevention of Sexual and Gender based Violence in the European Asylum and Reception Sector](https://www.ghentuniversity.be/en/), developed by the University of Ghent; **internal rules on discrimination and verbal/non-verbal violence**; **training sessions** on women's empowerment and raising awareness among men; and a **record of every incident** on a systematic and uniform basis.

In line with Article 25 (1) of the recast Reception Conditions Directive, according to which those persons who have been subjected to, among others, SGBV, should "receive the necessary treatment for the damage caused [...] in particular access to appropriate medical and psychological treatment or care", Fedasil and reception centres should make sure that an effective transfer of those victims can take place if necessary to structures where their safety can be ensured. Women actually feel

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safe when they know for sure that their physical and moral integrity will be protected at all times.

Women are often the target of religious harassment in reception centres by male asylum seekers. Various cases of harassment against women refusing to wear a headscarf or pray have been reported, such as the recent riot involving around a hundred asylum seekers which occurred in Leopoldsburg’s camp, in Limburg, in February 2016, after a young Syrian girl had refused to wear the veil despite the pressure put on her for days by Afghan asylum seekers.

3) **Support**: women need, in particular, medical and psychological support. They also need to be able to get in touch with social workers. It is highly important for the reception centre to provide for children care, especially for single mothers, so that women can take part in different activities either inside or outside the centre. In addition, several mothers have hoped for more liberty in deciding on the way on which their children are raised during their stay at the reception centre.

4) **Involvement and autonomy**: the reception centre should organise individual meetings with women on a regular basis and a female discussion group meeting on a regular basis should be created. The group should define clearly its own way of functioning and newcomers should directly be integrated to the discussion group. This discussion group should meet women's expectations.

5) **Meaningful and emancipating activities**: such activities should be organised on a regular basis and they should be clearly communicated, personally and orally. Those activities should break down stereotypes and preconceived roles, they should not contribute to strengthen these. In this way, community services should not be divided in such a way that technical tasks are solely entrusted to men and housework is solely entrusted to women.

6) **Intimacy, quiet and silence**: women need separate spaces, strictly reserved for them, and places where they can relax without any noise. Women need enough intimacy in the common spaces and the bedrooms. Noises in common spaces should be reduced to their bare minimum.

Since the beginning of 2016, the Nederlandstalige Vrouwenraad is working on a buddy project consisting of former asylum seekers helping new female asylum seekers to find housing and reach a good level of integration in Belgian society. This project launched in Antwerp is supported by the Belgian Red Cross and will be re-evaluated at the end of the year.

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40 *ibid* n°37, page 26.
41 The Daily Mail, *Riot in refugee camp sees 100 migrants attack each other with chairs and bins after Syrian girl refused to wear a headscarf*, Corey Charlton, 23 February 2016.
REFERENCES

Belgian authorities


Briefing notes and press releases


Case law

Legislation

Belgian legislation

• Law of 12 January 2007 regarding the reception of asylum seekers and other categories of aliens, available at: 
  http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=2007011252&table_name=loi
• Law of 30 April 1999 concerning employment of foreign workers, available at: 
  http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=1999043045&table_name=loi
• Law of 15 December 1980 regarding the entry, residence, settlement and removal of aliens, available at: 
  - Law of 19 January 2012, available at: 
  - Law of 8 May 2013, available at: 
  - Law of 10 April 2014, available at: 
  - Law of 26 February 2015, available at: 
    http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=2015022613&table_name=loi
• Royal Decree on Foreign Workers, 29 October 2015, available at: 
• Special Law of 6 January 2014 relating to the Sixth Reform of the State, available at: 
  http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&table_name=loi&cn=2014010654

European legislation

• Charter of Fundamental Rights of the European Union, 18 December 2000, 2000/C 364/01, available at: 
• Council of Europe, Convention on preventing and combating violence against women and domestic violence, Istanbul, 11 May 2011, available at: 
  http://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008482e
• Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection
Reception of female refugees and asylum seekers in the EU - Case study Belgium

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**UN legislation**


**Media sources**


**Statistics and figures' sources**

- Fedasil’s figures: [http://fedasil.be/fr/figures](http://fedasil.be/fr/figures)

**Studies and academic commentaries**


**Training packages, handbooks, recommendations and brochures**


DIRECTORATE-GENERAL FOR INTERNAL POLICIES

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