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# REPORT

on the situation of women refugees and asylum seekers in the EU  
(2015/2325(INI))

Committee on Women's Rights and Gender Equality

Rapporteur: Mary Honeyball

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## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

### on the situation of women refugees and asylum seekers in the EU (2015/2325(INI))

*The European Parliament,*

- having regard to Article 2 and Article 3(3), second subparagraph, of the Treaty on European Union (TEU),
- having regard to Article 8 and Article 78 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to Article 23 of the Charter of Fundamental Rights of the European Union,
- having regard to the 1951 Convention and the 1967 Protocol relating to the Status of Refugees,
- having regard to the 1948 Universal Declaration of Human Rights,
- having regard to the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and to General Recommendation No 32 of the CEDAW Committee on the gender-related dimensions of refugee status, asylum, nationality and the statelessness of women of 14 November 2014,
- having regard to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention),
- having regard to the Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women on 15 September 1995, and to the subsequent outcome documents adopted at the United Nations Beijing +5, Beijing +10, Beijing +15 and Beijing +20 special sessions,
- having regard to the Commission communication of 13 May 2015 entitled ‘A European Agenda for Migration’ (COM(2015)0240),
- having regard to the Commission communication of 27 May 2015 entitled ‘EU Action Plan against migrant smuggling (2015 – 2020) (COM(2015)0285)’,
- having regard to the Council conclusions on migration of 12 October 2015, and particularly the commitment expressed therein to the human rights of women and girls,
- having regard to Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims and replacing Council Framework Decision 2002/629/JHA,
- having regard to Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 on establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision

2001/220/JHA,

- having regard to Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection,
  - having regard to Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals,
  - having regard to Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection,
  - having regard to the proposal for a Regulation establishing an EU common list of safe countries of origin for the purposes of Directive 2013/32/EU of the European Parliament and of the Council on common procedures for granting and withdrawing international protection, and amending Directive 2013/32/EU,
  - having regard to Regulation (EC) No 862/2007 on Community statistics on migration and international protection,
  - having regard to Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person,
  - having regard to the Council conclusions entitled ‘Gender Action Plan 2016-2020’ of 26 October 2015,
  - having regard to the Commission communication of 25 March 2015 entitled ‘Implementation of the European Neighbourhood Policy in 2014’ (SWD(2015)0076),
  - having regard to United Nations Security Council resolutions (UNSCR) 1325 and 1820 on women, peace and security,
  - having regard to its resolution of 2 December 2015 on the Special Report of the European Ombudsman in own-initiative inquiry OI/5/2012/BEH-MHZ concerning Frontex<sup>1</sup>
  - having regard to Rule 52 of its Rules of Procedure,
  - having regard to the report of the Committee on Women’s Rights and Gender Equality (A8-0024/2016),
- A. whereas an unprecedented and increasing number of men, women and children are seeking international protection in the EU as a result of ongoing conflicts, regional instability and human rights violations, including gender-based violence and rape as a weapon of war;

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<sup>1</sup> Texts adopted, P8\_TA(2015)0422.

- B. whereas there is a great degree of gender inequality for asylum applicants across the European Union; whereas women account on average for one third of people who apply for asylum; whereas between the start of 2015 and November of the same year, some 900 000 people crossed the Mediterranean to reach Europe's coasts, and women and children accounted for around 38 % of the total; whereas the United Nations High Commissioner for Refugees (UNHCR) has reported that, as of January 2016, women and children account for 55 % of those reaching Greece to seek asylum in the EU; whereas too many people have already lost their lives during these journeys of hope and many of them have been women;
- C. whereas women and LGBTI people are subject to specific forms of gender-based persecution, which is still too often not recognised in asylum procedures;
- D. whereas UN Security Council resolution 1325 on women, peace and security has not achieved its primary objective of protecting women and substantially increasing their participation in political and decision-making processes;
- E. whereas an estimated 20 000 women and girls from countries of origin practising female genital mutilation (FGM) seek asylum in EU Member States every year according to the UNHCR; whereas a significant number of women presenting an asylum claim are doing so based on a fear of FGM;
- F. whereas the UNHCR has estimated that 71 % of female EU asylum applicants from FGM-practising countries are survivors of FGM; whereas the European Court of Human Rights has issued rulings halting the expulsion of girls in danger of being forced to undergo genital mutilation, in view of the irreparable harm likely to be done to their physical and psychological health;
- G. whereas women and girls seeking asylum have specific protection needs and different concerns from men which require that the implementation of all asylum policies and procedures, including the assessment of the asylum claims, be gender sensitive and individual; whereas violence-related asylum claims should be dealt with in a way that protects women from secondary victimisation during the asylum process;
- H. whereas the integration process and rights of women and girls are undermined when their legal status is dependent upon their spouse;
- I. whereas the relevant acts making up the Common European Asylum System must be transposed and implemented in accordance with the Geneva Convention relating to the Status of Refugees and other relevant instruments;
- J. whereas the treatment of women and girls seeking asylum across Member States differs hugely, and very significant shortcomings remain;
- K. whereas women refugees and asylum seekers are often subjected to multiple forms of discrimination and are more vulnerable to sexual and gender-based violence in their countries of origin, transit and destination; whereas unaccompanied women and girls, women heads of household, pregnant women, people with disabilities and the elderly are particularly vulnerable;

- L. whereas women refugees not only face threats to their personal safety (long and dangerous journeys into exile, harassment, official indifference and, frequently, sexual abuse and violence, even once they have reached a place that seems safe and the resulting social stigmatisation), but are also responsible for the physical safety, welfare and survival of their families;
- M. whereas many refugees who have arrived in Europe live in makeshift conditions in camps or on the streets, and women and girls are especially vulnerable;
- N. whereas criminal networks are taking advantage of the lack of safe passage into the EU for asylum seekers and refugees, regional instability, conflict and the vulnerability of women and girls trying to flee, in order to exploit them through trafficking and sexual exploitation;
- O. whereas women who are subjected to violence and trafficking are more exposed to the risk of sexually transmitted diseases;
- P. whereas the Office of the UNHCR has reported instances of violence and abuse, including sexual violence, against refugee women and children, throughout their journey and including in overcrowded reception centres in the EU;
- Q. whereas women and girls seeking refuge in the EU often flee from regimes that are oppressive towards women, do not recognise women's equality with men, tolerate violence against women, abuse, and child, early and forced marriages;
- R. whereas very often, reception hubs do not contain any internal areas that are suitable for mothers housed there who have to support and look after their children; whereas, in addition, legal assistance facilities do not give adequate support in providing information and helping in the search for family members;
- S. whereas the most basic needs to prevent gender based violence, which are separate bathrooms, showers and sleeping arrangements for women, are not met in reception nor transit facilities across the European Union;
- T. whereas girls fleeing conflict and persecution are at a heightened risk of child, early and forced marriage, rape, sexual and physical abuse, and prostitution;
- U. whereas separation from family members, including when detained, exposes women and children to greater risks;
- V. whereas family reunification, although a basic human right, is systematically delayed and even violated, and whereas women and children are the first victims of this right being denied or delayed;
- W. whereas women are often forced to accept undeclared work in degrading conditions so that they can stay in their country of arrival;
- X. whereas the Beijing Platform for Action highlighted the need to increase the participation of women in conflict resolution at decision-making levels and the need for refugee, displaced and migrant women to be appropriately involved in decisions that

affect them;

- Y. whereas Sustainable Development Goal No 5 seeks to achieve gender equality and improve living conditions for women by 2030;
1. Believes that, to improve the security and safety of women and girl refugees, safe and legal routes to the EU must be made available for those fleeing conflict and persecution, and that gender should be taken into account; stresses in particular that more Member States should participate in the EU Resettlement Programmes; believes that legislation and policies relating to irregular migration should not prevent access to EU asylum procedures; stresses that the right to asylum is enshrined in Article 18 of the EU Charter of Fundamental Rights;
  2. Emphasises the urgent need to immediately open safe and legal asylum routes, in order to counter smuggling networks and to increasingly enable women, children, the elderly and people with disabilities to seek refuge without risking their lives; is deeply concerned about deaths, pushbacks and grave human rights violations at the EU external borders; takes the view that responsibilities and costs and benefits should be shared by all 28 Member States and not just by the countries of first arrival; regrets the lack of solidarity among Member States;
  3. Emphasises the importance of women refugees being registered individually and issued with the documents which guarantee their personal safety, freedom of movement and access to essential services, as required by the UNHCR;
  4. Stresses that the principle of gender parity should be observed in coordination committees and any other kind of body representing refugees, whether in urban or rural areas, and in the refugee camps, including in areas to which refugees are returned, so as to ensure that the rights of women refugees and asylum seekers are upheld and their needs are met;
  5. Reiterates its call for all Member States and the European Union to sign and ratify the Council of Europe Convention on preventing and combating violence against women (Istanbul Convention);
  6. Asks all Member States, in collaboration with the EU, to guarantee specialised trauma counselling and psychosocial care for women who have experienced gender-based harm, with the direct involvement of qualified women who are specialists in the field, and which is available at all stages of the asylum process;
  7. Expresses its deep concern at reports that women and children are engaging in survival sex to pay smugglers to continue their journey to seek asylum in the EU; reemphasises that safe and legal routes to Europe are key to effectively preventing this reality;
  8. Urges the EU to include a gender-sensitive perspective when establishing a complaint mechanism within the office of the Frontex Fundamental Rights officer and to address human rights violations committed by Frontex, Member States and officers of third countries when cooperating with Frontex, as called for in Parliament's resolution of 2 December 2015 on the Special Report of the European Ombudsman in own-initiative inquiry OI/5/2012/BEH-MHZ concerning Frontex;

9. Calls for targeted measures to ensure the full integration of women refugees and asylum seekers, by preventing all forms of exploitation, abuse, violence and trafficking;
10. Stresses that all EU migration and asylum policies and measures should take into account gender in their design, implementation and evaluation;

#### *Gender dimension of refugee status determination*

11. Calls for a new, comprehensive set of EU-wide gender guidelines to be adopted as part of wider reforms to migration and asylum policy, which take full account of the social, cultural and political dimensions of persecution and include reception and integration measures;
12. Underlines that, even in countries deemed safe, women may suffer gender-based persecution, while LGBTI people may also be subjected to abuse, and thus have a legitimate request for protection; calls on all Member States to adopt asylum procedures and endeavour to develop training programmes which are sensitive to the needs of women with multiple marginalised identities, including LGBTI women; urges all Member States to combat harmful stereotypes about the behaviour and characteristics of LGBTI women and to fully apply the EU Charter of Fundamental Rights in respect of their asylum claims; stresses the need for LGBTI-sensitive reception facilities across all Member States; highlights that violence against LGBTI individuals is common in reception facilities;
13. Highlights that gendered forms of violence and discrimination, including but not limited to rape and sexual violence, FGM, forced marriage, domestic violence, so-called honour crimes and state-sanctioned gender discrimination, constitute persecution and should be valid reasons for seeking asylum in the EU and that this should be reflected in new gender guidelines;
14. Calls on the Commission to gather thorough statistics on migration and international protection with a view to adding more gender disaggregated data categories, particularly in relation to stages in the asylum process after an initial decision has been made;
15. Urges the Commission to develop interpretative guidelines on FGM which give full consideration to the UNHCR Guidelines on gender-based persecution and Guidance Note on FGM and which clearly outline Member States' obligations, with a particular focus on identifying and communicating with vulnerable asylum seekers; stresses that FGM survivors may have difficulty in expressing their trauma from FGM; calls on the Member States to take measures to ensure that all forms of violence against women, including FGM, can be recognised as a form of persecution and that the victims can thus avail themselves of the protection offered by the 1951 Convention relating to the Status of Refugees, in line with Article 60 of the Istanbul Convention;
16. Calls on the Member States to ensure that asylum procedures at borders comply with the UNHCR Guidelines on International Protection, in particular with regard to gender-related persecution;
17. Calls on the Commission, in view of the situation described, to review the increased funding for and wider scope of the Daphne and Odysseus programmes and to assess

whether these programmes could be adapted to the current situation, in order to protect women refugees;

18. Notes the Commission's proposal to establish a common EU list of safe countries of origin; demands that all appropriate steps be taken to ensure that this approach is consistent with the principle of non-refoulement and that the rights of women, children and other vulnerable groups are not undermined; calls for gender differentiation to be applied; believes that any list of safe countries of origin should not result in less favourable procedural treatment for women whose claims for asylum are based on fear or experience of gender-based violence; stresses the need to avoid hasty decisions which do not take due account of the dangers, and even the threat of death, facing women who have suffered gender-based violence if their application is rejected and they are forced to return to their own country;
19. Calls for more objective and gender-sensitive approaches to credibility assessment in all Member States, and enhanced training on credibility assessment for decision-makers which incorporates a gender dimension; highlights that credibility assessments can never be completely accurate and should not be used as the only basis for a negative asylum decision; recommends that when assessing asylum claims from women, cultural, social and psychological profiles including cultural background, education, trauma, fear, shame and/or cultural inequalities between men and women should be taking into account;
20. Calls on the Member States to give reasons for positive asylum decisions in order to make available useful data on the consideration given to gender-based violence and to ensure transparency as to the grounds on which asylum claims have been granted under the Convention;
21. Urges the Member States to provide women with information on asylum procedures, their rights and the specific services available to women applying for asylum; underlines the right of women to lodge a claim for asylum independent of their spouse as key to women's empowerment and the principle of non-refoulement; urges the Member States to inform all women of their right to make an independent claim for asylum, thus enabling women to apply for and maintain the status of refugee or asylum seeker regardless of the situation of other members of their family;
22. Calls on the Member states to fully implement Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims and Directive 2012/29/EU on establishing minimum standards on the rights, support and protection of victims of crime;
23. Takes the view that prompt action should be taken in terms of humanitarian assistance whenever gender-based violence is suspected, given the extremely high exposure of vulnerable groups such as women and children to forms of physical violence and moral coercion along illegal migration routes, where all kinds of rights are denied;
24. Stresses that women and girls are particularly vulnerable to exploitation by smugglers; calls therefore on Member States to increase their police and judicial cooperation, including with Europol, Frontex, Eurojust and the European Asylum Support Office (EASO) in order to effectively combat smuggling and trafficking of migrants;

25. Stresses the crucial importance of providing childcare and care for dependants during screening and asylum interviews, in order to ensure a fair opportunity to make an asylum claim;

*Needs of women in asylum procedures*

26. Urges the Member States to duly inform women seeking asylum about their rights and in particular about the right to request a female interviewer and interpreter and to have a personal interview separately from any third parties; urges the Member States to deliver comprehensive and mandatory training for interviewers and interpreters on sexual violence, trauma and memory; urges the Member States to ensure that these rights are being respected;
27. Notes with concern that many asylum case workers in the EU are not familiar with FGM; calls on the Member States to work at national level with their asylum authorities to establish better procedures to help support and assist women and girls who have undergone or who are at risk of FGM;
28. Urges all Member States to provide up to date and accessible information about the asylum process, rights and entitlements specific to women seeking asylum;
29. Urges the Commission and the Member States to guarantee full access to sexual and reproductive health and rights, including access to safe abortion, and to allocate additional resources to healthcare provision as a matter of urgency;
30. Urges the Commission and the Member States to guarantee women's protection and assistance during their stay in refugee camps, at border controls and of course after entering into the EU;
31. Urges all Member States to sign and ratify the Council of Europe Istanbul Convention on preventing and combating violence against women and domestic violence and to apply Article 59 thereof, which clearly states that the parties should take the necessary measures to suspend expulsion proceedings and/or to grant an autonomous residence permit in the event of a dissolution of marriage to those women migrants whose residence status depends on their spouse;
32. Calls for women asylum seekers and migrants to be granted an independent legal status from that of their spouse, in order to avoid exploitation, decrease vulnerability and achieve greater equality;
33. Stresses that undocumented migrant women and girls should have full access to their basic fundamental rights and that channels for legal migration should be developed;
34. Stresses the need for family reunification procedures to afford individual rights to women and girls joining their families in the EU, so that they do not have to depend on a possibly abusive relationship with the male family member for access to health, education or work;
35. Strongly condemns the use of sexual violence against women as a weapon of war; considers that special attention should be given to migrant women and girls abused in

conflicts by ensuring access to medical and psychological support;

36. Welcomes the development of a new training module on Gender, Gender Identity and Sexual Orientation by the EASO; calls for the full incorporation of gender mainstreaming and gender budgeting into the work of the EASO through gender focal points and formal liaison with the European Institute for Gender Equality (EIGE); calls for country of origin information which includes the situation of women, both legally and de facto, including information about the persecution of women, or threat thereof, by non-state actors;
37. Recommends that officials adopt a proactive attitude in particular towards women from Afghanistan, Iraq and Somalia when assessing their asylum claims, considering that they run a higher risk of becoming a victim of sexual or gender-based violence when returning to their country of origin;
38. Encourages all Member States to make full use of the Dublin Regulation to ensure that families are able to be together and have their asylum claims processed by the same authorities;

### ***Reception and detention***

39. Calls for all detention of children in the EU to stop, and for parents to be able to live with their children in appropriate tailored facilities while awaiting their asylum decision;
40. Underlines that the detention of asylum seekers should be avoided, and can only be applied where it pursues a legitimate purpose and has been determined to be both necessary and proportionate in each individual case, and can never be justified in the case of anyone under 18 years of age; considers that respecting the right to seek asylum entails instituting open and humane reception arrangements for asylum seekers, including safe, dignified and human-rights-compatible treatment; stresses the need to develop alternatives to detention, including engagement-focused approaches which meet the needs of vulnerable groups;
41. Highlights that many women asylum seekers and refugees have experienced extreme violence and that detention may exacerbate their trauma; highlights that detention of asylum seekers for mere administrative convenience violates the right to liberty as enshrined in Article 6 of the EU Charter of Fundamental Rights; calls for an immediate end, in all Member States, to the detention of children, pregnant and nursing women and survivors of rape, sexual violence and trafficking, and for appropriate psychological support to be made available;
42. Urges all Member States to reduce the maximum limits on the duration of detention prior to removal to below the limit stipulated in the Return Directive; considers that prolonged detention disproportionately harms vulnerable groups;
43. Urges that women asylum seekers in detention who have been subjected to sexual abuse receive appropriate medical advice and counselling, including in cases resulting in pregnancy, and be provided with the necessary physical and mental health care, support and legal aid; demands that the Commission and the Member States take immediate

measures to ensure that reception, transit and detention conditions are safe, humane and adequate, with separate accommodation and sanitation facilities for women and families; points out that the provision of appropriate basic hygiene kits for all women and girls should be standard practice in assistance programmes;

44. Points out that involving women refugees directly and indirectly in managing the distribution of food and non-food items will ensure that the goods in question are distributed and controlled directly by adult women members of households, thereby guaranteeing that they are distributed fairly;
45. Calls on the Commission and the Member States to equip reception hubs for refugees and asylum seekers with appropriate areas enabling them to support and look after their children;
46. Calls on the Member States to implement or strengthen mechanisms to monitor overcrowded reception centres in the EU, in which minimum standards to mitigate gender-based violence do not necessarily apply, in order to prevent the harassment of women and children from continuing also in the country of arrival;
47. Stresses that the needs of vulnerable people such as women victims of violence and girls, in particular unaccompanied girls, should be prioritised in the reception procedures;
48. Highlights the importance of equipping reception facilities with appropriate legal assistance for women in order to provide them with valuable support in terms of information and the search for family members;
49. Calls on the Commission and the Member States to take measures to prevent forced marriages from being imposed on women and girls once they have obtained refugee status by men hoping to secure safe access for themselves and who would otherwise not be entitled to such access;
50. Stresses the urgent need for independent investigations into all allegations, including sexual abuse and gender-based violence, at places of immigration detention or at the borders, and for access to be granted to journalists and appropriate civil society organisations;
51. Considers that, when women asylum seekers are detained, facilities and materials are required to meet women's specific hygiene needs, the use of female guards and warders should be promoted and all staff assigned to work with women detainees should receive training relating to the gender-specific needs and human rights of women;
52. Is of the opinion that women asylum seekers in detention who report abuse are to be provided with immediate protection, support and counselling, and their claims must be investigated by competent and independent authorities, with full respect for the principle of confidentiality, including where women are detained together with their husbands/partners/other relatives; considers that protection measures should take into account specifically the risks of retaliation;
53. Calls on the Commission, the Member States and local authorities to work together with

civil society and human rights organisations to alleviate the plight of refugees surviving in makeshift conditions, particularly in respect of vulnerable women and girls;

### ***Social inclusion and integration***

54. Calls on the Member States to develop and implement specific measures to facilitate labour market participation of women refugees and asylum seekers, including language classes, literacy programmes, lifelong learning and training; calls on the Commission, the Member States and local authorities to guarantee the right of refugee girls to access statutory education; highlights the importance of informal and non-formal education and cultural exchange in including and empowering young women and girls; stresses the importance of widening access to higher education for women refugees; calls for robust and transparent procedures for recognising qualifications obtained abroad;
55. Calls on the Commission and the Member States to make funding and other resources available for civil society and human rights organisations that provide assistance, promote inclusion, and monitor the situation of refugees and asylum seekers in the EU, particularly in respect of addressing the barriers and vulnerabilities experienced by women and girls;
56. Calls on the Member States and the Commission to give women leaders who were persecuted in their countries of origin and are now refugees assurances that they can carry on their political and social activities in favour of women's rights and gender equality in safety in the EU;
57. Highlights the critical importance of accessible, high-quality childcare and care for other dependants in enabling the economic and social empowerment of women refugees;
58. Encourages the Member States to make use of the Structural and Investment Funds in addition to the Asylum, Migration and Integration Fund to promote refugees' integration into the labour market, with a particular focus on childcare;
59. Calls for swifter, more efficient family reunification procedures and the collection of gender-disaggregated data on decisions relating to family reunification; stresses the importance of access to legal aid in family reunification cases;
60. Believes that mutual recognition of positive asylum decisions would enable better opportunities for jobs, integration and family reunification;
61. Stresses that full access to the right to free public quality education, healthcare services, especially sexual and reproductive health and rights, employment that matches the needs and abilities of refugee women, and housing that meets the needs of refugee women and girls, should be guaranteed by the host countries; emphasises that welfare policies are key to integration;
62. Calls for comprehensive and adequately resourced programmes to address the unmet short- and long-term health needs of women refugees, including psychosocial and trauma counselling;

63. Emphasises the important positive role that social enterprises and alternative business models such as mutuals and cooperatives can play in economically empowering women refugees and integrating them into labour markets, as well as the social and cultural spheres;
64. Encourages the sharing of best practice among Member States as regards the involvement of grassroots community-based organisations and the direct participation of refugees, in representing the views of refugee and asylum-seeking women to policymakers;
65. Takes the view that local and regional authorities play a vital role in the inclusion of women refugees and asylum seekers, especially with regard to their inclusion in the labour market; encourages those authorities to foster dialogue and debate between women refugees and local women;
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66. Instructs its President to forward this resolution to the Council, the Commission and the UNHCR.

## EXPLANATORY STATEMENT

In 2014, half of the world's refugee population were women and girls.<sup>1</sup> Historically, international conventions and national asylum policies have tended to overlook the specific position of female asylum seekers and the gendered nature of refugee situations. Asylum systems have largely been seen through the lens of male experience. Despite the creation of the Common European Asylum System (CEAS), law, policy and practice in member states continues to vary significantly and there is a noticeable gap in the protection given to women seeking asylum in the EU.

Accurate statistics on the demographic diversity of refugees trying to reach Europe are, by their nature, difficult to generate. However, all contemporary research suggests that more single men reach the EU to seek international protection than women and children. This is largely a result of the gendered barriers to accessing protection that women face throughout their journeys. Traditional unequal divisions of labour mean women are often left behind to care for children and elderly family members. Many lack the independence - both financial and administrative - to leave their country of origin in the first place.

The increasing numbers of women who do flee are vulnerable at all stages of their journeys; in countries of origin, transit and destination. As well as being a key driver behind women's decisions to flee, gender-based violence is a common feature throughout journeys to and within the EU.

### **The gender dimension of refugee status determination**

It has been argued that the European Parliament was the first international body to acknowledge the need for a gender-sensitive interpretation of the Refugee Convention, in a resolution of 13 April 1984<sup>2</sup> which was then echoed by subsequent UNHCR conclusions and guidelines. Many EU member states have adopted their own gender guidelines but these are non-binding and their effectiveness has been partial and uneven.

It is widely recognised that harms perpetrated against women seeking asylum are often at the hands of non-state actors, including family members. Persecution takes place when the state is unable or unwilling to provide protection to women in such cases. As a result, persecution must be considered as both vertical and horizontal in dimension, particularly in the context of gender-based claims.

Many member states have still not signed and ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence ('Istanbul Convention'). The Convention requires states parties to interpret Refugee Convention grounds in a gender-sensitive way and to provide gender-sensitive reception conditions, support services and asylum procedures.

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<sup>1</sup> "World at war. UNHCR Global Trends. Forced displacements in 2014",

<http://unhcr.org/556725e69.html>

<sup>2</sup> EP resolution of 13 April 1984 on the application of the Geneva Convention relating to the status of refugees, OJ C 127, 14.5.1984, p.137.

The quality and form of decision-making in asylum processes affects women and men in different ways. Women are less likely to have evidence to corroborate a claim. This is due to various factors including their economic, social and political status in their country of origin, and the nature of the persecution they have experienced or fear. For this reason, oral testimony tends to play a more significant role in women's asylum claims, particularly in credibility assessments.

Where women have experienced trauma, they may be reluctant or slow to disclose relevant information. Some NGOs have reported a culture of disbelief in which decision makers fail to account for the complexity of the recollection of histories of harm and trauma and place too high a burden on refugee claimants with limited documentary evidence.

The proposed Regulation to establish an EU common list of safe countries of origin<sup>1</sup> raises important questions about the situation of women applying for asylum in the EU. If adopted, the Commission must ensure these changes take full account of the situation of women, LGBTI persons and other vulnerable groups, providing for specific derogations where necessary. No country can be deemed truly 'safe' for women and girls when gender-based violence is a global and endemic problem. This should be explicitly acknowledged in any new rules and gender-differentiation should be applied.

A new, comprehensive set of EU-wide gender guidelines should be adopted as part of wider reforms to migration and asylum policy.

### **The needs of women in asylum procedures**

Women seeking asylum should have access to high quality legal advice at the earliest possible opportunity. The psychological trauma, shame and stigmatisation many women experience as a result of violence can make it difficult for legal representatives to gain trust. It is imperative that women have the confidence to disclose intimate details of traumatic experiences.

Gender-related claims for asylum are often complex and may require additional legal work as a result. In many member states, legal aid expenditure has been reduced significantly in recent years as part of austerity programmes. Lack of funding may discourage legal representatives from taking complex gender-related cases to appeal and, as a result, many women seeking asylum have no choice but to submit appeals without any legal representation.

Incorrect decisions can result in irreversible tragedy. Legal aid is therefore a vital safeguard against erroneous decisions. The Fundamental Rights Agency has also highlighted obstacles that asylum applicants face in accessing effective remedies.<sup>2</sup> Lack of legal assistance also means recognised refugees are often unable to exercise their right to be reunited with their family.

Women have specific needs in screening and interview processes and standards continue to vary significantly across member states. To address this, as a minimum, member states should:

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<sup>1</sup> COM (2015) 452 final, 9 September 2015.

<sup>2</sup> Fundamental Rights Agency, 'Access to effective remedies: The asylum-seeker perspective' Thematic report, 2011.

- guarantee and publicise the right to request a female interviewer and interpreter.
- deliver comprehensive and mandatory training for interviewers and interpreters on sexual violence, trauma and memory.
- provide trauma counselling for women who have experienced gender-based harm
- provide information about the asylum process, rights and entitlements specific to women seeking asylum.
- provide childcare during screening and asylum interviews
- inform women of their right to make an independent application for asylum

There is a need for more coordinated training for all professionals who may come into contact with those affected by Female Genital Mutilation (FGM) including training on existing initiatives such as the web knowledge platform on comprehensive training for professionals.<sup>1</sup>

### **Trafficking, smuggling and sexual violence**

Forced displacement leads to many concomitant gendered forms of exploitation and persecution, including trafficking for sexual or labour exploitation. Women and girls fleeing conflict face a heightened risk of child, early and forced marriage. Evidence also suggests survival sex has become a currency with which to pay unscrupulous smugglers in some regions.

Sexual violence is often used as a strategy to deprive women and girls of their basic human rights and may result in forced, unwanted and child pregnancies. More than a third of maternity related deaths worldwide take place in crisis settings, such as refugee camps. This is primarily due to the lack of access to basic emergency obstetric care and skilled health personnel. The inadequacy or absence of sexual and reproductive health care provision puts millions of women and children at unnecessary risk of illness and death.

The Commission and member states should guarantee full access to sexual and reproductive health and rights, including access to safe abortion. Additional resources must be allocated as a matter of urgency.

The problems of trafficking in human beings and smuggling are often related and interlinked. However, the two categories are distinct and give rise to different legal obligations. Trafficking always involves coercion and exploitation and need not involve irregular crossing of borders. To ensure appropriate and targeted policy and criminal law responses, the two phenomena should be considered separately.

The increased use of smugglers and insecure migration routes engenders specific problems for women. When women and their families are left with no choice but to take more perilous routes, their exposure to violence and reliance on criminal smugglers is increased. Ultimately, to improve the security and safety of women refugees, safe and legal routes to the EU must be made available for those fleeing conflict and persecution.

Security and respect for women's rights need not be conflicting policy objectives.

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<sup>1</sup> [www.uefgm.org](http://www.uefgm.org)

## **Reception and detention**

Women have specific reception needs, as recognised in Article 60 (3) of the Istanbul Convention which requires that parties:

*take the necessary legislative or other measures to develop gender-sensitive reception procedures and support services for asylum seekers (...)*

However, under the Reception Conditions Directive, women are not systematically considered as a category of ‘vulnerable persons’ or entitled to tailored accommodation.

Pressure on the asylum reception systems should never excuse failure to protect women from violence nor should women seeking asylum experience any double standards; they should have the same rights as other victims of gender-based violence. The Victims’ Directive also stipulates that the rights contained within it must not be made conditional on the victim’s residence status or on the victim’s citizenship or nationality.

A number of other issues relating to reception conditions should be addressed:

- gender-specific training for staff including comprehensive training on sexual violence, trafficking and FGM.
- separate sleeping and sanitation facilities for women and men
- access to gender-sensitive health services including prenatal and postnatal care
- access to counselling
- childcare

Detention should be used only as a last resort and vulnerable people should not be detained. The needs of pregnant women, women with young children, and survivors of sexual violence are more appropriately accommodated through alternatives to detention, such as the surrender of travel documents or reporting obligations.

## **Social inclusion and integration**

Women refugees face a number of specific integration challenges and experience multiple and intersectional discrimination based on characteristics including gender and minority ethnicity. This puts them at an even higher risk of social exclusion, violence and poverty.

In Europe today, asylum seekers are living on incomes well below the poverty line and some are forced to rely on charity to meet their basic human needs. It is deeply concerning that pregnant women and new mothers are not receiving adequate financial assistance. Even after refugee status has been granted, women encounter very significant barriers to employment and social assistance, including lack of access to childcare provision.

Member states should make greater use of cohesion funds alongside the AMIF to promote integration into the labour market. Childcare is critical in enabling the participation of women refugees in society and should be a priority.

The rise of far-right populism and extremism in Europe puts women refugees and asylum seekers at further risk of racist abuse, discrimination and violence. Member states have an obligation to promote safe and welcoming environments for those seeking international protection and to combat all forms of discrimination. Policy makers at all levels must speak out about the positive economic, social and cultural contributions refugees can make.

## **Conclusion**

The key acts making up the CEAS have so far not guaranteed consistent and gender-sensitive treatment for women seeking protection in Europe. Despite the existence of legislation and policy designed to operate in a gender-sensitive way, very significant shortcomings remain. Even where policies are sensitive to gender, this does not always mean they are implemented effectively in practice.

European Union asylum policy must be sensitive to women's experiences at every stage. For policy makers to fully understand how gendered relations of power result in forced displacement and give rise to specific gendered experiences and needs, women asylum seekers and refugees must be given a greater voice.

The enormity of the humanitarian crisis currently facing Europe is a cause for grave concern. Unequal gender relations become magnified at such times of crisis. But this time of uncertainty and turmoil also presents the opportunity to harmonise best practice in the treatment of women asylum seekers and refugees in Europe.

## MINORITY OPINION

### on the situation of women refugees and asylum seekers in the EU(2015/2325(INI))

Committee on Women's Rights and Gender Equality, Rapporteur: Mary Honeyball

#### **Minority opinion tabled by ECR MEP Beatrix von Storch**

Since 1945, no-one has done more to ruin the EU than Angela Merkel (CDU/EPP). In taking her executive decision, in isolation, she breached constitutional law and EU law and has brought about the refugee crisis.

The wish list encroaches on the competences of the home affairs committee, means additional burdens for volunteer helpers, local-district officials and regional administrations, and flouts the principle of equality before the law. Special admission procedures are being demanded for young girls, but not for under-age boys. Gay refugees are to be given special accommodation facilities, and what form are they going to take, may I ask? Persecuted Christians, who are demonstrably at risk of being attacked by Muslims in reception centres for asylum seekers, need to be protected, yet that is expressly rejected. Calling for abortion to be available sums up the hypocrisy: unborn refugee children are, of course, a step too far for the left-leaning liberal majority.

No distinction is made between war refugees and economic refugees. Member States are not to be allowed to control their own borders. None of that has my support.

In all Member States, infrastructure is being stretched to breaking point. Laws are even being drawn up to expropriate private property for conversion into housing for refugees. Parliament could provide tangible assistance by temporarily making the unused Strasbourg buildings available as accommodation: 750 single rooms with a bed, shower and toilet, fully functioning canteens, and meeting rooms to serve as classrooms.

## RESULT OF FINAL VOTE IN COMMITTEE RESPONSIBLE

<b>Date adopted</b>	28.1.2016
<b>Result of final vote</b>	+: 18 -: 10 0: 0
<b>Members present for the final vote</b>	Daniela Aiuto, Maria Arena, Catherine Bearder, Malin Björk, Anna Maria Corazza Bildt, Iratxe García Pérez, Mary Honeyball, Vicky Maeijer, Angelika Mlinar, Angelika Niebler, Maria Noichl, Marijana Petir, Terry Reintke, Jordi Sebastià, Ernest Urtasun, Beatrix von Storch, Jadwiga Wiśniewska, Jana Žitňanská
<b>Substitutes present for the final vote</b>	Izaskun Bilbao Barandica, Stefan Eck, Eleonora Forenza, Ildikó Gáll-Pelcz, Constance Le Grip, Clare Moody, Julie Ward
<b>Substitutes under Rule 200(2) present for the final vote</b>	Pedro Silva Pereira, Claudiu Ciprian Tănăsescu, Kristina Winberg

## FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

18	+
S&D	Maria Arena, Iratxe García Pérez, Mary Honeyball, Clare Moody, Maria Noichl, Pedro Silva Pereira, Claudiu Ciprian Tănăsescu, Julie Ward
ALDE	Catherine Bearder, Izaskun Bilbao Barandica, Angelika Mlinar
GUE/NGL	Malin Björk, Stefan Eck, Eleonora Forenza
VERTS/ALE	Terry Reintke, Jordi Sebastià, Ernest Urtasun,
EFDD	Daniela Aiuto

10	-
EPP	Anna Maria Corazza Bildt, Ildikó Gáll-Pelcz, Constance Le Grip, Angelika Niebler, Marijana Petir
ECR	Jadwiga Wiśniewska, Jana Žitňanská, Beatrix von Storch
EFDD	Kristina Winberg
ENF	Vicky Maeijer

0	0

**Key to symbols:**

+ : in favour

- : against

0 : abstention