

Advisory Committee on Equal Opportunities for Women and Men

Opinion on gender mainstreaming in refugees' reception and integration measures

The Opinion of the Advisory Committee does not necessarily reflect the positions of the Member States and does not bind the Member States

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INTRODUCTION

An unprecedented number of men, women and children are seeking refuge in the European Union from ongoing conflicts, regional instability and human rights violations¹, and are entitled to protection under international law, including the Convention Relating to the Status of Refugees adopted in 1951 (“1951 Refugee Convention”), the subsequent Protocol Relating to the Status of Refugees adopted in 1967 (“1967 Protocol”) as well as EU law. Based on these two key texts, to meet the definition of refugee an applicant must demonstrate that he/she has suffered “persecution,” and that this has been suffered on account of one of the protected grounds – race, religion, nationality and membership of a particular social group or political opinion. Absent from the Convention and Protocol is any reference to gender or sex.

In 2015, the large movement of over a million migrants and refugees into Europe sparked a crisis as countries struggled to cope with the large number of arrivals and the high pressure on the European asylum systems.

The vast majority arrived by sea but some migrants have made their way over land, principally via Turkey and Albania. Most of those heading for Greece take the relatively short voyage from Turkey to the islands of Kos, Chios, Lesbos and Samos, often in rubber dinghies or small wooden boats². The Turkey-EU agreement has since March led to a rapid decrease in the number of persons traveling from Turkey to the EU but has left some 55,000 asylum seekers in Greece. In addition while the Western Balkans route has largely closed, some 161,000 traveled this year from northern Africa to Italy.

According to the International Organization for Migration (IOM), more than 3,770 migrants were reported to have died trying to cross the Mediterranean in 2015 and according to the UNHCR there are 4,233 as of 1 November dead or missing in the Mediterranean.

The share of women and children on the move saw an increase between 2016 and 2017. The United Nations High Commissioner for Refugees (UNHCR) has reported that, as of January 2016, women and children account for 45 % of those reaching Greece to seek asylum in the EU. This surge in the proportion of children and women means more are at risk at sea, and more need protection on land³.

Women and girls face added and intersectional risks of human rights violations, gender-based violence, oppression and discrimination during conflict and regional instability. These risks are compounded with higher rates of exposure to poverty, marginalization, and lack of access to economic and development opportunities. NGOs, humanitarian actors and UN agencies have documented the pervasive violence faced by women and girls at all stages of their journey.

The European Union Agency for Fundamental Rights (FRA) notes that there is “increasing evidence that gender-based violence is a major issue for migrant women and girls”⁴, quoting identified instances of sexual and gender-based violence, including early and forced marriage, prostitution, domestic violence, rape, sexual harassment and physical assault in the country of origin and during

¹ *Report on the situation of women refugees and asylum seekers in the EU*, European Parliament, Committee on Women’s Rights and Gender Equality, Rapporteur: Mary Honeyball, 10 February 2016

² *Migrant crisis: Migration to Europe explained in seven charts*, BBC News, 8 March 2016 (www.bbc.com/news/world-europe-34131911)

³ *More children and women seek safety in Europe*, UNICEF, 2 February 2016

(http://www.unicef.org/media/media_90000.html)

⁴ *Thematic focus: Gender-based violence*, FRA, 2016

the journey. The majority of asylum seekers crossing the eastern Mediterranean are from Syria, Iraq and Afghanistan where rape and other forms of sexual based violence are used as a weapon of war and control by violent extremist groups like ISIS.

The objective of the present Advisory Committee on Equal Opportunities for Women and Men Opinion is to provide feedback to policy stakeholders at national and European level on how to ensure that the gender perspective is taken into account in the refugees' reception and integration measures.

It seeks to highlight the challenges faced by women refugee and asylum seekers, and review provisions contained in the European Union standards and measures from more recent Action plans, as well as practical, current best practices identified on the field.

Main challenges in relation to the reception of women asylum seekers and refugees

EU and Member States' obligations and policies

The adoption by the European Commission on 7 June 2016 of the "Action Plan on integration of third-country nationals"⁵ and the continuation of the work on the other elements of the European Agenda on Migration create a momentum to bring gender issues at the forefront of the work on integration of refugees. The Action Plan recognises that integration policies have to give particular attention to refugee women.

The existing EU law obligations adopted over the last 15 years form the bedrock of the Common European Asylum System (CEAS). They include:

- The Dublin regulation (604/2013) on the determination of the country responsible for the examination of asylum claims in Europe;
- The Reception Conditions Directive (2013/33/EU) on minimum obligations in relation to the services and accommodation offered to asylum seekers;
- The Qualification Directive (2011/95/EU) on criteria for the recognition of beneficiaries of international protection, and on the rights they benefit from;
- The Asylum Procedures Directive (2013/32/EU) on minimum obligations in relation to the examination procedure of asylum claims.

These regulation and directives include specific obligations in relation to the reception of women asylum seekers and the examination of gender-based asylum claims. In its recent Communication "Towards a reform of the Common European Asylum System and Enhancing Legal Avenues to Europe", adopted on 6 April 2016, the Commission proposes a new harmonisation step of the Common European Asylum System. The new proposals provide for better taking into account the specific needs of women applicants who have experienced gender-based harm, including via ensuring access, at different stages of the asylum procedure, to medical care, legal support, and to appropriate trauma counselling and psycho-social care. Besides EU asylum law, Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims is also relevant for the purpose of the present opinion.

Ratified by 14 Member States and signed by all EU Member States as of 1 December 2016, the Council of Europe Convention on preventing and combating violence against women and domestic violence ("Istanbul Convention") requires parties to ensure that gender-based violence against women may be recognised as a form of persecution within the meaning of the 1951 Refugee Convention. In accordance with the principle of non-refoulement, parties to the Convention shall

⁵ All references and sources in *Annex 4*

ensure that women victims of violence shall not be returned to any country where their life would be at risk or where they might be subject to torture, inhuman or degrading treatment⁶. The Convention also requires Parties to put in place gender-sensitive reception conditions and asylum procedures.

In March 2016, the European Commission proposed that the European Union signs and ratifies the Istanbul Convention. The Commission's proposals in order to reform the EU asylum acquis also take into account Member States' obligations under the Convention.

The Advisory Committee notes that those recent reforms and proposed measures reinforce obligations related to knowledge sharing and the dissemination of good practices. The Advisory Committee also expresses full support to the proposed EU accession to the Istanbul Convention, believing this will serve to strengthen the overall legal and policy framework protecting the rights of women and girls in Europe, including those of refugee women.

Identification of reception and integration challenges

Due to the particular vulnerabilities that women and girls face including potential exposure to discrimination and exploitation, as well as to sexual, physical and psychological abuse, violence, human trafficking and contemporary forms of slavery, there is an important need for gender-responsive, quick, targeted, co-ordinated and comprehensive policy responses by governments which should be implemented by the relevant institutions, organisations, and trained professionals.

To help women refugees later find their place in the education system, the labour market and society at large, it is necessary not only to scale up the provision of services, such as accommodation, language training and access to education and health, but also to timely support, tailored to the specific needs of asylum seeker and refugee women.

Integration of refugees starts on "day one" and is a process that occurs over time, requiring long-term investment. The OECD, in a recent study "Making integration work"⁷, concludes that the success of integration measures depends very much on their timeliness. In European OECD countries, an additional year of residence is associated with significant increases in third-country nationals' employment rates and lower rates of over-qualification. Improvements that come with experience in the host country are particularly pronounced among refugees. On the contrary, long inactivity has a detrimental impact on integration prospects.

It is thus necessary to provide activation and integration services as soon as possible for humanitarian migrants and asylum seekers with high prospects of being allowed to stay. Furthermore, integration should cover a range of measures that differ in nature, type and length. Tailor-made approaches are crucial because there is no "one-size-fits-all" integration trajectory. Depending on individual needs, integration support should include health care and support, literacy and language training, adult education and vocational training. Attending courses should be compatible with work and child care responsibilities.

Although several European countries provide adult education combined with long-term language training, the offer of service is not flexible enough: evening classes are rare and child care provision is even rarer. The diversity of the integration support and flexible modes of delivery are essential in breaking down barriers and enabling women refugee and asylum-seekers to benefit from available services.

In a Resolution adopted on 8 March 2016 "on the situation of women refugees and asylum seekers in the EU", the European Parliament identifies the challenges to be addressed by asylum authorities,

⁶ Article 61 (1) of the Istanbul Convention.

⁷ <http://www.oecd.org/migration/making-integration-work-humanitarian-migrants-9789264251236-en.htm>.

and defines four areas of work:

- gender dimension of refugee status determination, to redress a possible bias against female applicants;
- needs of women in asylum procedures;
- reception and detention;
- social inclusion and integration to address the current challenges.

The Parliament's Resolution of 12 April 2016 "on the situation in the Mediterranean and the need for a holistic EU approach to migration" also touches upon those relevant dimensions: resettlement, relocation, smuggling, trafficking and family unity.

The EU's Fundamental Rights Agency (FRA) points at the same issues in its "Summary report of migration related fundamental rights concerns", released on World Refugee Day 2016, 20 June 2016. The Agency notes the "alarming lack of data" on violence against women and girls that are in need of international protection, particularly in the context of reception and accommodation centres and facilities. The FRA insists on the need to develop targeted information and trust to break the reluctance to report violence. The FRA particularly highlights the lack of training of frontline professionals to ensure adequate identification of victims of violence.

Future work should focus on the most vulnerable among refugees and asylum-seekers, identified based on the criteria listed in the Reception and Procedures directives, including in particular women, children and elder persons, by:

- taking systematically into account the people's vulnerability together with the gender dimension, both in action plans and in legislations and regulations, at EU and national levels; this might include addressing their special reception needs with all possible resources (trainings, guidance, staff);
- ensuring that all Member States ratify the Istanbul Convention and disseminate protection norms among the services in charge of the reception of migrant and refugee women;
- putting in place a more systematic reporting on women's situation, by means of a more reliable statistical system on violence against women, updated in real time;
- combating discrimination against refugees on the basis of gender, age, race, ethnicity, religion and belief, sexual orientation, gender identity, gender expression or sex characteristics.

The members of the Committee recognise that the implementation of individual solutions for the permanent reception of women refugees in Europe requires new actions based on a multiagency and multidimensional approach. It also requires the establishment of better coordination among services, including services in charge of safety and asylum matters, but also health services and social, educational and cultural departments.

The Committee believes that decompartmentalising public policies and reinforcing coordination, also involving grassroots actors and representatives of civil society, would allow the implementation of an effective integration pathway, sensitive to the situation and needs of women and girls.

From the countries of origin to the granting of refugee status : recommendations to integrate a gender perspective at all steps

Pre-arrival measures

Providing support to third country nationals at the earliest possible moment in the migration process is an essential feature of successful integration. A starting point, whenever feasible, is pre-departure and pre-arrival measures targeting both those arriving from third countries and the receiving society. Such measures need to be made gender-sensitive. They can also discourage secondary movements and encourage asylum seekers themselves to accept resettlement or relocation decisions.

a) Resettlement schemes

The particular needs of women should be taken into account in pre-departure measures implemented in the framework of the Resettlement Recommendation addressed by the Commission to the MS Decision, 8 June 2015, the Humanitarian Admission Scheme for Turkey, and the one-for-one resettlement scheme under the EU-Turkey Statement of 18 March 2016, and finally in the framework of the forthcoming structured resettlement system.

In implementing the current resettlement measures and designing the new ones, proper protection mechanisms for women should be put in place and their needs in terms of access to health care and accompanying services such as childcare should be duly considered.

b) Implementing relocation measures

The Council's two decisions on temporary relocation measures in the Union ("Relocation Decisions"), involving the transfer of applicants for international protection from Greece and Italy to other Member States, already foresee that vulnerable persons are to be relocated in priority and where possible should be sensitive to the needs of women.

Authorities should be committed to fulfilling minimum conditions such as asking women's views, taking their preferences into account, and ensuring that relocations improve rather than worsen women's situation in terms of integration.

c) Dealing with migration and human trafficking

The European Union should work towards the inclusion of national human rights institutions as well as refugees', migrants' and women's associations in the planning of support to women and girls along transition routes. These objectives should be taken on board in the implementation and the continuation of the EU Strategy towards the Eradication of Trafficking in Human Beings (2012-2016)⁸, with the support of the EU's Anti-Trafficking Coordinator⁹.

d) Family reunification

The Commission should encourage Member States to strengthen mechanisms for family reunification to contribute to safe, orderly and regular migration, in line with article 23 of the Qualification Directive (2011/95/EU) and the Family Reunification Directive (2003/86/EC). Long delays on decisions

⁸ <https://ec.europa.eu/anti-trafficking/node/4037>

⁹ https://ec.europa.eu/anti-trafficking/eu-anti-trafficking-coordinator_en

concerning family reunification put women at risk as they may get desperate and decide to take illegal pathways to the EU, thereby facing an increased risk of violence and exploitation.

Strengthened regional cooperation of national human rights institutions in the Balkans (Austria, Croatia, Greece, Slovenia)

The Ombuds and National Human Rights Institutions' representatives of Albania, Austria, Croatia, Greece, Kosovo, the Former Yugoslav Republic of Macedonia, Serbia, Slovenia, and Turkey agreed on a Regional joint action plan of Ombuds institutions¹⁰. The proposed actions include screening for vulnerable groups such as pregnant women, ensuring appropriate facilities, and promoting access to justice. They also include training of officials to ensure that the needs of vulnerable groups, such as victims of trafficking and torture, are taken into consideration. Cooperation with NGOs, visits of camps and reception facilities, fact-finding missions and early warning systems have been organised as tools to achieve these objectives.

“Blue Dots hubs” to boost protection for children and families on the move across Europe (UNICEF and UNHCR)

Since February 2016, UNHCR and UNICEF have set up together special support centres for children and families along the most frequently used migration routes in Europe. Twenty Child and Family Support Hubs, known as “Blue Dots”, provide a safe space for children and their families, together with vital services, protection and counselling in a single location. They come at a time when women and children account for two thirds of those crossing to Europe. The hubs aim at supporting vulnerable families on the move, particularly unaccompanied or separated children at risk of sickness, trauma, violence, exploitation and trafficking. The hubs have been opened in Greece, the Former Yugoslav Republic of Macedonia, Serbia, Croatia and Slovenia.

Improve data and analysis on women, men, girls and boys in transition routes: data disaggregated by sex and by age should be systematically collected by the European Commission and partner UN agencies. The European Institute for Gender Equality (EIGE) and national equality bodies and human rights institutions can support monitoring the implementation of measures addressing migration in the Member States by using for example the analytical tools on intersecting inequalities of the Gender Equality Index when investigating facts on the ground.

Member States should take a gender equality approach in the fight against human trafficking, 80% of its victims being women and girls. The awareness and training of frontline professionals to identify and protect victims should be prioritised. Victims of trafficking must have access to fair and efficient asylum procedures, as well as be able to access a number of rights in terms of assistance, protection and compensation (Articles 10 to 16 of the Council of Europe Convention on Action against Trafficking in Human Beings).

¹⁰ <http://www.synigoros.gr/resources/160223-actionplan.pdf>

Reception conditions in member states of destination

Reception conditions often fail to provide for the safety and dignity of women. This happens despite the fact that Reception Conditions Directive obliges Member States to prevent gender-based violence in accommodation centres (Article 18) and to ensure the right treatment of asylum seekers with special reception needs/vulnerable asylum seekers (Article 2 (k), 21, 22/Chapter IV).

In relation to health care and prevention, the Reception Conditions Directive includes obligations to provide asylum seekers with health care services, unless the applicants have sufficient resources. This includes emergency care and essential medical treatments, as well as the necessary assistance to vulnerable applicants with special needs, such as pregnant women, women victims of trafficking, women who have been subjected to rape, torture, sexual violence or female genital mutilation. Member States must also provide adequate standards of living for applicants in order to guarantee their physical, sexual and reproductive and mental health, which covers prevention measures to counter health risks.

Health Emergency and early response : *Gynécologie Sans Frontières* in Calais encampment (France, 2014-2016¹¹)

Together with the NGO *Gynécologie Sans Frontières* (GSF), a sanitarian emergency initiative responds to some risks impacting specifically women: sexual violence, pregnancy, absence of contraception, STDs/HIV, prostitution. GSF organises regular visits jointly performed by a gynaecologist and a midwife. A partnership has been put in place with the hospitals of the region to facilitate access to abortion.

Support for pregnant refugees

The Federal Government of Germany together with *donum vitae Bundesverband e. V.*, launched a three-year model project on 1 May 2016 to specifically support pregnant refugees. Through outreach pregnancy counselling at up to 30 locations nationwide, the project aims to inform refugee women of the programmes offered by pregnancy counselling services and provide them with low-threshold access to the women's support system.

The support hotline "pregnant and in need" and the respective website provide counselling to pregnant refugee women in emergency situations. The service is at no charge, confidential, barrier-free and available around-the-clock in 15 languages.

The Reception Conditions Directive already foresees a systematic assessment of vulnerabilities and the European Asylum Support Office (EASO) has developed a tool for identification of persons with special needs and/or vulnerability¹².

Building on the Inter-Agency Standing Committee (IASC) policy on gender, the IASC Gender Handbook and IASC Guidelines for Integrating Gender-based Violence Interventions in Humanitarian Action, the European Union should encourage the development of referral systems and the implementation of standard operating procedures (SOPs) to disseminate practical solutions meeting the special needs of survivors of sexual and gender-based violence, and to ensure the protection of women refugees from violence and facilitate the reporting of gender-based violence in reception facilities. Existing SOPs, such as the ones developed in 2015 and applying to Italian hotspots in the

¹¹ Since October 2016, the Calais encampment has been gradually dismantled. The corresponding infrastructures have been redeployed according to the needs and the relocation of asylum-seekers in the rest of France.

¹² On EASO's website: <https://ipsn.easo.europa.eu/>

context of relocation schemes¹³, should be revised to fully take into account the gender dimension. In order to ensure that these procedures are implemented, the capacities of all front line responders should be built up to share information and carry out interviews with women and girls. Specific training should be developed based on existing expertise in national asylum authorities and with the contribution of EASO. A common understanding of the subject is needed in order to correctly implement the existing obligations under the asylum procedures directive. Moreover, confidential and non-stigmatising registration and individual legal counselling are key when it comes to protecting victims and accessing justice, upholding their dignity and rights.

Similarly, the EU and the Member States' authorities should ensure the provision of gender-friendly water, sanitation and hygiene facilities and access to sexual and reproductive services. Moreover, the detention of women and children asylum-seekers, especially pregnant and lactating women, must be avoided. It is crucial that detention practices, when used as a measure of last resort and in compliance with international and EU standards, are gender sensitive and take into consideration the needs of pregnant and lactating women, single women, as well as families with children. Only few member states have introduced separate reception facilities for women travelling alone or for women who have suffered sexual violence. Such specialised reception facilities should be promoted as often as possible. Where possible, gender parity among first responders should be improved. European Funds should be used to address the existing gaps.

Gender expertise and sensitivity needs to be developed among employees of reception services, detention centres, border guards and police officers, including through systematic training and capacity building activities. On the basis of the directives, Member States have to ensure sufficient staffing in reception facilities and at borders, including gender and gender based violence experts, protection officers, female health workers including gynaecologists, female police officers and interpreters.

Guidelines with minimum gender-sensitive conditions and gender equality standards and control mechanisms should be put in place in all the reception centres. Guidelines on reception conditions for asylum seekers taking into account the gender perspective are being developed by EASO.

Codes of conduct should be developed, implemented and monitored for the different reception agencies and detention facilities to prevent any form of violence in their premises, particularly gender-based and sexual violence and exploitation, on the example of the UN Secretary-General's Special measures for protection from sexual exploitation and sexual abuse¹⁴.

Multi-partenarial approach to women and girls' specific problems in reception facilities in Calais (France, 2014-2016)¹⁵

These practices were put in place in the context of the high number of asylum seekers in the region of Calais, northern France, where many stayed in massive encampments in the hope of finding a route to enter the United Kingdom. In this context, different public authorities and NGOs have devised actions that were specifically tailored to address some specific and urgent needs of women and girls. With the support of the Ministry of families, childhood and women's rights, of the Pas-de-

¹³ See Annex to the Communication from the Commission to the European Parliament and the Council on the State of Play of Implementation of the Priority Actions under the European Agenda on Migration Italy - State of Play Report, COM(2016) 85 final, 10 February 2016

¹⁴ <http://www.unhcr.org/uk/405ac6614.pdf>

¹⁵ On the dismantling of the Calais encampment, see note 11

Calais County Council and of the British Home Affairs Ministry, the NGO *France Terre d'Asile* operates a set of actions:

- together with the NGO *L'Amicale du Nid*, a training and supervision action has been devised to identify and put an end to situations of prostitution. The trainees are the personnel of *Vie Active*, which runs the accommodation centre Jules Ferry (capacity of 400 asylum-seekers), as well as the France Terre d'Asile staff that is tasked with spotting and identifying problems in the zone. A monthly supervision has been put in place in June 2016.

- in the frame of the Social Support to Childhood (a policy managed by the Pas-de-Calais district), *France Terre d'Asile* also operates a House of Refugee Youth in Saint-Omer (40 km from Calais). This House specialises in the accommodation of refugees aged 15 to 18. About 10% of them are women, mainly from Eritrea and Ethiopia. Personalised support is made available to more than 100 of them at a time to help build integration projects into the French territory.

Gender-sensitive violence prevention and health care provision in reception centres (Sweden)

Sweden has put in place a number of actions to address health and violence issues affecting women and girls refugees and asylum seekers. On sexual and reproductive health, the Swedish Agency for Youth and Civil Society (MUCF) cooperates with the Online Youth Friendly Clinic (UMO)(run by the Stockholm County Council), to develop a digital platform with information on sexual and reproductive health and rights. The platform aims at the newly arrived refugees aged 13-20 years, and is available both in Swedish and in the main common mother tongues of refugees.

Particular initiatives also enable the Swedish Association of Local Authorities and Regions to develop schemes supporting victims of sexual violence and abuse. In addition, female asylum-seekers are entitled to maternity care given by a health care provider as well as obstetric care.

Finally, the County Administrative Board in Östergötland County is mandated to manage a national competence team and a hotline to coordinate and support efforts to combat honor-related violence and oppression and its various expressions such as forced marriage, child marriage and female genital mutilation.

Gender-sensitive refugees' reception measures (Belgium)

The Quality department of the Federal agency for the reception of asylum seekers (FEDASIL) has developed a set of gender-specific quality standards, focusing in particular on persons with special needs related to gender and gender persecution (e.g. genital mutilation), as well as care services for children of single parents taking courses. Reception centre staff receives training regarding gender-specific needs and have, since 2015, access to gender-related information concerning countries of origin. FEDASIL also works with NGO partners such as SENSOA, the Flemish expertise centre for sexual health, and BZgA, the German federal centre for health education. and has developed an educational website on sexual health, in 13 languages. Thanks to EU funding under the "Asylum, Migration and Integration Fund" (AMIF), FEDASIL subsidizes the association "*Groupe pour l'abolition des mutilations sexuelles*" (GAMS) to improve the reception and support for girls and women who were mutilated or are victims of other forms of violence.

FEDASIL takes into account the specific needs of women for the creation of new reception places in reception centres (August 2015), based on mandatory quality standards : for example 100% of the bedrooms for single men and women are separated; 100% of shower rooms, wash basins and toilets are separated for men and women, etc. The agency has also reserved specific care places for women who are considered to be highly vulnerable.

Germany: Protection of women and children from violence in reception facilities

The Federal Government has taken steps to support effective protection and help for women and girls in German refugee accommodation centres and beyond.

The Federal Government set up a special programme together with the *Kreditanstalt für Wiederaufbau* (Reconstruction Loan Corporation, KfW) in March 2016 that offers municipalities interest-free loans to finance constructional measures to protect women and children in refugee accommodations. A total of 200 million euros are available for such measures.

Furthermore, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth together with UNICEF, the Federal Association of Independent Welfare Organisations (BAGFW) and the relief organisations Plan International and Save the Children has started an initiative to protect children and women in refugee accommodation. The aim is to develop protection concepts and implement them nationwide in reception centres and refugee accommodation. As part of this initiative, “minimum standards to protect children, adolescents and women in refugee accommodation” have been developed and published. They establish the first uniform, nationwide basis for improving protection against violence for children, adolescents and women and access to education and psychosocial support in refugee accommodation.

The violence against women support Hotline is an around-the-clock, multilingual and anonymous advisory service that offers first support to women and girls victims of violence including refugee women and girls and helps them to find local support facilities

Recognition of gender-based persecution as a reason to grant refugee status

Gender-based violence and discrimination, including but not limited to rape and sexual violence, female genital mutilations (FGM), forced marriage, domestic violence, so-called honour crimes and state-sanctioned gender discrimination, constitute persecution and should be considered as valid reasons for seeking asylum in the EU.

The Committee thus recommends that the European Commission develop interpretative guidelines **on** FGM, based on a consistent approach with the Istanbul Convention’s obligations that already apply to half of the Member States, and with the UNHCR’s “Guidelines on gender-based persecution” and “Guidance Note on FGM” which clearly outline Member States’ obligations, with a particular focus on identifying and communicating with vulnerable asylum seekers. Member States should also be invited to establish better procedures to help support and assist women and girls who have undergone or who are at risk of FGM.

The National Commission for the Promotion of Equality (NCPE)'s research and policy recommendations on female genital mutilation (Malta)

The NCPE conducted a study on female genital mutilation (FGM) as part of its project on "Forms of Violence in Malta". The research took into account the needs of healthcare providers when encountering women and girls who experienced FGM. The study aimed to provide information on FGM in a bid to equip decision-makers with further insight on the subject matter when drafting and applying policies related to FGM. An information leaflet targeting migrant women coming from FGM practicing countries was also published.

The Commission should more strictly monitor the implementation of the EU acquis (Qualification Directive, Procedures Directive) as regards the obligations to recognise gender as a reason for persecution and to provide for gender-sensitive procedures.

Member States should ensure that asylum procedures, including at borders comply with the UNHCR "Guidelines on International Protection", in particular with regard to gender-related persecution. They should fully enforce their EU law obligations in relation to gender-sensitive asylum procedures, training of asylum authorities' personnel and the recognition of gender-based persecution.

Appointment of a Gender Coordinator for policies regarding gender-based persecution (Belgium, 2005)

The Office of the Commissioner General for Refugees and Stateless Persons (CGRA) has appointed in 2005 a Gender coordinator for its policy regarding gender-related persecution. The Office determines whether the applicant qualifies for refugee status. Applicant can ask to be interviewed by a male or female protection officer and interpreter.

The CGRA also organizes special training for interpreters and protection officers. During the interview, the protection officer will ask open questions, lend an attentive ear to the applicant, and avoid clichés and stereotypes. At all stages, the Gender coordinator can be asked by the Protection officers to provide targeted expertise or to perform gender-specific investigations on a case by case basis.

Gender-sensitive asylum procedures

According to the Asylum Procedures Directive, Member States shall assess whether the applicant is in need of special procedural guarantees. Member States shall also ensure that where applicants have been identified as applicants in need of special procedural guarantees, they are provided with adequate support in order to allow them to benefit from the rights and comply with the obligations of this Directive throughout the duration of the asylum procedure. The personnel of the determining authorities should be properly trained.

a) Legal instruments and procedures

Conform to the objectives mentioned in its Strategic Engagement for Gender Equality (2016-2019), the European Commission should continue to support the ratification of the Istanbul Convention by

Member States as it specially confers protection on women refugees and asylum-seekers against violence and establishes obligations in relation to asylum claims (art. 60 and 61).

The EU should uphold the right to protection from discriminatory laws and practices. For instance, it should recommend its Member States to agree to a joint definition of so-called “honour” crimes and child marriage, making use of the definitions proposed in the Council of Europe’s Glossary on Gender Equality. Gender-related requirements under the Directives of the Common European Asylum System should also be reinforced also by improved implementation measures and targeted monitoring. The revision of asylum directives should address the existing gaps in protection of women (reception and detention conditions, dealing with VAW).

It should also be recalled that many asylum applications are rejected on the basis that applicant’s testimonies are not considered to be credible. There are no specific EU wide standards on credibility assessments and the method of conducting the assessment remains largely in the hands of the assessor. In addition to the inherent subjectivity of the credibility assessment, female asylum applicants may face higher barriers to achieve credibility due to discriminatory biases of decision-makers.

In monitoring of the implementation of the asylum directives the Commission should give attention to how Member States deal with gender-specific challenges. The Commission should ensure that the needs of women are addressed in a systematic manner. The checklist provided within the Women’s Voices project could be used (see *Annex 2*).

b) Decision-making

Member States should aim to ensure that asylum procedures comply with the UNHCR “Guidelines on International Protection”. The UNHCR “Handbook for the Protection of Women and Girls” (2008), and the “10-Point Plan in Action on Refugee Protection and Mixed Migration” (2007, 2011) can guide solutions. Solid procedures should also be applied to determine the age of applicants, in order to ensure that children are not categorised as adults and benefit from the appropriate procedural guarantees.

Developing their procedures, Member States should work in coordination and partnership with local authorities, civil society organizations, faith communities, the private sector, the media, national human rights institutions and refugees’, migrants’ and women’s associations.

In deciding on claims, asylum decision-makers and appeal judges in EU Member States should take into consideration the gendered differences in the forms of state protection that men and women can obtain in their home countries.

All women entering the EU should be granted independent legal status, whatever the reason for their stay; this is a key criterion for successful integration into the host country. It is important for women to have an effective opportunity to make independent asylum claims, including when their application is made at the same time as their partners and family members. This is the best guarantee for sensitive gender-related elements of their claim to be appropriately dealt with.

Specific provisions for women victims of violence (Belgium)

The Belgian law of 15 December 1980 on the access to the territory, settlement and return of foreigners recognises that a victim’s state of vulnerability is taken into account when examining his or her asylum request. The law allows in particular women to benefit from certain specific provisions.

For instance, in case of domestic violence, the authorities cannot terminate residence obtained for purposes of family reunification if the family member of the asylum seeker proves that, during the

marriage or partnership, he or she has been a victim of such an offence defined under certain articles (375,398-400, 402, 403 or 405) of the Criminal Code.

Rights of women beneficiaries of international protection, integration measures

According to the Qualification Directive, Member States should ensure protection from refoulement, right to information, to family unity, residence permits, travel documents, access to employment, education, social welfare and integration.

In September 2015 the European Commission published a proposed regulation to establish a common EU wide list of safe countries of origin. In addition the EU has established the concept of safe third countries/first countries of asylum. However it is unclear to what extent consideration is given to the rights to be protected from gender based persecution, including for LGBTI people, in the determination of these “safe” countries. This issue has especially become pertinent in view of the EU-Turkey Agreement and discussions on designating Libya as a safe third country.

Economic empowerment is a key mean for successful integration of women refugees and migrants into host societies. The inclusion of women refugees and migrants in all spheres of social, cultural and economic life should be at the core of integration policies in the European Union. Experience has shown how women-only centers can help support overcome trauma, gain life and language skills and take on vocational training and education opportunities in support of refugee women integration and increased resilience.

The Committee thus recommends that the Commission integrate a gender perspective in the work of the European Network of national contact points on Integration.

Policies which place migrant women in a position of legal and economic dependence towards their partners, further increasing their exposure to gender-based violence, should be reviewed. Member States are invited in their family reunification procedures to ensure that individual rights to women and girls joining their families in the EU are afforded, 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.

Member States should be invited to develop their approaches to women’s integration in their national policies. Local civil society organizations, faith communities, the private sector, the media, national human rights institutions, national equality bodies, municipalities as well as refugees', migrants' and women’s organisations should be encouraged to play active roles in the design of integration policies. The inclusion of women refugees and migrants in the design of such policies should be actively sought and their voices must be heard by policy makers.

Those measures should address the critical factors of integration for women: provision of adequate information on their rights under anti-discrimination legislation and support to access justice when such rights are violated; access to gender-sensitive services according to individual needs, including education and language skills with accompanying services (in particular childcare) as well as freedom to use one’s mother tongue in breaks outside of training; childcare accessibility; access to employment, including freedom of religion in the place of employment; and support in leadership building, psychosocial, trauma and health support for women victims of violence. As far as the content of integration education services for both women and men are concerned, they should put into the spotlight the basic rights and responsibilities, including the themes such as sexual and reproductive health.

Pilot project « Bienvenue au Luxembourg », 2016

Luxembourg's reception and Integration Agency (OLAI), within the Ministry of Family and Integration, organized a gender-sensitive project, from May to July 2016. The Pilot project aims at sensitizing refugees to equality issues between women and men. It should enable asylum seekers to understand how the Luxembourgish society functions regarding equality between women and men.

Participants to the project benefit from a 10 hours train-the-trainers course that empower them to pass on this knowledge within communities. The Interactive workshops focus on practical discussions and dialogues around everyday situations of men and women and were organized in four different asylum centers.

Gender-sensitive early integration approach throughout the asylum-seeking process (Sweden).

Gender is mainstreamed in all aspects of the Swedish migration and asylum policies, based on the Swedish Migration Agency's Action Plan for Gender Mainstreaming 2016-2018. The rationale of the early integration approach is that time spent waiting for asylum should be used to strengthen an individual's prospects of establishing themselves.

Among the relevant aspects of gender-sensitive early integration policies, Sweden provides asylum seekers and refugees with access to an "Introduction Programme" managed by the Public Employment Service. The Programme facilitates access to education, vocational training, language courses and meaningful occupation preparing refugees for the validation of professional competences. Since 2015, these actions, based on agreements with the social partners, have resulted in "fast track" paths to the labour market in a number of economic sectors: hotels and restaurants, as well as the health care sector. Specific initiatives have also been devised to encourage major companies to contribute to the integration of refugees through placements ('100 club'-Sweden Together initiative). In this framework, asylum seekers are also offered compulsory civic orientation courses provided by municipalities. Tailored individual introduction plans are also offered by the Public Employment Service.

Supporting the employment of mothers with a migration background (Germany, 2015-2019)

The programme "Strong in the work place. Migrant mothers get on board", operated by the German Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, aims at facilitating the entry into employment of mothers with a migrant background and at improving access to already existing opportunities for labour market integration. Migrant mothers, including those granted asylum and asylum-seekers without a ban on employment receive career orientation, individual counselling, further education and referral to jobs or training.

The programme received funding initially for four years as of 2015 from the European Social Fund (ESF) amounting to 17.2 million euros for 85 locations nationwide, each of which has established a collaboration project with a local job centre or employment agency. The programme reached 3,800 mothers in the first 18 months.

Resources and tools

EU funding

The EU supports integration actions through dedicated funding and more broadly through instruments addressing social and economic cohesion.

Under the previous cycle (2007-2013), 825 million euros were spent under the European Integration Fund and 630 million euro (2007-2013) from the European Refugee Fund. Substantial amounts were also available to Member States under the Structural Funds to support integration-related measures to improve social inclusion, access of third-country nationals to education and to the labour market. For example, the European Social Fund (ESF) co-funded actions that have reached more than 5 million such individuals. This funding however represented just part of the overall investment carried out within Member States.

Under the 2014-2020 framework, a total of 3.137 billion euros is available under the Asylum, Migration and Integration Fund (AMIF) national programmes and 765 million euros is earmarked for the integration measures. Significant amounts are available to Member States for the current programming period under the European structural and investment funds (ESI Funds). These funds can support integration measures. In particular, the European social fund (ESF) and the European regional development fund (ERDF) support social inclusion, education and labour market related investment. The European agricultural fund for rural development (EAFRD) can also support integration under the priority of Promoting Social Inclusion, poverty reduction and economic development in rural areas.

The European Commission should strengthen the monitoring of results of actions for women refugees supported by EU Funds.

The Commission is working with all relevant stakeholders to ensure that all funding instruments are used to their maximum potential and in an integrated and strategically coordinated way. It promotes exchange of experiences across actors and funds. In the 2017 budget, the Commission aims to strengthen EU financial support to Member States for the integration of third country nationals under the Asylum, migration and Integration fund.

EU executive agencies

The Commission works with the European Asylum Support Office (EASO) to develop its gender expertise and strengthen gender mainstreaming in its work.

Gender-specific standards and indicators on reception conditions should be developed by the Office, fully taking into account UNHCR gender-specific guidelines. Gender guidelines should be developed in coordination and partnership with local civil society organizations, faith communities, the private sector, the media, national human rights institutions and refugees', migrants' and women's organisations. Overall, they should provide the basis for a more harmonized approach across the Union.

All national asylum authorities should make full use of EASO's training modules, particularly its advanced training module on gender, gender identity and sexual orientation launched in 2015. The module touches upon sensitive elements of the asylum procedure, such as interview techniques, evidence assessment, the need to look for gender-sensitive country of origin information.

National asylum authorities should make use of EASO's country of origin information reports and data collection methodology. In July 2012, the Office has published a Country of Origin Information report methodology, which informs its work and can serve as a reference for country of information

collectors. For example, the country reports prepared by EASO include gender-specific sections. Some reports are also specifically targeting gender-related issues, such as for example a report on Nigeria Sex trafficking of women (2015) or Chechnya, Women, Marriage, Divorce and Child Custody (2014).

The European Border and Coast Guard Agency (FRONTEX) should mainstream the gender dimension and build competence on addressing the needs of women victims of gender-based persecution. Its Fundamental Rights officers should be explicitly tasked with conducting this work relating to joint operations, return support and capacity building.

Other EU support schemes

The European Union brings added policy value when it proposes clearly targeted programmes focusing on exchanges of good practices. The Commission's Directorates General for Justice and Consumers and for Migration and Home Affairs are well-positioned to develop such exchanges, building, among other things, on the good practices mentioned in this opinion and on other practices submitted by the Member States. Transferability is precious to address Europe-wide challenges.

The European Union and the EASO, based also on the expertise developed by the EASO and the UNHCR, should list the areas of work where the situation of women asylum seekers and refugees could be made fairer and better by means of the adoption of Standard Operational Procedures (SOPs). The Commission and EASO, together with the UNHCR, should select these areas based on the possibility to capitalise on existing good practices and to disseminate them.

In the area of research, the Horizon 2020 Framework Programme for Research and Innovation already includes a focus on countries of origin and transition, and on policy coherence by means of innovative action. This is part of the Programme's "Europe in a changing world section", and it should be operated in practice ensuring that the gender dimension of asylum and migration policies benefits from earmarked support.

The second European Union's Gender Action Plan (2016-2020) should be implemented to its full potential, to reinforce the promotion, protection and fulfillment of women's and girls' human rights in all external relations. The thematic areas on girls' and women's physical and psychological integrity, their economic and social rights, their voice and participation include practical objectives for cooperation for all relevant actors on the ground, such as governments and civil society.

Annexes

References: relevant policy documents

The United Nations General Assembly

2030 Agenda for Sustainable Development

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Gender guidelines

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10-Point Plan in Action on Refugee Protection and Mixed Migration (2007, 2011)

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New York Declaration for Refugees and Migrants, 13 September 2016

<http://refugeesmigrants.un.org/new-york-declaration-refugees-and-migrants-0>

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UN Women

Promoting the Rights, Needs and Agency of Women and Girls in Humanitarian Action (2016)

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Gender Assessment of the Refugee and Migration Crisis in Serbia and FYR Macedonia (2016)

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The Inter-Agency Standing Committee (IASC)

<https://interagencystandingcommittee.org/>

Gender Handbook in Humanitarian Action

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Guidelines for Integrating Gender-based Violence Interventions in Humanitarian Action

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OECD

Study Making integration work

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Indicators of Immigrant Integration 2015, Settling In, OECD and European Union, 2015

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COUNCIL OF EUROPE

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<http://www.coe.int/en/web/istanbul-convention/home>

Group of Experts on Action against Trafficking in Human Beings: 5th general report, February 2016

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168063093c>

Thematic factsheet on “Protecting migrant women, refugee women and women asylum-seekers from gender-based violence”

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168046eabd>

Thematic factsheet on the Istanbul Convention and Children’s Rights

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168046eab9>

The Council of Europe/Amnesty International “Guide on the Istanbul Convention - A tool to end female genital mutilation” (November 2014).

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EUROPEAN UNION

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Action plan on the integration of third country nationals

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European Agenda on Migration

http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf;

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NATIONAL LEVEL

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CIVIL SOCIETY RESOURCES

The European Women's Lobby's report From Conflict to Peace? #womenvoices, Recommendations on Preventing and Combating Violence against Refugee Women & Girls on the Move

http://www.migrantwomennetwork.org/wordpress/?page_id=537

RELEVANT CONTACTS

BE

Gender Coordinator, Office of the Commissioner General for Refugees and Stateless Persons (CGRS),
CGRA-CGV.S.Gender@ibz.fgov.be

Federal agency for the reception of asylum seekers (FEDASIL) : info@fedasil.be

Civil society

SENSOA, the Flemish Expertise Centre for Sexual Health, and BZgA, the German Federal Centre for Health Education.

Zanzu, my body in words and images : <http://www.zanzu.be/en/home>

GAMS, Groupe pour l'abolition des mutilations sexuelles : <http://gams.be/>

FR

France Terre d'Asile
<http://www.france-terre-asile.org/>

MT

Office of the Refugee Commissioner
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37/39, Rue D'Argens
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