



The EU Mutual Learning Programme in Gender Equality

Support services for victims of violence in asylum and migration

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Comments Paper – Belgium



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Support services for victims of violence in asylum and migration in Belgium

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1. Relevant country context

1.1 Convention of Istanbul and the NAP

Since 2001, Belgium has pursued its policy to combat gender-based violence by means of a national action plan (NAP 2015-2019), supported by the federal government, the communities and the regions. This action plan is completely in line with the Council of Europe Convention on preventing and combating violence against women and domestic violence ('Istanbul Convention').

In March 2016, Belgium ratified the **Convention of the Council of Europe on preventing and combating violence against women and domestic violence (The Istanbul Convention)**. Article 60 of the Istanbul Convention regulates the **protection of refugee women against violence**. The article addresses *three* aspects. Firstly, parties to the Convention must provide the legislative framework to recognise gender based violence as a ground for persecution within the meaning of Article 1 of the 1951 Refugee Convention. Secondly, a **gender-sensitive interpretation** must be given by states to all the other grounds of Article 1, for example, membership of a social group. Thirdly, states must develop **gender-sensitive reception procedures and support services for asylum seekers**. In addition, **procedures** for the application of refugee status should be gender-sensitive. Article 61 ensures that the principle of **non-refoulement** applies for victims of gender-based violence.

The federal institution for the reception of asylum seekers (Fedasil) is responsible of 10 (from 235) measures of the NAP 2015-2019 to prevent GBV¹.

The **evaluation** of the application of the Convention in Belgium is ongoing and will be published in 2019. Beside the official report there will also be a **shadow report** on the evaluation of the adaptation of the Convention of Istanbul in Belgium, written by women's organisations and other civil society organisations. The draft version of the shadow report tells us that the Belgian authorities **can do much better** to protect and support victims of gender based violence, mostly women, in the context of asylum and migration.

1.2 Reception centres for asylum seekers

In 2010, the Flemish association Nederlandstalige Vrouwenraad edited a study entitled "*Women in Asylum Reception Centres: Towards a Gender Sensitive Approach*" which points out the possible improvements in female reception

¹ http://igvm-iefh.belgium.be/nl/publicaties/nationaal_actieplan_ter_bestrijding_van_alles_vormen_van_gendergerelateerd_geweld_2015

conditions in Belgian reception centres for asylum seekers. One of the key findings was that women don't feel safe at all in the collective reception centres.

The study underlines **specific needs** for female refugee/asylum seekers in reception centres in Belgium: reception centres need an efficient strategy on **violence prevention**. This should **include a sexual and gender-based violence prevention plan/protocol** defined with the help of experts. To this end, stakeholders can refer to 'the European Frame of Reference for Prevention of Sexual and Gender based Violence in the European Asylum and Reception Sector', developed by the University of Ghent in Belgium; **internal rules** on discrimination and verbal/non-verbal violence; **training sessions** on women's empowerment and raising **awareness** among men; and a **record** of every incident on a systematic and uniform basis.

Another key finding is that women need, in particular, **medical and psychological support**. They also need to be able to get in touch with social workers, in the **language** they understand. Furthermore, it is highly important for the reception centre to provide for **children care**, especially for single mothers, so that women can take part in different activities either inside or outside the centre.

In Belgium there are a number of specialised centres for vulnerable persons such as: single parents with children, pregnant women, persons with a disability, victims of human trafficking, violence or torture and the elderly. **Specialised centres for women** are scarce despite the need for such accommodation. In Belgium, there are places in apartments for single women with children and places in a specialised centre for unaccompanied pregnant girls and young mothers.

There is a huge need of shelter houses for women who suffer from gender based violence (GBV). In many shelter houses women without valid residence documents ("illegal status") are not welcome, which is not conform the Convention of Istanbul.

2. Related good practice initiatives

The participatory action-research on the life-circumstances of women in asylum centres (in 2010) (as mentioned above) investigated the circumstances in which women are admitted or detained, the quality of the help that is offered to them, the respect for their fundamental rights, and the extent to which the reception they are given.

In the beginning of 2016, the Flemish women's organisation NVR has been working on a **buddy project** consisting of former asylum seekers helping new female asylum seekers to find housing and reach a good level of integration in Belgian society. Unfortunately, this project is not structurally imbedded in the reception centres and the women's organisation due to a lack of financial resources.

In 2019, there will be an **information campaign** (an online and an offline tool) in more than 20 language to inform migrant women who suffer from Intimate partner violence (IPV). There will be 'listening ears' (volunteers who speak 'foreign' languages) who will give the first and important information in the case of IPV.

Good practices include:

- **Group discussions** held with women in asylum and migration in reception centres and women's organisations (cf. the participatory action-research)
- **Resilience training courses (on gender, safety, etc)** in collaboration with migrant women's organisations.
- **Information and training courses** on gender (violence), violence against women and intersectionality for professionals in support centres, integration sector, etc.
- The **financial support** of migrant women's organisations.
- A **creative project for professionals** (who work with migrant women and men) and migrant women with the aim to sensitize and inform on gender violence and so-called honour based violence. The tools used are (1) an information booklet for professionals about gender, gender based violence, migration etc. and (2) a puppet theatre for women and professionals to facilitate to speak on topics such as gender, power, violence, needs of women in asylum etc.
- **NAP: Internal rules and regulations to prevent SGBV in reception centers (Fedasil):** an initiative of the official agency for the reception of asylum seekers.
- NAP: For example, Since 2015, Fedasil has developed a series of minimum standards for the reception of asylum seekers with regard to: material assistance, social support, and access to legal counseling, psychological and medical support, infrastructure and safety. The standards take into account specific gender needs and the specific needs of UMs and other vulnerable groups. The Agency carries out quality audits in the reception structures and, if necessary, imposes the reception structures to take measures to meet the minimum standards.
- NAP: providing professionals in the support network of FEDASIL with training about the issues of FGM and sexual violence, with particular attention to prevalence and consequence, risk assessment and risk management
- **Deontological code for employees** to provide guidance to all staff members of the reception facilities who have professional contacts with the residents to prevent gender discrimination (and other forms of discrimination).
- Fedasil also provides **adapted places for (vulnerable) female asylum seekers**, such as: separate **women's blocks** in collective centers; reception structures specializing in the reception of vulnerable women, pregnant unaccompanied underage girls and young single mothers, etc.

3. Policy debate

Recently, the Flemish government has announced to cut the Flemish integration expenses. This operation will have a negative impact on the quality of the services responsible for the support of migrants and asylum seekers. Professionals who implement the Flemish integration policy point to many issues or bottlenecks relating the lack of money and priorities on this issue. There is a need of more pro-active

policy measures that can empower and support vulnerable women and men in asylum and migration. In reception centres for asylum seekers Fedasil has taken since 2015 positive initiatives (see in this text) to prevent GBV.

Many women with migrant background, incl. female asylum seekers, report racist and sexist experiences during their search for help and support. Prejudices about migrant women (and men) are big problems in many levels of the society: at the workplace, in education, on the street etc.

Professionals tend to think **in terms of culture** (e.g. 'migrant cultures' or 'foreign cultures') when victims of gender based violence with a migrant background speak about their traumatic violence experiences. Professionals **'culturalise'** gender based violence more often when migrants are involved. This point of view or perspective puts the responsibility on the victims or the 'foreigners' whose culture is not compatible with 'our culture'.

There are 2 official bodies who work on equal opportunities:

1. Unia is an interfederal, independent public service specialising in policy on equal opportunity and non-discrimination and is competent for 17 criteria, except for gender.
2. Belgium has a specific body that deals with issues of equality between women and men and gender-based discrimination (including transgender people): Institute for the Equality of Women and Men (IGVM).

Many women with migrant women deal with multiple discrimination. In that case, they mostly have to choose between Unia or IGVM to file a complaint. This unfairly simplifies the complexity of the discriminatory experiences of women of colour.

4. Learning

Positive lessons that could be applied in Belgium include:

- **Synergies and cooperation** between different actors to combat gender based violence and to support victims of GBV;
- The National Programme for Substantive Gender Equality (2016-2020) and the Network: a long term policy measure;
- Trainings carried out by the GSSE and KETHI in cooperation with NGO's;
- Training and empowerment of the staff of the shelters.

Intercultural awareness is indeed very important but overemphasising the factor culture can cause 'blind spots'. Being aware of 'culturalising' is very important in the support of victims of GBV.

5. Conclusions and recommendations

- The importance of and need for collaboration with civil society and women's organisations that do intersectional work.
- Intersectionality in practice: to be aware of the different ways in which oppressive institutions (racism, sexism, homophobia, transphobia, ableism, xenophobia, classism, etc.) are interconnected and cannot be examined separately from one another.
- Structural recognition and policy to prevent multiple discrimination of women with migrant background.
- Structural training and empowerment of the staff in the shelters.
- Bottom-up work: question women in asylum and migration on gender related issues (in the shelters etc.).
- Pro-active work/policy to prevent GBV.
- More intersectional research on GBV, migration and asylum policy.
- Reception conditions should guarantee the safety and protection of women and girls, also to prevent gender-based violence. **Women have specific needs** which the reception centres should provide for:
 - reception conditions that respect human dignity;
 - need to be and feel safe which implies a policy on violence prevention within the reception centre;
 - need for medical and psychological support;
 - need for involvement and autonomy;
 - need for meaningful and emancipating activities;
 - need for intimacy, quiet and silence.
- In reception centres, information should be provided that violence against women, including domestic violence is considered to be a crime. Education about respect for women might prevent sexual gender based violence (SGBV). It is very important that women who have become victims of (sexual) violence are able to report the crime to the reception staff and the police. Complaints and reports about sexually orientated comments, assaults and rape should be taken seriously by staff and the victim must receive support from the reception staff.
- Information in the own language.
- Based on the EU legislation (Qualification Directive Art.4 (3), Art. 9 (2), 10 (1)), Member states should ensure that gender-based violence, Female Genital Mutilation, and domestic violence are taken into account as grounds for persecution as required for a refugee status.
- It should be made clear to each woman or girl individually that her past experiences may qualify for asylum independently from male family members.

- States must ensure that interpreters are perfectly fluent in the languages required in the asylum interviews.
- Structural financial support of migrant women's organisations. A bottom-up approach to define which themes women in asylum and migration prefer to work on.
- Structural collaboration between reception centres, (migrant) women's organisations, civil society organisations on the topic of gender based violence, women's rights etc. and the financial support for this collaboration.