

**PROTECTING REFUGEE WOMEN AND GIRLS FROM
SEXUAL AND GENDER-BASED VIOLENCE: A LOOK INTO THE
REFUGEE CRISIS IN EUROPE**

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SUMMARY: THIS PRESENTATION AIMS AT RAISING AWARENESS ABOUT THE VULNERABLE SITUATION OF WOMEN AND GIRLS REFUGEES AND ASYLUM SEEKERS AND THE WIDESPREAD DISCRIMINATION AGAINST THEM, TAKING PARTICULAR ATTENTION TO THE RECENT REFUGEE CRISIS IN EUROPE. WOMEN ARE THEREFORE PARTICULARLY VULNERABLE AND EXPOSED TO A HIGH RISK OF ABUSE, DISCRIMINATION AND VIOLENCE BEFORE, DURING AND AFTER THEIR JOURNEY. PREVENTION OF AND RESPONSE TO SEXUAL AND GENDER-BASED VIOLENCE ARE DIRECTLY LINKED TO THE PROTECTION OF HUMAN RIGHTS. WE NEED TO ACKNOWLEDGE THAT MORE NEEDS TO BE DONE TO PROTECT REFUGEE AND WOMEN FROM GENDER-BASED VIOLENCE. WE HAVE THE RESPONSIBILITY TO ENSURE A LIFE FREE FROM VIOLENCE IN THE SAFE HAVENS THEY HAVE CHOSEN. THEY FACE MULTIPLE DIFFICULTIES AND DISCRIMINATION AND WE SHOULD HELP THEM RECONSTRUCT THEMSELVES AND FIND THEIR PLACE IN OUR SOCIETIES.

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INTRODUCTION¹

This presentation aims at raising awareness about the vulnerable situation of women and girls refugees and asylum seekers and the widespread discrimination against them, taking particular attention to the recent refugee crisis in Europe.

For the sake of convenience in this presentation, the term refugee will refer both to refugees, asylum-seekers, returnees and internally displaced persons.

Europe has encountered a refugee crisis in recent years due to continuing conflicts and human rights violations in many countries. This has led to the displacement of millions of people, who seek refuge in Europe. At the beginning of what is now called the refugee crisis, most of them were men. On 2016, there was a shift and women and children were starting to represent the majority of arrivals (accounting for more than 55%).

Why focus on women and girls? Vulnerability differs between men and women due to gender inequality, which usually stems from traditional gender roles and behavior expectations of men and women in societies. Women are therefore particularly vulnerable and exposed to a high risk of abuse, discrimination and violence before, during and after their journey.

In their country of origin, in transit or upon arrival, women are at risk of violence, which can take the form of coercion, survival sex, sexual slavery, forced prostitution, harassment or various forms of extortions. They face common problems, such as the lack of safety, the absence of separate bathrooms, the absence of female interpreters, little information on assistance services available and in general a lack of general and post-trauma medical care.

The need to protect refugee women and girls from gender-based violence has not been considered a political priority and is sometimes even ignored. The truth is that the priority was given to a humanitarian response: finding accommodation for the family, putting the children in school and handling the asylum requests.

But there is a light at the end of the tunnel, because action can be taken to ensure that refugee women and girls receive adequate support. Governments should ensure that the gender perspective is taken into account and apply a gender-based approach to the refugee crisis, while guaranteeing protection and support to all women and girls victims of violence.

¹ Based on: (1) Report "Protecting refugee women from gender-based violence", Committee on Equality and Non-Discrimination, Council of Europe, 07 April 2017. (2) "Sexual Violence Against Refugee Women on the Move To and Within Europe", *Entre Nous*, No.84 – 2016; (3) *Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons*, 2015.

WHY ARE WOMEN AND GIRLS MORE VULNERABLE?²

Sexual and gender-based violence is a violation of human rights. This kind of violence perpetuates the stereotyping of gender roles that denies human dignity of the individual and stymies human development. The overwhelming majority of the victims/survivors of sexual and gender-based violence are women and girls.

Women and girls everywhere are disadvantaged in terms of social power and influence, control of resources, control of their bodies and participation in public life—all as a result of socially determined gender roles and relations. Gender-based violence against women and girls occurs in the context of this imbalance.

Sexual violence³, gender-based violence⁴ and violence against women⁵ are terms that are commonly used interchangeably. All these terms refer to violations of fundamental human rights that perpetuate sex-stereotyped roles that deny human dignity and the self-determination of the individual and hamper human development. They refer to physical, sexual and psychological harm that reinforces female subordination and perpetuates male power and control.

On the road, on a boat, in transit camps or centres, or when working in a transit country in order to pay for the rest of the journey, refugee women are particularly vulnerable to gender-based violence.

² Based on: (1) Report “Protecting refugee women from gender-based violence”, Committee on Equality and Non-Discrimination, Council of Europe, 07 April 2017. (2) “Sexual Violence Against Refugee Women on the Move To and Within Europe”, *Entre Nous*, No.84 – 2016. (3) “Refugee women and children face heightened risk of sexual violence amid tensions and overcrowding at reception facilities on Greek islands”, summary of what was said by UNHCR spokesperson Cécile Pouilly, Feb 2018; (4) *Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons*, 2003; (5) *Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action*, 2015.

³ Sexual violence, including exploitation and abuse, refers to any act, attempt or threat of a sexual nature that results, or is likely to result, in physical, psychological and emotional harm. Sexual violence is a form of gender-based violence.

⁴ The term gender-based violence is used to distinguish common violence from violence that targets individuals or groups of individuals on the basis of their gender. Gender-based violence has been defined by the CEDAW Committee as violence that is directed at a person on the basis of gender or sex. It includes acts that inflict physical, mental or sexual harm or suffering, threat of such acts, coercion and other deprivations of liberty.

⁵ The term violence against women refers to any act of gender-based violence that results in, or is likely to result in, physical, sexual and psychological harm to women and girls, whether occurring in private or in public. Violence against women is a form of gender-based violence and includes sexual violence.

IN TRANSIT

Refugee women in transit are not always considered a priority in global refugee policies, which focus mostly on reception facilities. Women refugees often disregard the difficulties they face and the violence they are victims of with one objective in mind: reaching a safe destination country quickly.

For these women and girls, the refugee route to Europe presents many risks. Violence and exploitation along the way, travelling with abusive partners and lack of safety in transit settlements are unfortunately common.

Perpetrators of violence can have different profiles: smugglers, other refugees or asylum seekers, sometimes guards or staff working in camps or family members.

According to reports, women and girls have been forced to marry to obtain male protection or to engage in 'survival' sex in exchange for documents or transport.

Reported life-stories of these women and girls tell us that smugglers may rape the women candidates for departure in exchange for a place on a boat, in addition to the fee they have already paid; others tell us of sexual violence and forced prostitution through which many women have been transiting; also reports of kidnappings and ransom demands, in which if a woman's family cannot pay the ransom, she is sold for prostitution or marriage.

Also, in transit facilities, women are afraid of walking alone at night and using the sanitary facilities without being accompanied. In extreme cases some women avoid eating or drinking so as not to have to use the toilets, where they do not feel safe. Taking a shower can be dangerous in a place with no separate sanitary facilities or without lights.

The fact is that gender-based violence is not always considered a priority by officers providing support and assistance in transit camps or facilities. Many times, there are no means or tools to provide assistance, there's no specific training to flag, deal and approach these situations. This causes, most of the times, inadequate support to refugee women who are victims of gender-based violence.

And even when there are sexual and gender-based violence protection officers, it can be difficult for refugee women to receive information on complaints procedures in a language they understand or to communicate without the presence of female interpreters in transit facilities.

IN DESTINATION COUNTRIES

Refugee women and girls can also feel unsafe when reaching their destination countries.

Protection from violence has been a neglected aspect of the global response to the refugee crisis in Europe, mostly due to the lack of data, but Europe is now tackling the problem.

Sweden and Germany have been accepting most refugees. However, the incoming refugee population has overwhelmed both countries and accommodation and support services are inadequately equipped to respond to gender-sensitive issues.

For example, there were not separate wash facilities or sleeping areas for women at the emergency reception centres; nor enough women-only facilities, particularly for single women who travelled alone and experienced violence in their countries of origin or in transit; there was a lack of presence of women security personnel, social workers and interpreters in the reception facilities; there is no systematic procedure for identifying victims of violence upon registration in refugee facilities; there is no assistance programmes for victims of gender-based violence.

In 2017, the UN Refugee Agency received reports from 622 survivors of sexual and gender-based violence on the Greek islands, out of which at least 28% experienced sexual and gender-based violence after arriving in Greece. Women reported inappropriate behaviour, sexual harassment and attempted sexual attacks as the most common forms of sexual and gender-based violence.

There are also no standardized procedures to identify and support victims of sexual and gender-based violence. Therefore, support and help is only provided according to the judgment of the individual aid care worker.

But not only, reports of child marriage happening in reception facilities should worry us all, as should the increase in the number of cases of trafficking of human beings. The Swedish Migration Agency conducted a study on child marriage among refugees and asylum seekers. It found 132 married children in reception facilities, most of them having arrived in Sweden during autumn 2015. The Swedish Migration Agency found 195 victims of trafficking in human beings, including 66 minors, in reception facilities in 2015, and more than 300 in 2016. The UNHCR also reported an increase in the number of women, particularly from Nigeria, who are potentially trafficked and becoming victims of sexual exploitation in the past three years.

IS THERE A RESPONSIBILITY TO PROTECT REFUGEE AND ASYLUM-SEEKER WOMEN AND GIRLS FROM VIOLENCE?⁶

⁶ Based on: (1) Report "Protecting refugee women from gender-based violence", Committee on Equality and Non-Discrimination, Council of Europe,

The question may sound ridiculous because we surely have this innate feeling that no women should be put through any form of violence, has human rights advocates we sure acknowledge the collective responsibility to protect all women and girls, particularly those who face double, triple vulnerability.

Prevention of and response to sexual and gender-based violence are directly linked to the protection of human rights.

And as we know, Human rights are universal, inalienable, indivisible, interconnected and interdependent. Every individual, without regard to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or status, is entitled to the respect, protection, exercise and enjoyment of all the fundamental human rights and freedoms.

We need to acknowledge that more needs to be done to protect refugee and women from gender-based violence. We have the responsibility to ensure a life free from violence in the safe havens they have chosen. They face multiple difficulties and discrimination and we should help them reconstruct themselves and find their place in our societies.

WHICH ARE THE INTERNATIONAL INSTRUMENTS THAT PROTECT REFUGEE WOMEN AND GIRLS AGAINST SEXUAL AND GENDER-BASED VIOLENCE?⁷

A key instrument is undoubtedly the Istanbul Convention, which foresees the protection of refugee women against violence and requires a gender-sensitive interpretation of the grounds for asylum listed in the Refugee Convention. It also places an obligation on its Parties to implement its provisions without discrimination on the ground of migrant, refugee or other status. Foresees preventive measures, support services for refugee and asylum-seeker women, as well as the prosecution of the perpetrators of violence. Places the obligation to introduce gender-sensitive procedures and support services in the asylum process and requires Parties to ensure that rape crisis or sexual violence referral centres for victims of sexual violence are easily accessible and can provide full trauma support, irrespective of where the violence occurred. It also calls on Parties to respect the principle of nonrefoulement which ensures that women victims of violence needing

07 April 2017. (2) "Sexual Violence Against Refugee Women on the Move to and Within Europe", *Entre Nous*, No.84 – 2016.

⁷ Based on: (1) "Protecting Female Refugees against Sexual and Gender-based Violence in Camps", Marija Obradovic, United Nations University, 2015.

international protection are not returned to a country where their life could be at risk.

WHAT ARE THE STEPS FORWARD?⁸

Current recommendations for the primary prevention of gender-based violence and sexual violence include measures that address the causes and contributing factors of gender-based violence and sexual violence in refugee settings, aim to transform socio-cultural norms through the creation of employment opportunities for refugee women and rebuild family and community structures. In addition, provision of safe and effective services and facilities like creating safe and well lit accommodation centres and the cooperation with the legal system to prosecute perpetrators are crucial and mentioned in most guidelines of international organizations. Moreover, monitoring, proper documentation of incidents and education campaigns raising awareness about gender-based violence and sexual violence have been suggested.

Practical measures can be taken to enhance the protection of women from gender-based and sexual violence.

- Separate secure sleeping areas and well-lit bathrooms reserved for women in transit and reception facilities.
- Creation of safe spaces in every transit and reception facility should be encouraged and supported and the presence of a sufficient number of female staff members among security personnel ensured in collective accommodation facilities.
- Separate shelters for refugee and asylum-seeker women victims of gender-based violence and for unaccompanied women should be available, with sufficient security.
- Provision of information on rights, complaints mechanisms and assistance services in an understandable language is also essential.
- Specific training on detecting and preventing gender-based violence for staff working in transit and reception facilities, including guards, should also be provided.
- Cross-border protection mechanisms for victims of violence should be put in place. Reporting of violence should be encouraged, irrespective of the legal status of the victim.
- Access to sexual and reproductive health care should be facilitated, as well as to legal aid, free of charge.

⁸ Based on: (1) Report "Protecting refugee women from gender-based violence", Committee on Equality and Non-Discrimination, Council of Europe, 07 April 2017. (2) "Sexual Violence Against Refugee Women on the Move To and Within Europe", *Entre Nous*, No.84 – 2016.

- General and post-trauma medical care should be made available, as well as psychological support.
- The setting up of women's support groups in refugee camps, reception facilities and shelters for women victims of violence is a good practice which should be encouraged.
- Migration officials should pay frequent visits to asylum-seeker and refugee women living in accommodation outside State-managed reception facilities. The respect of protection standards should be guaranteed irrespective of the kind of accommodation.
- Resettlements and family reunification should be encouraged and supported wherever possible. They represent safe pathways for women asylum seekers victims of gender-based violence to reach their destination countries.
- Emergency resettlement schemes, such as specific humanitarian programmes for women victims of gender-based violence travelling alone or only with their children, should be put in place so as to facilitate their journey to a safe haven.
- The provision of language classes, recognition of skills and competences and access to the labour market are keys to the empowerment, rehabilitation and protection from violence of refugee women.

Greater efforts are still needed to ensure that the human right to safety and protection is provided to female refugees. This requires political will, a shared responsibility as well as a stronger cooperation of the European countries and other stakeholders, and the implementation of essential Directives and guidelines of best practice. The European Member States, NGOs and women's organizations need to cooperate more to protect female refugees as best as possible.

CONCLUSION⁹

We should also keep in mind the fact that refugee women can be victims in Europe of multiple discrimination based on their gender, ethnic origin, status or religion. They are still too often looked down by the majority of the population, who does not see the benefits of diversity for our society. Protecting them from gender-based violence is only a first step. Combating and condemning multiple discrimination is an increasingly important element for future integration at every level.

⁹ Based on: (1) Jane Freedman. Sexual and gender-based violence against refugee women: a hidden aspect of the refugee "crisis". *Reproductive Health Matters*, Elsevier, 2016, 24, pp.18 – 26; (2) *Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons*, 2015.

Not considering the safety of women as a priority is a mistake with long-term consequences for the victims and for the collective, as it represents a deep disregard for the defense and promotion of Human Rights.