



STATUS OF REFUGEE WOMEN IN THE EUROPEAN UNION

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Abstract

Refugee women face various disastrous consequences of migration as refugee settings bring different consequences for women as compared to men. This paper will discuss the difficulties and problems faced by refugee women at source transit and destination level. Apart from that it will also focus on rights which have been provided to refugee women and how far these rights have been effective in providing a decent and dignified life to refugee women.

Key Words: Migration, Refugee Women, Problems, Rights, Gender based Violence, Human Trafficking

The tragedy of refugees has captured public imagination worldwide. One of the striking contributors to the awakening of human consciousness for refugees is the photographs going viral on social media. However, the ground situation is much more alarming and deteriorating. Unsafe boats overloaded with people who are looking for safety, men and children drowning in seas while in attempts to flee violence and poverty, increased fencing of the borders and the lethal quest of better or safer life pushing them to cross the Sahara desert, the Andaman Sea, the Mediterranean and dozens of other dangerous places. After arriving, the rights of those people who have somehow survived these dangerous trips are often violated. Many asylum seekers and migrants are detained, and many times their reception is unwelcoming. As Secretary-General of UN report (2016) points out, the xenophobic and racist rhetoric are not only increasing but it is getting accepted both socially and politically.

As per the United Nations High Commission on Refugees, in 2015 over one million women and men attempted to seek asylum in Western European countries. They have moved from Turkey to Greece and transited through the Western Balkan countries to reach destination countries far towards north. The countries like the Former Yugoslav Republic of Macedonia and Serbia were for the first time experiencing this kind of huge refugee influx since the Yugoslavian wars. Up to 42 per cent of refugees and migrants in the Balkans are women and children.¹ In March 2016 with the closure of

¹ UN Women (2016) [Gender Assessment of the Refugee and Migration Crisis in Serbia and FYR Macedonia](#).

borders along the Balkan route thousands of people got stranded, not able to move anywhere. While travelling, refugee and migrant women and girls face distinct challenges and protection risks, like separation from family, psychosocial stress and trauma, health complexities, particularly for pregnant women, physical harm and injury, and threat of exploitation and gender-based violence. As the UN Women report points out that women being the caretaker of children and elderly in family, their vulnerability also impact the children and elderly person, therefore their protection is essential.

Table 1. Asylum seeker in Europe by sex (%)

	EU28		
	ASYLUM SEEKER	MEN	WOMEN
2014	626,960	70.3	29.7
2015	1,322,825	72.1	27.8
2016	925,730	67.2	32.7

Source: Eurostat

The international data can provide the understanding of intensity of movement of refugees. As per UNHCR the total number of people who have been displaced in the world has increased to 65 million, which is 55% increase in the last four years. The same record also states that the women account for approximately 49% of those people who have been displaced and that half of the 65 million people are minors. Another data shows that only 20% of the total number of refugees in the world are in refugee camps. The rest can be found in informal camps or urban areas, which can make it difficult to protect those especially vulnerable.²

In Europe, official UNHCR data shows that during 2015, 25% of new arrivals were minors, 17% women and 59% men. Greece has received highest numbers of refugee, which is almost one million. However, there was also significant inflow through the coasts of Italy, from Libya and on the Spanish coasts through its southern border. The data regarding women's arrival in each of these ports is similar. The arrival of women refugee in Europe accounts for less than 50% of total arrival, but just like with minors, there has been a significant increase in their percentage of arrivals.³

Discrimination and clear violation of fundamental rights, among women refugee is a very common phenomenon. They face this discrimination and suffering at three levels which is origin, transit and destination and the presence of gender based violence and the trafficking of human being is prevalent in all three levels. The European Parliament in March

² UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, "Tendencias globales. Desplazamiento forzado en 2015. Forzados a huir."

³ Ibid

2016 has issued a motion on the situation of women refugee and asylum seekers. This motion points out that the needs of women refugee are different from that of men and it emphasizes that a gender based perspective should be adopted to tackle the issue. To understand the necessity of rights of women refugees first it essential to analyse the problems they are facing.

PROBLEMS FACED BY WOMEN REFUGEE

Recently the UNHCR has emphasised that the most unsafe groups which require a prompt, coordinated, and effective safety response (UNHCR, UNFPA and WRC, 2016) includes : all women (single women who is travelling alone or with children, pregnant and lactating women, adolescent girls, unaccompanied children, early-married girl children – sometimes themselves with new-born babies),disable persons, and elderly persons. Single adult women refugees are one of the most vulnerable groups of the whole refugee population. The reasons are; not having adequate financial means, lack of professional qualification, and less support of family members (Chung, Hong and Newbold, 2013). Another reason for the vulnerability of women refugees and asylum seekers is associated to the challenges they often face to prove their claim for asylum, as most of the time they lack evidence for their asylum claim application as compared to men (Bonewit and Shreeves; 2016).

Trafficking of human beings and gender based violence are common forms of discrimination which women refugee face during all three levels namely origin, transit and destination. These are two broader discriminations which includes other forms of discriminations within their ambit.

Trafficking of Human Being

The European Union directive (2011/36/EU Directive), controls the prevention and fight against the trafficking of people, “Trafficking of Human Being is defined as the intentional capture, transport, or reception of people, including the exchange or the transfer of control over those people, through threats or the use of force or other forms of coercion for the purpose of exploitation”. It is very difficult to measure the numbers of women refugees who got trapped in human trafficking. As per the “Human Trafficking Center Blog, Human trafficking: What about the men and boys?” ‘Among all those who have suffered human trafficking 98% are women. “At the European level, the latest THB report published in 2016 by Europol has detected that a majority of THB cases have sexual exploitation as their main aim.”⁴ The report also emphasises that more than 5,000 unaccompanied minors (UM) had disappeared in Italy, and 10,000 in the whole of the EU, some of them could have got involved in the exploitation networks.

One significant point which should be taken is, although the most common form of THB is related to sexual exploitation, however an important percentage of THB cases are for labour exploitation or others, where the numbers of men affected is significant and which needs special involvement to end the exploitation of humans at global level. As per the latest data presented by the International Organization for Migration, “in the central Mediterranean route —

⁴ EUROPOL, “Situation Report. Trafficking in human beings in the EU.

through the Italian coasts— 76% of migrants and potential asylum seekers have experienced situations that could be defined as exploitation and human trafficking. This can be compared to 14% of those using the eastern routes through Turkey and Greece.”⁵ The earlier mentioned the European parliament motion proposes that, criminal gangs get benefited from the nonexistence of safe routes, regional instability and the special vulnerability of women and girls, which leads to their abuse through human trafficking and sexual exploitation. The motion also suggests the member states to enhance their political and judicial cooperation and also increase cooperation with Interpol.

Gender Based Violence

Women refugee and girls face the danger of GBV during the three levels of their journey. GBV includes different types of violence and particularly in the case of women refugees it can be seen mainly as sexual abuse and physical violence. These types of abuses are evidence that it is the cause for many women to leave their country of origin. Another type of GBV which are being faced by women and one which are more difficult to recognise is violence within the family. This type of abuse can also be seen in all the stages of their movement. “This type of GBV is one of the worst forms of discrimination as it can be constant in the life of women refugee either from their partner or from other family members” (Castellà; 2017)

The main difficulty while dealing with GBV is the absence of adequate data and the fact that most of the times victims reluctant to report abuse or seek help. This showcases that there is often a distorted perception about it. The low percentage of complaints about GBV increases the risk associated with it and reasons behind it are: most of the time victim blames themselves for it, victims does not have enough trust in the authorities, and fear of vengeance, slow processing of asylum applications, various type of control measures along with the borders in Europe, not having gender sensitive responses, language barrier etc. Furthermore, many times the integration policies of host countries put women refugee in a disadvantaged position making them economically and socially more vulnerable (Castellà; 2017) “The difficulty for some refugee men to find a job or suddenly finding themselves with a lower amount of decision making abilities in their host country can develop into an increase of violence on their part to impose their authority.”⁶ According to a report published by The Lancet, in 2014 around 21% women in 14 conflict affected countries reported the sexual violence against them. In an attempt to increase the numbers of women who report being victims to GBV, it is important to provide all transit and arrival spaces with personnel trained on these issues and women interpreters.

Trafficking of human being and gender based violence are two broad discrimination which women refugee face during all three levels of movement. Now we will discuss these discriminations at all three levels namely source, transit and destination.

⁵ INTERNATIONAL ORGANIZATION FOR MIGRATION, “Analysis: flow monitoring surveys. The Human Trafficking and other exploitative practices prevalence indication survey. Reporting period June 2016-September 2016”.

⁶ SANSONETTI, “Female refugees and asylum seekers: the issue of Integration”.

AT THE SOURCE STAGE

The refugees and those women and girls who are willing to take asylum are exposed to gender-based violence (GBV), which makes them unsafe and this vulnerability, gets increased because of not having equal gender relations in the community of origin country; it is frequently used as a tool to intimidate and embarrass people at war; it also becomes a cause of forced displacements and a consequence of the stress created during and after forced displacements (Pittaway and Bartolomei, 2001).

Gender persecution is one of the most significant reasons which makes a women leave their origin country and seek international protection. These cases are often not visible; however some organizations like Spanish Commission for Refugee Aid (CEAR), works for defending asylum rights. They try to make these cases more visible. In 2016 CEAR launched a campaign reporting this situation and claimed that “these women have the same rights as those who flee war.”⁷ Actually, in many armed conflicts, women are used as weapons to further attack the population. A clear example is the Yazidi people, whose women have suffered serious violations of their rights by fighters of the Islamic State (IS).⁸

Other reasons to seek asylum or international protection on the basis of gender are female genital mutilation (FGM), forced marriages, honour killings, or dowry killings. FGM is internationally recognized as a “violation of the human rights of women and girls since it adversely affects their rights to health, safety and personal integrity, the right to be free of torture and degrading situations, and their right to life” (Castellà; 2017). Forced marriage dowry and honour killing are three rights which violate the rights of married women. “Honour killings can be defined as acts of violence, often resulting in death, caused by the male members of the family against female members who are considered to have dishonoured the family”.⁹ According to the UN, dowry killing can be defined as “any act of violence or harassment relating to the dowry that can occur before or after their marriage or during its celebration”.¹⁰

AT THE TRANSIT STAGE

Apart from the discriminations women face in the origin country, there are more forms of discrimination which they face in transit and which makes them more prone to THB and GBV. UNHCR, The United Nations Population Fund and the Women’s Refugee Commission have issued a report that analyses the situation of women refugees and girls in the camps based in Greece and the Former Yugoslavia Republic of Macedonia. They concluded that migrants, women refugees and girls face grave dangers and the actions by governments, humanitarian actors, European institutions and

⁷ COMISIÓN ESPAÑOLA DE AYUDA AL REFUGIADO. “Refugio por genero: el mismo derecho a asilo que quienes huyen de la Guerra”.

⁸ Recently, the valour of Yazidi women was recognized by the EP with the Sakharov Prize for Freedom of Thought to two of them who had been kidnapped and became sexual slaves to IS fighters. NAVARRO, “Premio Sajarov para dos esclaves sexuales del Estado Islámico, defensores de la minoría yazidi”

⁹ Item 12- *Integration of the human rights of women and the gender perspective: Violence Against Women and “Honor” Crimes.*

¹⁰ UNITED NATIONS, «Good practices in legislation on “harmful practices” against women”.

civil societies to change this, has not been adequate.¹¹ The shelter or camps where women refugee stays are not safe. The Women Refugee Commission's report namely "no safety for women refugee on the European route: a report from Balkan" points out the problems faced by women refugee while transit. It was being found that there is no gender sensitivity at the transit sites and lack of gender sensitive information. Personnel are not experienced enough to handle the issues. Neither sex segregated facilities are available nor do female specific shelters exist. No sexual and reproductive health care. No gender based violence specific service. There is existence of discrimination on the basis of nationality.

Case study

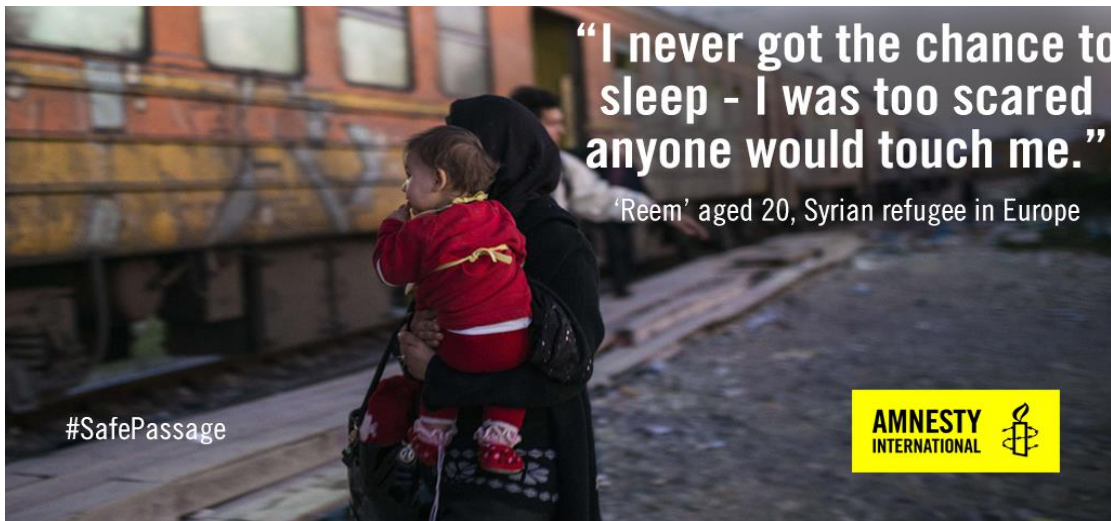
"The smuggler was nice to me but he liked to use women. I know that he used three Eritrean Women. He raped them and they were crying. It happened at least twice. Some of the women don't have money to pay the ransom so they accept to sleep with the smugglers. We were held in the desert and the women were sleeping in a tent. The men were sleeping outside. At night, The smuggler would call the name of a woman he liked. If she refused to come out, he would Force her and say, 'I want to help you. I want to give you the money. I will let you travel to Europe without paying anything.' After it happened a few times, we decided to protect the Women. We wouldn't sleep at night because we were guarding the tent." Medenine, a 17-year-old Somali boy interviewed by Amnesty International, Tunisia, March 2015 (Source: Amnesty International, May 2015).

AT THE DESTINATION STAGE

The first challenge faced in the implementation of integration measures for women refugees and girls is the lack of data on women who apply for asylum based on gender related issues. Often, they are included in the general statistics of migrant women even though their needs are different. Many times lack of information and cultural difference restricts women refugee in getting integrated in destination country, especially into the labour market. Lack of access to housing problem, health related issues, language barrier makes them less attracted for labour market and socially excluded (Castellà; 2017).

During 2015-16 many women refugee travelled through sea to reach their destination in Europe and it was observed that women who were travelling alone were more vulnerable as compared to accompanied women. Some reports suggests that just to seek the protection of male counterpart or to avoid survival sex many women went for the forced marriage (Women's Refugee Commission, UNHCR, UNFPA, and UNFPA; 2015). Closure of borders further increases their risk of sexual violence by traffickers, smugglers, as it restricts there safe passage. For example Hungary has put fifteen feet long barbed fence along its border with Serbia.

¹¹ UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, "Initial assessment report: protection risks for women and girls in the European Refugee and Migrant Crisis. Greece and the former Yugoslav Republic of Macedonia"

Figure 1. Safe passage for women refugee

The detention of women with the men also increases their vulnerability. According to Strasbourg court the violation of the European Convention on Human Rights has been seen many a time and reason behind it was substandard detention conditions (Nobel Women's Initiative, 2016).

Figure 2. Stop detaining women refugee

Source: refugeewomen.co.uk

Apart from these problems there are also many sets of problems which women refugee face and those problems are: Depression, dishearten, and feelings of hopelessness, Not able to get a meaningful work, Incapable women refugee to prove their refugee status and insensitive asylum hearings, Inadequate access to health care and other services, Negligible security from violence and other types of abuse and exploitation.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS OF WOMEN REFUGEE

As per UNHCR women and girls constitute about half of any refugee, internally displaced or stateless population in the world. Since the adoption of 1951 convention many efforts have been taken to provide protection to women refugee but still women refugee face several problems and challenges which need to be addressed. Sexual violence, female genital mutilation, forced abortion, sterilisation, denial of access to contraception, human trafficking, forced marriage, as well as repressive social norms are forms of violence and persecution faced by women. So it is very essential to address these issues appropriately (Autengruber; 2015). The Guidelines on the Protection of Women Refugees by UNHCR in 1991, and the Beijing Declaration and Platform for Action in 1995, were some attempts to address the plight of women refugees.

The Beijing Platform for Action and Women refugees recognized that the reason for women refugee seeking international protection can be different from that of men. It also highlighted the four realities about women refugee which calls for international attention;

- The augmented burden of responsibility that women refugees face "as a consequence of conflict, unexpectedly cast them as sole manager of household, sole parent and caretaker of elder relatives" (paragraph 133).
- The particular "vulnerability of women to gender-specific violations of human rights while fleeing, or relocating across borders, including rape and systematic rape" (paragraph 135).
- "Women often experience difficulty in some countries of asylum in being recognized as refugees when the claim is based on gender-related persecution" (paragraph 136).
- "The strength and courage that women refugees show in the process of displacement, are not acknowledged. Women's voices need to be represented in policy making that affects them, including in processes to prevent conflicts before they result in the need for communities to flee" (paragraph 137).

The Vienna Declaration and Programme of action states that the human rights which have given to the women and the girl-child are non-separable, intrinsic and sacrosanct part of UDHR. The international community is committed for the equal participation of women in political, civil, economic, social and cultural life, at all the levels, for example the national, regional and international levels, and the eradication of all types of gender based discrimination.

Gender based violence in any form is not compatible with the dignity of an individual and it should be eradicated. Legal ways and cooperation at both national and international level can help in achieving this goal. "All forms of violence against women in public and private life affect migrant, refugee and displaced women, regardless of individual status or condition. This is further exacerbated by the disintegration of traditional support structure, and inaccessibility and/or lack of culturally and linguistically appropriate services" (Vienna Declaration and Programme of Action; 1993).

Mertus, Dutt and Flowers (1997) have organised and defined the rights of women refugee through a lexical organisation. Their explanation does not only recognise the individual rights of women refugee but establish connection with the rights of refugees as a community. First, the *right to family reunification* wherein women refugees have right to reunite with their families at the same time they should have autonomy to take decision of their life. They shall be provided full legal status in the new country. Second, the *right to safely go back to their homes*, should be protected for refugee and displaced women, as they are very often vulnerable to rape, sexual assault and other forms of abuse.

Third, *the right to fair, appropriate, gender-sensitive asylum procedures*, it focuses on the requirement of recruiting women interviewers and interpreters as most of the women refugees are victim of any kind of sexual assault. Fourth, the *right to freedom from racism, discrimination and harassment*, migrants, refugees and displaced persons face racism, discrimination and harassment. Migrant workers in particular often become scapegoats for economic problems. Governments shall implement laws to eliminate all types of racism, xenophobia and homophobia, which include institutionalized racism, and should take measures to prevent it. Fifth, the *right to work free of economic or sexual exploitation in a safe environment*, refugee women should be given equal opportunity of participation in labour market and laws should be equal for both men and women.

The Rights provided by International Covenants on Civil and Political Rights (ICCPR) also apply to refugees in general and women refugees in particular. These rights include: *The right to life*: it is an innate right of every human being and state shall take necessary steps to protect this right. No person shall be deprived of the right to life (Art. 6; ICCPR). *The prohibition of torture*: Torture in any form must be prohibited and no person shall be subjected to any kind of torture (Art. 7; ICCPR). *The prohibition of slavery and forced labour*: No one shall be kept as slaver; slavery in all their forms, for example trade of slaves, shall be prohibited. No one shall be required to perform forced or compulsory labour.¹²

The right to liberty and security of person, this right entails that everyone has the right to liberty and security of person. No one shall be subjected to despotic custody or detention. No person should be put in an underprivileged condition regarding his freedom except on such basis and in as per with such provisions which are being established by law. Arrested person while getting arrested should get the information about the ground on which he/she is being arrested. Any individual who have faced the unlawful detention have the right to get compensated for his/ her loss (Art.9; ICCPR).¹³ Another important right relevant for women refugee is *the Right to get recognized as a person*: Everyone shall have the right to recognition everywhere as a person before the law (Art.16; ICCPR). As per the article 19 of ICCPR everyone has right to have an opinion and without any restrictions however this right is not absolute and comes with certain reasonable restrictions.

¹² For the purpose of this study, the term "forced or compulsory labour" shall not include: (i) Any work or service, not referred to in subparagraph (b), normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention; (ii) Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors; (iii) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community; (iv) Any work or service which forms part of normal civil obligations. (Art. 8; ICCPR.)

¹³ Article 9, ICCPR.

- i.) *Prohibition of arbitrary interference with privacy, home correspondence*: “No one shall be subjected to arbitrary or unlawful interference with his/her privacy, family, home or correspondence, nor to unlawful attacks on his/her honour and reputation. Everyone has the right to the protection of the law against such interference or attacks” (Art.17; ICCPR).
- ii.) *Prohibition of propaganda for war*: 1. “there shall be a law which will be against any advocacy of war. 2. There should be a law to prohibit any encouragement of national, racial or religious resentment which creates persuasion to discrimination, unkindness or violence” (Art 20; ICCPR).
- iii.) *Right to Equality*: “All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, .colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” (Art 26; ICCPR).

The ICCPR does not only guarantee these rights but at the same time it enhances these legal and social protections for those in need of assistance. However it is of great irony that ICCPR can now be used in synergy with the economic social and cultural rights of the refugees. It is in this regard that International covenants on Economic, Social and Cultural Rights become of crucial importance.

International covenants on Economic, Social and Cultural Rights includes:

First, *Equal right to men and women*: The States Parties to Covenant confirm to provide the equal right to both men and women so that they can enjoy all economic, social and cultural rights provided by the Covenant (Art 3; ICESCR).

Second, *Right to work*: The States Parties to the present Covenant recognize the right to work, which includes the right of every person to have such opportunities which will provide them a way to protect their rights. State shall provide technical and vocational guidance and training programs, policies and techniques to achieve steady economic, social and cultural development and should provide productive employment conditions, safeguarding fundamental political and economic freedoms of the individual (Art 6; ICESCR).

Third, *The right to just and favorable conditions of work*: The States Parties to the present Covenant ensures the rights of people to have a just and favourable working conditions with fulfillment of minimum remuneration standards which includes; equal pay for equal work irrespective of gender and a decent living for both worker and their families, healthy condition of work, equal and appropriate opportunities, limited working hours, holidays etc. (Art 7; ICESCR).

Fourth, *The right to social security*: The States Parties to this Covenant confirm the right of everyone to social security, including social insurance (Art.9; ICESCR). Fifth, *The right to adequate living standard*: The States Parties to the present Covenant recognize that every person should have rights to an adequate standard of living for himself and his family. These rights include very basic necessities like food, cloth, house and improving living conditions. They shall take all the appropriate measure to fulfill these rights and also should realize the significance of international cooperation to achieve these goals (Art 11; ICESCR).

Sixth, *The right to physical and mental health*: Those States which are parties to the present Covenant confirms the right of everyone to have the highest level of physical and mental health. To achieve this goal states should take necessary measures like taking care of stillbirth rate and infant mortality rate, to maintain every type of hygiene whether environmental or industrial, to control the diseases and take steps to prevent them, to provide medical facilities to sick people etc. (Art 12; ICESCR). Seventh, *The right to education*: States party to this covenant recognizes everyone's right to get education. They accept the fact that education is very important for overall development of humans and it could promote a more harmonious society which will lead to the peace (Art 13; ICESCR).

CONCLUSION

So it can be concluded that above discussed problems faced by women refugee make their life and journey more difficult. The ongoing miserable conditions of women refugee provide a scope to analyse the situation from a gender based perspective. The issues of refugees have often been seen from a male perspective; therefore, there is a need to analyse it from a female based perspective. Many attempts have been taken in the past to recognize the women specific issues of refugees. However they proved to be inadequate to address the problems. To address the issues related to women in ongoing refugee crisis in Europe there is a need to adopt more holistic, comprehensive and women based approach.

The rights which have been provided to refugees in general and women refugee in particular can provide them a good dignified life as provided in different covenants. However, the implementation of these rights by states and the cooperation between intuitions, NGOs, and civil societies will decide that how effectively these rights can lead to a dignified life of women refugee. Analysis of the responses of the European Union towards this crisis especially towards women refugee is also very important aspect of this issue.

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