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# **ENOMW's Input to EU Asylum Report 2024**

**SUBMISSION TO EUAA**

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# **European Network of Migrant Women's Input to the Asylum Report 2024: Submission to the European Union's Agency for Asylum (EUAA)**

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Access to territory and access to the asylum procedure (including first arrival to territory and registration, arrival at the border, application of the non-refoulement principle, the right to first response (shelter, food, medical treatment) and issues regarding border guards)

The narratives shared by asylum seeking women with the European Network of Migrant Women (ENoMW) underscore significant challenges in accessing territory and navigating the asylum procedure. The information ENOMW collected through interviews with refugees and asylum seeker women reveal that:

Upon arriving in Greece, the police direct migrants to nearby camps, providing tents and clothes for shelter. The registration process is a challenge, with queues extending for two to three days due to the overwhelming number of people. On some Greek islands, such as Lesbos, refugees must wait for weeks to be seen by a volunteer working for UNHCR. Upon their arrival, they are only given informational documents with instructions. They receive one meal per day, while they must provide the other meals themselves. More than one family is placed in one tent, and single women are accommodated with whoever comes next on the list, including single men.

In the Belarus-Poland crisis, migrants, including vulnerable women and children, found themselves trapped in a distressing cycle of forced returns between the two borders. The testimonies of those affected revealed alarming practices, including invasive body searches and the confiscation of belongings by border guards. Bodily searches on women are often done by male guards which adds an additional layer of traumatisation for the women already in the situations of high distress and vulnerability and may already be victims of male sexual abuse.

Financial exploitation emerged as a harsh reality for the women who reported paying exorbitant amounts—up to \$10,000—to reach destinations like Italy or Greece. To reach desired destinations, they often had to engage in repeated attempts at border crossings (“gaming”). For women, when they don’t have family support and come from contexts where their financial opportunities are severely restricted at state or communal level, accumulating funds to sponsor their trips comes with disproportionate costs placing women in situations of dependency already at the start of their journeys - a dependency that keeps multiplying throughout their journey.

Financial exploitation of women is often accompanied by sexual exploitation when women are coerced into sexual acts by smugglers, institutional male actors, as well as men from their communities, in exchange for “support”, protection, and means of transportation. Women traveling alone and coerced into “sexual relationships” under the guise of help are often unable to extricate themselves from such “relationship” even after the journey ends, as they become blackmailed by their abusers who threaten to disclose such 'relationships' to women’s extended families. Intimate images are often used by perpetrators to impose long term psychological and financial controls on the women forcing them to remain in sexual relationship, subjected to continued sexual abuse.

Sea crossings is another area of danger. Reports indicated instances of coast guards ignoring distress calls or providing inadequate responses, leaving individuals in dire conditions (e.g. without food or water). Disturbing accounts included desperate measures such as taking sleeping pills to endure prolonged stays at sea. Even after rescue, coast guards were reported to have left the migrants in difficult conditions during long waiting times for registration and processing (e.g. under intense sunlight or without clothes) or the police was reported to have left migrants in the middle of nowhere with no instructions nor support.

Medical assistance provided at borders often does not account for sex-specific needs of women and girls, in particular, sexual and reproductive health, menstruation, pregnancy, or breastfeeding. Of alarm is the frequently reported absence of specialist medical assistance to the victims of rape.

More generally, gynecological services for women are not seen as essential services in the context of medical care provided upon arrival. Additionally, screening at borders upon arrival hinders women's reporting of victimisation and abuse. Disclosing abuse requires time, the victim’s realisation of her lived experience and trust-building with experienced professionals, elements practically impossible to ensure in the screening processes at border arrivals.

## Access to information and legal assistance (including counselling and representation)

Lack of access to information and legal assistance is one of the major challenges faced by asylum seeking and migrant women. ENOMW has witnessed that organisations managing reception do not have lawyers sufficiently trained to provide legal assistance for women and girls who have lived specific experiences of violence and abuse. In particular the cases that involve male violence that should be treated as a basis for asylum under the Geneva conventions UNHCR guidelines N1, the Istanbul convention and CEDAW, are frequently not being treated as such. When cases are prepared, the sexist and sexual violence that women have suffered leading to their decision to flee, may be downplayed as “insignificant” compared to, for example, political persecution.

Rarely - if at all - women and girls’ asylum cases are viewed from the perspective of persecution of a group on the basis of characteristic of sex even when such persecution is well documented such as in the case of Afghanistan. Furthermore, women are not assisted to disclose and document such abuses as this type of violence is not well understood by the overall legal system and legal professionals working in the area of asylum.

The lack of psycho-traumatological expertise of legal professionals and/or the lack of engaging with experts and organisations with expertise of work on VAWG and its traumatic consequences, further exacerbate the situation as it limits the information and legal assistance that women receive and reduces the chances of success of their applications. As a result, many applications become rejected in the first instance, and some only win on appeal, when additional elements concerning VAWG are added to the case, if the applicant is lucky enough to come across a feminist legal expert willing to assist her case. In addition, there is an overall lack of lawyers assisting asylum cases, many of them working pro bono and are overwhelmed with the work load in which women and girls’ cases do not receive the attention they deserve.

Of particular concern in the context of legal assistance and access to information is the fact that married women seeking asylum are viewed as “additions” to their spouses, the applications being treated as auxiliary to their husband’s. As a result, women do not receive independent legal advice or information, which is provided to the male representative of the family with the assumption he will distribute this information to the rest of the family. While this may be the case for many families/couples, it is not the case for all, especially when domestic violence is present in the family and when women’s means of communication (phones, laptops) are controlled by their spouses or male relatives. ENOMW has witnessed numerous cases of coercive control exercised over asylumseeking women which include the cases of older women but also young women and underage girls. Additionally, women and girls are often invited for interviews only together with their spouses, which makes it impossible for them to disclose any instances of violence or control in the presence of perpetrators. Mothers are also often interviewed and assisted legally in the presence of their children, which also makes it impossible to disclose abuse if such is or have taken takesplace.

Finally, the information provided to women often exclude the information on their rights and freedoms to which they are entitled not only as asylum seeking individuals but as women on

the soil of EU, under such instruments as EU Charter of fundamental rights, EU Anti trafficking directive, Victims rights directive, and Istanbul convention.

## Provision of interpretation services (e.g. introduction of innovative methods for interpretation, increase/decrease in the number of languages available, change in qualifications required for interpreters)

Concerning asylum seeking women, one problem that ENoMW has witnessed in the area of interpretation and translation, is that translators are not always qualified in human rights and VAWG legal vocabulary, resulting in poor interpretation quality and weakening the applications.

ENoMW has been in contact with numerous women who expressed frustration with the fact that the interpreter present at the meeting did not know how to translate certain terms that described precisely the experiences of violence and discrimination that women narrated, instead using generalising and not concrete phrases that did not express the severity or details of women's experiences.

In some cases it resulted in women's asking to stop the interviews and asking the interpreter to be replaced. It has been emphasised by the women that they felt not only the interpreter did not use the correct terms but tried to minimise and leave outside the interpretation certain parts of women's narratives. For example, women with a relatively good level of national language in which the interviews were conducted requested interpretation precisely because they hoped for a professional service that would render their experiences as precisely as possible as they feared their own doing so in the national language will not be sufficient. Instead, they had to request for the interview to end and/or interpreter to leave, as they felt their experiences were misinterpreted.

Some women reported that the interpreters assigned to deal with their cases even expressed bias and showed disbelief and reluctance in interpreting women's narratives. This, in particular, was the case when an interpreter was male, which in certain cases became further complicated by the fact that he belonged to the same ethnic or religious group. In such cases, instead of facilitating women's communication, it was impaired by fear of community retaliation and social stigma, preventing women from disclosing their cases, thus significantly reducing the chances of them, receiving a positive decision.

Finally, a separate note should be made on the quality of translations of written materials. As many non-EU languages do not have literal equivalent for some terms or concepts, this sometimes leads to imprecise and/or incorrect translations. This is particularly the case with some terms in the area of VAWG. For example, practically all terms with the word "gender" can be considered as 'interpretations' in most non EU languages and as such remain at the discretion of individual translators/interpreters.

The lack of clarity and consistency in translation laves migrant women, in particular what concerns their legal rights and health services, at risk of exclusion.

## Dublin procedures (including the organisational framework, practical developments, suspension of transfers to selected countries, detention in the framework of Dublin procedures)

Asylum seeking women with a vulnerable status are not sufficiently protected under the Dublin procedures, especially victims of violence. Through their work, ENOMW members have witnessed situations of women escaping violence in their first country of arrival, where they were faced significant risks of male violence, including femicide, and they did not want to be in the same country as their perpetrators who threatened to kill them. The impossibility to file a new application in another EU member state left them undocumented and forced them into hiding.

In some instances, women were compelled to return to the country of their initial arrival and seek assistance there to resolve marital issues, particularly those who had arrived in Europe through family reunification. Under family reunification, in some EU countries (all EU member states have their own national policies when it comes to residence rights and asylum procedures) a woman is required to remain in a relationship for two years to obtain legal status and for five years to secure residence. If they fail to meet these time limits, they are obligated to return to their country of origin. Consequently, many women endure abusive relationships to avoid deportation, and those with children may stay for the sake of retaining custody.

It's important to note these issues persist, despite the existence of significant binding instruments such as CEDAW (Convention on the Elimination of All Forms of Discrimination against Women) and the Istanbul Convention which are designed to ensure the protection of women in situations of sexual violence and sexual discrimination. CEDAW General Recommendation 19, and, in particular, the specific Recommendation 24(b) in the General Recommendation

19 and the updated General Recommendation 35 (CEDAW General Recommendation No. 19 & 35), is most applicable to women with family reunification and undocumented women who want to escape violent relationships. Chapter VII of the Istanbul Convention is most relevant to women who feel unable to protect themselves due to their documentation and residence permit rights in Europe, which includes women with family reunification who want to leave a violent relationship. therefore, exceptions to the regular Dublin procedures and suspensions of transfers should be applied for applicants escaping from violent and abuse behaviors.

## Reception of applicants for international protection (including information on reception capacities – increase/decrease/stable, material reception conditions - housing, food, clothing and financial support, contingency planning in reception, access to the labour market and vocational training, medical care, schooling and education, residence and freedom of movement)

Providing safety and security to women and girls, in particular pregnant women, women with disabilities, single mothers, unaccompanied minor girls and young women and elderly women, in refugee reception facilities, is a legal obligation of EU states under EU and international law, including such instruments as CEDAW and Istanbul convention. Women as a group are not vulnerable per se. However, at the backdrop of the global and European statistics that demonstrates that 1 in 3 women are subject to some form of men's violence, in the context of migration and in accommodation and reception centres for asylum seekers, it is crucial that females are understood as a group at a specific and heightened risk of male violence that can be manifested at interpersonal, communal, and institutional-administrative level.

The current reception of applicants for international protection raises critical concerns, particularly regarding the treatment of women, as evidenced by the experiences shared with ENOMW:

Women in reception centers and refugee camps face challenges due to the lack of specialised support, compelling them to share intimate spaces with men.

Contrary to the EU Reception Directive emphasizing the protection of vulnerable individuals, and the recommendation of GREVIO committee, implementation gaps persist. The experiences reported by our interviewees show the urgent need to establish women-only spaces to ensure dignity, security, and safety of women, as well as unhindered access to essential services, including healthcare, psycho-traumatic support for victims of sexual violence, with no waiting times and at no cost.

In Greece, women declared experiencing prolonged waits for registration in reception centers, adding uncertainty and stress. The limited validity period of the registration document, typically one month, heightens concerns for the women, impacting their access to necessary services and support.

In Italy, women and families are placed in large rooms resembling prison-like conditions alongside single men until their fingerprints are taken. This practice raises questions about the appropriateness of living conditions and the impact on the well-being of women, including young single women.

In Italy and Spain, while governments directly manage some temporary emergency camps, the management of refugee reception centers is often delegated to state funded NGOs. The lack of autonomy of NGOs in decision-making, including accommodation arrangements and support provisions, seems to impact their consistency and effectiveness. The integration processes, including job training and placement, vary depending on the NGO responsible for migrant care.

The length of the integration period also differs between Italy and Spain, affecting the support provided and the expectations placed on migrants after this period. Some women feel that the NGOs are not adequately utilising the funds allocated by the government for their support.

In the Calais and Dunkirk regions in northern France, migrants face severe pushbacks. People stranded in these areas live in harsh conditions. Various NGOs operate in the area, providing specific assistance, but their limited operational hours and specific focus areas leave gaps in comprehensive support to women. In Belgium, most refugee facilities are mixed-sex, which, as described earlier places women at risk of sexual violence and sexual exploitation, including exploitation in prostitution, particularly in the context of legal decriminalisation of pimping and profiting from sexual exploitation that the state of Belgium recently adopted.

Irregular migrant women and girls in Europe face significant barriers in accessing healthcare due to lack of proper documentation or awaiting asylum processing. Limited or non-existent access to healthcare services poses risks to the well-being of these vulnerable individuals.

## Procedures at first instance (including relevant changes in: the authority in charge, organisation of the process, interviews, evidence assessment, determination of international protection status, decisionmaking, timeframes, case management - including backlog management)

Despite some positive legal developments, women victims of trafficking, in particular trafficking for the purposes of exploitation in prostitution, continue to face difficulties when applying for asylum. EU states are often reluctant to make a favourable determination based upon trafficking status alone. Immigration authorities may lack knowledge of or adherence to their own women specific guidelines. For instance, Nigerian women victims of trafficking belong to a social group within the meaning of the Geneva Convention. They fear that if they return to their country they will fall victims either of reprisals from those who exploited them when they have not finished paying their debt, or of ostracism by civil society, which makes them particularly vulnerable to the risk of revictimisation. The Nigerian authorities are not able to offer them protection. Women faces a specific situation of heightened risks of persecution due to psychological consequences of the exploitation, stigmatisation and ostracism as a person who has been trafficked, as well as the submission to a spiritual/psychological hold linked to the oath taken as part of the juju, and the lack of economic opportunities.



## Vulnerable applicants (including definitions, special reception facilities, identification mechanisms/referrals, procedural standards, provision of information, age assessment, legal guardianship and foster care for unaccompanied and separated children)

The vulnerability of applicants for international protection, especially migrant and refugee women, presents multifaceted challenges that require a comprehensive and sensitive approach. The information ENOMW gathered reveals that:

Female applicant for international protection often face an elevated risk of male violence due to various factors, including cultural pressures, language barriers, and unfamiliarity with the system. Fear of seeking help or leaving an abusive relationship is heightened by concerns about immigration status, potential deportation, and the impact on asylum cases.

Women who join their partners through family reunification schemes may find themselves in full dependency or abusive relationships. The requirement to live with their spouse for a stipulated period, as outlined in the Family Reunification Directive, can lead to prolonged exposure to abusive conditions. Variation in national laws across European countries further contributes to disparities in legal protections, limiting the options available to women in distress. In Spain, if you are married for three years, you can maintain your residency after divorce, while in Belgium and Germany, the five-year rule applies. Women who have joined their partners/husbands through the family reunification scheme may choose to stay in an abusive relationship due to the fear of being sent back to their country of origin and having their children taken away. Afghan women in Italy spoke of the rise of violence in the families of newly resettled Afghans in Italy due to many issues such as not knowing the language, employment, and housing, which concerns their lives in immigration.

Initiatives such as Sister House in Brussels play a crucial role in supporting women at risk of sex-based discrimination and violence. By providing short-term shelter, assistance in addressing sex-based violence, and promoting empowerment, these specialized facilities contribute to creating a safer environment.

Women's experiences of sexual exploitation during their journey and in refugee camps highlight the urgent need for protective measures. Instances of isolation, insecurity, and fear within camps necessitate enhanced security measures and tailored support for women, especially those traveling alone.

Legal guardianship of unaccompanied minor girls deserves a specific mention as ENOMW have come across cases of reported instances when such minors were placed in the custody of adults without due verification of their background resulting in sexual and labour exploitation, sexual violence and overall control and unequal power relationship over young females

## Content of protection (including access to social security, social assistance, healthcare, housing and other basic services; integration into the labour market; measures to enhance language skills; measures to improve attainment in schooling and/or the education system and/or vocational training)

Upon arrival in the EU, both regular and irregular migrant women often encounter similar challenges, difficulties, and barriers. Many women express confusion about accessing services due to a lack of awareness of available systems in different EU regions. A significant majority of the women participating in our research expressed confusion regarding where to seek information. Improving information provision, raising awareness of rights, and enhancing knowledge of support systems are essential to address this concern.

Some differences exist in the way different groups of migrants and refugees are perceived and treated, resulting in different degrees and experiences of discrimination.

In the housing sector, discrimination against migrants, especially women with children, makes it challenging to secure suitable accommodation even with a job, income, or social system support. Despite providing proof of legal residency within the EU, private landlords frequently refuse to rent to migrants.

Language barriers and a lack of understanding of the healthcare system contribute to difficulties accessing healthcare services. Migrants, particularly women and girls, encounter challenges in communicating religious or cultural needs to healthcare providers. Additionally, long waiting times for healthcare consultations were commonly reported in our research, particularly by newly resettled women who faced additional challenges due to the distance between their allocated housing and medical facilities.

Learning the language of the host country is crucial for integration, employment, education, and overall well-being. It is particularly important for migrant women, who often play a vital role in their families. Many women reported facing various obstacles, such as long waiting times to enroll in a course, lack of childcare options, difficulties in finding information about available courses, concerns about the teaching methods employed, and the additional financial burden for women who are seeking family reunification and have to pay for language courses. Language learning and employment are strictly related, therefore certifying language knowledge is a key aspect.

Afghan women who have recently resettled in Italy have shared their experiences regarding language courses. They mentioned that there is a distinction between public and private language courses in terms of qualifications. While private courses may help individuals acquire language skills, they may not hold the same level of recognition as the certificates obtained from public courses. Furthermore, for many women, their children's enrolment in educational institutions and their own inability to attend language classes to learn the language of the host country often go hand in hand.

Discrepancies in education systems pose challenges for children of migrant women. Concerns include adapting to new curricula, learning methods, and language instruction. There are also difficulties in communication between schools and migrant families. Ukrainian women residing in Brussels expressed their concerns over their children being left behind, leading them to sign them up to a Ukrainian online school in addition to the Belgian school.

Afghan women in Italy had similar concerns, and additionally reported long waiting times to before their children could attend school.

In most of the EU countries, undocumented migrants' access to health services is very limited. In just 10 of the 28 EU Member States do undocumented migrants have the right under national law to access primary care; in 6 their access is limited to emergency care. The remaining 12 EU countries are in between. Most commonly, this access is predicated upon such criteria as having a national ID card or health insurance (state or private). Even when eligible for healthcare, most avoid it for fear of being detained and deported.

## Return of former applicants for international protection

Following the asylum process, women who face unsuccessful outcomes often face heightened risks upon return to their countries of origin. Many of these women took a "life-death" decision when leaving the country of origin, by which they denounced links with their communities, defied social stereotypes and sometimes quite literally fled their perpetrators. Women's asylum cases are often rejected based on the lack of evidence in cases of male violence (forced marriage, FGM, trafficking and prostitution, domestic violence, "honour" based violence) - the evidence which is extremely difficult to collect even in the European jurisdictions/democracies.

At the backdrop of the lack evidence, the rejection of applications is often predicated on the fact that women flee states who, at least on paper, are supposed to have functioning law enforcement and judiciary systems able to protect the women. Contextual social, cultural, economic, conflict factors that make protection of women from VAW are often ignored.

When women are returned to the country of origin (or first country of arrival), factors such as societal stigmatisation, potential reprisals, and the re-emergence of circumstances prompting their initial migration amplify the risks for these women. (see reply question 8). Returned asylum seeking women are often subjected to sex-based discrimination and violence. This is particularly apparent in the cases of trafficked women, who fall in the hands of their traffickers and became re-trafficked.

## Resettlement and humanitarian admission programmes (including EU Joint Resettlement Programme, national resettlement programme (UNHCR), National Humanitarian Admission Programme, private sponsorship programmes/schemes and ad hoc special programmes

Refugee women resettled in Italy, Spain, and Germany since 2021, Afghan women in particular, have expressed that they were relocated to isolated villages situated several kilometres away from major cities, without any opportunity to choose or receive information about their destination. Consequently, they are required to travel long distances to attend language classes or access healthcare services, which makes the language integration for many practically impossible. Additionally, single mothers and those mothers whose spouses find it impossible to arrange child-care in such situations when their travel to health or language facilities takes such extensive periods of time.

Additionally, Afghan women recently relocated to Italy and Spain through humanitarian corridors highlighted their concerns over their own and their partners' mental health. Those among them who do not know the host country's language can only obtain jobs for which they are overqualified.

Refugee women with professional backgrounds often face over-qualification for jobs, leading to the devaluation of their skills. Ukrainian women and newly resettled Afghan women in Europe found themselves expected to work in the domestic sector, cleaning, and in restaurants, even when their previous career was totally different, reflecting a mismatch between their skills and job opportunities.

## Other important developments in 2023

Several countries in the EU (Sweden, Denmark, Finland) have recognised Afghan asylum seeking women as a group subjected to sex-based discrimination, whose rights are systematically and consistently impaired and nullified in particular under CEDAW convention. While such recognition is important, it only comes in force once an Afghan female refugee has reached an EU state who affords protection to Afghan women as a group. This, in itself, is problematic as Afghan women are prevented from leaving Afghanistan (and even moving within Afghanistan), therefore, their chances of reaching Europe as refugees remain extremely limited, if at all possible.

## If available online, please provide links to relevant publications produced by your organisation in 2023

Journey of resilience. Migrant women's experiences in transit, refugee camps/centres, and host countries of Spain, Italy, Belgium, France and Germany, Poya, F., & Zobnina, A. - <https://www.migrantwomennetwork.org/2023/09/15/journeyofresilience/>

Submission: Nigerian Women – A Social Group in Need of International Protection." European Network of Migrant Women, Ahabare, A., European Network of Migrant Women - <https://www.migrantwomennetwork.org/2023/04/19/enomw-submission-nigerian-women-a-social-group-in-need-of-international-protection/>

UNDOCUMENTED MIGRANT WOMEN IN EUROPE IN THE POST-COVID PERIOD: CASES OF IRELAND, MALTA AND POLAND AND EU-WIDE IMPLICATIONS (briefing paper) - <https://www.migrantwomennetwork.org/2023/02/02/hummingbird-briefing-paper/>

“For an Equal Europe for All: Migrant Women Rights are Human Rights” Policy Brief. The Policy Brief sets 6 key issues and 76 recommendations of policies, measures and actions to address urgently the migrants and refugees, especially women and girls, rights violations and discrimination. - <https://www.migrantwomennetwork.org/2023/01/25/forum-policy-brief-for-an-equal-europe-for-all-migrant-womens-rights-are-human-rights/>

WORLDPLACES: New Toolkit on Meaningful Engagement and Integration of Migrant Women, Ahabare, A., & Arbid, A. Arab Women Solidarity Association, European Network of Migrant Women in frameworks of EU funded project WORLDPLACES - <https://usercontent.one/wp/www.migrantwomennetwork.org/wp-content/uploads/WORLDPLACES-TOOLKIT-Migrant-Women-Engagement-WEBFINAL.pdf>

UNDOCUMENTED MIGRANT WOMEN IN EUROPE: A NEGLECTED CHAPTER IN FUNDAMENTAL RIGHTS PROTECTION, Hajar Salimi Khaligh, Alyssa Ahrabare, Anna Zobnina, ENoMW & Trust Law of Thomson Reuters - <https://usercontent.one/wp/www.migrantwomennetwork.org/wp-content/uploads/UMW-Report-2022.pdf>

ENOMW presentation for PACE Committee on Migration, Refugees and Displaced Persons - <https://usercontent.one/wp/www.migrantwomennetwork.org/wp-content/uploads/ENOMW-presentation-for-PACE-Committee.pdf>

Migrant Women and Reproductive Exploitation in the Surrogacy Industry: Joint Investigation by ENoMW and ICASM - <https://usercontent.one/wp/www.migrantwomennetwork.org/wp-content/uploads/ENG-Final-Migration-and-surrogacy.pdf>

TRAFFICKING IN MIGRANT WOMEN FOR EXPLOITATION IN PROSTITUTION: ROOT CAUSES, IMPACT ON VICTIMS, BEST PRACTICES AND RECOMMENDATIONS, Coalesce project <https://usercontent.one/wp/www.migrantwomennetwork.org/wp-content/uploads/COALESCE-POLICY-BRIEF-2-1.pdf>