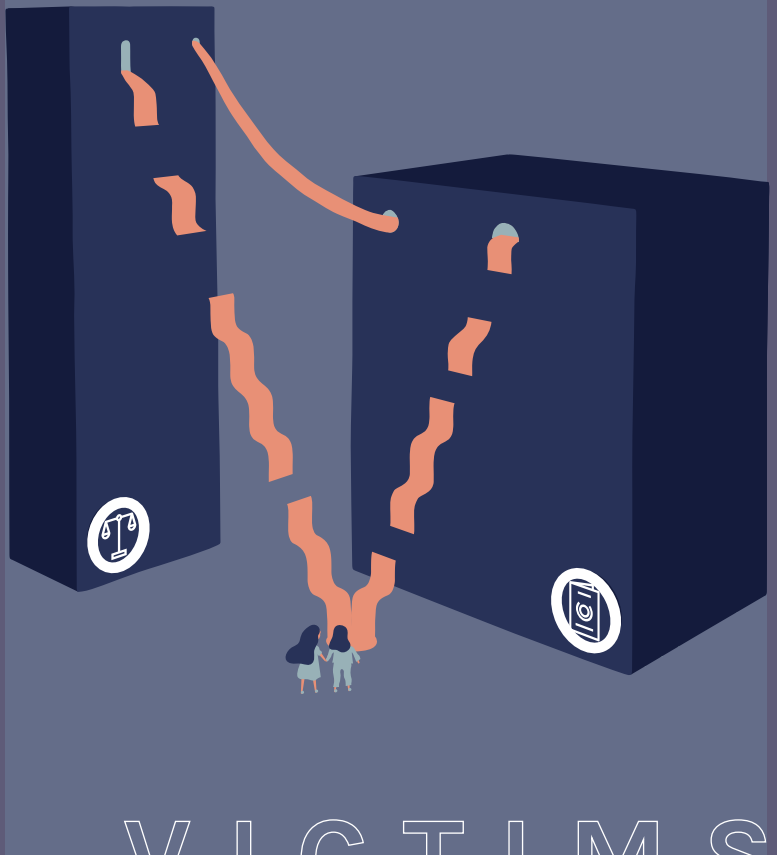


EUROPEAN INSTITUTE FOR CRIME PREVENTION AND
CONTROL, AFFILIATED WITH THE UNITED NATIONS

UNSEEN



VICTIMS

*Why Refugee Women Victims of Gender-Based
Violence Do Not Receive Assistance in the EU*

Inka Lilja, Elina Kervinen, Anni Lietonen,
Natalia Ollus, Minna Viuhko, Anniina Jokinen

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This report is written for policymakers and practitioners who work in the fields of criminal policy, crime prevention, asylum and migration policy as well as integration. We hope that the empirical evidence we present will lead you to take concrete steps and make structural and legal changes to improve the position of refugee women who have experienced gender-based violence. We will present concrete recommendations on how to achieve this at the end of this report. We are looking forward to a dialogue with our readers.

A source of inspiration for us in writing this report was the invaluable work of the counsellors from SOLWODI Germany, Consiglio Italiano per i Rifugiati, G.I.R.A.F.F.A. Gruppo Indagine Resistenza alla Follia Femminile from Italy, Greek Council for Refugees, Cyprus Refugee Council, Puijolan Settlementti from Finland, and Jesuit Refugee Service from Croatia. Thank you for making the world a more humane place through your daily work and thank you for sharing your most insightful thoughts in the journals. Without you this research would have not been possible.

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Introduction

In 2017-2019, HEUNI participated in an EU-funded project entitled "Co-creating a Counselling Method for Refugee Women GBV Victims (CCM-GBV)". As a result, a "Handbook on Counselling Asylum Seeking and Refugee Women Victims of Gender-based Violence - Helping her to reclaim her story"¹ was developed in cooperation with partner organizations² who work daily with refugee women in six EU member states, namely Croatia, Cyprus, Germany, Greece, Finland and Italy. The Handbook contains a counselling method for working with refugee women, and it is based on the practical needs identified by the counsellors assisting refugee women. The project attempted to increase the visibility of refugee women's experiences of violence. These experiences have so far remained largely unseen and their stories have virtually remained untold in the European Union. This report is a continuation of our project and an attempt to make those voices heard, raise awareness and promote discussion on the topic of violence against women especially in the refugee context.

The project, as well as this report, is based on large qualitative dataset that was collected through an innovative journal methodology. In this report, we present the project's findings on the manifestations and consequences of violence and on the challenges in identifying and assisting victims of violence in the refugee context. The lack of information on the experiences of victimization among refugee women illustrates the importance of addressing this topic. It also calls for the participation of a wider audience in the discussion on the duty of the European Union to protect those who arrive in Europe seeking protection

1 - The handbook is available at http://heuni.education/ccm_gbv_outcomes

2 - SOLWODI Germany, Consiglio Italiano per i Rifugiati, G.I.R.A.F.F.A. Gruppo Indagine Resistenza alla Follia Femminile from Italy, Greek Council for Refugees, Cyprus Refugee Council, Puijolan Settlementti from Finland, and Jesuit Refugee Service from Croatia

from and on the basis of gender-based violence. In this report refugee women refer to all women who are in the refugee status determination process (i.e. seeking asylum), have received international protection (i.e. subsidiary or refugee status) or are in the deportation process (having been denied refugee, subsidiary or other status). We use the general term refugee women to refer to all of these groups. We also use the terms refugee women and asylum-seeking women interchangeably.

In Chapter 2, we will describe in detail the data collection methodology and some of its strengths and weaknesses. Then, in Chapter 3, we will give a short introduction to the historical, social and international context of violence against women. We will continue by describing the different forms of gender-based violence identified in our data, and how the forms of violence form a continuum over time, space and geography. Chapter 4 looks at the consequences of violence for the refugee women, and in Chapter 5 we will focus on the key issues why victims of gender-based violence are not adequately identified and assisted even though there are several legal instruments that create rights for those seeking protection from persecution and for victims of crime in Europe. Finally, in Chapters 6 and 7 we will discuss how refugee women victims of violence could be better assisted and we give detailed recommendations to improve the situation of refugee women victims of gender-based violence.

chapter

1

Summary

1. Summary

Our main argument in this report is that the systems (i.e. the asylum system and the criminal justice system), which are meant to assist and protect asylum seeking women who have been victims of violence, fail to do so because there is a disconnect between the reality of the women and the expectations of the systems.

The data collected for this report revealed stories that are underrepresented in the current European migration discussion and identified victims of violence who remain invisible in the criminal justice systems of the EU countries. The data comprises of over 600 journal entries collected on a weekly basis over a period of one year from 30 counsellors working in organizations assisting victims of violence or refugees in general. The counsellors were requested to reflect in the journals upon the phenomenon of gender-based violence, consequences of violence on the victims and challenges and lessons learned in counselling refugee women victims of violence. The journal data was analysed by HEUNI, anonymised and fed back into project workshops where the counsellors discussed various aspects of gender-based violence. This process of co-creation resulted in a counselling method for assisting refugee women victims of violence.

The data collection was mainly focused on the needs of the counsellors and on the needs of the victims from the counsellor's perspective, and on how to increase the capacity of the counsellors to assist victims of gender-based violence in the refugee context. However, the data also uncovered the broad spectrum of violence that the women who sought counselling had encountered in their lifetime; ranging from severe physical and sexual violence to psychological violence and harassment,

including domestic violence, rape, forced marriage, female genital mutilation and human trafficking. Many had faced a continuum of violence, in other words, the women had often experienced multiple forms of violence during their lifetime, the violence had taken place in different locations and had been committed by a variety of perpetrators. Most of the victims identified in our data were in a distressed mental and physical state, which exposed them to further abuse and secondary victimization in Europe.

There are two systems in place in Europe for assisting asylum seeking victims of violence. First, the asylum system, which is aimed at protecting those in danger of persecution or serious human rights violations in their countries of origin. Second, the criminal justice system, including the adjacent victims' rights regime, which aims to protect victims of crime. Most asylum-seeking women victims of violence could, in theory, claim rights from either or both systems. However, our main argument in this report is that the systems (i.e. the asylum system and the criminal justice system), which are meant to assist and protect asylum seeking women who have been victims of violence, fail to do so because there is a disconnect between the reality of the women and the expectations of the systems. This disconnect is partly caused by the fact that the systems fail to see the continuums of violence and instead focus on individual instances of violence; i.e. on violent acts only at a certain juncture of life or on violence that take place in a certain jurisdiction.

A dilemma arising from the data was that the women would need asylum to recover from violence, but in order to receive asylum, an applicant needs to share a detailed description of the violent incidents they have experienced. This is not easy for many reasons. The normalization of violence greatly influenced what women considered significant and worth mentioning in their asylum claim. Also, the serious physical and mental consequences of violence impacted the women's ability to recollect past events. Based on our data it seems that in practice gender-based violence as a form of persecution is rarely identified by authorities or revealed by the women, and therefore some of the women who could have been entitled to asylum failed to receive it. When asylum seekers enter the European Union they also fall, in theory, under the same victims' rights regime as the citizens of the EU. Although reporting a crime is not a prerequisite for accessing victim support services, it is of

great concern that only a small proportion of all the victims identified in the dataset had reported their experience of violence to the police. If crimes are not reported, they are left unaccounted for by the criminal justice system and impunity for gender-based violence continues.

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chapter

2

Methods and data

2. Methods and data

It is challenging to capture the experiences of victimization of a group of people in a very vulnerable and precarious situation at the margins of the European Union. It has been a long-lasting difficulty even in the case of EU citizens to fully measure the prevalence of violence in a standardized way across the Member States. To this day there is a persistent lack of comparable, robust, and reliable data on gender-based violence across Europe (EIGE 2019). The most often used data sources include administrative reports, official national statistics, and population-based surveys. Victimization data collection in general is under-developed and actual prevalence and the way violence is experienced remains poorly understood (FRA 2014). Therefore, it is not a surprise that the experiences of refugee women are largely invisible in these data sources. In order to gather empirical evidence on the phenomenon of violence against women in the refugee context, innovative research methods that combine both qualitative and some quantitative methods, had to be developed. The project utilized journal writing in collecting the qualitative data on which we base this report. This chapter will provide a detailed description of the journal method which was developed particularly for this project.

The journal method was designed to collect the challenges and impacts of and lessons learned in the counselling sessions in order to map the needs of the victims from the counsellor's perspective and to increase the capacity of counsellors to assist victims of violence. Journal writing was in many ways the cornerstone of the project. The idea of the journal was to provide the opportunity to self-reflect and share views on the quality of the counselling sessions, any problems that might have occurred, and ideas on how to improve the assistance and counselling given to the clients. By counselling we refer to a multidisciplinary approach in which refugee women who have been victims of gender-based violence were offered a multitude of support, including psycho-social counselling, information on their rights, and assistance in fulfilling their everyday needs. The

aim of counselling was to support clients, i.e. refugee women, in different life areas, not just with issues connected to gender-based violence. Counselling consisted of a series of one-on-one sessions where women were given the opportunity to be heard and to tell their story. During the counselling, the counsellors and the women jointly discussed and discovered a spectrum of opportunities in relation to rights and assistance. The counsellors informed the women about their rights as victims of crime and as asylum seekers, and mapped their practical needs such as sustenance, housing and medical assistance. When needed, the counsellors referred the women to other service providers. Overall, the idea of the counselling could be described as a process of moving from shame, fear and self-blame to building confidence, empowerment and integration.

Journals are defined as a log that contains a record of activities and a personal commentary in which the counsellors reflect on their roles and activities in relation to the specific clients and explore their own understanding of the situation of their clients.

Altogether, thirty counsellors participated in writing the journals, however, there was a certain amount of staff overturn, so not all the thirty counsellors worked for the entire duration of the project. The counsellors were from seven different NGOs³ across six EU Member States (Croatia, Cyprus, Germany, Greece, Finland and Italy). The project itself lasted for two years, of which the counsellors were asked to write weekly journals over a period of one-year, minus holidays or other overriding obstacles, producing a total of 622 journal entries. The average number of journals written by each counsellor was 21 entries. During the two years, altogether 4591 counselling sessions were organised.

3 - SOLWODI Germany, Consiglio Italiano per i Rifugiati and G.I.R.A.F.F.A. Gruppo Indagine Resistenza alla Follia Femminile from Italy, the Greek Council for Refugees, the Cyprus Refugee Council, Puijolan Setlementti ry from Finland and the Jesuit Refugee Service Croatia

In these sessions the counsellors identified 3516 cases of some form of gender-based violence.

The counsellors used a semi-structured template in writing the journals. The template covered three broad themes: 1) challenges, 2) the impact of violence and assistance on victims, and 3) lessons learned. Each theme included more specific questions which were designed to help with self-reflection. Under the theme 'challenges' the counsellors were asked to describe the challenges they had faced during that week with the clients or in their work in general. Under 'impact' they were asked to describe the impact the violence had had on the client, how the counselling was impacting the client and finally whether the client was willing to report the crime to police. In this part, counsellors reflected considerably on the physical, emotional and social consequences of violence, giving very graphic descriptions of the state and condition of the women. They also reflected on the impact of counselling, including ventilating frustrations of not being able to sufficiently influence the situation of a client, or sometimes pointing out their accomplishments. The last theme was meant for reflecting on the successes of the week and for describing the lessons learned, including reflecting on their own feelings at work. Under each theme the counsellors could choose to discuss a situation of a client, or describe challenges, impact and lessons learned at a more general level. Most often counsellors chose to describe the situation of a client or a few clients and reflect on the week through the stories of their clients. Through the case examples we started to accumulate data on the forms of violence, the stories of the women, as well as general patterns of the phenomena of gender-based violence in the refugee context.

The collected data is not representative of refugee women and their experiences in general. Several factors have influenced in why specifically these women have ended up as clients in these NGOs. For example, the NGOs that participated in this project have different priorities and mandates; some of the NGOs are working more generally with safeguarding, supporting and advocating for the rights of vulnerable groups while others were more oriented towards assisting mainly refugees and/or victims of violence and women in particular. As part of the project, the counsellors were tasked to also reach out to victims of violence, and they were asked to purposively write their journals from sessions with victims or potential victims of violence. Furthermore, victims of

violence possess different resources, agency, and priorities that all influence on their ability and willingness to seek assistance.

The journal method is not free from ethical and methodological challenges. A journal is usually understood as the private property of whoever writes it. One of the reasons for being able to collect such an extensive and detailed data set is that the counsellors openly and honestly described the challenges, doubts and joys of their work. This was possible because the counsellors were assured that all the data would be treated with confidentiality and in a manner that assures the privacy of the counsellors as well as the clients. The counsellors were instructed not to disclose any personal data concerning their clients. At the beginning of the project, the project partners agreed upon specific privacy rules and ethics related to how to handle the data on victims of violence. The counsellors were bound by their organisations' professional secrecy procedures regarding any confidential information and anonymity of the clients. The journals were handled and archived according to privacy principles common to sensitive materials and research ethics (European Commission 2018; National Advisory Board on Research Ethics 2009). It was also assured that the contents of the journals were to be quoted only anonymously, and that HEUNI would remove all means of identification from the data, so that neither the victims, the counsellors, the organization they represent, nor the country in which the counselling took place, could be identified from the materials produced based on the data. The quotations used in this report have thus been edited to remove any means of identification. In addition, they have been edited including e.g. correcting spelling mistakes or verb tenses in order to improve readability.

All the counsellors writing the journals had given their consent for using the data in the workshops and reports. The journal method was designed to minimize any negative effects that gathering information from the highly vulnerable and hard to access group of refugee women victims of violence. Therefore, consent was not separately asked from the clients of counsellors. This approach was chosen since the primary data gathered was related to the professional experiences of the counsellors, and not the victims themselves. Also, including the refugee women more directly in the data collection would not have been feasible when considering their vulnerable position, coupled with the sensitivity of the topic, and the aim of avoiding any harm on the

victims that might result from re-telling traumatic incidents. To ensure that the professional secrecy procedures remained intact, safeguarding the identity of clients was a core value within this project.⁴

4 - For further information on researching refugees, see Zimmerman & Watts (2003) and the Guidance note by the European Commission on Research on refugees, asylum seekers & migrants:
https://ec.europa.eu/research/participants/data/ref/h2020/other/hi/guide_research-refugees-migrants_en.pdf

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**The cultural, historical
and legal dimensions of
violence against women**

3. The cultural, historical and legal dimensions of violence against women

Typical forms of violence against women were historically not seen as punishable acts, because unequal gender power relations and cultural practices normalized violence against women. Nowadays, the international community is in an agreement that violence against women is a violation of women's human rights.

The cultural, historical and legal dimensions of violence against women are complex and multifaceted. It is fair to say that violence against women – and gendered violence for that matter – has existed throughout human history. It is only in the last decades that the international community has begun to highlight and systematically address the issue (FRA 2014). Typical forms of violence against women were historically not seen as punishable acts, because unequal gender power relations and cultural practices normalized violence against women (Lidman 2018). Because Western criminal law was born at a time when violence against women was not considered a crime, the criminal justice system and its central premises and doctrines were not geared towards recognizing gendered forms of violence (Nousiainen & Pylkkänen 2001). This also explains why violence against women was constructed and defined as a question of human rights at a rather late juncture in history.

The international community has come to an agreement in various international treaties and laws that violence against women is a violation of women's human rights, and something

that should be counteracted and eventually eradicated. Despite the general agreement that violence is inherently wrong, violence still exists in all parts of the world. In addition, forms of violence against women are, in many situations and cultural contexts, still largely considered a private matter and/or acceptable. In writing this report, we acknowledge that practices, attitudes and values differ from culture to culture. However, this report is grounded in the belief of universally accepted and applicable human rights; the Universal Declaration of Human Rights of 1948⁵ is just that, a universal declaration that includes both men and women. However, in practice, many women around the world are still prevented from enjoying an equal position in society with men e.g. with regard to their right to liberty and security or freedom from slavery and degrading treatment.

Gender-based violence as a term did not exist at the time of the Universal Declaration of Human Rights, and although violence against women was (in all likelihood) common at the time, it was not incorporated into the language of the Declaration. It took until 1979 that discrimination against women was recognized through the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)⁶. And, it took yet more than a decade for gender-based violence to become recognized as a form of discrimination in line with the CEDAW in 1992⁷. One year later the international community came up with the first internationally agreed-upon definition of violence against women (Declaration on the Elimination of Violence Against Women, 1993⁸). Since then, gender-based violence has become recognized as a violation of women's human rights, and the concept of violence has been expanded to include different forms. We believe that at the European level there is a strong commitment to universal human rights, including – at least on paper – a commitment to assist those who are fleeing human rights violations.

5 - UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III)

6 - UN General Assembly, *Convention on the Elimination of All Forms of Discrimination Against Women*, 18 December 1979, United Nations, Treaty Series, vol. 1249, p. 13.

7 - CEDAW Committee, *General Recommendation No. 19 on Violence against Women*, adopted at the eleventh session, 1992, A/47/38, 29 January 1992.

8 - UN General Assembly, *Declaration on the Elimination of Violence against Women*, 20 December 1993, A/RES/48/104.

The Istanbul Convention of the Council of Europe⁹, which came into force in 2014, is a major milestone in how violence against women is perceived and understood. The Convention states that violence against women is directed against women precisely because of their gender and that violence is a way of forcing women “into a subordinate position compared to men” (preamble). This means that violence is seen as a hindrance for gender equality, and states are given a substantial responsibility for counteracting it. The Convention underlines the due diligence of states; if states do not address violence against women, prevent it, protect victims, and prosecute perpetrators, states will be held responsible. The Convention also pays attention to migrant and refugee women’s particular protection needs. In this report we will claim – based on our data – that these international obligations have not been comprehensively fulfilled in the European Union.

In writing this report, we pondered also on our own privileged position as researchers and white European women. We are aware of the risk of “othering” or even stigmatizing refugee women and their experiences. We understand that women’s lives differ in different parts of the world, and that it may be difficult for us to understand the realities of women who live lives different from ours. We are also wary of the fact that there is a risk that we interpret these women’s needs and wants from our own perspective. Yet, at the same time, we have a strong belief in the universality of human rights, and the right for all women to live a life free from violence. We also think that we have an obligation to bring up the experiences of the refugee women who have experienced violence. This is because in the European context legislation clearly recognizes that gender-based violence is a crime. In writing this report, we are therefore leaning strongly on European legal practice and legal culture, with a strong emphasis on the rights of victims of crime, and the rights of victims of gender-based violence, in particular.

9 - Council of Europe Convention on preventing and combating violence against women and domestic violence. CETS No.210. Istanbul, 11.V.2011.

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chapter

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**The reality of violence in
the lives of refugee women**

4. The reality of violence in the lives of refugee women

In this chapter, we will describe the realities of gender-based violence in the lives of refugee women; the types of violence and abuse the women had experienced; how gender-based violence occurred and how the women perceived it. We describe how women who decided to escape violence in their countries of origin became victims of further violence during their journey to Europe, as well as in the European Union. The data shows that these women are both courageous and resilient, not the least because they had decided to leave and embark on the dangerous journey to look for a better future for themselves in Europe. While we are describing generalized trends and patterns, we also do recognise that each survivor of violence is an individual with her own experiences, needs and hopes. The women portrayed in this report are not uninformed victims, but are individuals with expectations, hopes and agency.

We start this chapter by referring to the story of B, as described by one of the counsellors in one of the journals, and we will return to her story also in the coming chapters. We have chosen to highlight her story, because “a good narrative can illustrate the complexities and contradictions of real life and convey a message that is difficult or impossible to summarize into a neat scientific formula” (Silverman 2018). While the story of B is “just” one of the thousands of women assisted through the project and only one of the hundreds of stories described in the journals, it effectively illustrates the continuum of violence which is one of the main arguments of this report. Also, B demonstrates resilience and strength in her ability to claim her rights as an asylum seeker and as a victim of crime. In addition to B, we also refer to the stories of other women throughout this report.

“She told me that she was forced to marry when she was very young: upon the death of her mother, her stepmother decided that she should marry and forced her to marry a man she did not like and did not even know. B. could not oppose her stepmother's decision and had to marry. At the time of the wedding, she was 14 years old. The girl reported that in her country, it is very common for women to be forced to marry at an early age because they are an economic burden for their families. B. reports that her married life was not quiet and – after many problems with her husband – she decided to leave home. However, she couldn't return to her family because they would have forced her to return to her husband, so in order to earn a living, she was forced into prostitution. After some time, her exploiters decided to take her to Europe. At a certain point of the trip, they arrived in transit country x where she stayed for about 3 months (even there, B. was forced into prostitution). Then she arrived by sea in Y, where she applied for international protection. Once in Europe, the irony of fate, when it seemed that she was finally safe, she was assaulted and raped (of which she reported to the police) [...] Incidentally, last but not least, we have been told that the girl is probably still continuing with prostitution. She is afraid that the [body responsible for reviewing asylum claims] will not grant her the refugee status, and she is very concerned about this.”

4.1. The three continuums of violence

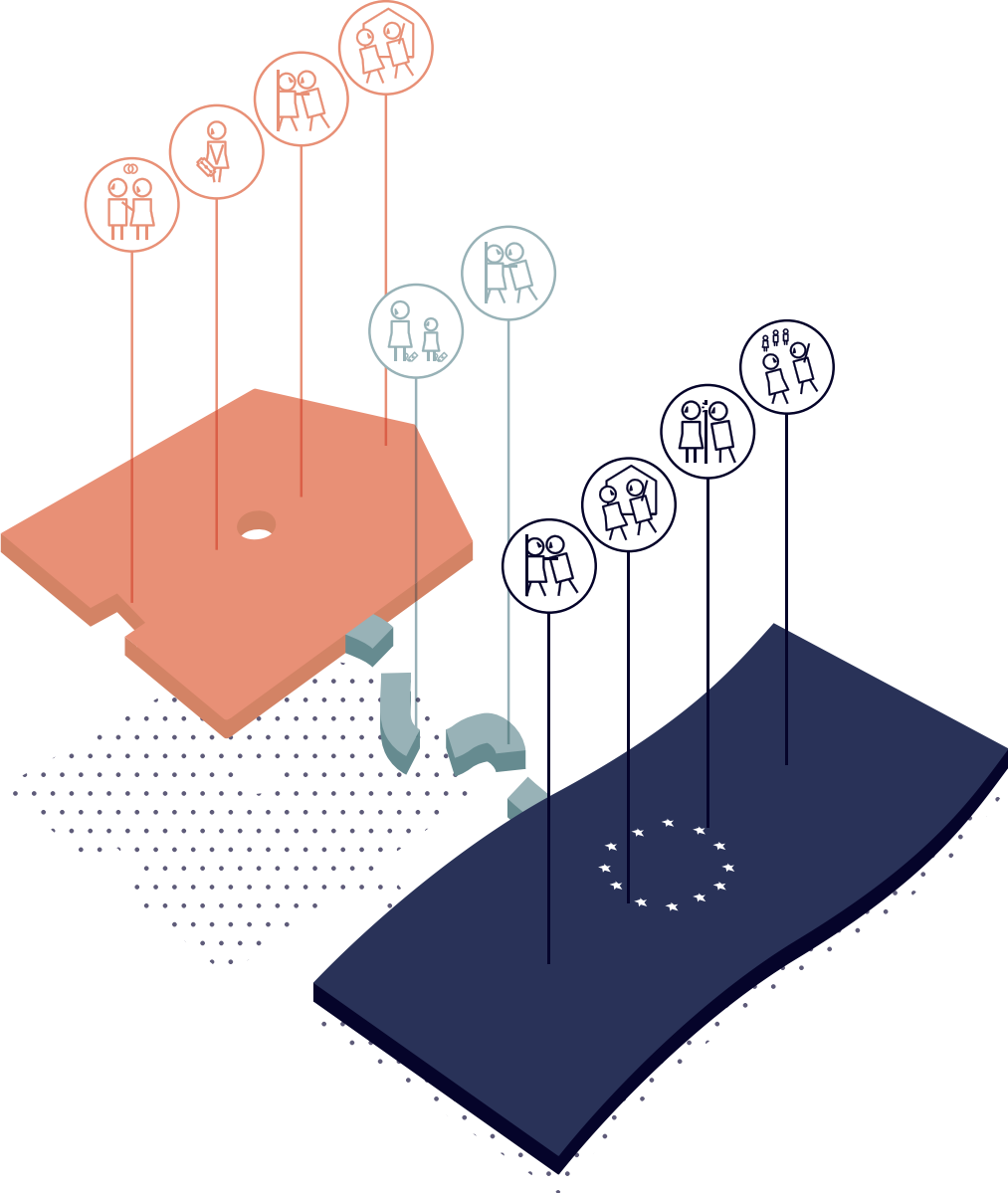
Violence against women can be portrayed by using a continuum. The continuum can be understood as a spectrum of acts, ranging from less serious forms of violence to more serious, and potentially lethal, forms of violence. Less serious forms of violence can include e.g. slaps or harassment, while more serious forms include severe beating and rape. The idea of a continuum in understanding violence against women was first used by Liz Kelly (1988). In Kelly's view, sexual violence is linked to an unequal power structure between men and women. She argued that sexual violence against women can be conceptualized as a

continuum that includes both aggression without physical violence and more serious forms of violence. The continuum has also been used to show how the categories of structural violence, symbolic violence, everyday violence and intimate partner violence overlap as a “violence continuum” that even include mass-violence – genocide – against certain groups of people (Scheper-Hughes and Bourgois, 2004). Similar connections have been made by Krause (2015), arguing that violence during and after conflict, e.g. in refugee camps, is connected through a continuum (see also Cockburn, 2004). Other researchers have used the idea of the continuum in trying to capture e.g. the various manifestations of labour exploitation, portraying a continuum or spectrum ranging from exploitation to forced labour (Andrees 2008; Skrivankova 2010; Jokinen et al 2011).

Based on our data, refugee women, who have experienced gender-based violence, experience three interrelated continuums of violence. First, they have experienced different forms of violence, that can be placed along a continuum of acts; ranging from gendered discrimination to physical abuse and further to sexual violence. Second, many of the women have lived a lifetime of violence, with different manifestations of gender-based violence by different perpetrators targeted against them since childhood, continued through adolescence, and ongoing in adulthood. This means that violence can be portrayed as a continuum through time. Third, the women’s experiences of violence travel with them in terms of geography. Many of the women have experienced violence in their country of origin, during their journey in transit countries, and finally in the country of destination in Europe. This creates a continuum of violence also across space. These continuums highlight just how all-encompassing and permeable violence is in the lives of these women and how harmful the consequences are for them. Most importantly it shows how difficult it is for these women to access their rights and seek protection.

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Picture 1. The continuum of violence across space; many of the women had experienced violence in their country of origin, during their journey, and finally in the country of destination in the European Union.



In the next sub-chapters, we will describe, based on the journal entries, the violence refugee women faced through the lens of the geographic continuum; from violence in the country of origin, to violence during the journey and finally in the EU. We chose to highlight this continuum, because the geographic location of the violent incidents defines to a large extent the rights a victim of violence has. By describing the realities of the women, we start to build our main argument that the systems (i.e. the asylum system and the criminal justice system), which are meant to assist and protect asylum seeking women who have been victims of violence, fail to do so because there is a disconnect between the reality of the women and the expectations of the systems. One part of this disconnect is that the systems fail to see the continuums of violence, and rather concentrate on individual instances of violence; i.e. on violent acts only at a certain juncture of life or on violence that took place in a certain jurisdiction.

The geographic location of the violent incidents defines to a large extent the rights a victim of violence has. There seems to be a disconnect between the reality of the women and the expectations of the systems aimed to assist them. One part of this disconnect is that the systems fail to see the continuums of violence, but rather concentrate on individual instances of violence.

4.2. Violence in the country of origin

In this sub-chapter, we will describe the different forms of gender-based violence women were subjected to in their countries of origin and how gendered violence was one of the push factors forcing the women to migrate. The root causes for forced migration are most notably poverty, inequality, a governments' inability to protect their citizens, armed conflict, as well as natural disasters (EASO 2016; Cummings et al. 2015). These same factors also increase the risk of violence against women in societies and communities creating an additional push factor for women to seek protection abroad.



Domestic violence

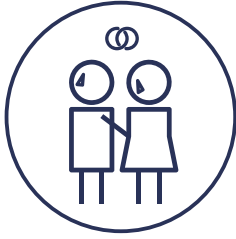
Domestic violence was the most often mentioned form of violence the women had been subjected to both in the country of origin as well as in the destination country. It included different acts of violence committed in the domestic setting by various perpetrators, most commonly the women's own husbands. In many cases domestic violence was interlinked with other forms of violence, such as forced marriage. Forced marriage often acted as a catalyst for domestic violence and created situations where also other family members exerted violence and aggression against the wife. In most cases it was the husband or partner who was the biggest threat but also other family members or relatives such as an uncle, father, mother-in-law, a second wife or the children of the second wife were also violent towards the women.

Intimate partner violence is globally known to be the most commonly experienced form of violence against women with one third of ever-partnered women having experienced violence by their intimate partner at some point in their lives (WHO 2013). In our data the counsellors described the lives of the women being filled with daily domestic violence which was so normalized it was considered by the women a self-evident part of their lives. The women often felt powerless to change the situation as it was normal in their society for the husband to exert power and control over his wife and family, which also justified the use of violence. The abuse of power of men over women in the family and the different interlinked and accumulative forms of domestic violence are well described in this case:

“The mother stated that she was a victim of domestic violence. She had an abusive husband and the situation became worse after he found another younger wife. Parallel, her daughter was raped by an older man, a respected member of the community. In order to prevent her daughter from being exposed to shame and potential violence from the family members, the daughter was married to her rapist. The

man already had two wives and he promised that he will take care of the daughter. Soon, he started to abuse her, physically, mentally and sexually. He also prohibited her from going to school and kept her locked in the house. Later, he started to be violent towards the rest of her family (mother and other daughters). Since he was very powerful and respected in the community, the police did not want to react to their appeal and protect them. The father of the family did not offer protection because he was occupied with his new wife. The mother took all her eight children and ran away.”

Male entitlement and women’s expected submission and subservience play key roles in the dynamics of domestic violence (see e.g. UN Women 2019; Johnson et al 2008, 104-109). The journals clearly showed how the abusive husbands used power and control to manipulate the victims and kept the women in a state of submission, gradually gaining more control over them. The data shows that part of the normalization of violence is related to the abuser feeling entitled to maintain control over his wife. The journals described situations where the abuser built up his control over the victim, making the victim find it more and more difficult to break free from the abusive relationship. In this data, the references to domestic violence were typically severe violence ranging from beatings to marital rape and even incest. Women had also been deprived of liberty, devalued and made feel worthless. Despite the diverse background of the women encountered in this project, domestic violence was an everyday occurrence for these women. Some of the women escaped these situations, for others the domestic violence followed them to Europe as the family travelled together. In some cases, the violence was perpetrated in a partnership that commenced in Europe.



Forced marriage

In our data, forced marriage was amongst the most often-mentioned forms of gender-based violence affecting women in their countries of origin. For several reasons it is likely that the numbers of forced marriage among asylum seeking populations are even higher than reported to counsellors. If forced marriage is a regular and normal occurrence in the country of origin, it is not something that the women would report to counsellors in Europe. Also, as will be discussed soon, there is no clear-cut boundary for what constitutes a forced marriage, because force can be used in subtle ways.

Other research has identified links between conflict and forced marriage (e.g. UNODC 2018; 2016; ICMPD 2018; 2015). According to research by IOM (2015) and ICMPD (2015), the incidence of forced marriage in connection to human trafficking has significantly increased in Iraq and Syria as a result of the long-lasting conflict. Many of the refugee women identified and assisted by the counsellors came from these regions, including neighbouring Afghanistan. As noted by the UNODC (2016), refugees fleeing from conflict areas may be vulnerable to harmful coping mechanisms and survival strategies such as forced and child marriages. Faced with physical and economic insecurity, families may see forced marriage as a way of alleviating poverty and protecting girls from the risk of rape, sexual violence and consequent damage to family honour (UNODC 2016, 64).

B's story also starts by her telling a counsellor that she was forced to marry at the age of 14.

"She told me that she was forced to marry when she was very young; upon the death of her mother, her stepmother decided that she should marry and forced her to marry a man she did not like and did not even know. B. could not oppose her stepmother's decision and had to marry."

B's story demonstrates the many aspects of forced marriage: it is often arranged by the victim's own family members using subtle or direct force, social pressure, psychological manipulation and control. This reflects the overall poor position of girls and young women in many societies: they have little control over their own lives - including the choice of a spouse - and their actions are considered to represent the honour of the entire family (UNODC forthcoming). Many girls identified in our data had been married off by their fathers or uncles when they were 14-17 years old, but also cases concerning 11 and 12-year-olds were mentioned. Very few women had any real choice to refuse the marriage arranged for them, making these technically cases of forced rather than arranged marriages.

Families may also use child and/or forced marriages as a negative coping mechanism in situations where the future husband and/or his family are ready to give money or property in exchange for the bride who may be considered as an economic burden for her own family (see also ICMPD 2015). However, families may also see child marriage as a way to protect the girl from further violence or harassment in cases where their reputation might be in danger e.g. if they have been raped or caught having an unsuitable admirer.

Overall, based on the data collected, it is clear that forced marriage was a significant push factor for many refugee women; they ended up fleeing their home countries in order to escape forced marriages either before the marriage was officiated or subsequently after years of abuse suffered at the hands of their husbands. It was often very difficult for women and girls to leave such marriage where their own family had been involved in organising the arrangement and would not take it lightly if they wished to leave. This was also the case with B:

"B. reports that her married life was not quiet and - after many problems with her husband - she decided to leave home. -- However, she couldn't return to her family because they would have forced her to return to her husband."

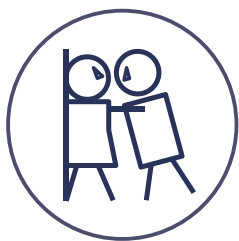
In the context of forced marriage, women and children suffer from a multitude of consequences such as dropping out of school, lack of freedom of movement, physical, sexual and psychological violence, rape as well as forced childbearing which

may cause reproductive health problems (e.g. UNICEF 2013). Some women counselled in the project noted that their husbands would monitor their every movement and they were basically prisoners in their own homes for several years without being able to escape.

There were also mentions in the data of forced marriage in the context of polygamy where women and girls had been married as a second or a third wife to their significantly older husband. Being the lowest wife in the hierarchy resulted in poor treatment and physical and psychological abuse not just at the hands of the husband but also at the hands of the other, older wives as demonstrated in the following case:

“This man already had a wife and sons and daughters older than her. When she went to live at the man's house, the first wife and daughter who lived in the house with them made her life impossible, finding every useful moment to fight and assault her; forcing her to do the heaviest housework and denying her food if she refused or rebelled.”

Finally, some women may end up in (forced) sham marriage situations where the borderline between force and freedom is unclear. Such incidents were in the data mostly related to cases where women married someone of the same country of origin who had a residence permit in the EU but whom they had not met in person before the marriage took place. It is not clear whether such marriages were fully consensual on the women's part, in particular if they had been organised by their families in order for them to migrate to the EU. Research has also identified links between sham marriages and human trafficking (e.g. Viuhko et al. 2016).



Sexual abuse, including rape

Different forms of sexual abuse formed a continuum of violence for many of the women. Based on the data the women might have been victims of sexual abuse as a child and revictimized as an adult. Sexual assault, including rape, was often a part of intimate partnership violence. Rape in marriage was specifically mentioned several times in the data. The counsellors described discussions they had had with clients on whether rape in marriage is a crime, reflecting the situation of impunity of sexual violence in the country of origin. In some cases, described by the counsellors in the journals, the perpetrator of sexual violence was another family member such as a step-father or an uncle. As discussed earlier, sometimes a rape victim was forced to marry the perpetrator in order to “repair the family honour”. In some cases, a victim of this kind of forced marriage than reported continuous sexual (and other) violence in the marriage.

Sexual violence is a form of violence that disproportionately affects women. On a global scale, available data suggests that in some countries nearly one in four women have experienced sexual violence by an intimate partner (WHO 2002). During armed conflict, social structures are disrupted, and women face additional risks of being subjected to sexual violence (UN 2002). Sexual violence can also be used as a weapon of war and torture. Sexual violence in different forms was very visible in the data; ranging from harassment to rape, from sexual abuse by authorities and armed groups to severe and prolonged sexual exploitation, which could be also defined as torture (see Canning 2017 on sexual exploitation as a form of torture).

Shame, stigma and social exclusion caused by sexual violence was strongly visible in the data. For some women the most drastic consequence, and the reason for fleeing, was the stigma they encounter in the family and in the community as a result of sexual violence. For example, if a victim of rape did not consent to marrying the perpetrator, the only option was to leave the community. The data revealed that some women tried to report sexual violence to the police in their country of origin, but there was not a single case

in the data where the police would have adequately reacted to the report. The reaction of the police varied from ignorance to advising the victim to go hiding or to proclaiming out loud that the perpetrator was too powerful person to be investigated.

Another pattern found in the data was sexual abuse perpetrated by authorities such as the police, prison and military personnel. This kind of violence was in some cases motivated by a political reason, for example a wife being sexually abused because of her husband's political opinions. In other cases, it was unclear why the women had been targeted. As will be discussed in Chapter 5, if sexual violence is motivated by political reasons, it more clearly falls under the definition of persecution. This means that victims of state inflicted sexual violence can have a better chance of gaining asylum than those women who have been sexually abused by their husbands or other close family members.

Sexual violence causes harsh and long-term physical and mental consequences, such as shame, self-blame, stigma, fear and guilt (Weiss 2010; McCleary-Sills 2015). The consequences are different for each person, and the feelings of shame and guilt can multiple due to social and/or cultural beliefs as illustrated in the case below:

“The woman cannot sleep well, she has nightmares that repeat the incident and she wakes up by crying and extreme fear, she cannot eat, she wants to be alone, she cannot have sexual contact with her husband and she cannot talk to her children through the phone - her children have been left to her mother in her country of origin. She feels that her life has been broken in two pieces, one before and one after the incident. She feels guilty, embarrassment and that no-one can understand her. She does not want to talk to her children due to her huge sadness and guilt, because in her country of origin there is a taboo that forbids the children to see her mother naked, otherwise their life will be ruined.“

Pregnancy due to rape was an often-mentioned consequence of sexual violence in the dataset. Also, HIV and other sexually transmitted diseases were mentioned in the data, and literature also discusses both (Walby et al. 2013: 48; WHO 2002). The number of women who had become pregnant due to sexual violence seemed very high in the dataset. This might be explained by the continuous sexual abuse the women had been exposed to. It could

also be that women who were pregnant or with a small child were in a dire situation and were therefore more likely to seek assistance and share their full story to the counsellor. In any case recovering from sexual violence is a long progress even without having to at the same time care for a child born as a result of the violence.

Lastly, it should be mentioned that there were a few cases in the data set where women had been victims of sexual violence in their country of origin because of their sexual orientation. This group of victims was particularly vulnerable due to stigmatization and even criminalization of their sexual orientation in the country of origin.



Female genital mutilation

According to WHO (2016), female genital mutilation (FGM) comprises all procedures that involve the partial or total removal of external genitalia or other injury to the female genital organs for non-medical reasons. Many of the women had gone through FGM and there were a few cases where female genital mutilation was mentioned as a factor in the decision to flee from the country of origin. In these cases, the women had themselves gone through female genital mutilation and wanted to save their daughters from the procedure or were themselves afraid of being re-circumcised. It was evident from the journals how invasive but normalized this procedure is in some societies.

“They explained to me how they go through this process at a very young age of maybe 4 years old. When they got older, they sought explanation from their mothers. There was lack of one. They only told them this is our culture. You need to go through this because everybody goes, from generation to generation.”

The counsellors' journals also outline the difficulties faced by the mothers who might wish to break the custom of cutting their daughters and the resulting pressure from the local communities and family members to go ahead with the procedure should they be forced to return to their countries of origin.

“Although the cut is painful, things get even worse if she’s not cut. They isolate her, do not play with her, make jokes about her.”

As noted by WHO (2016), the removal of or damage to healthy genital tissue interferes with the natural functioning of the body and may cause several immediate and long-term health consequences. The journals mentioned a wide range of health problems faced by the women such as continuous infections, pain in abdomen and kidneys, problems with periods, sexual intercourse, as well as complications during childbirth.

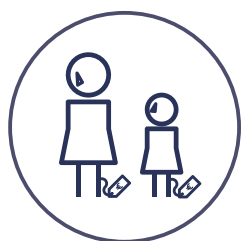
In their journals many of the counsellors reflected the problems these women had in accessing gynaecological services: in many places there were long queues for appointments with female gynaecologists and/or the medical staff lacked information on how to best handle patients who had gone through FGM. Moreover, many women had a hard time trusting medical staff with the full extent of their symptoms, as described in the quote below:

“She is willing to take enormous pain just for the distrust in the institutions. The worst part is that she is aware of the negative consequences of FGM, but still she doesn’t want any help. Like suffering is inevitable part of life that is obligatory without any explanation.”

4.3. Violence during the journey

Next, we will describe the forms of violence women experienced during their journey to Europe. Travelling to Europe to claim asylum is a “physical endurance test in which women are at social, cultural and physical disadvantage” (Pickering 2011). Women who are fleeing gender-based violence usually have few resources for the journey. They might be fleeing from their families, which amounts to having no social networks or support

from home, having escaped with no funds or documents, as well as coping with past experiences of abuse. All these factors make the women vulnerable to further abuse during the journey. The most encountered form of violence during the journey was trafficking for sexual exploitation. However, it must be noted that trafficking is a crime that does not take place only during the journey but also in the destination countries or the exploitation might have started already in the country of origin. Thus, trafficking can be also seen as a crime that covers the whole geographic continuum of violence



Trafficking for the purpose of sexual exploitation

The data included several examples of forced prostitution and trafficking for sexual exploitation. Most of the data on trafficking concerned Nigerian women, who were exploited in prostitution in Europe. Many cases followed the same pattern: the women were recruited in their home country with the promise of obtaining work e.g. as hairdressers in Europe. They then travelled to Europe via Libya where they were usually exploited and assaulted (see also ICPMD 2019; Grillone 2019). Finally, in Europe they were forced into prostitution, like in the following case:

“She had been living in Libya for a few months because a Nigerian woman had promised her a job in [Europe] as a hairdresser, had made her promise with a rite that she would pay the debt for the trip from Nigeria to [Europe] of 5,000 Naira. The woman left Nigeria with the Nigerian woman and with her she reached Libya and here in a connecting house she was forced to prostitute herself for some months and to suffer physical and verbal violence every time she refused to prostitute herself.”

On their way to Europe, these women often faced violence. The data comprises several examples of violence encountered especially in Libya. The women were forced into prostitution and were exploited sexually (see also UNODC 2018; OHCHR 2018). Several counsellors mentioned so-called connection houses where the women were held and exploited sexually. In some cases, the women stayed for months in these houses before being able to continue their travel to Europe. The following example from the data describes the situation in Libya:

”This week I would like to talk about the situation of migrant women in Libya. During the counselling sessions, the women tell of the time in Libya. This country continues to serve as the primary departure point for migrants crossing the Mediterranean from North Africa. Female migrants, in particular, are highly vulnerable to sexual assault by various armed groups and smugglers along the migration routes to Libya. Prostitution rings reportedly subject sub-Saharan women to sex trafficking in brothels (called “connection house”), particularly in southern Libya. Nigerian women are at increased risk of being forced into prostitution.”

After staying in Libya, the women’s travel to Europe continued and the destination was often Italy¹⁰ and Spain (see also ICMPD 2019). In Europe, the women were forced into prostitution in order to pay their debt. The so-called madams or mamans watched over the women, set the rules and kept control over them. The so-called voodoo or juju rite played an important role in making the women stay in prostitution (see also ICMPD 2019; Baarda 2015; Grillone 2019). In Nigeria, the women were asked or forced to undergo a juju ritual in which they made a promise to pay back the debt allegedly caused e.g. by the travel arrangements to Europe. While in Europe, they were threatened with the oath. The oath is a reality for the women, and acts as an effective psychological control mechanism preventing the women from seeking help (Van der Watt & Kruger 2017).

According to recent research (Brunovskis & Surtees 2017, 17; ICMPD 2018; 2019), there is also a growing number of cases where

10 - It must be noted that there were two NGOs collecting data in Italy compared to only one in each of the other countries, and in addition, the Italian NGOs were specialized in assisting victims of trafficking, which obscures the data to some degree.

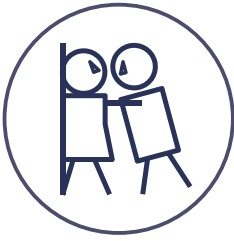
women have fled forced marriages and ended up in situations of exploitation and human trafficking along the migration route as a result. This kind of cases were visible in our dataset, including the case of B and the following case:

“A woman who was a victim of trafficking was reported by a reception centre for asylum seekers, during the interview it emerged that she fled her country because forced by her family to marry a man her compatriot much older than her. The woman was forced to marry a man she has never been able to fall in love with, the man with her was always violent and often sexually abused her. She has always rebelled against the situation and one day she met a woman named X to whom she told her story, she immediately offered to help her leave his country and reach Europe where he had assured her a job. Before leaving he made her promise through the juju rite to return the money for the trip equal to 30,000 euros.”

The data also clearly showed the many consequences of exploitation. Previous research has noted that experiences of trafficking for sexual exploitation, in particular, are associated with higher levels of PTSD, depression, and anxiety (Hossain et al 2010; Gezie et al. 2018). Many of the women the counsellors met, were very traumatized, distressed and afraid of talking about what had happened to them.

“The girl is very frightened, very afraid and has not yet told her story in detail, says she does not remember the names of the people who forced her to prostitute herself in (Europe), has yet to re-work the trauma immediately.”

Many of the women who had been trafficked and exploited were pregnant or had children. It is alarming that many pregnancies were the result of rapes and sexual violence (see also the sub-chapter on sexual violence). Also, abortions were quite common among these women. The data shows that many of the women lacked control over their own body and reproduction (see also the sub-chapter on forced marriages) which also clearly demonstrates the gendered nature and impact of the exploitation encountered by the women. The analysis also raises questions regarding the future and rights of the children of the exploited refugee women.



Sexual abuse, including rape

Sexual violence during a migratory journey is an often-mentioned phenomenon in relevant literature. Also, in our data sexual harassment and assaults, including rape, were mentioned to have taken place in unsafe transit centres or in unofficial accommodation sites to which women sometimes must resort to during the travel.

“The mother took all her eight children and run away from country X. The family had a very turbulent journey and they stuck in the camp in country Y in Europe. There, it was very stressful for them because they were unprotected. Some men stole their money and her daughters were exposed to harassment and stalking”

“Throughout her life she has suffered several abuses, first from her husband - the father of her two ten-year old twin daughters - then during the trip from her home country to Europe”

“I met with a young mother of 3 children, who has suffered female genital mutilation in her childhood - with harsh physical and psychological consequences. In addition to this traumatic childhood memories during her journey to escape she was sexually abused.”

In our data women did refer to having used smugglers to arrange their journey. Based on literature refugee women often cover smuggling costs with transactional sex (Phillimore et al. 2018) which is sometimes also called survival sex (e.g. ICMPD 2019; ICMPD 2018; Brunovskis & Surtees 2017). In our data there were no references to transactional sex, though there is a high probability that also the women in our data had been forced to exchange goods or services for sexual services.

4.4. Violence in the European Union

A significant proportion of the victims identified in our dataset had been victims of violence also in the EU. The risk of (re) victimisation was heightened by the circumstances and processes related to seeking asylum, including being housed in crowded camps, reception and detention centres, as well as in shared accommodation facilities. An unclear residence status, including in some cases being a so called paperless person, and even being homeless, made asylum seeking women vulnerable to abuse and exploitation. Also, the risk of domestic violence was sometimes heightened due to the uncertainty and pressure on family dynamics caused by the refugee situation.

Domestic violence

In our dataset the most common form of gender-based violence encountered within the EU was domestic violence. While many of the women had experienced domestic violence already in the country of origin, the violence by the same partner in some cases continued, recommenced or escalated once in Europe. Also, some of the women were battered by a new partner whom they had met in Europe. One reoccurring theme was that the mental pressure of being on the refuge – the loss of home, relatives and a feeling of belonging, as well as having experienced a wide range of abuse during the journey – caused conflict and aggression within the family, leading also to violence in some cases.

“The family (woman allegedly being a victim of domestic violence) is in quite a difficult situation as they are waiting for the decision about their asylum application for almost a year. Tensions and constant pressure are very high. That stress and frustrations could lead to conflicts and it can escalate to shouting and even to other types of domestic violence. I think that in practice there is so little assistance for them to try to prevent it. Because maybe the perpetrator behaves like this as a way of re-establishing control and gaining power.”

“The next day, a woman and I went to the police with a translator, but the woman changed her story because of fear. She said that her husband was a very good husband until they got on the road, and since then he has not slept, has nightmares and has become violent towards her.”

A difficult personal situation is naturally not an excuse for violence. Based on our data the refugee situation can be a triggering factor for domestic violence. On the other hand, many of the refugee families had a background of forced marriage, unequal power relationships within the family, and in many instances also a history of domestic abuse. This indicates that the violence was not always triggered by the pressures of being a refugee and in a foreign country. Instead, the imbalance of power in a family travelled with them to Europe. The data referred to a few cases where it seemed that the empowerment (due to information and/or assistance given) of the wife led to further friction in the family, eventually even escalating to violence.

“Lately, she is constantly fighting with her husband regarding her position in the family and her rights. They come from a very conservative rural community where women are completely submissive. In the beginning of her marriage she was also taking her husband's authority as an absolute. [...] After coming to Europe, she started to change her attitude considering her position in the family. Now she is constantly fighting with her husband because she wants more freedom. [...] Especially, after meeting many women from [Europe] and seeing their relationships. In her country of origin, she was surrounded with relations like hers, but in [Europe] she witnesses different type of relations. Now she is surrounded with women who are financially independent, going out, sharing the care for children with the husbands. She started to fight for herself, but it is going very slowly.”

In some cases, where the woman decided to leave her marriage after arriving in Europe, her decision triggered violence by the husband, other family members or the members of the community. The risk of violence at separation is well-documented in existing research, showing that violence may escalate when the woman leaves her husband, or announces her intention to leave (Campbell, Sharps & Glass 2001; Humphreys & Thiara 2003; Ornstein & Rickne 2013). Some of this violence also presented elements of honour-based violence, which will be discussed next.



Honour-based violence

Honour-based violence was mentioned occasionally in the journals. In some cases, it was difficult to define whether the case was indeed violence motivated by honour or clearly presented the dynamics of honour-based violence. There is insufficient global data on the prevalence of honour-based violence to make a reliable estimation on the exact number of women subjected to it. Yet some studies indicate that e.g. factors such as an insecure migration status can expose women to a heightened risk of honour-related violence, and leaving the relationship is harder for migrant women due to child custody issues or fear of deportation (UN Women 2019).

In some communities, family honour is equated with the regulation of female sexuality and with women's conformity with social norms and traditions. Honour-based violence is a collective and a planned act against women and girls (and sometimes men and boys) by their family members, partners, and/or the community aimed at protecting the family's and the community's honour, which the woman is perceived to have insulted by her actions. Women are expected to behave according to community values and are punished for misconduct, such as premarital dating or sex, entering into marriage without parental

consent, seeking divorce or even so blatant as dressing in a fashion that is viewed unacceptable by the community (CEDAW and CRC Committees 2014; European Parliament 2016). This is well illustrated by the below case:

“She escaped from an arranged marriage and now she is in conflict with all her family. [...] If a woman in my country even thinks about sex (out of marriage) she needs to think about death also.”

In our data, honour-based violence intertwined with domestic violence and forced marriage, and barely ever was it an isolated incident on its own.

“Our client, who was forced to marry a man that is quite older than her and as a third wife, has been receiving threats from her husband. He is currently living in Europe as asylum seeker. From there he is threatening and making pressure on her through the rest of their wide family that he will come to and take their two kids if she doesn't obey him and come to him.”

This intertwining is also supported by other research on the topic (Bates 2017). One important distinction between honour-based and domestic violence is that honour-based violence is communally sanctioned and/or even encouraged. It can be perpetrated by the father, brother or other male or female relative, or by a community member.

Honour-based violence can take different forms and include amongst others psychological abuse, surveillance, intimidation, blackmail, death threats, deprivation of liberty, rape and beatings. The women may be under constant surveillance by the whole community and face serious harassment when not abiding by the rules of the community. The control that some of the women in our dataset were subjected to, was pervasive and limiting their freedom to move and act freely. Honour-based violence can also lead to extreme acts such as acid attacks, mutilation, forced marriage, and finally honour killings or forced suicide to preserve the alleged honour (CEDAW and CRC Committees 2014; European Parliament 2016). The example below from the data shows how the violence can escalate from intimidation to physical threats:

“She fled to escape from the ill-treatments she was a victim by her own family members, who opposed to the marriage with her husband. [...] This discontent brought to fights which became more and more violent. The family got to push her own younger brother to kill her. so as to wash away the shame. Fortunately, he was only able to attack and beat her.”

Based on our data it was difficult for the women to escape honour-based violence even when fleeing their country of origin. The violence followed and continued in Europe, also as people in reception centres continued to control women of the same background in the name of honour. The collective control in some cases caused a violent reaction in the husband who targeted his wife to save them from shame in the eyes of the community in the centre, as described in the case below:

“The problem was that the victim told her husband that one man from the reception centre is bothering her. He went to find him, but on the way, he encounters some asylum seekers who told him that his wife is not covered and that this is the main problem because in this way she is provoking other men. He come back in the room very angry and attacked his wife. Here the hypocritical religious point of view played the key role in the escalation of the violence. Also, later some female asylum seekers tried to do the same telling the victim that she is not good Muslim if she reports her husband. The victim was under a lot of pressure”

Sexual assault including rape

Based on our dataset, refugee women are vulnerable to sexual abuse also in the EU. The perpetrators were either family members or others taking advantage of the vulnerable situation of the women. In a few cases, the perpetrator who committed sexual violence against a woman in the EU was the same person the woman had escaped from. E.g. in one case a woman who escaped domestic violence in her country of origin was later raped in Europe by her husband from whom she originally fled from. Furthermore, people on the move and without a residence status often must rely on unknown contacts and unambiguous ushers who arrange for travel, accommodation, documentation etc. The uncertain situation is a breeding ground for exploitation, in women's case often of sexual nature, as described in the following case:

“She met another compatriot and told her that he can help her if she goes to [city A]. She believed him and came to [city A]. She went in a house with two men 2.5 months ago. She is pregnant now in the 2.5 month. The man that she lived together with raped her and used her.”

Several sources report that there is a lack of protective measures in crowded camps and in refugee accommodation centres making women and girls vulnerable to sexual violence (FRA 2016; European Women's Lobby 2016). Also, in our data women reported being harassed both in the camps or refugee accommodations, as well as in public places. It seems that there is a lack of identification and response to sexual violence in the reception centres and camps as illustrated for example by a case of a minor girl who had been sold to the ISIS, and after having escaped and arrived in Europe was raped in a refugee camp. The mother tried to report the incident to the police but did not receive appropriate help and support. Therefore, the mother decided to leave the camp in which they were not protected and ended up in unofficial accommodation.

An alarming phenomenon identified by the counsellors was forced prostitution and refugee women having to exchange goods or money for sexual services in the refugee camps and reception centres as a means of survival.

“I was talking to a woman from country X, victim of sexual assaults in her country of origin and during the migration journey. I have been accompanying and supporting her since she came and applied for asylum. I have also been with her in hospital during the medical check-ups and when doctors told her she is HIV positive... Lately I found out that she has been providing sexual services for money in a reception centre.”

4.5. Consequences of a lifetime of violence

The women described in our dataset were deeply traumatized, ashamed and afraid. Victims are expected to be rational and to possess skills and willpower to claim their rights, but the psychological, social and economic consequences of violence make it difficult for these women to do so.

As we could see from the descriptions above, violence was an all-encompassing element in these women’s lives, and the women were suffering from a multitude of physical, psychological, social and economic consequences of violence. Our dataset gave a wealth of information and described in detail the different consequences. Violence directly caused acute and chronic physical health issues. The consequences often manifested as mental health problems. Violence also had an impact on the social life of the victims due to victim-blaming attitudes and stigma causing isolation or revictimization and problems for victims to form social relationships. Experiences of violence can also influence a victims' ability to function in society, such as taking part in the labour market, completing their education or appearing in public, which were also discussed in the journals.

There were many references to physical injuries such as scars, chronic pain, sleeping or eating problems and musculoskeletal injuries. Pregnancy because of a rape was an often-mentioned consequence. HIV and other sexually transmitted diseases because of gender-based violence were also mentioned in the journals.

The psychological consequences of violence such as low self-esteem, self-blame, shame, lack of trust towards people, fear and depression were discussed in the journals at length.

“The biggest impact of especially sexual violence in the lives of women I have met seems to be the guilt they carry about what has happened. It’s my fault that I have been raped, it’s a punishment for me or I caused it myself. If I had shouted, if I would have understood. They are full of shame.”

“PTSD symptoms are the most prominent as a consequence of gender-based violence. Also, fear, feelings of shame and self-blame are very frequent. Clients tend to blame themselves for taking decisions that lead to their trauma. For example, deciding to leave their country or believing the person who trafficked them.”

Also panic attacks, including uncontrollable and suicidal behaviour were mentioned often in the journals. These psychological consequences had a significant impact on the ability of the women to seek assistance.

The social consequences of violence reported in the journals included loss of social status, loss of friends and social connections. In the long-run, a weakened mental, physical and social capacity also lead to economic consequences as the women were not able to work and struggled to sustain themselves. This, in turn might deter them from reporting violence committed by the family's bread-winner or even lead to e.g. forced prostitution, as discussed earlier.

It was clearly visible in the data that the counselled refugee women did not only suffer from the consequences of violence, but also from a what we call “refugee trauma”. By this we refer to trauma resulting from being a refugee, including possibly having witnessed a violent conflict, having to flee one’s home, loss of family members, illness, fear, not knowing where to sleep or where to eat, the overall long journey, walking great distances, being blackmailed by smugglers and hustlers, and so on. Also, once in the EU, the women were in a foreign country and culture, with no or limited social networks and language skills. They were hosted in crowded refugee accommodations, where there were few or no meaningful activities and all they could do was to wait in uncertainty.

“Through her narration she seemed to be unable to handle severe trauma and acceptance of her new situation. This is also confirmed by the fact that shortly after arriving, she attempted to hurt herself twice. She claimed that she could not bear her current living conditions, but I was able to assume that she was deeply traumatized.”

“The length of the procedure and the fact that asylum seekers cannot really start a normal life due to the fact that they don't have documents and regulated status, is a big issue in these cases and affects the wellbeing of the victims...especially after all they have been through.”

Something that was shown in the data quite clearly was the excessive waiting the women had to endure. The asylum processes were long, and the outcome was uncertain, which caused stress and anxiety. Waiting and living in uncertainty was mentally very demanding and worsened the already weak mental state of the women. The following extract describes well the multiple consequences of violence and how an insecure future was worsening the woman's situation and influenced negatively her ability to seek assistance.

“This week I had a case where the woman from [country x] was highly traumatized because of sexual exploitation and rape in [her home country]. She was telling me in the beginning that she no longer wants to live and that she is tired of life. This case is like many other cases we have had during the last month. We have had many women come to us because of domestic violence. Then, it often turns out that they have faced sexual violence in their home countries or during the migratory journey. They are traumatised and some of them are suicidal. The insecure status which some of them have because of [the asylum] rejection, is worsening their situation. One was taking an overdose of drugs because she was so desperate and hopeless. One was telling me that if no one does anything for her she is going to kill herself.”

The women described in our dataset were deeply traumatized, ashamed and afraid. The systems aimed at protecting victims of violence are unable to take into consideration these consequences of violence and the way they influence the abilities of the victims to claim their rights. Victims are expected to be rational and to possess skills and willpower to claim their rights, but the psychological, social and economic consequences of violence make it difficult for these women. To recover from the multitude of violence the women would need long-term support and assistance, including being able to feel safe and having prospects for the future. Paradoxically, the consequences of violence are at the same time preventing the women from seeking and receiving this assistance.

chapter

5

**Challenges in receiving
assistance**

5. Challenges in receiving assistance

On paper, in legislation and in norms and guidelines, violence against refugee women is well acknowledged. However, the data shows that refugee women's experiences of violence remain invisible because the systems' expectation on victims' abilities and understanding of their experiences does not correspond with the reality of the refugee women.

There are two systems in Europe for assisting asylum seeking victims of violence. First, the asylum system, which is aimed at protecting those in danger of persecution or serious human rights violations in their countries of origin. Secondly, the criminal justice system, including the adjacent victims' rights regime, which aims to protect victims of crime. Both systems have an in-built idea of protection, as well as the aim of upholding dignity and human rights. Most asylum-seeking women could in theory claim rights from either or both systems; they need protection from persecution or serious harm in their home countries, and protection from violence in the EU. But the refugee women's experiences of violence remain invisible because the systems' expectation on victims' abilities and understanding of their experiences does not correspond with the reality of the refugee women.

This is because the asylum and criminal justice systems are interested in certain instances of violence, which have taken place at certain junctures of life or within the jurisdiction of a certain country. However, for many refugee women a continuum of violence was the reality. In the asylum system the experiences of violence must fall within the category of persecution as constructed by international refugee law, and furthermore it is the applicant's duty to prove the need for protection. Also, as has

been highlighted in the previous chapters, refugee women were traumatized by past or recurring violence. As we will soon describe, it was difficult for them to understand that upon arrival in Europe their experiences of violence are suddenly important and should be revealed and even emphasized. Furthermore, the criminal justice system has unrealistic expectations on the ability of a victim to take action against a perpetrator. This is in particular the case for refugee women who are in many ways in a socially disadvantageous situation (in some cases illiterate, lacking language skills and social support and networks).

5.1. The disconnect between the asylum system and the reality of the women

The acknowledged forms of persecution have not traditionally taken into consideration women's experiences of gender-based violence. Based on the experiences recounted by the counselled women, it seems that women's experiences of gender-based persecution are still not sufficiently understood in the current asylum processes.

In this chapter, we will describe in brief the concepts of persecution and asylum, discuss why violence against women is not always interpreted as persecution, and describe the asylum-seeking process and what it requires from the applicants, in order to understand the challenges asylum seeking women victims of gendered violence face in the asylum system. It must be noted that in practice very few asylum seekers receive asylum (i.e. refugee status). Many of those seeking protection receive secondary protection or some other form of protection or receive a negative decision because their experience does not fall under the complex legal definition of persecution. Our data did not give us information on the different forms of protection available, applied, received or denied by the women. Instead, the dataset gave us information on how the women perceived the process of seeking asylum and what practical challenges they encountered during the process.

Seeking asylum is an internationally acknowledged human right laid down in the 1951 Refugee Convention¹¹. A person can seek international protection (and possibly receive asylum) because s/he fears persecution for the reason of race, religion, nationality, political opinion or membership in a particular social group. Women can naturally claim asylum based on any of these grounds (race, religion, nationality, political opinion), but in this report, we are interested in the possibility to apply for and receive asylum on the grounds of gender-based violence. Gender as such is not included in the grounds for persecution, and therefore refugee applications made by women in different parts of the world for reasons of gender-based persecution have usually used different justifications to fit into the particular social group definition (Pickering, 2011). E.g. in the UK, women from Pakistan have been held to constitute a particular social group, because they share the same immutable characteristic of gender, form a distinct group in society as evidenced by widespread discrimination, and are not provided adequate protection as they do not have the same rights as men (UK House of Lords case¹²). Another example is that women subjected to FGM have been found by national courts in some circumstances to constitute a particular social group (UNHCR; 2009).

Persecution is also not a straightforward concept, but at a minimum, threat to life or freedom or other grave human rights violations constitutes persecution (UNHCR 2011). The acknowledged forms of persecution have not traditionally taken into consideration women's experiences of gender-based violence. This is directly linked to the tradition of international refugee law being gender-neutral, meaning that it did not consider that women can encounter human rights violations because of their gender (see also Chapter 3). Lately, it has been highlighted in international fora that gender-based violence can be a form of persecution (UNHCR Guidelines on International protection 2002; CEDAW statement 2011; UN Human Rights

11 - UN General Assembly, *Convention Relating to the Status of Refugees*, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137, The definition of a person who has right to protection has five elements: 1) the person seeking protection is outside of his/her domicile 2) the person has well-founded fear 3) of being persecuted 4) because of s/he belongs to a certain group or has certain beliefs/opinions and 5) s/he is not able or willing to seek protection from the authorities of his/her own country.

12 - <https://publications.parliament.uk/pa/ld199899/ldjudgmt/jd990325/islam01.htm>

Council 2016)¹³. The Istanbul Convention explicitly states that gender-based violence is to be recognized as a form of persecution. Respectively, the Qualification Directive¹⁴ which lays down the grounds for granting protection in the EU Member States, defines acts of gender-specific nature as persecution. Also, the Directive explicitly states that an applicant's gender must be considered when defining the criteria of a particular social group, if belonging to a certain gender relates to being at risk of harmful legal traditions and practises. The Directive also recognizes non-state actors, such as family members, as possible actors of persecution. This is important because typically the perpetrators of violence against women are members of the family. Thus, it seems that the European legal instruments have adopted a gender-sensitive interpretation of persecution. However, based on our data it seems that in practice gendered forms of persecution are rarely identified and therefore some of the victims of gender-based violence who should be entitled to asylum fail to receive it.¹⁵

The most decisive part of the asylum determination process is the asylum interview in which an applicant is expected to describe the need for protection. Giving a credible account of persecution is very demanding for any applicant, but even more so for a victim of gender-based violence.

13 - In 2011, the CEDAW Committee adopted a statement calling for gender equality for refugees, including requesting "States to recognize gender-related forms of persecution and to interpret the 'membership of a particular social group' to apply to women." The report of the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (2016) emphasizes state's responsibility to make sure that a gender-sensitive approach is taken seriously so as to assure against a tendency to regard violations against women, girls, and sexual minorities as ill-treatment, even where they would more appropriately be identified as torture.

14 - Directive 2011/95/EU on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted

15 - In this project we were not able to analyze asylum decisions as such to determine whether GBV was or was not considered in the application. There seems to be a need to conduct research on how gender-sensitive asylum decisions are and how well the requirements of the Istanbul Convention Directive are adhered to.

In order to define whether a person fulfils the above criteria and therefore has a right to asylum or to another form of protection, an applicant goes through an investigative process. The most decisive part of the asylum determination process is the asylum interview in which an applicant is expected to describe the need for protection; i.e. tell her story as a free-flowing narrative. Giving a credible account of persecution is very demanding for any applicant, but even more so for a victim of gender-based violence. Firstly, to be able to give a reliable account of the need for protection one needs to be aware of what kind of experiences are considered relevant in the asylum decision. Based on our data the normalization of violence greatly influenced what women considered significant and worth mentioning in their asylum claim. Secondly, an applicant needs to give detailed information of concrete incidents and evidence to back the claim. Based on our data the serious physical and mental consequences of violence, in particular trauma, impacted the women's ability to recollect past events as a detailed, coherent story. Also, shame, fear and a lack of trust toward authorities prevented the women from revealing the incidents of gender-based violence. Furthermore, a part of the asylum decision process is a credibility assessment in which it is considered whether a claim is trustworthy and deserved. Traumatized women seem to be in a disadvantaged position in this assessment. In the next sub-chapters, we will describe how these challenges were visible in our data.

5.1.1. Normalization of violence

Based on our data gender-based violence seemed to be a normalized part of the women's lives. Even so, that the women themselves did not recognize, or think that, what they had been subjected to was in fact violence, a criminal act or a form of persecution. Especially in a setting of armed conflict, violence overall is so normalized that it might become the way of going about life also in the domestic sphere (GIWPS 2017, 40). There are also estimations that conflict might worsen intimate partner violence as there is an increased normalization of violence in general (ibid). Normalization of gender-based violence was one of the reasons why women did not bring up their experiences of violence when in contact with the authorities.

“To be honest I have not seen a lot of refugee cases victims of domestic violence. Not because they do not exist but because they do not know that domestic violence is illegal and not acceptable behaviour.”

“Sometimes GBV is so normal to them, that a lot of questioning and explaining is needed that they become aware that it’s important to mention this in hearings (but all of them already had their hearing).”

Forced marriage is a good example of a form of violence that the refugee women themselves did not recognize as violence. Forced marriage was to these women often something very mundane as many girls married young in their home countries. It was also difficult for the women, as discussed earlier, to differentiate between arranged and forced marriages, making it difficult to define their marriage arrangements as a form of violence.

“When talking about the practice of forced marriage, we tried to ask her about this aspect of women life in her country, but she was not able to reply clearly, turned to be very uncomfortable and in anxiety. To our question about personally knowing some women that submitted it, she tried in vain to pronounce some words, got upset, covered her face and was about to cry.”

Women were not very eager to talk about their experiences and gender-based violence was more likely to come up only if somebody asked directly whether they had indeed been abused. As the asylum interview is based on the free narrative of the claimant, it overlooks the fact that women might not know or fully understand what is required of the narrative, what to tell and what to leave out. It is especially hard if they do not realize that what has happened to them could be considered a form of persecution.

5.1.2. Shame

Feeling ashamed of being abused is a common feeling among victims of violence, especially those of rape and other sexual violence. Shame not only influences the self, but also hinders the women from talking about the violence and leaving the violent situation (Buchbinder and Eisikovits 2003). In our data, there were numerous references to women reporting the feeling of shame, guilt and self-blame and fighting to overcome it.

“She tried to be not ashamed about her experiences. But during the counselling sessions and remembering her story and its details, she always has to swallow her tears.”

“Both victims were scared and upset. They feel ashamed for what happened to them and they hesitate to ask for support, [...] she is completely confused with who she can trust and with who not. [...] She [the other victim] is under constant stress because she is overwhelmed with the people from her community who try to control her life. She is feeling ashamed for again having problems with somebody.”

The feelings of shame increase when victims are blamed or even stigmatized for the violence within their family or community, as described earlier in the section on sexual violence. Because of the feeling of shame women found it difficult to tell about their experiences.

“She hasn’t been talking about her experience and hasn’t shared this information in her asylum process. She is worrying about her mum, how she would react if she found out what has happened, that she couldn’t take it.”

“But in the interview, she didn’t get the right to a female interviewer and a female translator, so she couldn’t tell her story completely. She was ashamed of the incidents that happened in her home country (e.g. sexual assault, rape, imprisonment of the perpetrator).”

Women would need acute support for overcoming the feelings of shame and self-blame and would need to be assisted and guided during the asylum process in order to be able to tell about the shameful incidents.

5.1.3. Trauma

Based on our data, trauma, including post-traumatic stress disorder, had a significant impact on the ability of the women to recall, and to tell, their story.

“One of the ladies is very traumatized and in great depression and it’s very difficult for her to share her experience.”

“the woman is very traumatized, every now and then she just dissociates - this means, she puts her head onto the table and does not talk to me anymore. I feel how hard it is for her to talk about it. I tried to talk to her very sensible about her experiences (human trafficking), but even this is so hard for her to remember and to talk about it that she just "steps out" of the situation.”

“She has PTSD. I tried to prepare her well for the interview, but this is not possible at the moment because of her fears and PTSD. she is not really able to listen to me and to think objectively.”

A wealth of research in the field of psychology reveals that it is normal for most people to struggle to recall any (detailed) facts and memories of past events (Cameron 2010). In an asylum interview, an applicant must recall and highlight the most negative and traumatic experiences of her life, which is even more demanding, because memories of traumatic events differ significantly from normal memories (Herlihy & Turner, 2009). The difficulties in remembering a coherent, detailed story was mentioned often in our data, and the case below clearly illustrates the challenges.

“We collected the story and checked the information given last time. I noticed that she had changed the version, the dates and details were quite incoherent and chronologically impossible. She was very much struggling and tried to make order with her memories. Even this time it was mentally very demanding for her. When we started to talk about the genital mutilation, she became nervous, so I invited her not to give details about it. She started crying.”

Trauma can manifest itself as psychological conditions such as memory loss, blackouts and lack of concentration, which make it impossible to present a coherent story (see also e.g. Oram et al. 2012; Altun et al. 2017;). Post-traumatic stress disorder also involves avoidance, i.e. a survival mechanism that traumatized individuals use to relieve themselves from the pain of the trauma. This means that a person has learned to avoid talking or thinking about what happened. For the asylum interview this means that a traumatized person may entirely unintentionally skip the traumatic parts of their story. These are, however, the parts of the story that could be the most relevant in relation to being eligible for international protection.

5.1.4. Lack of trust

Lack of trust and the importance of creating a relationship of trust with the clients was one of the most discussed topics in the journals. Sharing one’s most traumatic life experiences with a stranger is a lot to ask from anyone. Even more so, if you have faced a lifetime of violence and abuse and your trust towards people in general is low or lacking. The women would share their story of violence only once a relationship of trust had been created, and this took sometimes weeks or even months.

“Trust is a big consequence of GBV especially when a client is being violated through the whole journey. The clients are highly traumatized, stressed, and they have a constant sense of fear that the same thing will happen again. Thus, they cannot trust new people easily which includes the psychologist as well.”

”The woman entered the counselling session in extreme fear given by her mistaken belief that she has done something wrong, therefore, she was very cautious when speaking.”

Even if the women would open up to the counsellors, it was a whole other story to open up to authorities in official circumstances. Refugee women might be coming from societies where people usually do not report to authorities but instead ask the family and community for help. Or, they might come from fragile or failed states, where authorities are non-existing or untrustworthy. Women represented in our data came from societies, where women often do not have much decision-making power in society or in the family, and therefore few of the women have personally dealt with authorities, at least not independently. This was coupled in some cases with very negative encounters with authorities in the country of origin, during the journey, and in some case at the point of entry, including also straight-out abuse and violence by authorities.

Women could be also fearing for their own safety or for the safety of their family members, including those left back home, if they disclose certain events or circumstances. This is particularly the case for victims of trafficking who - as discussed earlier - might owe real or made up debt to their abusers, might fear because of voodoo or juju oaths they have taken, or know that the abuser has connections that might harm their family members. Fear is also present for victims of domestic violence, as the victims might fear the revenge of the perpetrator or other family members in case she reports violent incidents to anyone.

“During the hearing before the eligibility authority she never said that she was a prostitute, but only that she worked in a hairdresser's salon. No one informed her that she could speak freely and that she had to explain everything she had suffered. So, she did not feel comfortable, she was afraid to talk about the criminal network and also to say that she was a prostitute. She thought that if she had said so, they would have expelled her immediately. Moreover, the difficult communication with the interpreter made the communication and the atmosphere hostile”

A much-discussed issue in the journals was the importance of the role of the interpreter. Most counsellors used interpreters also in the counselling sessions. The counsellors preferred to use female interpreters because they have had experiences of women not feeling comfortable talking about gender-based violence experiences with a male interpreter. Also, some of the male interpreters did not feel comfortable themselves in interpreting these topics.

“Nevertheless, she felt a bit embarrassed talking about the violence suffered before a man. I also regretted about the fact that, although a good interpreter, he showed himself shocked and sorry because of her story and made many comments about it.”

The applicant must be able to also trust the interpreter with whom she shares a common language. Migrant/refugee communities are often tight knit, and within rare dialects it might be difficult to find an interpreter who does not have connections to the same community as the claimant, adding to the fear that any details presented in the interview might be transmitted to other members of the community.

It was highlighted in our data that establishing a relationship of trust with a traumatized person takes time and patience. The asylum interview usually takes place in one session and there are very few options for creating an environment of trust, bearing in mind also that the interview situation as such is a situation of considerable power imbalance. Therefore, for the women to be able to reveal the most traumatic and shameful events there is a need for actors who can support the building of trust between an applicant and the asylum system.

5.1.5. The credibility assessment

During the asylum process authorities assess the credibility of an applicant. If an applicant’s credibility is accepted, her account of events and evidence is believed and relied on in the analysis of need for protection (UNHCR, 2013). Applicants who do not disclose all elements of their claim at the beginning of the procedure may find that this reduces their credibility (Pickering,

2011), although there are several reasons for not disclosing certain events at the first opportunity as described earlier. Also, if an applicant does reveal more later, this might be interpreted as “changing the story” and thus be treated as a discrepant claim. The credibility assessment poses many challenges both for the decision-maker, as well as for the applicant. It was evident in our dataset that the experiences of abuse and violence lowered the ability of the women to tell their story in a credible manner.

“When we walked into the court, she had no questions, she said she feels confident. I also thought, that we can prove enough that she is in high danger in her country of origin, that she is a victim of human trafficking, that there is still the danger of a forced marriage and maybe also for a second time FGM (but she was not so sure about that). But then the Trial was really hard to stand. The judge was explaining everything, was really patient and kind to her. But she was almost saying nothing, giving short answers, did not give further explanations and sometimes she didn't answer to the questions. She was only saying, that she really would like to stay here... I felt like I have to get up and shake her! At the end the Judge even said what her problems are, like where she sees contradictory statements and she said: Please let me stay... nothing more.”

Case officers use amongst other information so-called country of origin information as a source in evaluating whether a story of an applicant is credible. There can be specific challenges when seeking country of origin information relevant to gender-based claims because gender-based violence is often underreported. There is simply less information about gender-based violence than on other forms of violence or forms of persecution. For example, statistics on violence against women are lacking or do not reflect the actual magnitude of the problem due to low reporting rates and because the authorities fail to respond to such reports. (Crawley, et al. 2011; European Parliament, 2012; UNHCR 2002) This also means that specific information on gender-based violence can be lacking in the country or origin reports.

A “culture of disbelief” or mistrust among asylum officers towards asylum seekers has been identified in previous research (e.g. Thomas 2006; Jubany 2011; Canning 2017). Also, our data

identified similar issues regarding how asylum officers assessed the credibility of a woman's story. Much of the disbelief seems to focus on the lack of factual evidence, such as a lack of additional information beyond the women's own words. The counsellors also identified a pattern that if a determining authority was handling several similar cases in a row, they started to suspect the credibility of the stories. This means that a story of abuse became incredible if it resembled another case. However, women from a certain region or country may have fallen victim to a certain pattern of trafficking or abuse, making their stories resemble each other. This was for example the case for many Nigerian women in the data; their stories resembled each other to an astonishing degree. Instead of indicating made-up stories of abuse, this could be evidence of a pattern of violence.

We acknowledge that "asylum decision-making is amongst the most problematic, difficult and complex forms of decision-making in the modern state" (Thomas 2006). At the end of the day, the case officer must decide: either the claimant is granted asylum or not, and the decision must be based on some form of evidence. However, based on our data and the experiences recounted by the counselled women, it seems that refugee women's experiences of gender-based persecution are not sufficiently considered and understood in the current asylum processes.

5.2. Barriers in accessing victim support and reporting crime

Only some of the victims identified in our data had reported their experience of violence to the police. Although reporting a crime is not a prerequisite for accessing victims support services in Europe, it is of concern that only a small proportion of all the victims identified in the dataset had reported their experience of violence to the police.

When asylum seekers enter the European Union they fall, in theory, under the same victims' rights regime as the citizens of the EU. The Victims' Rights Directive regulates the minimum level of protection, support and access to justice to victims of crime, and regulates the procedural rights of victims in the criminal proceedings. The Victims' Rights Directive pays attention to the rights of vulnerable groups, including female victims of gender-based violence. The right to support services set out in the Directive applies also to victims who are not citizens or nationals and even to persons without a legal residence status. The limitation is however that the Directive applies only to crimes committed within the EU or to crimes that are processed in a criminal proceeding in one of the Member States. Therefore, refugee women who have been victims of violence in the country of origin or during their journey almost exclusively fall outside the scope of the Directive. The positive exception are victims of trafficking who are in theory entitled to unconditional assistance based on the Anti-Trafficking Directive¹⁶.

As has been argued throughout this report violence encountered by refugee women forms a continuum where incidents follow one another. A history of abuse is a risk factor for further abuse. This continuum of violence is not recognized by the Victims' Rights Directive, and victim assistance is even in theory only given to those "fortunate enough" to become victims of violence (also) within the EU. If a refugee woman's experience of violence does not fall within the jurisdiction of the Victims' Rights Directive, she does not have right to support services guaranteed by the Directive. The right to support services can also be limited in practise because a Member State has not fully implemented the Directive and does not offer the services listed in it. A victim of gender-based violence could also resort to the Istanbul Convention's promises of support services to victims of violence¹⁷, but based on our data, if these services for refugees/asylum seekers do exist, they are mostly offered by NGOs with limited capacity. The counsellors repeatedly mentioned in the journals the lack of services for refugee women victims of violence,

16 - In relation to victims of trafficking the principle of provision of unconditional assistance to victims of trafficking is explicitly set out in the Anti-Trafficking Directive (2011/36/EU) s

17 - The services outlined in the Istanbul Convention include legal and psychological counselling, housing, health care and social services as well as immediate-, short- and long-term specialist support services, accessible shelters, telephone helplines and rape crisis or sexual violence centres.

including the lack of women's shelter places for refugee women, lack of medical services and poor access to psychological treatment.

Only some of the victims identified in our data had reported their experience of violence to the police. Nonreporting was prevalent in both the country of origin and in Europe. Although reporting a crime is not a prerequisite for accessing victims support services, it is of concern that only a small proportion of all the victims identified in the dataset had reported their experience of violence to the police in Europe. If crimes are not reported, they are left unaccounted for by the criminal justice system. The low reporting rates can lead to an underestimation of the seriousness of refugee women's experiences of violence. Resources for criminal justice actors and for victim support organisations are often based on estimates of prevalence; low reporting rates can therefore lead to dire resources.

Next, we will discuss why refugee women did not report crimes that took place in the European Union. The difficulties in reporting crimes in the countries of origin were briefly mentioned in the previous chapters. It is also important to note that even if refugee women would report their experiences of violence, it is difficult - if not impossible - for the police to investigate crimes that have taken place in the transit countries, as in the case below:

“She reported the names of the pushers to the police in Germany, but they could not do/ or did not want to do anything because it happened in Greece.”

Although mechanisms for cross-border police collaboration exist, mutual legal assistance is often difficult in practice and the readiness to respond to collaboration requests varies from country to country. Sometimes investigations may also be hampered if the period of prescription has been reached and the crime can no longer be investigated. These are all underlying reasons for why reporting crime might not be encouraged, or why reporting does not necessarily lead to an investigation, prosecution or judgement.

Apart from these jurisdictional and procedural challenges, we identified many practical barriers refugee women face in reporting crime in Europe, as in the below case:

“Women mostly don't feel comfortable to ask for help and to report problems to police and officials because of social norms, tradition, feelings of insecurity. GBV remains a private and sensitive issue. Women are also often unaware of supportive services but also they will talk about and report it mostly to friends, other family members and to people whom they trust rather than to the police.”

The criminal justice system is most likely unknown to asylum seekers. The whole idea that the state is the regulating body which punishes a perpetrator can seem strange to women who come from societies where authorities are corrupt, or it is the family or the community that resolves conflicts and violence. Some of the women also had very negative experiences of reporting in the past:

”After she was sold at the age of 15, she was daily forced to have sex by that man and then forced to take a medicine in order to miscarriage. In the past she has tried to report to the local police but her "husband" bribed the police for them to leave the case. Even though the client is aware about her being illegally mistreated she said that there is no justice in her country.”

“The ladies from country X usually don't go to police, because they know nothing will happen. They know that it is not right/ illegal but in their country, they have no chance to gain access to women rights or human rights. Most of them are exposed to danger, attacks and persecution. If they don't want to accept this situation they have to escape. “

Poor language skills, emotional and economic dependency on the perpetrator or on the family/community, fear of revenge by the perpetrator or pressure from the family or community were often mentioned in the data as reasons for not reporting.

”It would be very important to go to the police and make a report. The problem is, that her family in Nigeria is threatened by people that are in contact with her madame. The fear, that her family is being harmed is too big, so she refuses to go to the police”

“My impression is that somebody from her community (might be family members, friends or other refugees) influenced her and persuaded her to cancel all the procedure so that she wouldn't have bigger problems after. Probably the pressure from the community and the fear of the unknown that refugee women are facing, leads to "closing" of those persons, reconciling with the situation as it is and failure to report offences.”

“Moreover, she always complained about her husband aggressive behaviour with her and her children, but she never wanted to denounce or report it to authorities, because she felt alone in taking care of her son and daughter, in a new country, without a stable accommodation”

”Often, the victim is afraid to report the crime to the police. Especially when the offender is a family member. They fear what will happen to the family dynamic when they report the incident.”

”She wanted to report the incident to the police, but some asylum seekers from the reception centre told her that the state will take away her children if she reports the abuse.”

Some of these barriers can be overcome by targeted measures such as additional support for refugee women who report crime. However, in our view, there is an important underlying problem that needs to be resolved if we expect refugee women to report crime, namely, that the women are more concerned about their status determination process than about initiating a criminal process. We claim that refugee women who have been victims of violence are able to deal with the experiences of violence only after they have been granted asylum. The journals described numerous examples of how mentally straining the waiting is and how it is impossible to make any other decisions while waiting for the asylum decision.

“The long waiting periods for answer, only make the girls more anxious. It becomes their everyday thought.”

“The whole context in which a victim is currently in, I mean this "refugee life", a new culture, a different set of rules in the country she came to makes her life really difficult. I see that at the same time she wanted to react and report the crime, and with constant help and support she is fighting all of the time...but on the other hand, very often is so indecisive that it is extremely difficult to work with her.”

“Despite the provisional nature of these centres, they have become normality in the majority of cases. The main occupation, in these centres, is waiting. I reflected about waiting. While they wait for the decision asylum seekers linger in this kind of limbo, between dependency, immobility, and the false prospective that such a decision would be crucial for their destiny.“

It is often impossible for an asylum claimant to make any decisions regarding family, relationships, where to live, education and work, when they are waiting for the decision. However, if a woman decided to report to the police, she was once again asked to reveal all the painful memories and revisit them in detail.

“First day in the police station it was uncomfortable and exhausting to talk to the male inspectors as they already condemned her, what I could see from inappropriate questions and comments (e.g. did she send him text messages and provoked him). Also, they didn't notify her about the rights she has. At one point they were arguing with me if she actually has a right to a lawyer, and why would she need one, who will pay for that... The insensitivity of the system shocked me.”

“Also, there were many unpleasant questions at the court for the victim, they didn't treat her with special respect and after all, she didn't have any other support beside our organizations - unfortunately only before and after the court. The victim said that she felt alone and was upset and traumatized with the questions. It's a big challenge and problem that victims are being exposed to suspicion, disbelief and blame. Because of language and cultural barriers our client is especially vulnerable, and I have the impression that institutions are “using” it in a way...maybe because she doesn't

understand them in some things or that she doesn't know the system and rules here... It's also a problem that society has a high level of tolerance for what is considered violence."

The scrutiny of the criminal investigation requires considerable mental resources and a feeling of safety and confidence from the victim. While in the asylum process, it is challenging to start a criminal process as the women do not know the outcome of the process and what possible repercussions filing a report may have on their asylum claim. Actually, in a few cases, like the one below, the police started to investigate the women instead of investigating the crime being reported.

"The intention was, that the police would do something, so the woman would be safe. Instead, they were starting to investigate, because she broke the law of asylum. The opposite of what we intended was happening. We thought the police would give priority to the safety of the woman."

So, in short, the asylum system is the first concern for the women, and only after having gone through it, they can consider turning to the criminal justice system. Gaining a residence status also assures additional rights (such as right to employment) and access to support services (e.g. social and healthcare services) to which asylum seekers are not entitled to while they are in the status determination process. Once they have received a positive asylum decision, the knowledge about these rights and services may help women gain courage and confidence to report their experiences to the police.

chapter

6

**Discussion: What can
be done to better assist
refugee women victims of
gender-based violence**

6. Discussion: What can be done to better assist refugee women victims of gender-based violence

Even very serious forms of gender-based violence can be normalized, and this normalization plays out in disfavour of the refugee women in the criminal justice and asylum processes. The good news is that the relevant European legislation does consider gender-based violence, and the specific support needs of victims, but practical steps need to be taken to implement the legislation.

The aim of this report was to bring to light asylum-seeking women's experiences of violence and women's particular protection needs. What struck us in analysing the data was the fact that so many of the women did not consider their experiences worthy or relevant to be mentioned. Many of the women that the counsellors encountered did not initially mention the different experiences of violence that they had endured during their lives. While this may be related to the trauma, shame and stigmatization caused by the violence, we also think it is related to the fact that violence is part of the everyday lives of these women. Why mention something that is normal and reoccurring? An important finding of the study was that also very serious forms of gender-based violence can be normalized, and this normalization plays out in disfavour of refugee women in the criminal justice and asylum process. The data also revealed that gender-based violence does not stop at the external border of

the EU, but instead continues also inside the EU. The findings of our study show that there is a great risk that this specific group of women is not protected from violence and cannot access their rights as victims of crime. We are also concerned about the lack of tailored services for refugee women victims of violence. In order to come to terms with these discrepancies described in this report there are many practical steps that could be taken, which will be discussed next.

Early identification and support

The importance of reception centre staff in identifying and responding to gender-based violence is evident. And if violence is detected but not responded to, it may indicate to women that it is not important to talk about their experiences of violence.

A refugee camp or a reception centre is the first place of contact with authorities and the first place where there is a proper opportunity to fully examine the situation of the women. The importance of reception centre staff in identifying and responding to gender-based violence is evident. If violence is detected but not responded to, it may give an impression that it might not be that meaningful to the authorities. This may indicate to the women that it is not important to talk about their experiences of violence. Violence should therefore be taken up with women early and regularly e.g. in health check-ups upon arrival and the situation of the women should be monitored. Women should be informed as early on as possible about their rights as asylum seekers and as victims of gender-based violence for them to understand the requirements of the asylum system and the importance of talking about the experiences of gender-based violence. The women should be supported and counselled so that they are able to help themselves; to actively participate in the asylum application process.

This kind of support was given in the project, in which our data was collected, by NGOs in the form of so-called info café's (informal meetings for women to discuss gender-based violence

and related topics; see more in the Handbook¹⁸) and in the counselling sessions. NGOs play a big-role in the identification of violence and in offering immediate and long-term support for refugee women victims of violence. Therefore, there should be enough resources for NGOs providing such specialized services, and it should be ensured that the organizations providing assistance have the right to give support and assistance to potential victims at camps or reception centres.

NGOs need resources for providing specialized services, and it should be ensured that the organizations providing assistance have the right to give support and assistance to potential victims at camps or reception centres.

Legal assistance

The asylum system itself could – through small amendments and practical steps – take a more gender-sensitive approach. The Asylum Procedures Directive¹⁹ sets the minimum requirements for the asylum processes of the EU Member States and dictates many procedural safeguards for victims of gender-based violence. By paying more attention to the full implementation of the Directive’s safeguards refugee women could be better assisted. One concern is that many of the procedural rights come with a caveat that the right is only available upon request. We argue, based on the findings of this study, that this requirement for agency is insurmountable for many of the victimised women.

18 - Handbook on Counselling Asylum Seeking and Refugee Women Victims of Gender-based Violence - Helping her to reclaim her story

19 - Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection

It would be important that asylum seeking women receive legal assistance from the very beginning of the asylum process. Women need information not only on the process, but also support during an asylum interview.

Based on the Asylum Procedures Directive asylum applicants should be provided with legal and procedural information free of charge and they should be guaranteed free legal assistance and representation on request in the appeals procedures. Based on our findings, it is obvious that women need not only information on the procedure but also on gender-based violence and on the notion that it can constitute gendered persecution. This information needs to be delivered in an approachable manner, e.g. in face-to-face discussion, not the least, because many of the refugee women are illiterate.

It would be extremely important that asylum seeking women receive legal assistance from the very beginning of the asylum process. A legal representative can be an important factor in creating trust in the asylum process, because a legal representative is both “on the applicant’s side” but also aware of the requirements of the system. A legal representative can explain the requirement in a more approachable manner and by doing so increases the applicant’s trust towards the system. A legal representative can make sure that the procedural rights such as right to an individual claim, to a same-sex interviewer and interpreter are requested for and applied. A trusted legal representative can make sure and remind an applicant during an interview to go through the full story and to mention all the relevant details. Also, a legal representative can make sure that the interviewer is aware of the applicant’s special needs and vulnerabilities, and that questions posed during the interview are not interrogative or inappropriate.

Confidentiality

Confidentiality of the asylum process should be guaranteed in order to allow for a woman to discuss personal issues, including e.g. violence committed by a family member, without having to fear that a family member would become aware of the details discussed.

Each adult has the right to make an application for international protection on his or her own behalf. In practice, women are not aware of the possibility to submit their own claim or do not understand that they would have personal grounds for an application. Therefore, we propose that a woman's claim should automatically be processed individually and separately from her husband's claim. An additional advantage of an individual decision is that the content of an individual decision, including the details of violence presented in the claim, will not be revealed to other family members, which is something the women often fear and one of the reasons for not revealing details of violence in an application/interview. The interview should be in any case organized in a manner that it allows a woman to discuss personal issues, including e.g. violence committed by a family member, without having to fear that a family member would become aware of the details discussed.

Training on gender-based violence

The task of an asylum interviewer is very challenging, and s/he needs a variety of skills to conduct a fair and professional interview. Training on identifying and dealing with victims of gender-based violence should be provided for all interviewers in a systematic manner.

We do recognize that the task of an asylum interviewer is very challenging. Interviewing requires broad and detailed knowledge on e.g. international refugee law, national legislation and legal practise, skills to identify different forms of persecution and any special needs of an applicant, as well as interviewing and interpersonal skills. Therefore, it is of utmost importance that the interviewers/case workers are qualified, professional and well trained. Based on the FRA (2016) report, in most of the Member States reviewed for the report, training on identifying and dealing with victims of gender-based violence is either not provided for at all or provided in a non-systematic way through ad hoc trainings and seminars. There seems to be a dire need for training on gender-based violence and how to work in a trauma-informed manner.

The interviewers should, based on the Asylum Procedures Directive, consider the personal and general circumstances of an applicant, such as gender, when conducting the interview. Interview questionnaires should include enquiring specifically about sexual and gender-based violence in a manner that it is understandable for the claimant e.g. asking about the conditions of marriage instead of asking whether a woman has been forced to marry. Similarly, if she comes e.g. from a country with high prevalence of FGM, the interviewer should ask by default whether she has experienced or is under the threat of FGM. It would be recommendable that interviewers would use standard guidelines and checklists to make sure to identify persons with special needs and to consider all relevant issues when interviewing victims of gender-based violence²⁰. Asylum interviewers should also regularly receive workplace counselling and debriefing in order to cope with the mental burden of the work and to be able to maintain their objectivity vis-a-vis each case.

Furthermore, the interviewer and the interpreter should in an ideal case be of the same sex as the applicant. A qualified, preferably female interpreter can make a great difference in the interview. The asylum decision is based almost exclusively on a verbal account given by an applicant and interpreted by an interpreter. In addition, to the general well-known challenges of interpretation in the asylum interview context, our data revealed that an interpreter can possess prejudices, opinions or misconceptions related to gender-based violence that can influence the objectivity

20 - See EASO tool on identification of persons with special needs <https://ipsn.easo.europa.eu/>

and correctness of an interpretation. As already argued above, women are often not able to request procedural safeguards, even if they would be crucial in order to be able to reveal their story of violence. Therefore, presumed victims of gender-based violence should by default have the right to a same-sex interviewer and interpreter to guarantee that an applicant can freely talk about the violence she has encountered.

Reporting crime

If we want to tackle low reporting rates and ensure that violent crimes against refugee women are not met with impunity, the proposed solutions must take into consideration the residence status needs of the victims.

The underlying problem in relation to the lack of reporting crime was that refugee women were foremost occupied by the asylum process and its outcome. What arguments could be used to convince the refugee women of the importance of reporting crimes to the police already during the asylum determination process? The aim of reporting to the police is to stop the violence, and to ensure that the perpetrator cannot inflict further harm to the victim or to others. Another argument for the importance of reporting is of more theoretical nature: all serious crimes should be investigated and prosecuted to maintain the credibility of the criminal justice system, as well as to prevent impunity of crimes of gender-based violence against refugee women. While this is an important reason, it is a lot to ask from an individual to personally take responsibility for tackling impunity.

In order to enhance reporting, should there be a connection between the criminal justice process and the asylum process? Should the women be granted a residence permit if they report crime and co-operate with the criminal justice authorities? The Istanbul convention (Article 59) obliges states to issue a renewable residence permit to victims of gender-based violence,

if their stay is necessary for the purpose of their cooperation with the criminal justice authorities. The requirement for co-operation as a condition for a residence permit is used in some countries in relation to human trafficking victims. Victims of human trafficking may be given a temporary residence permit based on an on-going investigation in their case (e.g. Koskenoja et al. 2018; ICMPD 2018). However, this practise has been criticised because the multiple difficulties in investigating trafficking often result in situations where victims are not assisted precisely because the crime cannot be investigated, or the cases will not lead to a conviction (e.g. ICMPD 2018; Non-discrimination ombudsman 2017). This leads to a situation where victim assistance is based on the success of the criminal process, and not on the person's right to and need for assistance.

Our data did not give us any evidence on whether a connection between the asylum seeking and criminal justice systems would be beneficial for the women or instead make them even more vulnerable. What our data did reveal was that the connection or lack of connection between the criminal justice system and the asylum system is relevant when discussing low reporting rates by refugee women. If we want to tackle low reporting rates and ensure that violent crimes against refugee women are not met with impunity, the proposed solutions must also take into consideration the residence status needs of the victims.

In addition, the criminal justice system should be as victim-centred and gender-sensitive as possible in order to encourage and support refugee women to report crime. The Victims' Rights Directive lays down many important procedural safeguards to improve the situation of victims of crime and to support them in reporting. This includes among others a right to understand and to be understood, right to legal aid, right to interpretation, and right to be accompanied by a support person. A big concern is the length of the proceedings: investigations and proceedings which take years hinder a victim from processing the trauma of violence and moving forward with her life. From the victim's perspective a very important improvement would be a swifter and more speedy criminal justice process. Tackling this would require more resources, prioritization of certain cases as well as smoother co-operation between the criminal justice actors.

Also, small practical improvements can make a great difference to a victim during the criminal process. These include; a private space for reporting, trained trauma-informed officers, video-testimony and a support person.

Even small practical improvement can make a great difference to a victim during the criminal process. These include ensuring a private space for reporting crime, same-sex officers receiving a claim, a possibility to visit a court room before the proceedings to understand what the venue looks like, or a possibility for a video testimony. It should also be considered if a video testimony could be used in more commonly so that unnecessary and burdening re-telling of the incident could be avoided in cases of appeal. A trusted support person, who can accompany the victim throughout the process, can lower the threshold for reporting and reduce the mental burden of the proceedings. For most victims, law enforcement officers represent the gateway to the criminal justice system and the response of the police during the first encounter has a decisive impact on victims' attitudes to the justice system. Therefore, systematic training that increases the skills and capacity of first responders to meet victims in a sensitive manner is very important. Particular attention should be paid to pro-active referral by criminal justice authorities to victim support services. It is not enough for a victim to receive a leaflet or similar describing the possibility of support services. Hands-on referral is crucial in particular for refugee women who might be illiterate and unaccustomed to ask for assistance from officials.

chapter

7

Recommendations

7. Recommendations

In order to improve access to international protection, to criminal justice and to victim support services for refugee women victims of gender-based violence in line with the Istanbul Convention and European legislation, there are several practical steps that could be taken by EU institutions, national policy makers and authorities, as well as local institutions in Member States and NGOs, respectively. In order to provide concrete examples of how to move forward, this last chapter summarizes our recommendations, which are categorized in three groups.

The first category emphasizes the steps that should be taken to improve the **gender-sensitiveness of the asylum system** in order to tackle the disadvantageous position of women in the process.

The second category of recommendations emphasizes the need for a more **victim-centred criminal justice process** in order to encourage the reporting of crime.

The third set of recommendations aims to improve **access to services** for refugee women victims of gender-based violence irrespective of their residence status. Lastly, we provide some ideas for future research.

GENDER-SENSITIVE ASYLUM PROCESS

1. IDENTIFY victims of gender-based violence as soon as possible upon arrival in order to prevent further victimisation and to be able to refer identified victims to relevant services.
2. PROVIDE MORE INFORMATION on gender-based violence and on the rights related to the asylum process in an understandable format, including information on what gender-based violence is, that gender-based violence can be defined as a form of persecution and that victims of gender-based violence are entitled to procedural safeguards, such as an individual asylum decision, female interviewer and interpreter, as well as confidentiality during the process.
3. Provide LEGAL REPRESENTATION free of charge from the beginning of the process. A legal aid provider should explain the asylum process and its requirements, ensure that procedural rights are respected and assist an applicant in expressing all the necessary details of her story in an asylum interview.
4. Provide a FEMALE INTERPRETER: a qualified interpreter is of utmost importance in being able to understand and to be understood in the asylum process. Based on the findings of the project, female victims of gender-based violence feel more comfortable in sharing details of their story when the interpreter is female.
5. Ensure an INDIVIDUAL ASYLUM DECISION BY DEFAULT as most victims of gender-based violence are not able to request an individual decision or are not aware of the option and the benefits of an individual decision.
6. Provide TRAINING and GUIDELINES for migration officers on how to better identify and take into consideration gender-based violence in the asylum process, including the understanding of under which circumstances gender-based violence can constitute persecution and of how trauma, fear and shame can influence the behaviour and story of an applicant.

Gender-sensitive asylum process

illustration by
Simone Gaglione
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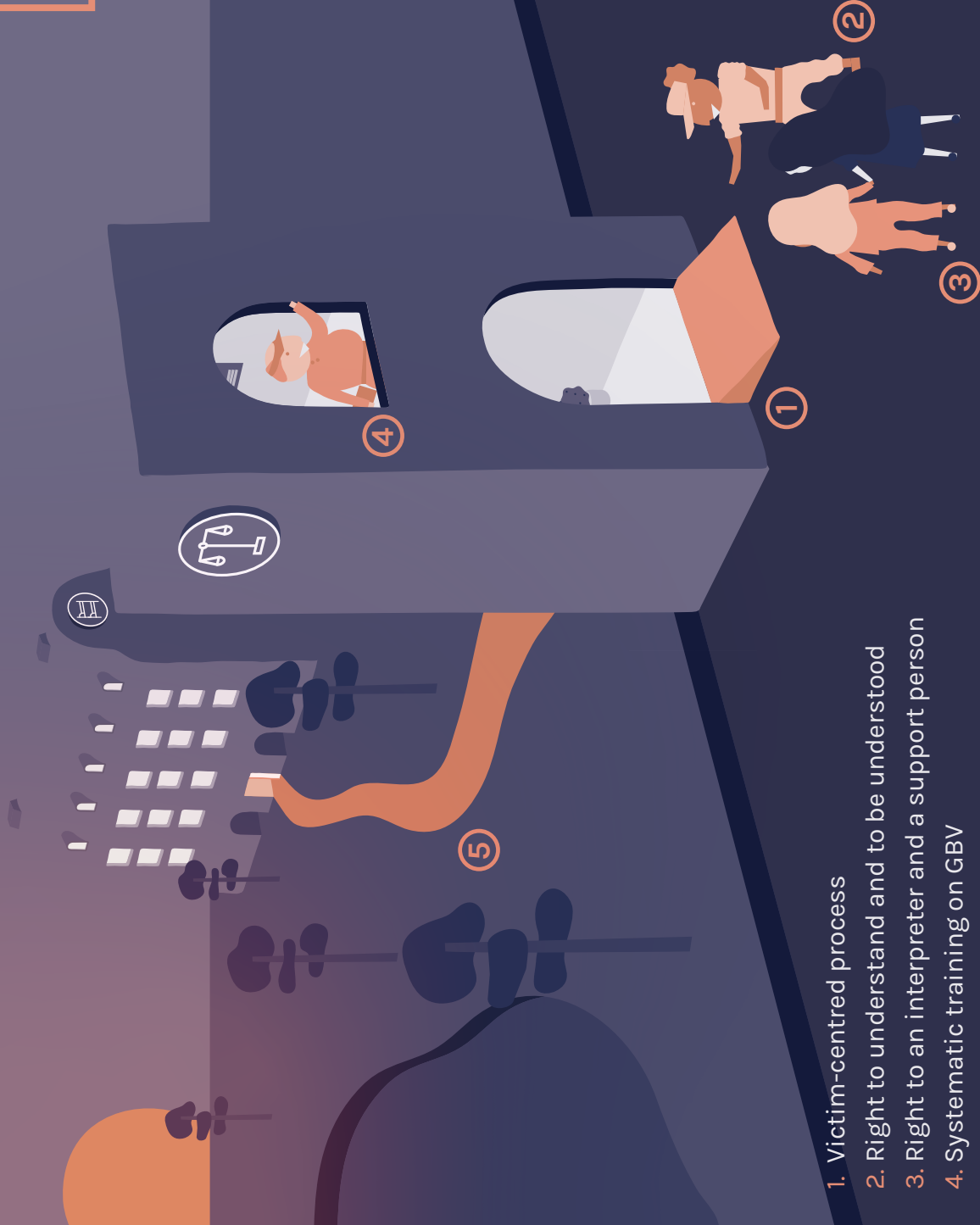


1. Identification of GBV victims
2. Information on GBV and rights
3. Legal representation
4. Female interpreter
5. Individual asylum decision
6. Training and guidelines on GBV

VICTIM-CENTRED CRIMINAL JUSTICE PROCESS

1. Ensure a VICTIM-CENTRED CRIMINAL JUSTICE PROCESS, including reducing the length of the process, easing the procedural demands on the victim and reducing the risk of revictimization.
2. Ensure the RIGHT TO UNDERSTAND AND TO BE UNDERSTOOD during the criminal process and taking into consideration the personal characteristics of the victim (e.g. gender, disability, age, maturity, relationship to or dependence on the offender).
3. Provide AN INTERPRETER AND A SUPPORT PERSON to accompany the victim in the criminal proceedings as this would lower the threshold of reporting and reduce the mental burden that the proceedings impose on the victim.
4. Provide SYSTEMATIC TRAINING on all forms of gender-based violence and on gender-based violence in the refugee context for criminal justice actors, including training modules on dynamics of power and control and how to encounter traumatised victims.
5. Ensure PRO-ACTIVE REFERRAL by criminal justice authorities to specialist victim support services.

Victim-centred criminal justice process



1. Victim-centred process
2. Right to understand and to be understood
3. Right to an interpreter and a support person
4. Systematic training on GBV
5. Pro-active referral to services

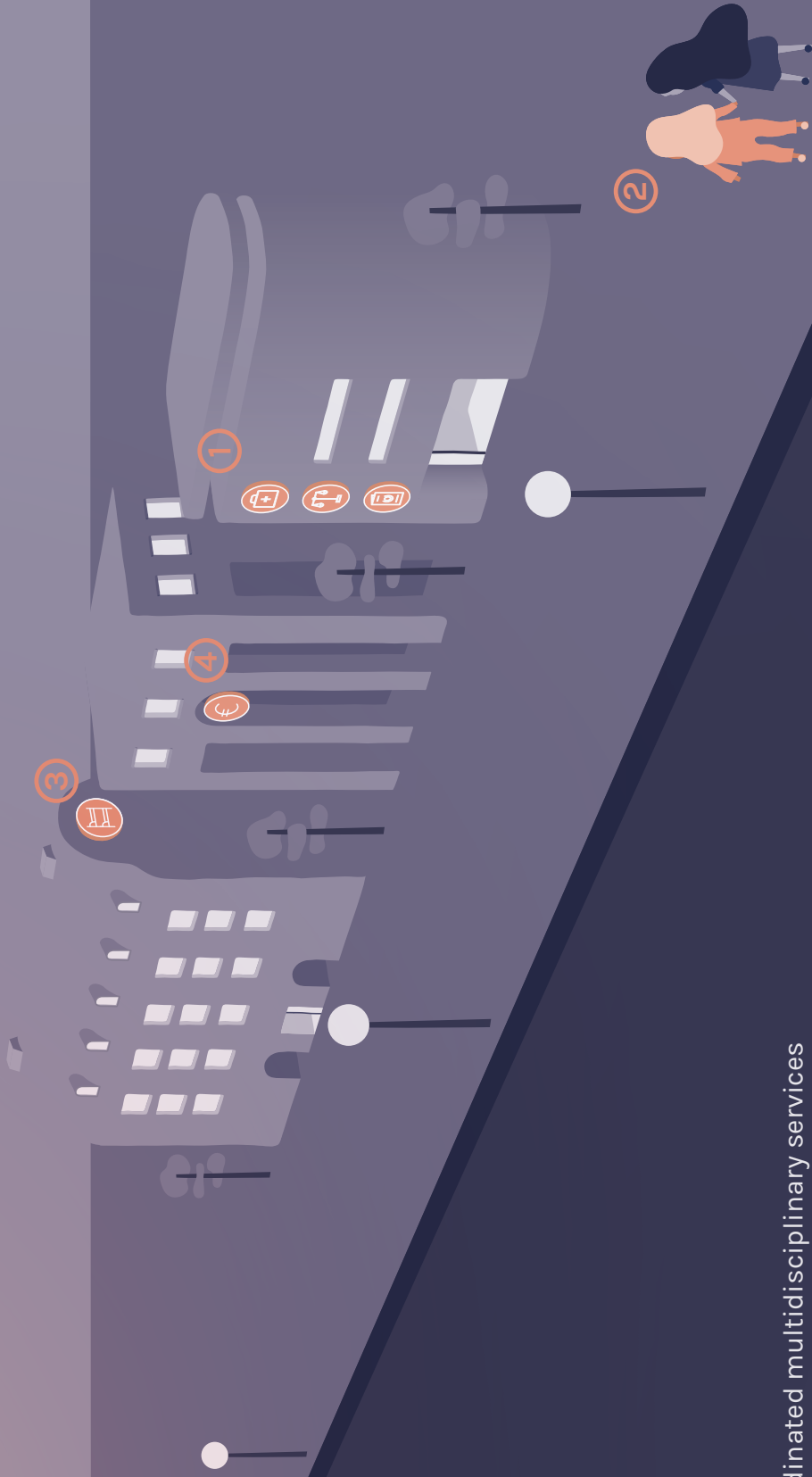
SERVICES TO VICTIMS OF GBV

1. Provide **COORDINATED MULTIDISCIPLINARY SERVICES** for refugee victims of gender-based violence. Refugee women have often suffered from multiple forms of violence and need different support services simultaneously.
2. Provide **LONG-TERM PSYCHO-SOCIAL COUNSELLING** to all refugee women victims of gender-based violence.
3. Ensure **ACCESS TO WOMEN'S SHELTERS**: accommodation in a women's shelter specifically for victims of gender-based violence would be the most beneficial option for most victims. More funding and facilities for refugee victims are needed.
4. Provide **FUNDS FOR SERVICES**: refugee victims of gender-based violence need a variety of services and these services can only be developed and provided if there is enough funding at the national and at the EU levels.

Recommendations for further research

1. Research collecting first-hand information on refugee women's experiences of violence, as well as on their experiences of the asylum seeking and criminal justice processes and what meaning they place on both/either processes. Such a study requires thorough planning and careful consideration of research ethics in order to avoid any harm for the women.
2. Research on asylum decisions to determine when and how gender-based violence is considered as a ground for protection in asylum decisions.
3. Research on how different European countries take gender and gender-based violence into account in the asylum interviews including country of origin information, burden of proof and credibility assessments.

Services to victims of GBV



1. Coordinated multidisciplinary services
2. Long-term psycho-social counselling
3. Access to women's shelters
4. Funds for services

illustration by

Simone Gaglione
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This report is written for policymakers and practitioners who work in the fields of criminal policy, crime prevention, asylum and migration policy as well as integration. We hope that the empirical evidence we present will lead you to take concrete steps and make structural and legal changes to improve the position of refugee women who have experienced gender-based violence. We will present concrete recommendations on how to achieve this at the end of this report. We are looking forward to a dialogue with our readers.

Please, drop us a line.

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