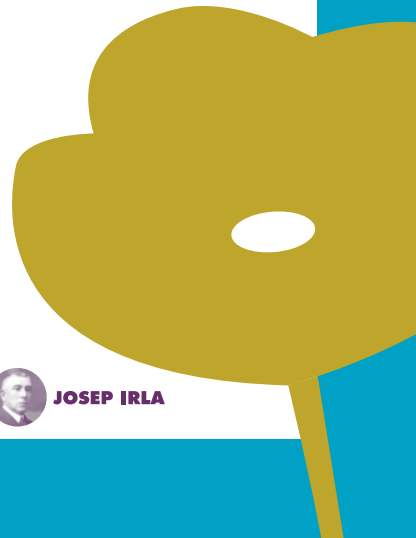


Helena Castellà

# THE SITUATION OF REFUGEE WOMEN IN EUROPE, THE SPANISH STATE AND CATALONIA

## DIAGNOSIS AND GAPS FOR IMPROVEMENT





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# ABSTRACT

In order to take a stand against the discrimination and violation of rights faced by refugee women in Europe, it's important to analyse what these are and how their rights are regulated. With the objective of understanding this specific issue of the current refugee crisis, we have incorporated in this

report a diagnosis of the violations of the human rights suffered by refugee women at their country of origin, during transit as well as at their destination. This is followed by an analysis of international, European, and Spanish legislation that could, and should, prevent the violation of their rights.



# INTRODUCTION

Since 2015, the situation of refugees in Europe has become one of the main issues in the European political agenda. The different procedures in place to deal with the arrival and integration of these refugees, as well as the respect for their rights, have been put into question, and there have been several critical analyses regarding the adequate treatment of those who have recently arrived through the Mediterranean coasts.

Within the group of refugees there is a high percentage of people, mainly women, who are especially vulnerable. Other groups who also need special protection include pregnant women, minors, unaccompanied minors, members of the LGBTBI community, those with special needs and the elderly. As the number of refugees arriving to Europe has risen, the number of those who are vulnerable has risen exponentially. Before this latest wave, migration was seen mainly as a male phenomenon, but now the percentage of women migrants is approaching 50% of the total. According to the latest figures on refugees, whilst in June 2015 women and children accounted for 27% of all new arrivals, this number jumped to 55% in 2016.<sup>1</sup>

As will be seen in this report, the evaluation of the arrival mechanisms in place show that work done by governments, humanitarian organizations, European institutions and members of the civil society is insufficient. They have not been able to either prevent or efficiently deal with the dangers, exploitation and multiple forms of gender violence which women and girls face on their way to Europe and once they have arrived.

This report on the diagnosis of the situation of refugee women will analyze their impact on the overall refugee population as well as the situations of violence and discrimination which in many cases force them to flee their country of origin but which are also present during their trip to Europe and once they have arrived. Secondly, it will analyse the legislation that regulates their reception and which initiatives have taken place in the European Union (EU), the Spanish State, and Catalonia to improve their situation. Finally, taking into account this analysis, it will look at what possibilities exist to reduce the right violations and discrimination refugee women suffer.

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<sup>1</sup> EUROPEAN PARLIAMENT, «Report on the situation of women refugees and asylum seekers in the EU».

## METHODOLOGY

As has been mentioned, the main objective of this report is to know the situation of refugee women in Europe and identify what kind of discrimination they face and which of their rights are violated. Furthermore, it will analyse the legislation that affects them at European, Spanish, and Catalan levels and what mechanisms can be introduced to improve it and make it more effective in protecting them. The research question that this report will try to analyse is: *What is the situation of refugee women in Europe and what has to be done to improve the care for this group?*

To achieve this, the study has focused on the literature created by three institutions such as the European Parliament (EP) —through its motion on refugee women<sup>2</sup>, asylum seekers as well as other specific studies— the European

Commission (EC) —through the directives that refer to refugees and refugee women in particular— and finally with reports by the United Nations' Refugee Agency (UNHCR) which has published several documents regarding the subject of this study, one of which is an evaluation of the reception of refugee women in Greece and the Former Yugoslav Republic of Macedonia (FYROM). It will also include an analysis of Spanish legislation, such as the 12/2009 law which regulates the right to seek asylum and subsidiary protection in the Spanish State and Catalonia.

Finally, the report has obtained relevant information regarding how to improve the systems that are currently in place to welcome refugee women through interviews with some of the key stakeholders that deal with this situation on a daily basis in Catalonia.

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<sup>2</sup> EUROPEAN UNION, *op. cit.*

# 1 DIAGNOSIS: THE SITUATION OF REFUGEE WOMEN

## 1.1. THE NUMBERS

One of the most complicated aspects when talking about refugees is that, even though we have approximate figures, it is impossible to know the exact number of refugee arrivals in Europe as well as the amount of refugee women that have faced the situations of discrimination that this report will analyse.

The lack of data on refugee women can be explained through several reasons. First, due to the difficulty to collect data on new refugee arrivals in Europe since a large amount of arrivals fail to sign up to any kind of register. This is due to their lack of knowledge on their rights for international protection or because they believe that it will slow down the arrival time to their destination.<sup>3</sup> Second, current data is often not segmented by gender. Moreover, many refugee women don't speak out about the different violent situations they have suffered, such as forced marriages or interfamily gender violence, as they fear being further stigmatized or suffer reprisals.<sup>4</sup>

One must also take into account the close relationship between refugees

and immigrants. In many cases, people who are not given refugee status end up becoming illegal immigrants in Europe. In other cases, people who for specific circumstances could be asylum seekers never end up making the application due to a lack of information. Furthermore, in official statistics, even those who are recognized as refugees also end up being counted as immigrants. This is due to the fact that refugees are also migrants in the strict sense of the word and therefore, statistically, the distinction isn't made when they are counted.

It is important to clarify the main differences between migrants, asylum seekers, refugees and those who benefit from subsidiary protection.

Anyone who leaves their country to go live in another one for any reason can be considered a migrant. Therefore, both refugees and economic migrants or those who move to another country to attend university or change jobs can be considered migrants, and are counted as such in the official statistics.

An asylum seeker, according to the 1951 UN Convention, is a person claim-

<sup>3</sup> UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, «Initial assessment report: protection risks for women and girls in the European Refugee and Migrant Crisis. Greece and the former Yugoslav Republic of Macedonia».

<sup>4</sup> Ibid

ing international protection due to the risk of persecution in their home country.<sup>5</sup> If this protection is received, they become a refugee. In the EU, the 2004/83 Directive considers a refugee to be «a third country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it».<sup>6</sup>

People who benefit from subsidiary protection also enjoy international protection. They are also defined by the 2004/83 Directive as «a third country national or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his or her country of origin, or in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm».<sup>7</sup>

This report refers to the migrants arriving to the European coasts as refugees, even though, legally, they are not. This is done mainly to differentiate them from other forms of immigration arriving in Europe and to use the same language that has been established by the media and the civil society.

Taking into account this methodological background, there is international data which can help understand the magnitude of the movement of refugees at a global scale. UNHCR's data shows that the total number of displaced people in the world has risen to 65 million, a 55% increase in the last four years.

Based on information given by 164 countries, whose data has been segregated by gender, the same report concludes that women represent approximately 49% of those displaced and that half of the 65 million people mentioned are minors.

Other relevant data show that only 20% of the total number of refugees in the world are in refugee camps. The rest can be found in informal camps or urban areas, which can make it difficult to protect those especially vulnerable.<sup>8</sup>

In Europe, official UNHCR data shows that during 2015, 25% of new arrivals were minors, 17% women and 59% men.<sup>9</sup> The country with the highest number of refugee arrivals was Greece, with almost one million, but there was also an important influx through the Italian coasts from Libya and on the Spanish coasts through its southern border. The data concerning women in each of these ports of arrival is similar. Refugee women represent less than 50% of the total arrivals in Europe, but just like with minors, there has been a significant rise in their percentage of arrivals.<sup>10</sup>

As can be seen from Table 1, in the last three years the percentage of women asylum seekers in the EU has averaged around 30% of the total amount of applications.

**Table 1.** Asylum seekers in Europe by sex (%)

	EU 28		
	Asylum seekers	Men	Women
2014	626,960	70.3	29.7
2015	1,322,825	72.1	27.8
2016	925,730	67.2	32.7

Source: Eurostat

It's difficult to give an exact number of women arriving in the EU in the last few years. One of the main reasons is that data of new arrivals is often put into three categories: men, women and minors. This makes it difficult to count the total number of displaced underage women as they are lumped into the category 'minors' where there is no gender based distinction. In addition, as we mentioned before, the total number of refugees is also not clear, due to the inability to register all arrivals.

The European institutions also highlight the growth in percentage of women and minors —accompanied or unaccompanied— that have arrived in Europe in the last couple years. The EU Commissioner for Migration, Home Affairs and Citizenship Dimitris Avramopolous has stressed how «women and young people are especially at risk in Greece, where over 40% of those pre-registered were women».<sup>12</sup>

Furthermore, in the summer of 2016 refugee women and minors together represented over 50% of all new arrivals, with 10% of women being pregnant. In many cases, these women begin their trip in the second or third trimester of pregnancy which makes it more likely to give birth during their trip or at the country of arrival. This has resulted in an increase of stateless children.<sup>12</sup>

The pattern concerning the arrival of migrant women in Europe has followed that of the arrival of refugee women. Whilst immigration was traditionally seen as a male dominated issue, currently half of the immigrated population in the EU are women.<sup>13</sup> The main reason to emigrate is no longer to reunite a family with those that had immigrated before them, but in many cases, this process is now led by women who leave their families behind in their country of origin.

## 1.2. MAIN SITUATIONS OF DISCRIMINATION AND/OR FUNDAMENTAL RIGHTS VIOLATIONS

In 1985, the United Nations (UN) highlighted the special vulnerability that refugee women faced due to the fact that they were confronted with many dangers and discrimination situations that could be eliminated or reduced with a differentiated management at the time of their arrival.<sup>14</sup>

<sup>5</sup> UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, «Convention and protocol relating to the status of refugees».

<sup>6</sup> GIL-BAZO, «Refugee status, subsidiary protection, and the right to be granted asylum under EC law».

<sup>7</sup> Ibid.

<sup>8</sup> UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, «Tendencias globales. Desplazamiento forzado en 2015. Forzados a huir».

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> «Remarks by Commissioner Dimitris Avramopolous at the round table on Addressing vulnerabilities of refugees and migrants on their journeys from their countries of origin to their countries of arrival at the UN Migration Summit».

<sup>12</sup> MCHUGH, «Refugee women are carrying more than an uncertain future».

<sup>13</sup> THE ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT. A profile of Immigrant Populations in the 21st Century: Data from OECD Countries.

<sup>14</sup> UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES. «UNHCR Policy on refugee women».



Analysing the different dangers and discriminations suffered by refugee women we can see three distinct stages of their trip —origin, transit and destination. Even though gender based violence (GBV) and trafficking of human beings (THB) can be found in all three stages, this report will also show how there are certain situations which are specific to each stage.

In March 2016, given the arrival of refugees to the European coast, the EP published a motion about the situation of refugee women and asylum seekers in the EU.<sup>15</sup> This motion highlighted that women and girl asylum seekers have different needs from men, and that women and the LGTBI community are subject to specific forms of gender violence. In the same document, the EP detailed the specific needs for refugee women and girls as well as specific situations of discrimination and violence that they suffer in refugee camps, and demanded that all policies and asylum procedures, including the evaluation of the asylum requests, should have to be applied with a gender perspective.

Once again, there is a general lack of specific quantifiable data that shows how many women have faced violence during their trip or once they've arrived in Europe. One of the main reasons is the lack of trained staff who can detect possible cases of sexual or family violence, as well as victims of trafficking of human beings. Some reports made by organizations in the field have detected however that in refugee camps or during transit, these situations of violence are plentiful.<sup>16</sup>

Even if violence against refugee women is often the result of the intrinsic discrimination that they suffer in a patriarchal and heteronormative society, some of it is worsened by the lack of specific spaces and prevention mechanisms in refugee camps.<sup>17</sup> As indicated by the EP's motion, which references many of the needs already detected by UNHCR in 2001, the specific needs of refugee women and girls are not being correctly addressed.<sup>18</sup> The EP demands in its motion a series of necessary measures to improve the situation of refugee women and children in the context of the current refugee crisis. The most significant demands by the EP are the following:

- Open legal and safe routes for refugees, and the consideration of gender in order to achieve an effective protection of refugee women and girls.
- Apply measures with a gender perspective and personalize the attention that refugee women and girls face in all the stages.
- Ensure the possibility of personalized attention and inscription of women that arrive with a family to ensure their personal safety.
- Guarantee specialized advice in trauma and psychological attention for women victims of gender violence and with the direct intervention of specialist women in these issues.
- Underline the importance of considering different forms of gender violence and discrimination as valid reasons to ask for asylum in the EU. Furthermore, keep in mind that women can be persecuted due to their gender even in countries considered safe.

- Include a gender perspective and segregated gender information in migration and international protection statistics.
- Establish a list of safe countries taking into account how gender may affect which countries are included in the list.
- Provide refugee women with detailed information regarding asylum procedures as well as the rights and specific services available to women asylum seekers.
- Reinforce police and judicial cooperation to combat THB, to which women and girls are particularly exposed. Ensure early intervention when there are suspicions of gender violence and prevent forced marriages for women and girls once a refugee or protection status is given to them.
- Ensure full access to healthcare, sexual, and reproductive rights as well as to protection and assistance during their stay in refugee camps, border controls, and in their entry in the EU.
- Guarantee family reunification.
- Implement control mechanisms in saturated reception centres, which have to respect the criteria to prevent gender violence, such as separated rest and bathrooms for women as well as adequate spaces for the care of children.
- Implement specific measures to ensure the inclusion of refugee women and asylum seekers in their new society and in the labour market.
- Take into account local and regional administrations as key players for the inclusion of refugee women and asylum seekers, especially to the labour market. It urges these

administrations to promote dialogue between refugee and local women.

The EP has therefore provided clear requests in order to fight against the violation of the rights of refugee women.

### 1.2.1. Common violations and discriminations in the three stages

Two of the main right violations that women suffer, THB and GBV, can be found at all three stages of the journey that refugee women undertake. Even though there are some specific mechanisms to stop them, the difficulty in detecting them makes its eradication complex.

#### Trafficking in Human Beings

According to the 2011/36/EU Directive, which regulates the prevention and fight against the trafficking of people, THB is defined as the intentional capture, transport, or reception of people, including the exchange or the transfer of control over those people, through threats or the use of force or other forms of coercion for the purpose of exploitation.

It's hard to estimate how many refugee women and girls have been involved in THB, but on a global scale, data confirms that 98% of all those who have suffered THB are women.<sup>19</sup> At the European level, the latest THB report published in 2016 by Europol has detected that a majority of THB cases have sexual exploitation as their main aim.<sup>20</sup> Furthermore, this report

<sup>15</sup> EUROPEAN PARLIAMENT, *op. cit.*

<sup>16</sup> UNITED NATIONS REFUGEE AGENCY, *et al.*, «Commission. Initial report: Protection risks for women and girls in the european refugee and migrant crisis».

<sup>17</sup> *Ibid*

<sup>18</sup> «Mujeres refugiadas y solicitantes de asilo en la Unión Europea».

<sup>19</sup> GREVE, «Human trafficking: What about the men and boys?».

<sup>20</sup> EUROPOL, «Situation Report. Trafficking in human beings in the EU».

warned that there were over 5,000 unaccompanied minors (UM) that had disappeared in Italy, and 10,000 in the whole of the EU, some of whom could have fallen under the control of exploitation networks.<sup>21</sup>

It's important to keep in mind that, even though the most common form of THB is related to sexual exploitation, there is also an important percentage of THB cases for labour exploitation or others where the percentage of men affected is significant and which require special intervention to end with the exploitation of humans worldwide.<sup>22</sup> According to the latest data presented by the International Organization for Migration, in the central Mediterranean route —through the Italian coasts— 76% of migrants and potential asylum seekers have experienced situations that could be defined as exploitation and human trafficking. This can be compared to 14% of those using the eastern routes through Turkey and Greece.<sup>23</sup> The data presented makes self-evident the great danger involved for all those undertaking the journey due to the non-existence of any safe routes and the increased danger of the central route.

As the aforementioned EP motion suggests, criminal gangs profit from the nonexistence of safe routes, regional instability and the special vulnerability of women and girls to abuse them through human trafficking and sexual exploitation.<sup>24</sup> The motion asks the Member States to improve political and judicial cooperation as well as their cooperation with Europol, Fron-

tex and the European Asylum Support Office to combat it effectively. The EP considers the establishing of legal and safe routes key for the arrival of women refugees and their families and thus reduce the possibility of them becoming victims of THB during transit.

### *Gender Based Violence*

There is also a high risk of refugee women and girls to suffer from GBV during the three stages of their journey. GBV encompasses different types of violence and in the case of women refugees it can be found mainly through sexual abuse and physical violence. This kind of abuse can even explain their need to leave their country of origin.

Another type of GBV suffered by women and one which can be harder to detect is violence within the family. This kind of abuse can also be found in all the stages of their trip, and can be a constant in the life of refugee women either from their partner or from other family members. The EP has demanded mechanisms to prevent this kind of violence by increasing the autonomy of refugee women with regards to their family.<sup>25</sup> A clear example of this can be found in the need to make asylum applications individual and not only for the whole family.

One of the main problems when dealing with GBV is the lack of data and the fact that many times victims are rarely willing to report abuse or seek help.<sup>26</sup> This means that there is often

a distorted perception of its extent.<sup>27</sup> One of the great threats of GBV is therefore the low percentage of complaints which can be explained due to a vast array of reasons: from the victims blaming themselves, lack of trust in authorities, and fear of reprisals. Furthermore, in many cases integration policies from host countries make refugee women more economically and social vulnerable. The difficulty for some refugee men to find a job or suddenly finding themselves with a lower amount of decision making abilities in their host country can develop into an increase of violence on their part to impose their authority.<sup>28</sup> To increase the percentage of women that report being victims to GBV it's vital to give all transit and arrival spaces with personnel trained on these issues and women interpreters.

### **1.2.2. Violations and discriminations in the origin stage**

Women who ask for international protection sometimes flee their countries due to gender persecution. These cases are often not visible, but some organizations that work towards defending asylum rights have tried to make them more visible. A clear example is the Spanish Commission for Refugee Aid (CEAR) who in 2016 launched a campaign reporting this situation and claiming that these women have «the

same rights as those who flee war».<sup>29</sup> In fact, in many armed conflicts, women are used as weapons to further attack the population. A clear example are the Yazidi people, whose women have suffered gross violations of their rights by fighters of the Islamic State (IS).<sup>30 31</sup>

Gender is not included in the list of reasons for persecution established in the 1951 definition of refugees by the Geneva Convention. Nonetheless, UNHCR has stated that women belong to a social group that can be victims of right violations and can therefore seek asylum for this reason. The special situation of refugee women makes it hard in many cases to show this need of asylum in third countries.<sup>32</sup> This is added to the fact that the criteria to determine the list of safe countries does not take into account gender issues and therefore does not distinguish between safe and non-safe countries for vulnerable groups such as women. This can lead refugee women to third countries where their rights can also be violated.

Other reasons to seek asylum for reasons of gender can be: female genital mutilation (FGM), forced marriages, honour killings, or dowry killings.

<sup>21</sup> TOWNSEND, «10,000 refugee children are missing, says Europol».

<sup>22</sup> GREVE, «Human trafficking: What about the men and boys?».

<sup>23</sup> INTERNATIONAL ORGANIZATION FOR MIGRATION, «Analysis: flow monitoring surveys. The Human Trafficking and other exploitative practices prevalence indication survey. Reporting period June 2016-September 2016».

<sup>24</sup> EUROPEAN PARLIAMENT, «Report on the situation of women refugees and asylum seekers in the EU».

<sup>25</sup> *Ibid.*

<sup>26</sup> SANSONETTI, «Female refugees and asylum seekers: the issue of Integration».

<sup>27</sup> *Ibid.*

<sup>28</sup> *Ibid.*

<sup>29</sup> COMISIÓN ESPAÑOLA DE AYUDA AL REFUGIADO. «Refugio por genero: el mismo derecho a asilo que quienes huyen de la guerra».

<sup>30</sup> *Ibid.*

<sup>31</sup> Recently, the valour of Yazidi women was recognized by the EP with the Sakharov Prize for Freedom of Thought to two of them who had been kidnapped and became sexual slaves to IS fighters. NAVARRO, «Premio Sajarov para dos esclaves sexuales del Estado Islámico, defensores de la minoría yazidí».

<sup>32</sup> CASTRO, «L'asil per motius de persecució de gènere. El supòsit del tràfic d'éssers humans amb finalitat d'explotació sexual».

## Female genital mutilation

According to data from 2014, between 100 and 140 million girls and women worldwide have suffered from FGM and it is estimated that over three million girls are currently at risk of suffering from it every year in Africa.<sup>33</sup> FGM is usually done on girls between 4 and 12 years old, even though in some cultures it is carried out shortly after being born or before marriage. There are different types of FGM but they all have both physical as well as psychological consequences that can affect the victims all their lives. Some of these consequences are, among others, haemorrhages, infections, severe urinary problems, difficulties when giving birth and the development of mental health problems.

FGM is internationally recognised as a violation of the human rights of women and girls since it affects their rights to health, safety and personal integrity, the right to be free of torture and degrading situations, and their right to life.<sup>34</sup>

Even though this kind of violence is mainly found at their country of origin, it is important to state that there are also cases of FGM in girls that live in Europe. An example is the United Kingdom where a study has shown that 137,000 women living in England and Wales had been victims of FGM.<sup>35</sup> In some cases, some FGM victims even travel to their country of origin to have the procedure performed.<sup>36</sup>

## Forced marriages, and honour and dowry killings

The three main right violations of married women that occur in the countries of origin are forced marriages, and honour and dowry killings. Even though they can occur at any age, forced marriages are strongly related to underage brides who are sometimes forced to marry men that are much older than them. In some developing countries, over 70% of girls are married off before their 18th birthday, many by force. In many cases, these forced marriages imply the kidnapping of a woman who is forced to marry their kidnapper.<sup>37</sup>

Honour killings can be defined as acts of violence, often resulting in death, caused by the male members of the family against female members who are considered to have dishonoured the family.<sup>38</sup> The reasons that lead to these crimes can range from refusing an arranged marriage, becoming victims of rape, asking for a divorce from their husband or an accusation of adultery. Sometimes these crimes are the result of the perception by the family that a female member has dishonoured their name. In many cases these women have no chance to flee and it is estimated that over 5,000 women are assassinated each year as a result of these crimes.<sup>39</sup>

Dowry killings are usually perpetrated by the victim's in-laws. According to the UN, it can be defined as «any act

of violence or harassment relating to the dowry that can occur before or after their marriage or during its celebration».<sup>40</sup> This kind of gender violence can be found for example in India, where it is calculated that 8,233 women were murdered in 2012.<sup>41</sup>

### 1.2.3. Violations and discriminations in the transit stage

Even though in many occasions refugee women don't flee their country of origin for gender related reasons, during the transit between their country of origin and destination, they can find themselves in situations where their rights can be violated.

In addition to the discriminations described before, during this stage there are some further issues worth mentioning. Several studies have reported that in temporary refugee camps in Greece, as well as in other places, the needs of women have not been properly addressed.<sup>42</sup> This has meant an increase in their vulnerability and a higher chance to suffer from GBV or to become victims of THB.<sup>43</sup>

UNHCR, The United Nations Population Fund and the Women's Refugee Commission have elaborated a report that analyses the situation of refugee women and girls in the camps based in Greece and the FYROM. They concluded that both migrant and refugee women and girls face grave dangers,

and that the actions by governments, humanitarian actors, European institutions and civil society to change this has not been adequate.<sup>44</sup>

The same report highlights the lack of vision by the authorities to see the sexual violence that women are exposed to, since there is no official data to measure this. As in other cases, sexual violence survivors rarely explain the situation or look for help for fear of being stigmatized or not wanting to re-live yet again such a traumatic experience. The team that led the report found that there was a lack of programs in place to prevent this kind of violence. They also considered there was a lack of safe spaces for women and girls, including spaces for personal interviews, nor separate accommodation, or segregated water sanitation and hygiene facilities. In the case of women that travel alone or with minors, this has aggravated their health further as in many transit centres, where men and women sleep in the same tents and use the same facilities, some women decide not to eat or drink so as not to have to use the same bathroom facilities as men. In some cases, these women leave the camps to sleep outside as they feel safer.<sup>45</sup>

UNHCR's report also denounced a lack of gender separate distribution lines for food, segregated bathrooms, and separate rest rooms for specific groups such as women traveling alone and in families.<sup>46</sup>

<sup>33</sup> FELDMAN-JACOBS, and CLIFTON, «Female Genital Mutilation/Cutting: Data and Trends. Update 2014».

<sup>34</sup> SANSONETTI, *op. cit.*

<sup>35</sup> RHODES, «Charity warns of FGM 'parties' taking place in England».

<sup>36</sup> GUTIÉRREZ, «Creix el nombre de noies en risc de patir ablació a Catalunya».

<sup>37</sup> UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, «Matrimonio forzosos».

<sup>38</sup> «Item 12- Integration of the human rights of women and the gender perspective: Violence Against Women and "Honor" Crimes».

<sup>39</sup> RIVERA DE LA FUENTE, «Crímenes de honor: peligro de muerte a mujeres que se rebelan contra el mandato familiar».

<sup>40</sup> UNITED NATIONS, «Good practices in legislation on "harmful practices" against women».

<sup>41</sup> LEÓN, «El país que asesina a las mujeres por la dote y aborta a las niñas».

<sup>42</sup> UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, «Initial assessment report: protection risks for women and girls in the European Refugee and Migrant Crisis. Greece and the former Yugoslav Republic of Macedonia».

<sup>43</sup> *Ibid.*

<sup>44</sup> *Ibid.*

<sup>45</sup> AMNESY INTERNATIONAL, «Female refugees face physical assault, exploitation and sexual harassment on their journey through Europe».

<sup>46</sup> UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, *op. cit.*

In 2001, taking into account that half of refugees were women and girls, and that their risk of suffering GBV during the transit stage was high, a series of compromises were adopted by UNHCR. These included the establishment of integrated strategies against violence, individual registration of refugee women and provision of pertinent documentation to guarantee their individual safety, the need for half of the refugee representatives to UNHCR to be women, and the standardization of UNHCR's help programs have to ensure that all women receive sanitary products that fulfil their specific needs.<sup>47</sup>

Ten years later, the analysis of the implementation of these compromises was positive and helped in improving the protection of refugee women during transit. The results showed that 93% of refugee women in the camps were registered individually and that 51% received the necessary documentation to guarantee their individual security, freedom of movement, and access to services. 83% of women who reported cases of violence received assistance. Women were also proportionally represented in a third of the committees in the camps, more than half of women received hygienic products, and at least 50% of those working in the distribution of food at refugee camps were women.<sup>48</sup>

Despite these advances, one can see that in the current arrival of refugees, especially through Greek and Italian coasts, the facilities, which in many cases are overcrowded, sometimes are unable to deal with the needs of

refugee women. This in turn makes them more susceptible to suffer from sexual violence or to fall prey to THB without the authorities being able to intervene.

#### **1.2.4. Violations and discriminations in the destination stage**

Women also face specific challenges when they arrive in their host country. As a consequence, reception and integration policies have to be applied with a gender perspective if they are to succeed. It is therefore instrumental that public institutions and NGOs conduct integration measures that take into account the needs of all people that seek asylum. One of the most adequate methods to achieve this is through the participation of women in the creation of policies that allow the empowerment of women in their new host societies.<sup>49</sup>

In the discrimination suffered in their host country, we can also find that those women who have left their country and have asked asylum for reasons of gender are not on equal footing as those who have asked for asylum for other reasons, be it politics, race, or religion among others. Each State has regulatory legislation that makes asylum applications more or less difficult for reasons of gender. The particularities of the Spanish State will be analysed later on in this report.<sup>50</sup>

The first difficulty faced in the implementation of integration measures for refugee women and girls is the lack of

data of this specific profile. In many cases, they are included in the general statistics of migrant women even though their needs are different.

There are several fields of special impact for the effective integration of refugee women and girls in their host country. These are key elements for the prevention of new violations of their rights or to ensure that they don't continue suffering the same problems that they've encountered in their country of origin or during transit. One of these key elements is access to information. In many cases, the lack of information and cultural barriers makes it harder for asylum seekers and refugees to properly integrate themselves into, for example, the labour market or their host country's healthcare system.<sup>51</sup>

The EU does not have specific legislative powers regarding refugee integration which explains the lack of legislation regarding the protection of refugee women. The reception and integration of refugees is an affair left to the MS, which in turn also limits the ability of regional governments, such as the *Generalitat de Catalunya*, to have a say in the matter.<sup>52</sup>

Despite this lack of powers by the EU, the EP's policy department published a study in 2016 to analyse the main challenges regarding integration of refugee women and asylum seekers.<sup>53</sup> This study incorporates some interesting initiatives, not all of which are within the scope of the EU, to make integration more effective. It includes a classification of what it considers to be the basic fields for integration and

to prevent violations of their rights such as GBV or THB. These fields are: housing, training and language, access to the labour market and access to the healthcare system.

Regarding housing, it is clear that for the whole refugee community the access to a permanent home is essential, especially after living the first couple of months in centres managed by organizations in charge of their reception. Refugees have to face several obstacles in order to access safe housing, such as prejudice by landlords. To change this situation, the study sets out a proposal to launch an awareness campaign in the hosting society and improve the access to adequate housing for refugees.<sup>54</sup>

For women refugees, the lack of an adequate space can expose them to GBV by both those who live in the same quarters as them, as well as by landlords. It is therefore essential to guarantee an alternative and safe space and a solution for those women who need to recover from the trauma that this violence entails, or to prevent that it occurs. In the case of women traveling alone or with minors, the study proposes that in the first reception, they should be placed in separate spaces from men to prevent any kind of abusive or violent situations.

Training and learning the language of the host country is a key element to ensure the quality of life and economic independence of all new arrivals. According to the EP's study, this training must also promote the integration of refugees and asylum seekers into the

<sup>47</sup> UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, «Los cinco compromisos del ACNUR con las Mujeres Refugiadas».

<sup>48</sup> Ibid.

<sup>49</sup> SANSONETTI, op. cit.

<sup>50</sup> CASTRO, op. cit.

<sup>51</sup> SANSONETTI, op. cit.

<sup>52</sup> «Dolors Bassa: "Fem una crida a accedir als fons europeus d'asil i immigració per gestionar des de Catalunya l'acollida de les persones refugiades"».

<sup>53</sup> SANSONETTI, op. cit.

<sup>54</sup> Ibid.

labour market and prevent the social exclusion of this group. To achieve this, the participation of employees and employers is necessary.

For refugee women one must take into account their responsibilities at home and in taking care of the family children when designing the training programs. Learning the language of the host country will also be a key element for their independence as they will not need help from anyone else in their family to act as their interpreters.

Access to the labour market is another essential issue for the integration of women refugees in the host society. There is often a negative relationship between the employment of refugees in their country of origin and that in their host country. This is often the case due to the lack of recognition of professional and academic experience by the legislation and labour market of the host country.

In the case of women refugees, the segregation that the female population suffer in the labour market is exacerbated by the discrimination they suffer as newly arrived. This leads to double discrimination. In many cases this is made more difficult by barriers that are often imposed by their own families seeing as how in some cultures it is not acceptable for women to work if the man of the family has a job.<sup>51</sup> Breaking through these barriers and promoting dignified work for these women is key to increase their independence and empowerment as well as to prevent situations of violence and abuse. In the end, many of these women end up working in secondary markets, most

notably in that of healthcare with low wages and bad conditions.

Regarding access to healthcare, one can find a great amount of refugee women that during transit have seen how their sexual and reproductive health was put at risk and in many cases have arrived to their host countries with different kinds of problems such as unwanted pregnancies, sexually transmitted diseases and absence of family planning. This is added to physical and mental health problems of all those who flee a war or persecution such as malnutrition, psychological trauma, and violence, as well as the gender based problems for asylum seekers such as FGM.

Furthermore, there is a great amount of refugee women that arrive pregnant in host countries or which have given birth to their babies during transit. This means they have specific health needs which are added to their other requirements. To deal with all these challenges it is necessary to improve the access of refugees to public health systems, to break language barriers and to provide them with all the necessary information. One of the main elements to achieve this is through the correct training of health workers and the participation of refugees that can be trained in this area. This is added to special training for interpreters of the community who can help in transmitting information between the healthcare workers and the refugees.

There are therefore many aspects which make the integration of refugee women to the host country difficult. In any case, as has been mentioned, the design of specific integration poli-

cies can reduce the possibilities for them to suffer GBV or THB which in some cases can be intensified when the integration is not successful and they are excluded from their host society.

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<sup>51</sup> *Ibid.*

## 2 LEGISLATION REGARDING REFUGEE WOMEN

When analysing legislation, one can see that special action regarding refugee women and children can be found at the international, European, national and regional levels. Most of the legislation has been as a consequence of the 1951 UN convention regarding the status of the refugee and its 1967 protocol.<sup>56</sup> This legislation should have as its main objective to improve the situation of refugee women to end with the violation of the rights that have been previously described.

### 2.1. INTERNATIONAL LEGISLATIVE FRAMEWORK

The first document at an international level which looked at the special situation of refugee women was UNHCR's Policy on Refugee women in 1990. Even though the special status of women had been discussed before, this document was the first to specifically talk about policies that needed to be developed for their protection as a differentiated group.

From that moment, several other UN declarations and documents regarding refugee women have been published,

some of which have been discussed in this report. Even though many of these documents are not laws in the strict sense of the word, the EU and its Member States use them as guidelines when they need to prepare legislation regarding refugees and refugee women in particular.

Some of the most important documents by international institutions that have expanded on the original documents by the UN include:

- UNHCR Guidelines on the Protection of Refugee Women (1991).
- UN Security Council Resolution No. 1325/2000 on Women and Peace and Security (2000).
- UNHCR Five Commitments to Refugee Women (2001).
- UNHCR Guidelines on International Protection: Gender-related Persecution within the Context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees (2002).<sup>57</sup>
- UNHCR Sexual and Gender-based Violence against Refugees, Returnees and Internally Displaced Persons. Guidelines for Prevention and Response (2003).

<sup>56</sup> UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, «Convention and protocol relating to the status of refugees».

<sup>57</sup> UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES. «Guidelines on International Protection: Gender-Related Persecution within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees».

- UNHCR Guidelines on International Protection: the Application of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees to Victims of Trafficking and Persons at Risk of Being Trafficked (2006).
- UN General Recommendation No. 32/2014 of the Committee on the Elimination of Discrimination against Women on the Gender-related Dimensions of Refugee Status, Asylum, Nationality and Statelessness of Women (2014).

Apart from these guidelines, recommendations and compromises, there are also other documents relating to GBV or women's day to day situations that also have some implication for refugee women. As has been previously mentioned, the 2002 UNHCR Guidelines over Gender Persecution specify that it isn't necessary to include persecution for reasons of gender in the original definition of the Convention since, with the correct interpretation of the text, this is already included within the concept of social groups. The definition of social groups is a group of people that are perceived as such by society or who share a common characteristic. It is irrelevant if the persecuted feel as if they belong to this group, what is most important is that the actors that persecute believe them to be so.<sup>58</sup> Taking into account this definition, according to the UNHCR, «sex can properly be within the ambit of the social group category, with women being a clear example of a social subset defined by innate and immutable characteristics, and who are frequently treated differently than men».<sup>60</sup>

## 2.2. LEGISLATIVE FRAMEWORK IN THE EUROPEAN UNION

Taking the UN's guidelines as a starting point, the EU has also developed a series of norms with which to regulate the arrival of refugees in general as well as that of refugee women. With regards to this particular group, the EU doesn't have any powers to legislate. Nonetheless, their rights can be regulated through other legislative areas such as gender or ethnic discrimination, as well as through the mechanisms established to promote equality between men and women. In the same way, if the EU does not have a specific budget dedicated to the integration of refugee women, it can still invest in it through other finance lines from the social cohesion, immigration or asylum budgets.<sup>61</sup>

Furthermore, worried about the situation of refugees and refugee women, the EP has published some motions asking MS, the Commission, as well as other European institutions for further cooperation to improve the situation of these groups.<sup>62</sup>

The directives that affect the situation of refugee women more directly and that develop Europe's asylum policy started with the 1997 Amsterdam Treaty. These include:

- Directive 2011/36/EU of The European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA.

This directive has as its main objective to ensure a more common and coherent European framework in the fight against THB with the objective of protecting its victims in different Member States. It had to be transposed into national law by April 2013, which has been the case in all Member States except for Belgium, Germany and Denmark.<sup>63</sup> The implementation of this directive has nonetheless been inconsistent. The evaluation of the transposition reveals many difficulties to ensure the quick identification of victims, an indispensable prerequisite to develop measures that can support and protect the victims. There is also a lack of gender perspective in its implementation, even though the majority of the victims are women.

Regarding the implementation in the Spanish State, and as has been previously reported by SICAR<sup>64</sup>, the only protection that THB victims have derives from immigration legislation, which excludes from protection those THB victims where the traffic has started in a Member State.

- Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 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.

Its objective is to standardize the status of refugees, those with subsidiary protection and the minimums of guaranteed protection. In the implementa-

tion of this directive Member States were forced to take into account the needs of vulnerable groups. It also asked Member States to provide specific medical help to pregnant refugee women and GBV survivors.

- Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

This directive is considered to apply to all refugee and asylum seeking women without taking into account their country of residence. Member States are forced to inform and protect the victims of crimes committed in the EU.

- 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.

Its main objective is to establish common procedures with regard to Directive 2011/95/UE. It further develops the needs of third country citizens that seek asylum in Europe once they have arrived and determines the concept of safe third country and safe country of origin. Furthermore, it also makes several references to the management of the protection of international unaccompanied minors. Even though it was included at a global level, the text makes no reference to the specific needs of women who ask for international protection or to the victims of THB.

<sup>58</sup> *Ibid.*

<sup>59</sup> CASTRO, *op. cit.*

<sup>60</sup> UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, *op. cit.*

<sup>61</sup> SANSONETTI, *op. cit.*

<sup>62</sup> EUROPEAN PARLIAMENT, *op. cit.*

<sup>63</sup> EUROPOL, «Situation Report. Trafficking in human beings in the EU».

<sup>64</sup> The leading organization that leads with THB victims in Catalonia

- Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection.

Its main objective is to establish minimum standards when receiving people who have asked for international protection. Regarding requests of asylum by women, it establishes that all MS must ensure segregated sleeping arrangements from men, except in the case that a family wants to be roomed in the same space. It also asks MS to keep in mind the specific situation of vulnerable people when applying this directive such as pregnant women, single parent families and victims of trafficking, torture, psychological, physical or sexual violence, and FGM.

It also specifically mentions victims of torture and violence, ensuring their adequate medical treatment. Finally, it also makes a special reference to the importance of training responsible personnel to help the specific needs of the applicants.

In addition to these five directives, there are other documents from the European institutions that can have an impact in the day to day protection of refugee women. This is the case of the EP's motion from 2016 which has been previously described.<sup>65</sup> This motion highlights the need of new directives made with a gender perspective for those who seek international protection. The Commission has also expressed its concern for the

situation of women refugees in other documents such as the communication on the European Migration Agenda<sup>66</sup>—where it has asked for more effective measures to combat THB— or its conclusions in the Gender Action Plan 2016-2020 where it stressed the need to protect women and men from GBV in crisis situations.<sup>67</sup>

### 2.3. LEGISLATIVE FRAMEWORK IN THE SPANISH STATE

European and international legislation is applicable in the Spanish State, and its government has transposed the European directives into national laws. One must keep in mind that transposition of directives can be done through the addition of new legislation or by referencing old legislation that covered the new European directive. In the case of the Spanish State, the texts have been transposed in a number of different laws and rules, many of which already existed before the European directive.<sup>68</sup> It must also be noted that the EC started procedures against the Spanish State for not having adequately communicated the transposition of directives 2011/95/EU, 2013/32/EU, 2013/33/EU in the established timetable.<sup>69</sup>

The main law that regulates the integration of refugees and asylum seekers in the Spanish State is that of 12/2009 from the 30th of October, which by the end of 2016 had still not been used as a framework to develop any kind of regulation. One of the main critiques by

different actors that work with asylum seekers is precisely this implementation gap, as well as the ambiguity of interpretation of the law. Moreover, the Spanish State has one of the lowest percentages in granting international protection, and it can take up to two years for it to provide a resolution to applications. According to data provided by CEAR, during the refugee crisis in 2015, the Spanish State refused 69% of all applications, providing refugee status to 220 people and 800 subsidiary protection statuses. No protection was awarded for humanitarian reasons.

The aforementioned law, contrary to the 1951 Geneva Convention and Protocol, does include gender and sexual orientation in their definition of a refugee. Nonetheless, the same law points out that this alone cannot be the reason to provide international protection for reasons of membership to a social group. In fact, there are less than 6 women in the Spanish State who have received international protection for this reason.<sup>70</sup> This restriction is not present in the 1951 Geneva Convention, which only asks for one of the persecution criteria to be established in order to be considered a refugee, and also does not follow UNHCR's policies in this matter.<sup>71</sup>

The 12/2009 law regulates the conditions under which the Spanish State can accept or deny the international protection applications, the procedures to recognize international protection, procedures of family reunification for those with international protection, the end or revocation of international protection, and the specific situation of the minors and other

vulnerable groups—specifically mentioning pregnant women and those who have been victims of torture, rape or other acts of violence such as THB, but not applying to women in general.

There is no specific mention to THB victims, of which women are a majority. Without any rules to deploy the law, the exact measures to fight against THB are also not detailed. Organizations that work for the protection of this group such as SICAR report several shortcomings in their protection at a legislative level. On one hand, they denounce the low number of accepted refugee applications of THB victims, which in some cases are not admitted from the start even though the Spanish State is one of the main destinations of THB victims. On the other hand, the fact that help and protection of THB victims is organized by the same administration that deals with general immigration, where the personnel is not specifically trained in these issues means that European citizens victims of THB would be unprotected.

For the protection of THB victims, some organizations demand the creation of an integral law seeing that currently there is a vast array of laws that have been used to transpose the European directives. This dispersion in the transposition of the European directives means that THB victims are not on the same footing as other refugees as they have less possibilities to be granted international protection. This is due to the fact that in the Spanish State, applications by THB victims are covered through the law regarding the rights and freedoms of foreigners in Spain and their integration instead of the 12/2009 law. Nonetheless, oth-

<sup>65</sup> EUROPEAN PARLIAMENT, «Report on the situation of women refugees and asylum seekers in the EU».

<sup>66</sup> EUROPEAN COMMISSION, «Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions a European Agenda on Migration».

<sup>67</sup> COUNCIL OF THE EUROPEAN UNION, «Council conclusions on the Gender Action Plan 2016-2020».

<sup>68</sup> Detailed transposition of Directives 2011/36/EU, 2011/95/EU, 2012/29/EU, 2013/32/EU and 2013/33/EU can be found at: [eur-lex.europa.eu](http://eur-lex.europa.eu).

<sup>69</sup> CONSEJO GENERAL DE LA ABOGACIA ESPAÑOLA, «Procedimientos de infracción abiertos contra Estados Miembros de la UE por incumplimiento del paquete legislativo sobre asilo».

<sup>70</sup> Information provided by CEAR.

<sup>71</sup> CASTRO, *op. cit.*



ers believe that, in order not to duplicate legislation and to establish better coordination between the THB victims applying for international protection, the ideal would be to approve a new law which directly substitutes the current 12/2009 law. By doing so, the intention is for the new law to make the refugee/international protection status and that of THB victims the same, thus guaranteeing them the same rights since both have suffered grave violations of their fundamental rights. This is the model used by other countries such as the United States to avoid duplicating structures and benefits.<sup>72</sup>

Finally, it is important to highlight a procedure that was included in Spanish legislation that is no longer in use since 2009. This procedure allowed the possibility to ask for asylum from the Spanish embassy located in a third country. The 12/2009 law has not eliminated this possibility outright, but it has made this process more difficult as it only gives embassies the power to provide a visa to travel to the Spanish State where the asylum procedure can begin. Nevertheless, this law cannot be applied since there is no specific mechanism in place to allow this to happen.

In the context of the latest refugee crisis, many organizations and political parties demand that this mechanism become an option to establish safe pathways into Europe. Refugee women, who usually travel within a family or alone with minors usually look for these safe paths, so the implementation of this kind of mechanism would be extremely useful in reducing situations of significant danger and discrimination that they can face during transit.<sup>73</sup> The EC however, has

declared that it considers the option of allowing embassies to process asylum applications unfeasible, as this would oversaturate their capabilities.<sup>74</sup>

#### **2.4. LEGISLATIVE FRAMEWORK IN CATALONIA**

Regarding asylum regulation at the Catalan level, it is important to highlight that, even though the Catalan Government has powers of legislation in the integration of immigrants, all refugee legislation is done at national level. This gives autonomous communities, who in the end will be the actors that deal with the day to day of the refugees, with a small leeway to adapt the policies relating to the reception of refugees in Catalan territory according to their social, cultural or economic needs.

Nonetheless, the Catalan government created the Committee for the Reception of Refugees in 2015 with the objective of coordinating the different civil society organizations, departments, and administrations that work on this issue. It is formed by members of competent authorities of the Catalan administrations in this matter, the Catalan Fund for Development Cooperation, the Council of Catalan Bar Associations and organizations specializing in the field of refugee reception. The committee has included the treatment of refugee women and refugee LGTBI into the agenda of their working group on refugee reception in order to properly address their needs. The absence of jurisdiction and legislative power that the Catalan government suffers from accounts for their lack of action in this area. The

Catalan government still has room for improvement: it can create a strategic and operational plan with regards to those requesting international protection.

<sup>72</sup> Information provided by SICAR.

<sup>73</sup> EUROPEAN PARLIAMENT «Report on the situation of women refugees and asylum seekers in the EU».

<sup>74</sup> «Bruselas ve "inviabile" tramitar el asilo en Embajadas fuera del territorio de la UE, como propone Unidos Podemos».

# CONCLUSIONS

The systematic violation of refugee women's rights is one of the most worrying situations in Europe, especially taking into account the current arrival of hundreds of refugees every month to the Mediterranean borders of the EU, and the rise of women and children that have decided to make this trip.

As can be seen by UNHCR's «Policies on refugee women» and «Guidelines for the protection of refugee women» published in 1990 and 1991 respectively, the international community is aware of the vulnerable situation refugee women face. This report highlights some of the specific situations of discrimination and right violations refugee women and girls can suffer in the three stages of their trip to Europe.

The violations of their rights can come in many shapes, from GBV and THB to FGM and dowry killings. The report has also shown how the correct integration of refugee women in their host society is key to empower them and prevent further discrimination once they arrive in their host country. The EP, aware of this situation, published in 2016 a motion on the situation of refugee women where these discriminations were highlighted and suggested measures which could be globally adopted by the MS to end this situation. Among others these include training the staff that work with refu-

gee women on gender perspective and GBV in order to improve their ability to identify situations of right violations that often go unnoticed, or the possibility of individual inscription to those women who ask for international protection.

To detect and eliminate the discriminatory situations faced by women who ask for international protection, it is essential to rely on adequate legislation which applies effective measures. In this regard, the report has analyzed the different legislative frameworks which regulate the situation of women refugees worldwide. First, the conventions, guidelines and declarations by the UN and UNHCR as well as the EU directives which regulate the hosting of refugees and the fight against THB or crime.

With regards to the transposition of the European directives, the report has analyzed how these have been done in the Spanish State, focusing especially on the 12/2009 law which regulates the right to asylum and subsidiary protection. We have shown how, even though it is an innovative law since it incorporates gender as a reason to ask for asylum specifically, the law doesn't consider gender by itself a reason to belong to a determined social group which can ask for international protection. Therefore persecution due to

gender is not on equal footing as other kinds of persecution. Furthermore, the 2009 Spanish law still has no regulations to deploy it in 2016, which makes the application of some of its articles more difficult. This is the case of article 38 which states that embassies can provide visas to potential seekers of international protection so they can travel to the Spanish State and make the official request for asylum. The application of this article would be a huge step forward towards creating safe paths into Europe and improve the lives of asylum seekers.

Finally, the help provided to THB victims in the Spanish State is not at the same level as that provided to refugees or people who have been provided with subsidiary protection. The organizations that work with these victims in Catalonia demand changes in the 12/2009 law, to make the status of refugees and those with subsidiary protection the same as those of THB victims, thus guaranteeing the same rights to all.

In the case of Catalonia, the government does not have jurisdiction on

legislation regarding the arrival of asylum seekers. Its only legislative powers are in reference to the arrival of migrants. This makes the Catalan government less effective to deal with these issues, even though in 2015 it has created a committee to coordinate the work done by several organizations who deal with the hosting of recently arrived refugees. To reverse this, the Catalan government has demanded in several occasions the devolution of these powers since, at the lowest administrative level, it can more effectively deal with the hosting of refugees according to their specific needs and that of the hosting community and its labor market, a key element to empower refugees.

In conclusion, once the main right violations of refugee women have been detected, it is necessary that current legislation includes all the needed mechanisms to be effectively implemented as a measure to eliminate the current discriminations faced by refugee women. As has been shown, when one analyzes the arrival of refugees to the European coasts, this doesn't seem to be the case.

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## INTERVIEWS

Estela Pareja, director of the Catalan Commission for the help of refugees (CCAR).

Interviewed on October 14th, 2016.

Rosa Cendón, advocacy coordinator, SICAR.

Interviewed on October 24th, 2016.

# CENTRE MAURITS COPPIETERS

The European Parliament recognized the Centre Maurits Coppieters (CMC) as a Political Foundation at a European Level in 2007. Since then the CMC has developed political research focusing on European issues, also in the fields of multilevel governance, management of cultural and linguistic diversity in complex (multi-national) societies, decentralization, state and constitutional reform, succession of states, conflict resolution and protection of human rights.

So far, every little step has been important to the steady consolidation and growth of the Centre, that's why I'm especially proud of this publication. Indeed, it undoubtedly represents a crucial contribution to the current state of affairs and will certainly have a notorious impact both in the Academia and

among European decision makers in a broad sense, including European Institutions (like the European commission, European Parliament, Council and Committee of the Regions), other political actors, think tanks, research centers and contributors to the European integration process.

On behalf of the Centre Maurits Coppieters and our partners I sincerely wish to thank the author of the report for his groundbreaking approach to the subject and his passionate, conceptually robust and well structured factual presentation.

Finally I also wish to thank you (the reader) for your interest in our organization and for reviewing our modest contribution to a much wider European political debate in this area.



Günther Dauwen  
Secretary of Centre Maurits Coppieters  
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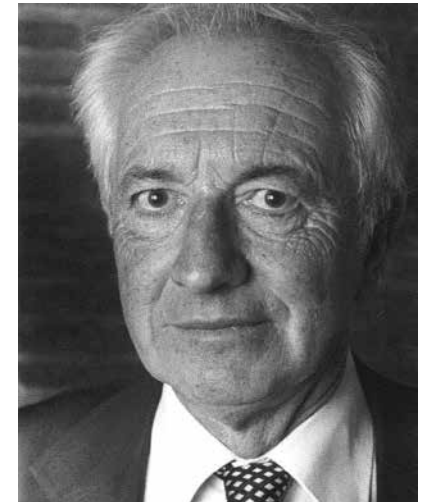
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According to its general regulations, the Centre Maurits Coppieters asbl-vzw pursues the following objectives and references:

- Observing, analysing and contributing to the debate on European public policy issues with a special focus on the role of nationalist and regionalist movements and the process of European integration;
- Serving as framework for national or regional think tanks, political foundations and academics to work together at European level;
- Gather and manage information for scientific purposes on all nationalist and regionalist movements, organisations, structures,... in all its appearances situated in a European context;
- Making available information to the public on the implementation of the principle of subsidiarity in a context of a Europe of the Regions;
- Promoting scientific research on the functioning and the history of all national and regional movements in the EU and making the results public to as many people as possible;
- Developing actions to open information sources and historical information sources in a structured and controlled way with the aim to build a common data network on issues of Nationalism and Regionalism in Europe;
- Maintaining contacts with all organisations who are active in national movements and with the Institutions of the EU;

The Centre Maurits Coppieters asbl-vzw takes all the necessary actions to promote and achieve the higher stated goals always observing the principles on which the European Union is founded, namely the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law.

## MAURITS COPPIETERS



The Fleming Maurits Coppieters studied history and later became a Doctor of Laws and obtained a master's degree in East European studies. During the Second World War, he refused to work for the German occupier. After many years as a teacher, he worked as a lawyer for a while. He was one of the people who re-established the Vlaamse Volksbeweging (Flemish People's Movement), of which he was the President from 1957-1963.

Coppieters' political career began when he became a member of the Flemish-nationalist party Volksunie (VU) which was formed in 1954. With the exception of two years, Coppieters was a town councillor between 1964 and 1983. He was also elected as a member of the Belgian Chamber (1965-1971) and Senate (1971-1979). At the same time, Coppieters became President of the newly formed 'Cultuerraad voor de Nederlandstalige Cultuurgemeenschap' (Cultural Council for the Dutch-speaking Community, from which later the Flemish Parliament emanated), when the VU formed part of the government. In 1979, Coppieters was moreover elected during the first direct elections for the European Parliament.

As a regionalist, he became a member of the Group for Technical Coordination and Defence of Independ-

ent Groupings and Members in the European Parliament (TCDI). Among other things, he made a name for himself when he championed the cause of the Corsicans. In the meantime, Coppieters also played a pioneering role in the formation of the European Free Alliance, of which he became the Honorary President and in whose expansion he continued to play a role, even after he said farewell to active politics in 1981. In 1996, Coppieters joined forces with the president of the Flemish Parliament, Norbert De Batselier, to promote 'Het Sienjaar', a project with a view to achieve political revival beyond the party boundaries. Coppieters died on November 11, 2005.

Among other things, Coppieters was the author of: 'Het jaar van de Klaproos'; 'Ik was een Europees Parlements lid'; 'De Schone en het Beest'. He is Honorary member of the EFA.

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