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Magdalena Półtorak*

THE SITUATION OF MIGRANT WOMEN IN THE LIGHT OF THE (DRAFT) REFORM OF CEAS

Abstract: The purpose of this paper is to outline a framework of the Common European Asylum System reform taking into consideration the gender perspective as a point of reference. Migrant women are disproportionately more likely to be exposed to different forms of violence (also sexual and gender based), so it is worth examining whether their specific situation and needs have been taken into account also within ongoing and forced by current migration crisis (draft) reform of the CEAS. In order to show its potential influence first of all the proposals directly related to the standards of treatment and rights for asylum seekers (as Regulation replacing the Asylum Procedure Directive, Regulation replacing the Qualification Directive and the reformed Reception Conditions Directive) were investigated. Nevertheless, the Author has also paid some attention on the other elements of "third asylum package" (as EUAA Regulation).

Key words: migrant women, CEAS reform, EU asylum law, applicants with special needs

* University of Silesia in Katowice, The Faculty of Law and Administration, Department of International Law and European Law

1. Introduction

The migration and refugee crisis, has on the one hand become one of the most important challenges for the European Union and its Member states, and on the other hand – a direct impulse to (another) reform of the Common European Asylum System (CEAS), which – in crisis reality – turned out to be completely ineffective and insufficient[2]. Apart from a number of actions and initiatives taken continuously since April 2015[3] the final shape, scope and priorities of the reform of the CEAS have been based primarily on the Communication from the Commission, adopted in April 2016 – Towards a reform of the Common European Asylum System and enhancing legal avenues to Europe[4].

On 4.05.2016, the Commission presented the first package of proposals to further harmonise asylum procedures and standards in order to create a level playing field in the European Union. Among them were: fourth Dublin Regulation, the reinforced Eurodac Regulation and Regulation recasting European Asylum Support Office (EASO) into European Union Asylum Agency (EUAA). Two months later, on 13.07.2016, the Commission presented the second package of proposals, which are closely interlinked and have become an indispensable part of the comprehensive reform of the Common European Asylum System: Regulation replacing the Asylum

[2] See among others: N. Zaun, *EU Asylum Policies. The Power of Strong Regulating States*, Palgrave Macmillan 2017; *Reforming the Common European Asylum System. The New European Refugee Law*, V. Chetail, Ph. De Bruycker and F. Maiani (ed.), Brill-Nijhoff 2016; L. Brodowski, D. Kuźniar-Kwiatek, *Wspólny europejski system azylowy – założenia i perspektywy* [Common European Asylum System – assumptions and perspectives], [in:] A.M. Kosińska (ed.), 'W obliczu kryzysu. Przyszłość polityki azylowej i migracyjnej Unii Europejskiej' [Facing crisis. The future of asylum and migration policy of the EU], Wydawnictwo KUL 2017, pp. 71-98; *Conflict and compromise between law and politics in EU migration and asylum policies*, The Odysseus Network's 3rd Annual Conference, Brussels, February 2018.

[3] See for example: J. Szymańska, *Unijna strategia wobec kryzysu uchodźczego i migracyjnego* [EU' strategy towards asylum and migration crisis], [in:] K.A. Wojtaszczyk, J. Szymańska (eds.), 'Uchodźcy w Europie. Uwarunkowania, istota, następstwa' [Refugees in Europe. Determinants, essence, aftermath], Warszawa 2017, pp. 255-280 as well as information posted on EU Institutions' official websites: http://bit.ly/priel-18-2-27 and http://bit.ly/priel-18-2-28 [accessed on: 28.02.2018].

[4] COM(2016) 197 final, Brussels 6.04.2016.

Procedure Directive, Regulation replacing the Qualification Directive and the reformed Reception Conditions Directive.

As evidenced by the United Nations High Commissioner on Refugees (UNHCR) "women and girls make up around 50 per cent of any refugee, internally displaced or stateless population"[5]. The International Organization on Migration (IOM) also confirms that "one of the most significant recent trends in migration has been the rise in the number of women using dangerous routes previously used mainly by men. More and more women – fleeing discrimination, violence, or poverty – are now taking the same risks as men in search of a better life for themselves and their children"[6]. What is more, the European Network On Migrant Women (ENOMW) estimates that "as of March 2017 there has been an almost ten-fold increase in the number of Nigerian women being trafficked to Italy and Europe into prostitution, as well as, the worst form of it, the actual sexual slavery"[7]. There is no doubt that migrant women are disproportionately more likely to be exposed to different forms of violence (also sexual and gender based)[8], so it is worth examining whether their specific situation and needs have been taken into account also within (draft) reform of the CEAS.

The aim of this paper is to show the potential influence of the reform of the CEAS on the situation of migrant women. Taking into consideration that the "first package" of proposals was chiefly focused on more "technical" aspects of the reform (such as corrective mechanism for the distribution of asylum application in situations of disproportionate migratory pressure

[5] Source: http://www.unhcr.org/women.html [accessed on: 28.02.2018].

[6] Source: https://www.iom.int/oped/desperate-womens-dangerous-moves [accessed on: 28.02.2018].

[7] *Europe-Africa Crisis We Don't Want To Name: Organised Sexual Exploitation Of Women And Girls*, ENOMW, October 2017, on line access: http://bit.ly/priel-18-2-29 [accessed on: 28.02.2018].

[8] For further reading *inter alia*: *Refugee women and children face heightened risk of sexual violence amid tensions and overcrowding at reception facilities on Greek islands*, UNHCR, 9.02.2018; *Initial Assessment Report: Protection Risks for Women and Girls in the European Refugee and Migrant Crisis Greece and the former Yugoslav Republic of Macedonia,* UNHCR-UNFPA-WRC, 20.01.2016; J. Freedman, *Sexual and gender-based violence against refugee women: a hidden aspect of the refugee "crisis",* "Reproductive Health Matters" 2016, 24:47, 18-26; *Refugees are in urgent need of protection from sexual and gender-based violence,* Amnesty International, 25.11.2016.

on Member State's asylum and reception systems[9], increasing the efficiency of the EU fingerprint database and turning the EASO into a fully-fledged EU agency for asylum), it is legitimate to concentrate first of all on proposals directly related to the standards of treatment and rights for asylum seekers.

2. Procedural Regulation

The legal basis for the proposal for a Regulation of the European Parliament and of the Council establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU[10] is Article 78(2 (d) of the Treaty on the Functioning of the European Union[11]. According to the proposal, a fair and efficient procedure common throughout the Union is supposed to mean first of all: simpler, clearer and shorter procedures, guarantees safeguarding the rights of the applicants, stricter rules to prevent abuse of the system, sanction manifestly abusive claims and remove incentives for secondary movements and finally – harmonised rules on safe countries.

Regarding gender perspective, it needs to be stressed that the proposal respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union[12], as well as the obligations stemming from international law (such as: the Geneva Convention'51[13], the European Convention on Human Rights[14] and the International Covenant on Civil and Political Rights[15]), so as a consequence the common procedure for granting and withdrawing

[9] For further reading: B. Mikołajczyk, *Mechanizm dubliński na rozdrożu – uwagi w związku z pracami nad rozporządzeniem Dublin IV* [Dublin mechanism at the crossroads – remarks in relation to works on Dublin IV Regulation], 'Europejski Przegląd Sądowy' 2018, no 3, pp. 4-10.

[10] COM(2016) 467 final, 2016/0224 (COD).

[11] Consolidated version, OJ C 326/47, 26.10.2012.

[12] OJ C 326/391, 26.10.2012.

[13] *Convention Relating to the Status of Refugees*, adopted in Geneva by UN General Assembly on 28.07.1951, United Nations, Treaty Series, vol. 189, p. 137.

[14] *Convention for the Protection of Human Rights and Fundamental Freedoms*, Rome, 4.11.1950, ETS No. 005.

[15] *International Covenant on Civil and Political Rights*, adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16.12.1966, United Nations, Treaty Series, vol. 999, pp. 171.

international protection shall be carried out in full respect of fundamental rights, including gender equality of rights. What is more, the proposal also takes into account Member States' obligations under the Council of Europe Convention on preventing and combating violence against women and domestic violence (so-called Istanbul Convention)[16] and when interpreting and applying the Regulation a gender-sensitive approach should be adopted.

The proposal upholds a high level of special procedural guarantees for vulnerable categories of applicants (presumably also women). For that purpose it is necessary to identify their needs as early as possible in the procedure and provide them with adequate support and guidance throughout all stages thereof.

Nevertheless, before the normative part of the proposal is analyzed, it is worth taking a closer look into the Motives that justify its adoption. A direct reference to gender issues can be found in Motive no 15, according to which "Certain applicants may be in need of special procedural guarantees due, inter alia, to their age, gender, sexual orientation, gender identity, disability, serious illness, mental disorders or as a consequence of torture, rape or other serious forms of psychological, physical, sexual or gender-based violence". It also emphasizes the necessity of systematic assessment whether an individual applicant is in need of special procedural guarantees and of his or her early identification before a decision is taken. For that purpose Motive no 16 stresses the need for the adequate training of the personnel of the authorities responsible for receiving and registering applications, to detect signs of vulnerability and receive appropriate instructions, especially dealing with identification and documentation of symptoms and signs of torture or other serious acts of physical or psychological violence, including acts of sexual violence. It is worth stressing that the so-called Istanbul Protocol was called in directly as a "point of reference" for the procedure[17]. Motive no 17 clarifies what the "adequate support" for Applicants who are identified as being in need of special procedural guarantees mean. It should be provided especially with "sufficient time, in order to create the conditions necessary for their effective access to procedures and for presenting the elements needed to substantiate

[16] *Council of Europe Convention on preventing and combating violence against women and domestic violence*, Istanbul, 11.05.2011, CETS No. 210.

[17] *Istanbul Protocol. Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, Professional Training Series No. 8/Rev.1, United Nations New York and Geneva, 2004.

their application for international protection". In the situation where providing adequate support in the framework of an accelerated examination procedure or a border procedure is impossible, an applicant should be exempted from these procedures. Meanwhile, Motive no 18 makes direct reference to gender-sensitive examination procedures that should ensure substantive equality between female and male applicants. For that purpose:

> personal interviews should be organised in a way which makes it possible for both female and male applicants to speak about their past experiences in cases involving gender-based persecution. [...] women should be given an effective opportunity to be interviewed separately from their spouse, partner or other family members. Where possible, women and girls should be provided with female interpreters and interviewers. Medical examinations on women and girls should be carried out by female medical practitioners, in particular having regard to the fact that the applicant may have been a victim of gender-based violence.

It also stresses that "the complexity of gender-related claims should be properly taken into account in procedures based on the concept of first country of asylum, the concept of safe third country, the concept of safe country of origin and in the notion of subsequent applications". Finally, Motive no 19 refers to processing of the applicant and the necessity to do so by a person of the same sex.

Turning to the normative part of the Regulation, first of all it needs to be emphasized that gender perspective is reflected every time referring to the applicant, by using term "he or she". Furthermore, in Article 4 (2)(c) there is a definition of "applicant in need of special procedural guarantees". It refers to the applicant "whose ability to benefit from the rights and comply with the obligations provided for in this Regulation is limited due to individual circumstances". It should be stressed that whole section IV of the proposal (special guarantees) is devoted to such kind of applicants. Pursuant to Article 19 (1) "The determining authority shall systematically assess whether an individual applicant is in need of special procedural guarantees[18]. [...] For the purpose of that assessment, the determining authority shall respect the general principles for the assessment of special procedural needs set out in Article 20". There is no doubt that it is

[18] That assessment may be integrated into existing national procedures or into the assessment referred to in Article 21 of Directive XXX/XXX/EU (Reception Conditions Directive) and need not take the form of an administrative procedure.

probably one of the key regulations for migrant women. Firstly, Article 20 (1) stipulates that "the process of identifying applicants with special procedural needs shall be initiated by authorities responsible for receiving and registering applications as soon as an application is made and shall be continued by the determining authority once the application is lodged". What is more, paragraph no 2 directly points out that "the personnel of the authorities responsible for receiving and registering applications shall, when registering the application, indicate whether or not an applicant presents first indications of vulnerability which may require special procedural guarantees and may be inferred from physical signs or from the applicant's statements or behavior"[19]. It also stresses that Member States shall ensure that personnel of the authorities is trained to detect first signs of vulnerability of applicants that could require special procedural guarantees and that it shall receive instructions for that purpose. In addition, pursuant to paragraph no 3"

> Where there are indications that applicants may have been victim of torture, rape or of another serious form of psychological, physical, sexual or gender-based violence and that this could adversely affect their ability to participate effectively in the procedure, the determining authority shall refer the applicants to a doctor or a psychologist for further assessment of their psychological and physical state. The result of that examination shall be taken into account by the determining authority for deciding on the type of special procedural support which may be provided to the applicant.

And last but not least, Article 20 (4) stipulates that "the responsible authorities shall address the need for special procedural guarantees as set out in this Article even where that need becomes apparent at a later stage of the procedure, without having to restart the procedure for international protection".

Going back to Article 19 (2), it should be noticed that "Where applicants have been identified as applicants in need of special procedural guarantees, they shall be provided with adequate support allowing them to benefit from the rights and comply with the obligations under this Regulation throughout the duration of the procedure for international protection". Whereas, according to paragraph 3:

[19] The information that an applicant presents first signs of vulnerability shall be included in the applicant's file together with the description of the signs of vulnerability presented by the applicant that could require special procedural guarantees.

> Where that adequate support cannot be provided within the framework of the accelerated examination procedure [...], in particular where the determining authority considers that the applicant is in need of special procedural guarantees as a result of torture, rape or other serious forms of psychological, physical, sexual violence or gender-based violence, the determining authority shall not apply, or shall cease to apply those procedures to the applicant.

In addition, paragraph 4 provides that "The Commission may specify the details and specific measures for assessing and addressing the special procedural needs of applicants, including of unaccompanied minors, by means of implementing acts".

Having considered the issue of "applicant in need of special procedural guarantees" it is legitimate to look closer into other guarantees that can have a considerable impact on the situation of migrant women. Firstly, with respect to the obligations of applicants outlined in Article 7 (7), namely the need to be searched or have his or her items searched, it should be stressed that any search "shall be carried out by a person of the same sex with full respect for the principles of human dignity and of physical and psychological integrity".

Secondly, in the framework of requirements for personal interviews, Article 12 (6) stipulates that:

> The person conducting the interview shall be competent to take account of the personal and general circumstances surrounding the application, including the applicant's cultural origin, age, gender, sexual orientation, gender identity and vulnerability. Personnel interviewing applicants shall also have acquired general knowledge of problems which could adversely affect the applicant's ability to be interviewed, such as indications that the person may have been tortured in the past.

It is also worth noticing that Article 12 (7) refers in this context to enhanced competences of "old-new" EU Agency - the European Union Agency for Asylum[20], whereas its paragraph no 8 provides that:

[20] Currently it is called the European Asylum Support Office and it is an agency of the European Union set up by Regulation (EU) 439/2010 of the European Parliament and of the Council supporting implementation of the CEAS by applying a bottom-up approach, to ensure the coherent way of dealing with the individual asylum cases in the EU. See: https://www.easo.europa.eu/ [accessed on: 28.02.2018].

> […] Where requested by the applicant, the determining authority shall ensure that the interviewers and interpreters are of the same sex as the applicant provided that this is possible and the determining authority does not have reasons to believe that such a request is based on grounds which are not related to difficulties on the part of the applicant to present the grounds of his or her application in a comprehensive manner.

The third aspect is medical examination. Pursuant to Article 23 (1):

> Where the determining authority deems it relevant for the assessment of an application for international protection in accordance with Regulation (EU) No XXX/XXX (Qualification Regulation), and subject to the applicant's consent, it shall arrange for a medical examination of the applicant concerning signs and symptoms that might indicate past persecution or serious harm.

Another point are applications on behalf of a spouse, partner, minor or dependent adult. Article 31 (2) provides that:

> The spouse or partner […] shall be informed in private of the relevant procedural consequences of having the application lodged on his or her behalf and of his or her right to make a separate application for international protection. Where the spouse or partner does not consent to the lodging of an application on his or her behalf, he or she shall be given an opportunity to lodge an application in his or her own name.

What is even more important, pursuant to paragraph 5 "Where a person has lodged an application on behalf of his or her spouse or partner in a stable and durable relationship or dependent adults without legal capacity, each of those persons shall be given the opportunity of a personal interview".

Obviously, the proposal takes into consideration gender perspective also in reference to examination of applications. Under Article 33(2)(d):

> The determining authority shall take decisions on applications for international protection after an appropriate examination as to the admissibility or merits of an application. […] shall examine applications objectively, impartially and on an individual basis. For the purpose of examining the application, it shall take the following into account […] the individual position and personal circumstances of the applicant, including factors such as background, gender, age, sexual orientation and gender identity so as to assess whether, on the basis of the applicant's personal circumstances, the acts

> to which the applicant has been or could be exposed would amount to persecution or serious harm.

The role of the personnel examining applications and taking decisions is stressed again. Pursuant to paragraph 3, it "shall have sufficient knowledge of the relevant standards applicable in the field of asylum and refugee law. [...] shall have the possibility to seek advice, whenever necessary, from experts on particular issues, such as medical, cultural, religious and child-related or gender issues", not to mention of using expert resources of the EUAA.

Finally, Article 35 (3) stipulates that:

> In cases of applications on behalf of spouses, partners, minors or dependent adults without legal capacity, and whenever the application is based on the same grounds, the determining authority may take a single decision, covering all applicants, unless to do so would lead to the disclosure of particular circumstances of an applicant which could jeopardise his or her interests, in particular in cases involving gender, sexual orientation, gender identity or age-based persecution. In such cases, a separate decision shall be issued to the person concerned.

In addition to regulations indicated above it is also worth paying attention to these possibly affecting the situation of migrant women indirectly. Article 45 (3) refers to the concept of safe third country, which shall be applied "in individual cases in relation to a specific applicant". However, definitely more precise is the regulation referring to the concept safe country of origin. Under Article 47 (3)(c):

> In making this assessment, account shall be taken, inter alia, of the extent to which protection is provided against persecution or mistreatment by: the absence of expulsion, removal or extradition of own citizens to third countries where, inter alia, there is a serious risk that they would be subjected to the death penalty, torture, persecution or other inhuman or degrading treatment or punishment, or where their lives or freedom would be threatened on account of their race, religion, nationality, sexual orientation, membership of a particular social group or political opinion, or from which there is a serious risk of an expulsion, removal or extradition to another third country.

In addition, paragraph 4(c) provides that:

> A third country designated as a safe country of origin [...] may, after an individual examination of the application, be considered as a safe country of origin for a particular applicant only where: (c) he or she has not submitted any serious grounds for considering the country not to be a safe country of origin in his or her particular circumstances.

In connection with the above, in case of the procedure, gender perspective was undoubtedly taken into consideration. The proposal creates guarantees for migrant women both *explicite,* as well as indirectly, including them in the category "applicants with special procedural needs"[21].

3. Qualification Regulation

The Proposal for a Regulation of the European Parliament and of the Council 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 and amending Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents[22], similarly to the discussed Procedural Regulation, is based on Article 78(2) (a) and (b) of the Treaty on the Functioning of the European Union (TFEU) and likewise – is to replace the existing (recast Qualification) Directive[23]. Although the latter has contributed to some level of approximation of the national rules, clear differences among Member States in terms of recognition rates and convergence as regards decisions on the type of protection status granted still exist[24]. If

[21] The Estonian Presidency finalised the first examination of the proposal in the beginning of September 2017. A second round of examination was completed in the beginning of the December 2018. However, further discussions are necessary. The proposal is also awaiting EP committee (LIBE) decision. Based on: http://bit.ly/priel-18-2-30 [accessed on: 28.02.2018].

[22] COM(2016) 466 final, 2016/0223 (COD).

[23] 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, OJ L 337, 20.12.2011.

[24] For instance, during the period between January and September 2015, the recognition rates for asylum seekers from Afghanistan varied from almost 100%

adding that many provisions is used in practice unsystematically and some of the rules (in particular these providing common criteria for recognising applicants) give Member States a wide margin of appreciation, replacing the current Directive with a Regulation seems to be both justified and coherent with the proposed Asylum Procedures Regulation and made the discussed proposals complementary to one another.

Among the main goals of the proposal the following ones should be indicated in the first place: further harmonisation of the common criteria, more convergence of the asylum decisions, ensuring protection only for as long as the grounds for persecution or serious harm persist, addressing secondary movements and "asylum shopping" of beneficiaries of international protection and further harmonising the rights of beneficiaries of international protection.

Taking into consideration the gender perspective, first of all it the needs to be stressed that the Proposal for the Qualification Regulation ensures that both rights of women and babies during pregnancy, delivery and post-partum, and Member States obligations under the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), have in particular been taken into account, and when interpreting and applying the Regulation a gender-sensitive approach should be adopted.

Secondly, in the justification of the proposal one Motive directly and three indirectly refer to gender issues. As stated in Motive no 7, "The main objective of this Regulation is, on the one hand, to ensure that Member States apply common criteria for the identification of persons genuinely in need of international protection and, on the other hand, to ensure that a common set of rights is available for those persons in all Member States", whereas Motive no 24 stipulates that:

> Internal protection against persecution or serious harm should be effectively available to the applicant in a part of the country of origin where he or she can safely and legally travel to, gain admittance to and can reasonably be expected to settle. The assessment of whether such

in Italy to 5.88% in Bulgaria (Eurostat). As regards the differences between the type of status granted, EASO data for the 2nd quarter of 2015 showed that Germany (99%), Greece (98%) and Bulgaria (85%) were giving refugee status to almost all Syrian nationals, whereas Malta (100%), Sweden (89%) Hungary (83%) and Czech Republic (80%) gave them subsidiary protection status. https://easo.europa.eu/wp-content/uploads/Quarterly-Asylum-Report-2015_Q2_Final.pdf [accessed on: 24.10.2017].

> internal protection exists should be an inherent part of the assessment of the application for international protection and should be carried out once it has been established by the determining authority that the qualification criteria would otherwise apply. The burden of demonstrating the availability of internal protection should fall on the determining authority.

Meanwhile, Motive no 28 provides that "It is equally necessary to introduce a common concept of the persecution ground 'membership of a particular social group". For the purpose of defining a particular social group, issues arising from an applicant's gender, including gender identity and sexual orientation, which may be related to certain legal traditions and customs, resulting in for example genital mutilation, forced sterilisation or forced abortion, should be given due consideration in so far as they are related to the applicant's well-founded fear of persecution. Finally, pursuant to Motive no 52, "Access to healthcare, including both physical and mental healthcare, should be ensured to beneficiaries of international protection".

Moving on to the normative part of the Regulation, the first observation is that gender-sensitive approach was taken into account by using personal pronouns (he or she) whenever referring to applicants. From the perspective of migrant women, noteworthy is Article 8, providing for the new obligation to assess the possibility of internal protection[25]. Its paragraph 4 states that:

> When considering the general circumstances prevailing in that part of the country which is the source of the protection [...], the accessibility, effectiveness and durability of that protection shall be taken into account. When considering personal circumstances of the applicant, health, age, gender, sexual orientation, gender identity and social status shall in particular be taken into account together with an assessment of whether living in the part of the country of origin regarded as safe would not impose undue hardship on the applicant.

Taking into consideration the purpose of the proposal, key regulations to investigate are these referring directly to the issue of persecution. Article 9 (2) (a,f), defining acts of persecution, stipulates that they can take the form of "acts of physical or mental violence, including acts

[25] It is based on the assumption that the applicant is not in need of international protection if the conditions that he or she can safely and legally travel to, gain admittance to and can reasonably be expected to settle in another part of the country of origin are fulfilled.

of sexual violence and acts of a gender-specific or child-specific nature". Meanwhile, Article 10 (1)(d), which specifies what kind of elements shall be taken into account when assessing the reasons for persecution, indicates *inter alia* the concept of a particular social group. For that purpose, it stipulates that members of that group:

> share an innate characteristic, or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it, and that group has a distinct identity in the relevant country, because it is perceived as being different by the surrounding society.

However, from the perspective of migrant women it is particularly noteworthy that "[...] gender related aspects, including gender identity, shall be given due consideration for the purposes of determining membership of a particular social group or identifying a characteristic of such a group".

In the framework of international protection rights and obligations of beneficiaries of international protection, outlined in the proposal, among general rules is one provided by Article 22 (4), pursuant to which:

> the specific situation of persons with special needs such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence shall be taken into account provided an individual evaluation of their situation establishes that they have special needs.

Article 35 (2), referring to healthcare, stipulates that:

> Beneficiaries of international protection who have special needs, such as pregnant women, disabled people, persons who have undergone torture, rape or other serious forms of psychological, physical or sexual violence or minors who have been victims of any form of abuse, neglect, exploitation, torture, cruel, inhuman and degrading treatment or who have suffered from armed conflict shall be provided adequate healthcare, including treatment of mental disorders when needed, under the same eligibility conditions as nationals of the Member State that has granted protection.

Finally, under Article 38 (1), which refers to integration measures, "[...] beneficiaries of international protection shall have access to integration measures provided by the Member States, in particular language courses,

civic orientation and integration programs and vocational training which take into account their specific needs", so this Article can be treated as creating adequate standards for migrant women as well.

The analyses of the draft of the proposal carried out herein allow to conclude that in case of qualification to international protection both gender-related issues as well as gender-specific approach were also respectively taken into account and adopted[26].

4. Reception Directive (recast)

In reference to the standards for reception of applicants for international protection, the reform of the CEAS assumes "only" a recast of the existing Reception Conditions Directive[27], arguing that there are wide divergences in the level of reception conditions provided by the Member States, caused by significant differences in their economic capacity, so there is no possibility and need of full convergence. However, the minimum harmonization of standards provided by the Directive that is in force means that "In some Member States, there have been persistent problems in ensuring adherence to the reception standards required for a dignified treatment of applicants, while in others the standards provided are more generous". Moreover, there are also the so-called secondary movements and disproportionate pressure has been put on certain Member States.

Taking it into consideration the issues raised above, the aim of the Proposal for a Directive of the European Parliament and of the Council laying down standards for the reception of applicants for international

[26] In the light of European Parliament's amendments made in 1st reading, acts of persecution "may take such forms as: (i) trafficking for the purpose of sexual exploitation; (ii) prosecution or punishment for refusing to perform military service on moral, religious or political grounds or on grounds of belonging to a specific ethnicity or nationality; (iii) recruitment of minors, genital mutilation, forced marriage, child trafficking and child labour, domestic violence, trafficking for sexual exploitation and violations of economic, social and cultural rights". Based on 2016/0223(COD) - 28.06.2017 Committee report tabled for plenary, 1st reading/single reading, http://bit.ly/priel-18-2-31 [accessed on: 28.02.2018].

[27] 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, OJ L 180, 29.06.2013.

protection (recast)[28] is further harmonisation of reception conditions in the EU, reducing incentives for secondary movements and increasing applicants' self-reliance and possible integration prospects. Therefore, it should be adopted on the same legal basis – Article 78 (2) (f) of the Treaty on the Functioning of the European Union (TFEU). It is also worth noting that the proposal assumes that the recast Directive together with the European Union Agency for Asylum (with extended mandate) are sufficient tools for further harmonising Member States' reception conditions.

Turning to gender-related aspects, the proposal (similarly to the Procedural Regulation and the Qualification Regulation) takes into account Member States' obligations under the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). In other words, gender-sensitive approach should be adopted as well when interpreting and applying the Directive. The proposal also underlines that Member States, when *inter alia* assessing the resources of an applicant, should take into consideration his or her individual behaviour and the particular circumstances, including their special reception needs.

Among the Motives that justify the proposal and refer to gender issues, special attention should be paid to Motive no 29, according to which "The reception of persons with special reception needs should be a primary concern for national authorities in order to ensure that such reception is specifically designed to meet their special reception needs". Meanwhile, Motive no 32 states that:

> [...] Member States should in all circumstances ensure access to health care and a dignified standard of living for applicants in line with the Charter of Fundamental Rights of the European Union and the United Nations Convention on the Rights of the Child [...]. Due regard must also be given to applicants with special reception needs. [...] The specific needs of women applicants who have experienced gender-based harm should be taken into account, including via ensuring access, at different stages of the asylum procedure, to medical care, legal support, and to appropriate trauma counselling and psycho-social care.

Moving on to the normative part of the proposal, the first regulation that can determine the reception situation of migrant women is Article 2 (13), defining the "applicant with special reception needs" as an applicant,

[28] COM(2016) 465 final, 2016/0222 (COD).

who is in need of special guarantees in order to benefit from the rights and comply with the obligations provided for in the Directive. To clarify, the proposal indicates that it refers to:

> minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation.

It should be stressed that this catalogue has only recently been added.

Pursuant to Article 20, "Member States shall take into account the specific situation of applicants with special reception needs in the national law implementing this Directive". On the one hand, similarly to the proposal of Procedural Regulation and on the other – in a somehow different way, Article 21 refers to the assessment of the special reception needs of vulnerable persons. The difference is using the term "vulnerable" persons, whereas the proposal of Procedural Regulation uses only the term "applicant with the special needs". Nevertheless, it does not change the fact that paragraph 1 provides that:

> In order to effectively implement Article 20, Member States shall systematically assess whether the applicant is an applicant with special reception needs. Member States shall also indicate the nature of such needs. That assessment shall be initiated as early as possible after an application for international protection is made and may be integrated into existing national procedures or into the assessment referred to in Article [19] of Regulation (EU) No XXX/XXX [Procedures Regulation]. Member States shall ensure that those special reception needs are also addressed, in accordance with this Directive, if they become apparent at a later stage in the asylum procedure. Member States shall ensure that the support provided to applicants with special reception needs in accordance with this Directive takes into account their special reception needs throughout the duration of the asylum procedure and shall provide for appropriate monitoring of their situation.

Article 21 also refers to the issue of personnel, which – as paragraph 2 states – should:

> (a) [be] trained and continues to be trained to detect first signs that an applicant requires special receptions conditions and to address those needs when identified; (b) include information concerning

> the applicant's special reception needs in the applicant's file, together with the indication of the signs referred to in point (a) as well as recommendations as to the type of support that may be needed by the applicant; (c) refer applicants to a doctor or a psychologist for further assessment of their psychological and physical state where there are indications that applicants may have been victim of torture, rape or of another serious form of psychological, physical or sexual violence and that this could affect the reception needs of the applicant; and (d) take into account the result of that examination when deciding on the type of special reception support which may be provided to the applicant.

The proposal in a special way refers to the victims of torture and violence, both of whom should also have special treatment guaranteed. Article 24 (1) stipulates that:

> "Member States shall ensure that persons who have been subjected to gender-based harm, torture, rape or other serious acts of violence receive the necessary treatment for the damage caused by such acts, in particular access to appropriate medical and psychological treatment or care.

Considering that women (in particular in migration reality) are victims of various forms of violence in a disproportionate way, this regulation can actually strengthen their protection.

Other regulations devoted to "applicants with special reception need" are also Article 7 (7), referring to residence and freedom of movement, pursuant to which "Decisions referred to in this Article shall be based on the individual behaviour and particular situation of the person concerned, including with regard to applicants with special reception needs [...]" and Article 11 (5), referring to their detention. It provides that:

> Where female applicants are detained, Member States shall ensure that they are accommodated separately from male applicants, unless the latter are family members and all individuals concerned consent thereto.

Indirect guarantees for women migrants can also be found in Article 17 (2), which among general rules on material reception conditions, stipulates that:

Member States shall ensure that material reception conditions provide an adequate standard of living for applicants, which guarantees their subsistence and protects their physical and mental health. Member

States shall ensure that that standard of living is met in the specific situation of applicants with special reception needs, as well as in relation to the situation of persons who are in detention.

Furthermore, as laid down in paragraph 5:

> When assessing the resources of an applicant, when requiring an applicant to cover or contribute to the cost of the material reception conditions or when asking an applicant for a refund [...] Member States shall also take into account the individual circumstances of the applicant and the need to respect his or her dignity or personal integrity, including the applicant's special reception needs. [...].

Definitely more gender-precise regulations respecting modalities for material reception conditions are provided by Article 17. Firstly, paragraph 3 determines that:

> Member States shall take into consideration gender and age-specific concerns and the situation of applicants with special reception needs when providing material reception conditions". Furthermore, paragraph 4 stipulates that "Member States shall take appropriate measures to prevent assault and gender-based violence, including sexual assault and harassment when providing accommodation.

The necessity of providing necessary medical or other assistance (including appropriate mental health care) to applicants who have special reception needs shows up in Article 18. Meanwhile, pursuant to Article 19 (3):

> Decisions for replacement, reduction or withdrawal of material reception conditions shall be taken individually, objectively and impartially on the merits of the individual case and reasons shall be given. Decisions shall be based on the particular situation of the person concerned, especially with regard to applicants with special reception needs, taking into account the principle of proportionality.[...].

Finally, Article 29, referring to staff and resources, stipulates that:

> Member States shall take appropriate measures to ensure that authorities and other organisations implementing this Directive have received the necessary training with respect to the needs of both male and female applicants. To that end, Member States shall integrate the European asylum curriculum developed by the European Union Agency for Asylum into the training of their personnel in accordance with Regulation (EU) No XXX/XXX [Regulation on the European Union Agency for Asylum].

The draft of Reception Directive (recast), similar to the proposals discussed above, indeed takes into account gender-specific approach and can contribute to further harmonization of standards for appropriate treatment of migrant women[29].

5. Others

Among others elements of the reform of the CEAS that may affect the situation of women-migrants, the Proposal for a Regulation of the European Parliament and of the Council on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010[30] deserves special attention, since it was to the EUAA tasks and competencies that the proposals discussed above repeatedly referred to.

The aim of the aforementioned proposal is transforming the existing European Asylum Support Office (EASO) into a fully fledged EU Agency. The EUAA is to be capable of providing the necessary operational and technical assistance to Member States, should increase practical cooperation and information exchange among Member States, should support a sustainable and fair distribution of applications for international protection, should monitor and assess the implementation of the CEAS and the capacity of asylum and reception systems in Member States, and – finally – enable convergence in the assessment of applications for international protection across the Union. It is also based on Article 78(1) and (2) of the Treaty on the Functioning of the European Union. It also

[29] Awaiting Parliament 1st reading the EP committee stressed that: "Member States should in all circumstances ensure access to health care and an adequate standard of living for applicants. Due regard must also be given to applicants with specific reception needs, such as children, and applicants who have experienced sexual or gender-based violence, in particular women, (including appropriate trauma counselling and psycho-social care); where detention would put at risk their physical and psychological integrity, applicants with specific reception needs shall not be detained; necessary training be provided with adequate funding from the Asylum Migration and Integration Fund [...]. Such training places should place particular importance on active identification of specific reception needs (the Age Gender and Diversity Approach) and adequate prevention and response activities with respect to sexual and gender-based violence and bias-motivated violence". Based on: 2016/0222(COD) – 10.05.2017 Committee report tabled for plenary, 1st reading/single reading, http://bit.ly/priel-18-2-32 [accessed on: 28.02.2018].

[30] COM(2016) 271 final, 2016/0131 (COD).

assumes fully taking into account the rights of the child and the special needs of vulnerable persons, that is stressed in Motive no 26, pursuant to which "the special needs of vulnerable persons shall always being taken into account".

Analysing the normative part of the regulation we should first of all outline one of the key tasks of the EUAA – training for members of its own staff, members of all national administrations, courts and tribunals, and national services responsible for asylum matters in the Member States. As laid down in Article 7 (5):

> The specific or thematic training activities regarding asylum matters shall include: [...] (b) issues related to the handling of applications for international protection, in particular those from vulnerable persons with specific needs [...] (c) interview techniques, including special attention given to children, vulnerable groups and victims of torture; [...] (d) fingerprinted data [...]; (f) issues relating to the production and use of information on countries of origin; (g) reception conditions, including special attention given to unaccompanied children and children with their families, vulnerable groups and victims of torture.

From the point of view of migrant women the second essential task of the EUAA is preparing the information on countries of origin. Article 8 (1) provides that:

> The Agency shall be a centre for gathering relevant, reliable, accurate and up-to date information on countries of origin of persons applying for international protection, including child-specific information and targeted information on persons belonging to vulnerable groups. It shall draw up and regularly update reports and other products providing for information on countries of origin at the level of the Union including on thematic issues specific to countries of origin.

The proposal also stipulates that in case of preparing an "operational plan" for a Member State that is under disproportionate migratory pressure, in line with Article 19 (2) (k) the plan shall:

> set out in detail the conditions for the provision of the operational and technical assistance and the deployment of the asylum support teams or experts from the asylum intervention pool, including [...] procedures whereby persons in need of international protection, victims of trafficking in human beings, unaccompanied minors and persons in a vulnerable situation are directed to the competent national authorities for appropriate assistance.

Furthermore, based on Article 36, the proposal creates the conditions for achieving a "synergy effect" thanks to cooperation of the future EUAA both with "agencies, bodies and offices of the Union having activities relating to its field of activity, in particular the European Union Agency for Fundamental Rights and the European Agency for the Management of Operational Cooperation at the External Borders of the Member States" as well as – the UNHCR and other international organizations (Article 37).

Finally, the composition of the Management Board of the Agency can also indirectly impact the perception of problems and needs of migrant women. Pursuant to which according to Article 39 (1)(4), it should be composed of one representative from each Member State and two representatives of the Commission, taking into account a balanced representation between men and women. It has been proved that the structure of a decision-making body matters[31], so the more gender-balanced the representation, the higher the probability of a more gender-sensitive approach that will be based not only on the letter of the law but will also follow its "spirit"[32].

6. Conclusions

The analysis carried out herein allows to conclude that the reform of the CEAS has not remained "deaf" to the special situation and particular needs of the half population migrating to Europe. However, it needs to be

[31] See among others: S. Erkrut, V.W. Kramer, A.M. Konrad, *Critical mass: does the number on a corporate board make a difference?* [in:] S. Vinnicombe, V. Singh, R.J. Burke, D. Bilimoria, M. Huse (ed.), 'Women on Corporate Boards of Directors. International research and practice, Cheltenham-Northampton 2014, pp. 222-240; P.M. Collins Jr. et al., *Gender, Critical Mass and Judicial Decision Making,* 'Law & Policy' 2010, vol. 32, no 2, pp. 260-281, D. Dahlerup, *The Story of the Theory of Critical Mass*, 'Politics & Gender' 2006, vol. 2, no 4, pp. 511-522.

[32] According to the *EP Committee report* it was proposed *inter alia:* "appointing a fundamental rights officer responsible for drawing up the fundamental rights strategy, monitoring compliance with fundamental rights and promoting the respect of fundamental rights by the Agency.[...]" and "establishing a code of conduct applicable to all experts involved in support operations laying down provisions to guarantee the principles of the rule of law and respect for fundamental rights with particular focus on children, and other persons in a vulnerable situation", 2016/0131(COD) – 21.12.2016 Committee report tabled for plenary, 1st reading/single reading, http://www.europarl.europa.eu/oeil/popups/summary.do?id=1469964&t=d&l=en [accessed 28.02.2018].

distinctly stressed that this is not a novelty. Both the first and the second "asylum package" have created some directly and indirectly gender-oriented guarantees for women seeking asylum in the EU already before. Nevertheless, most of the rules were and still are in a certain sense "optional", since they are based on directives, which are binding as to the result to be achieved. Being a very flexible instrument, used to harmonise national laws, they leave Member States some freedom to choose how to do so. As mentioned, the so-called "second asylum package" that is in force now, consists of three Directives ("procedural", "qualification" and "reception") and two Regulations (Dublin III and Eurodac). From the point of view of migrant women, the Directives play a key role in creating numerous gender-sensitive guarantees[33], however their compliance has been clearly limited due to the asylum and migration crisis. In the face of the massive influx of people, quick and effective identification of "vulnerable persons" or "applicants with special procedural/reception needs" (particularly in hot-spots) was often simply unfeasible[34].

First of all, the (draft) reform of the CEAS is going to change some currently optional rules to obligatory ones by choosing the form of a Regulation that is directly applicable in all Member States. Furthermore, by removing elements of discretion as well as simplifying, streamlining and consolidating procedural arrangements and qualification rules, both proposals aim at achieving a higher degree of harmonisation and greater uniformity in the outcome of asylum procedures and qualification across all Member States. On the other hand, in the case of reception it is not considered feasible or desirable to fully harmonise Member States' reception conditions, so recast of the Reception Conditions Directive together with transformed into "full" Agency EASO were considered to be a sufficient solution in order to meet the objectives.

The second observation that appears when reading all the proposals is a slight change of terminology, however it does not seem to have a substantial impact on who obtains special protection. Actually, only in case of the EUAA Regulation we still deal with the term "vulnerable persons", which refers *inter alia* to migrant women. The proposal for the (recast)

[33] See: M. Półtorak, *Sytuacja kobiet ubiegających się o ochronę międzynarodową. Standardy światowe, unijne i polskie* [The situation of women asylum-seekers – global, EU and Polish standards], [in:] E. Karska (ed.) 'Uchodźcy. Aktualne zagadnienia prawa i praktyki' [Refugees. Current Issues of Law and Practice], Warszawa 2017, pp. 120-133.

[34] FRA, *Opinion of the European Union Agency for Fundamental Rights on fundamental rights in the 'hotspots' set up in Greece and Italy*, Vienna, 29.11.2016, pp. 35-38.

Reception Condition Directive replaces the term "vulnerability" with "special reception needs", and, as it is stressed in the European Council on Refugees and Exiles (ECRE) Report, the current list of vulnerable persons that is now non-exhaustive, has become part of the definition of "applicant with special reception needs". As a result, any person who requires special guarantees will be in a certain sense automatically considered as an applicant with special reception needs, regardless of whether he or she is vulnerable or not [35]. In other cases the proposals also use the concept of "applicants with special needs", which previously had to be identified in accordance with the special procedure provided in both Regulations. It should also be emphasized that qualification into this special category usually goes hand in hand with being a victim of violence. For that purpose, full EU accession to the Istanbul Convention seems to be indispensable, in particular if talking of gender-based asylum applications, provided by Article 60. Furthermore, the Convention requires that victims of violence against women, whose residence status depends on the spouse's may obtain an autonomous residence permit. Most Member States have provisions to that effect, but not all (for example Cyprus and Malta have made reservations on that issue)[36]. In other words, accession to the Istanbul Convention would probably visibly enhance the EU gender equality law in the area of migration and asylum as well.

It is undeniable that in the process of effective identification of any kind of vulnerability or "special needs" experts from all national administrations, courts and tribunals, and national services responsible for asylum matters as well as EUAA staff are the key players, so adequate and comprehensive training of them seems to be requisite too. Taking into consideration on the one hand the strengthened mandate of the EUAA and on the other – less discretion of Member States in the field of cooperation with the Agency, both training and preparing the information on countries of origin (COI)

[35] ECRE, *Vulnerability in European asylum procedures: new AIDA comparative report*, September 2018, pp. 18.

[36] The European Union signed the Istanbul Convention on 13.06.2017, however still 10 (including the UK) Member States of the EU have not ratified it. Based on: http://bit.ly/priel-18-2-33 [accessed on: 28.02.2018]. As noted by K. Nousiainen, main problems that have occurred during the ratification process refer to: criminal law, criminalizing forced marriage, FGM, forced abortion and sterilization, whereas ideological controversies were seldom reported. K. Nousiainen, *Legal implications of EU accession to the Istanbul Convention*, paper presented on *Current Reflections on EU Gender Equality Law*. Seminar for University Professors and Law Lecturers, ERA, Trier, November 2017.

should translate into a higher level of materialization of women-migrants law. According to the ECRE Report "the treatment of vulnerable groups in the EU has been one of the priority areas of the reform of the CEAS proposed by the Commission in 2016", however – in contrast to its other aspects – the suggested solutions have been positively received by NGOs and UNHCR[37].

Finally, it is hard to disagree with J. Freedman, who argues that if the EU really cares to tackle with the fundamental problem of violence against migrant women, it needs to do much more than before and provide them real medical, psychological and social support, ensure safe and legal routes to enter Europe (to avoid contact with smugglers who often are the perpetrators of violence) and guarantee them adequate material reception conditions. She also draws attention to the fact that:

> although discrimination and gender inequality is not named as a grounds for claiming asylum within the Convention, subsequent guidelines from the UNHCR[38] as well as the EU's own Qualification Directive, have specified that gender-related persecutions must be considered as legitimate grounds for granting refugee status[39].

Concluding, as long as the European Union and its Member States treat the issue of SGBV against women seriously only "on paper" and try to deal with migratory pressure without (good) political will and willingness to share the burden of disproportionate influx of migrants in a fair way – women seeking asylum will not be fully protected and their difficult situation will remain unchanged, regardless of the potential CEAS reform.

Bibliography

1. Brodowski L., Kuźniar-Kwiatek D., *Wspólny europejski system azylowy – założenia i perspektywy* [in:] A.M. Kosińska (ed.), *W obliczu kryzysu. Przyszłość polityki azylowej i migracyjnej Unii Europejskiej*, Wydawnictwo KUL 2017.
2. Chetail V., Ph. De Bruycker, Maiani (eds.), *Reforming the Common European Asylum System. The New European Refugee Law*, Brill-Nijhoff 2016.

[37] ECRE, *Vulnerability in European asylum procedures…*, op. cit., pp. 17.

[38] In particular: *UNHCR Guidelines for Prevention and Response to SGBV against Refugees, Returnees and Internally Displaced Persons*, 2003 as well as *UNHCR Handbook for the Protection of Women and Girls*, 2008.

[39] J. Freedman, *Sexual and gender-based violence against refugee women: a hidden aspect of the refugee "crisis"*, 'Reproductive Health Matters' 2016, vol. 24, no 47, pp. 24.

3. Collins P.M., Jr. et al., *Gender, Critical Mass and Judicial Decision Making*, 'Law & Policy' 2010, vol. 32, no 2.
4. Dahlerup D., *The Story of the Theory of Critical Mass*, 'Politics & Gender' 2006, vol. 2, no 4.
5. Freedman J., *Sexual and gender-based violence against refugee women: a hidden aspect of the refugee "crisis",* 'Reproductive Health Matters' 2016.
6. Erkrut S., Kramer V.W., Konrad A.M., *Critical mass: does the number on a corporate board make a difference?* [in:] S. Vinnicombe, V. Singh, R.J. Burke, D. Bilimoria, M. Huse (ed.), 'Women on Corporate Boards of Directors. International research and practice', Cheltenham-Northampton 2014.
7. Mikołajczyk B., *Mechanizm dubliński na rozdrożu – uwagi w związku z pracami nad rozporządzeniem Dublin IV*, 'Europejski Przegląd Sądowy' 2018, no 3.
8. Nousiainen K., *Legal implications of EU accession to the Istanbul Convention*, paper presented on *Current Reflections on EU Gender Equality Law*. Seminar for University Professors and Law Lecturers, ERA, Trier, November 2017.
9. Półtorak M., *Sytuacja kobiet ubiegających się o ochronę międzynarodową. Standardy światowe, unijne i polskie* [in:] E. Karska (eds.) 'Uchodźcy. Aktualne zagadnienia prawa i praktyki', Warszawa 2017.
10. Szymańska J., *Unijna strategia wobec kryzysu uchodźczego i migracyjnego* [in:] K.A. Wojtaszczyk, J. Szymańska (eds.), 'Uchodźcy w Europie. Uwarunkowania, istota, następstwa', Warszawa 2017.
11. Zaun N., *EU Asylum Policies. The Power of Strong Regulating States*, Palgrave Macmillan 2017.
12. ECRE, *Vulnerability in European asylum procedures: new AIDA comparative report*, September 2018.
13. *Europe-Africa Crisis We Don't Want To Name: Organised Sexual Exploitation Of Women And Girls*, ENOMW, October 2017.
14. FRA, *Opinion of the European Union Agency for Fundamental Rights on fundamental rights in the 'hotspots' set up in Greece and Italy*, Vienna, 29.11.2016.
15. *Initial Assessment Report: Protection Risks for Women and Girls in the European Refugee and Migrant Crisis Greece and the former Yugoslav Republic of Macedonia,* UNHCR-UNFPA-WRC, 20.01.2016.
16. *Istanbul Protocol. Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, PROFESSIONAL TRAINING SERIES No. 8/Rev.1, UNITED NATIONS New York and Geneva 2004.
17. *Refugee women and children face heightened risk of sexual violence amid tensions and overcrowding at reception facilities on Greek islands*, UNHCR, 9.02.2018.
18. *Refugees are in urgent need of protection from sexual and gender-based violence,* Amnesty International, 25.11.2016.
19. *UNHCR Guidelines for Prevention and Response to SGBV against Refugees, Returnees and Internally Displaced Persons*, 2003.
20. *UNHCR Handbook for the Protection of Women and Girls*, 2008.