

Female refugees in Belgium

The RoSa-factsheets aim to familiarise you with the scope of equal opportunities in Flanders. Each factsheet probes the situation in a specific area. Broad themes as well as specific ones are put into the spotlight, depending on the relevance and/or availability of information and numerical data. We do not intend to offer exhaustive information, our primary aim is to sketch the position of women in Flanders in a surveyable and accessible way. Since its founding in 1978, RoSa is the place in Flanders to look for information and documentation about equal opportunities, emancipation policy and women's studies.

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Tragedies such as the ones in Bosnia-Herzegovina and Rwanda during the nineties show how vulnerable women are when conflicts burst out. Women are twice a victim of violence in (civil) wars, uprisings and other armed conflicts. First they flee because they are persecuted because of their political conviction, their religion or simply because they refuse to accept the role society imposes on them. Secondly they are confronted with exploitation and violence during their flight, during their stay in camps and settlements and even when integrating in a new society.

Human rights and women's rights

The Universal Declaration of Human Rights guarantees rights and freedom for all people. Women's rights, though, are not guaranteed. Although sex is one of the grounds upon which people may not be discriminated according to article 2 of the Declaration, gender inequality is not explicitly excluded. The Declaration of Human Rights implies a hierarchy of rights: political and human rights have priority because they are supposed to be easily definable legally, they are recognized by the international community and supervised by the United Nations Human Rights Committee. Consequently the responsibility for economical and social rights lies not with the UN, but with the individual governments and international development organisations. That implies that there is no binding guarantee for those rights. Gender inequality especially affects women: they are submitted and exploited economically and socially. Therefore, women suffer more from the lack of interest in economical and social rights.

On top of that, declarations of human rights are universally considered to be contracts between a state and its citizens. Again, women are systematically disregarded, for their relation with the state is indirect, through the husband, father, brother or son. Those men gain authority over women through the state.

In 1979 the UN-Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was signed by the United Nations. The Convention underlines the fact that discrimination of women violates the principle of equal rights and respect for human dignity. Despite the CEDAW women's rights get little attention from the UN. For all their efforts, "women's problems" are still too often marginalized and receive not enough money or inefficient means.

The Refugees treaty

In the same way, the Geneva Convention on the status of refugees is a human rights instrument discriminating women. Gender, for one, is no criterion for obtaining the refugee status.

Every request for asylum is being examined for compatibility with the Geneva Convention on refugee status dated 28 July, 1951. This refugee treaty defines a refugee as follows: "Any person who is outside the country of his nationality and is unable or unwilling to avail himself of the protection of that country owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion."

When interpreting the convention, the problem is that the authors had in mind the prototype of the male critical intellectual political activist in organised and ideological resistance, and made this image go down in history as a classical example.

Women, on the other hand, flee their country often for the sake of their being a woman. Gender related persecution has not been included in the convention, unless we classify it as "membership of a particular social group". This criterion is too vague to define women's discrimination. Consequently it is of utmost importance how the proper authorities interpret the grounds for persecution. Women requesting asylum must be able to prove that it is a matter of individual (fear for) persecution by the government or of persecution against which the government offers no protection. Being a woman is no sufficient ground for recognition, nor are laws disadvantageous to women in the country of nationality.

Think of the Iranian woman who fled to Canada in 1990 after she received 35 strokes of the cane and dismissed for not wearing a veil at home. She was in for further prosecution in Iran, and yet the Canadian authorities did not recognise her as fugitive according to the UN-definition. She was sent back to Iran, because she "merely risked a law suit, no prosecution". The advisory committee added that the beating had caused no permanent injuries and that the loss of her job was not life-threatening.

2

The female refugee

"The" female refugee does not exist. Every woman has her own background and her own story. Nevertheless, their situation shows a number of common features. Female refugees got into conflict with the rulers in their country of origin. The threat or fear they've been confronted with has taken such proportions that they were forced to flee. Consequently they had to leave family and friends and all they possessed. In the host country women are left in uncertainty whether they will be allowed to stay or not. Their social network has disappeared and more than ever they depend on the members of their family. Strengths and weaknesses of family relations are fortified. Female refugees often feel completely uprooted and have trouble adapting themselves to all the changes

Female refugees often come from rural areas, are poor and illiterate. Most women have no means to travel on to a western country and end up in refugee camps in their own region. Although more than once it's women who are forced to leave their homes and flee, this remains unknown to us because most refugees who manage to ask for asylum in the west are men. Moreover, women are often victims of human traffic. An estimated 500.000 women entered the European Union that way.

Why do women take to flight?

Most women leave their country for the same reasons as men do, that is to escape from persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion. Apart from that, women may have specific reasons to flee, due to their being a woman. Mutilation, rape, stoning, forced marriage and honour murder. Women's motives may be classified in four categories :

1. Participation in acts of resistance

Women, like men, can be members of political groups or armed resistance groups, organise demonstrations or political meetings, write articles against the regime. For most men, acts of resistance are the direct motive to flee, while in the case of female refugees it is rather exceptional.

2. Lateral political involvement

Hiding opponents to the regime, washing soldiers' clothes, nursing the wounded or distributing pamphlets are examples of lateral political involvement. Due to their subordinate position, women in large parts of the world are not allowed to play a more active role in resistance. Women act not only out of personal conviction but to protect themselves or their children. Sometimes women are persecuted or jailed to intimidate the husband or brother. Often that sort of persecution is combined with sexual violence, not only to deprive a woman of her honour, but also to defile the family honour or the community's dignity.

3. Sex discrimination and sex violence

Gender related persecution points at situations in which a woman resists actively or passively against suppressing rules or laws prescribed by a regime or a social-cultural environment , such as dressing regulations, family legislation, forced birth control, genital mutilation. They suffer persecution by the authorities who admit and inflict gender related violence as well as by their own family and commune.

4. Sexual violence

That implies all forms of violations indoors as well as in public places, such as rape or forced prostitution.

Sexual violence may be used as a torturing method, or to harm her identity and break her resistance, or as a means to obtain information, as a revenge towards husband or the whole family or ethnic group, or as a punishment for women who don't respect the prevailing social patterns.

Refugees in Flanders

As of 1st January 1995 , the "Commissariaat-generaal voor Vluchtelingen en Staatlozen" systematically registers refugees according to sex. In average, 35% of the people requesting asylum are women. Since 1998, most female asylum seekers come from Kosovo (33% women), Yugoslavia (33%), The Ukraine (33%), Romania (36%), Albany (37%), Armenia (39%) Russia (40%), Slovakia (47%), Congo (49%), Rwanda (51%).

On 3rd January 2001 the federal government introduced the principle of obligatory material support to asylum seekers. Therefore, the number of refugee centres had to be extended considerably. A special Federal Agency was created for acquiring and managing accommodation and communication with local authorities and local residents, quality control of material aid, etc.

The asylum procedure

ARRIVAL IN BELGIUM

The procedure is a federal matter. The entering and stay of foreigners in Belgium is regulated in national legislation (Law of 15 December 1980 related to access to the territory, the stay, the settlement and the removal of foreigners as well as Royal Decree of 8 October 1981.)

Moreover, one has to take into account a large scale of international regulations, being the traditional treaties such as the Geneva Convention and the stringent regulations of the European Council.

In the field there are close contacts with embassies, city councils, federal police, social inspection, public prosecutors, international migration organisations (I.O.M.), Childfocus,...

Legal as well as illegal foreigners in Belgium may request for the refugee status. He or she has to make a statement before the proper authorities, being the customs check at the border or, for those who are already in Belgium, the "Dienst Vreemdelingenzaken".

THE "DIENST VREEMDELINGENZAKEN (DVZ)" - THE OFFICE FOR FOREIGNERS' AFFAIRS

DVZ assists the Home Office with its foreigners policy. The Office for Foreigners Affairs controls access to the territory, the stay, settlement and removal of foreigners. It registers the applications and checks its admissibility. The uncertainty and lack of knowledge about the asylum procedure is a disadvantage for women to obtain a positive decision.

THE "COMMISSARIAAT-GENERAAL VOOR VLUCHTELINGEN EN STAATLOZEN (CGVS)" - THE COMMISSIONER-GENERAL FOR REFUGEES AND DISPLACED PERSONS

When the request for asylum has been declared admissible by the DVZ, it is treated fundamentally by the CGVS. The asylum seeker is invited for questioning and has the opportunity to explain the request. If the CGVS decides favourably, the asylum seeker is recognized as refugee. When the decision is negative, the applicant may lodge an appeal with the "Vaste Beroepscommissie voor Vluchtelingen", the Permanent Appeal Commission for Refugees.

When the request for asylum has been declared inadmissible by the DVZ, the asylum seeker may lodge an appeal with the CGVS. When the latter decides further enquiries are necessary, the request will be treated fundamentally which means it is declared admissible. If the inadmissibility is confirmed by the CGVS, then the asylum seeker will be expelled. As a last resort, the applicant can lodge an appeal for annulment with the Council of State.

THE "VASTE BEROEPSCOMMISSIE VOOR VLUCHTELINGEN (VBV)" - THE PERMANENT APPEAL COMMISSION FOR REFUGEES

Contrary to the CGVS, the VBV can exercise legal authority. If the VBV does not confirm the negative decision of the CGVS, in that case the asylum seeker is recognized as

refugee. If the VBV does confirm the negative decision, then the DVZ will issue an order to leave the territory.

The applicant can lodge an appeal for annulment of the VBV decision with the Council of State.

RECOGNITION AS REFUGEE

Those who are recognized as refugee, receive a refugee card and a work card for a limited duration for some sectors.

Recognized political refugees according to province, sex and age, 1/1/2000

Province	Men				Women				Total
	0 - 17	18 - 64	65+	total	0 - 17	18 - 64	65+	total	
Antwerpen	566	889	66	1512	506	714	102	1322	2843
Limburg	29	144	69	242	32	70	85	187	429
Oost-Vlaanderen	73	228	13	314	52	121	4	177	491
Vlaams-Brabant	204	458	34	696	231	353	26	610	1306
West-Vlaanderen	63	212	10	285	74	122	13	209	494
Vlaanderen	935	1931	192	3058	895	1380	230	2505	5563

Source: National Institute for Statistics (NIS)

Recognized refugees in Flanders on 1/1/2000 according to age and sex.

Age	Men	%	Women	%	Total
(10 - 14)	211	49 %	217	51 %	428
(15 - 19)	311	52 %	286	48 %	597
(10 - 14)	284	53 %	248	47 %	532
15 - 19	214	49 %	224	51 %	438
20 - 24	208	53 %	185	47 %	393
25 - 29	281	56 %	219	44 %	500
30 - 34	363	58 %	264	42 %	627
35 - 39	338	60 %	221	40 %	559
40 - 44	263	63 %	155	37 %	418
45 - 49	161	60 %	106	40 %	267
50 - 54	107	64 %	60	36 %	167
55 - 59	63	58 %	45	42 %	108
60 - 64	62	58 %	45	42 %	107
65 - 69	53	47 %	59	53 %	112
70 - 74	57	45 %	71	55 %	128
75 - 79	42	48 %	45	52 %	87
80 - 84	23	52 %	21	48 %	44
85 - 89	9	38 %	15	63 %	24
90 - 94	6	33 %	12	67 %	18
95+	2	22 %	7	78 %	9
Total	3058	55%	2505	45%	5563

Source: National Institute for Statistics (NIS)

CONCLUSIONS REGARDING FEMALE ASYLUM SEEKERS

Female asylum seekers mostly come from countries which treat them as second-rate citizens. They got little or no education, have no experience with public institutions, with the judicial system etc.

Once in Belgium, they are not always rightly informed about their rights and duties during the different stages of the asylum procedure. They often stop the procedure because they know nothing about appeal, they lose their financial support because they don't fill out the right forms, they have no idea of how to be allotted a house, etc.

Often female refugees have experiences of violence they cannot explain to male officials due to their cultural background. Besides, it is not easy for a woman to prove her story of rape. Women are interviewed after the husband, the interview is shorter, their words often used by officials to enfeeble the husband's story by pointing at contradictions.

Women in refugee centres

They have specific problems. They are sexually harassed and intimidated by some male refugees and are afraid to walk around alone. Couples often have relational problems. Women who are beaten by their husband get protection from the personnel and are transferred to a refuge house. Those women are in trouble because the request for asylum has been submitted together with their husband. Some women want to go home after some time. If a mother wants to take the children with her, the husband has to agree which results in dramatic situations. Women tolerate the most impossible situations in order to be with their children. They can't speak freely about those problems, which influences their request for asylum negatively.

Some women take to prostitution inside or outside the refugee centre in order to gain some extra money for themselves and their children. Women with psychological problems run more risk of being forced into prostitution.

Final reflections

For many female asylum seekers, the asylum procedure is a very complex matter. Therefore it is important that official institutions, lawyers, refugee centres and social services inform female applicants thoroughly about their rights and duties during the different steps of the procedure, preferably in their mother tongue.

The socio-cultural position of women in some countries of origin is the reason why female asylum seekers, especially illiterate women, have little experience with government administration and the judicial system. For them it is problematic to tell their full story with the exact facts. Due to their cultural background, women feel diffident to talk to officials about the violence they experienced, especially sexual violence. It is possible that their story appears to be inconsistent. Female asylum seekers should be interviewed by female officials and interpreters.

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