Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 1374 (1998)[1]

Situation of refugee women in Europe

Parliamentary Assembly

1. The Assembly recalls and reaffirms its Resolution 1018 (1994) and its Recommendation 1229 (1994) on equality of rights between men and women, Recommendation 1236 (1994) on the right of asylum, Recommendation 1261 (1995) on the situation of immigrant women in Europe, Recommendation 1309 (1996) on the training of officials receiving asylum seekers at border points, and Recommendation 1327 (1997) on the protection and reinforcement of the human rights of refugees and asylum seekers in Europe. The Assembly also recalls the declaration on equality of women and men adopted by the Committee of Ministers on 16 November 1988.

2. While regretting that no reliable information and statistics about refugee women are collected in a systematic way by Council of Europe member states, the Assembly considers this group of refugees to be particularly vulnerable and subject to specific, gender-related problems and discrimination.

3. Increased dependency and the traditional socio-cultural and economic role of refugee women in their countries of origin often lead to lack of motivation, confidence and self-esteem, thus putting them at a distinct disadvantage compared to their male counterparts from the moment they arrive in a host country. Therefore the Assembly acknowledges the need for the creation of specific conditions which would enable refugee women to overcome these difficulties.

4. The Assembly is particularly concerned by certain practices applied to refugee women during and after the status determination procedure in host countries, which may result in violation of their human rights.

5. The Assembly considers that the member states of the Council of Europe should eliminate all gender-related discrimination among refugees, and adapt the treatment of women refugees to their specific situation and requirements.

6. Consequently, the Assembly recommends that the Committee of Ministers:

6.1. instruct its appropriate committees:

a. to hold exchanges of views and experience on this subject;

b. to examine the question of the recognition of gender-related persecution as a basis for refugee status;

c. to implement Recommendation 1371 adopted on 23 April 1998 by the Assembly aimed at prohibiting and punishing sexual mutilations of women;

6.2. ensure the financing of a widespread information campaign among health personnel, as well as refugee groups in the host countries most concerned, about the harmful consequences of female genital mutilation on the health, physical integrity and dignity of women and to their right to personal fulfilment;

6.3. initiate the setting-up of a European system for data collection and needs assessment in regard to refugee women;

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1. See Doc. 8066, report of the Committee on Migration, Refugees and Demography, rapporteur: Mrs Johansson. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 26 May 1998.

6.4. encourage the development of programmes aiming at the integration and re-integration of refugee women, including support training, vocational training and income-generating programmes;

6.5. organise and actively support refugee women's training in human rights and related subjects as part of their preparation for possible return;

6.6. urge the member states:

a. to adopt measures to guarantee the physical safety of women in refugee centres consonant with the Office of the United Nations High Commissioner for Refugees (UNHCR) Guidelines on the Protection of Refugee Women;

b. to recognise as refugees women whose claim to refugee status is based upon well founded fear of persecution for reasons enumerated in the 1951 Convention and 1967 Protocol relating to the status of refugees, including persecution through sexual violence or gender-related persecution

c. to ensure that the authorities responsible for refugee status determination procedure are well informed about the overall situation in the countries of origin of applicants, in particular concerning the situation of women, possible gender-related persecution and its consequences;

d. to review the staffing and recruitment policies of such authorities in order to ensure that there is a sufficient number of female staff, and that in cases of claims to refugee status based on gender-related persecution, a member of the female staff is available;

e. to re-examine refugee status determination procedure and policies with a view to ensuring that women who have an independent claim for refugee status have access to an individual consideration of such claim, even if they are accompanied by a male partner;

f. to review their policies in the field of social rights and assistance in order to ensure that refugee women are not forced into prostitution, and in particular are offered reorientation programmes and counselling as well as realistic alternatives to earn their living;

g. to organise the prohibition of forced marriages, particularly of young girls who are minors, including such marriages when celebrated outside the territory of the member states, depriving such unions of all legal effect, except to the advantage of the young girl forced into such a union and of any children born thereof (right to maintenance for herself and any children), classifying as rape any sexual intercourse imposed without her consent, declaring the forced union to be an absolute ground of divorce, constituting a fault on the part of the so-called husband, and finally, establishing the criminal and civil liability of all those who contributed in any way to the so-called union without receiving the free and express consent of each of the spouses, including parents and ministers of any religion;

h. to inform all migrants of these provisions and of the civil and criminal consequences of failure to abide by them;

i. to adopt criteria and guidelines dealing with women seeking asylum, in order to enhance a gender-sensitive approach and ensure that women's specific needs are met, particularly at ports of entry;

j. to provide access to adequate health services, and ensure that female medical and social staff (including interpreters) are available for refugee women;

k. to give more attention to reproductive health care, including counselling in regard to sexually transmitted diseases and access to family planning information and devices, in accordance with the manual published by the United Nations Population Fund in collaboration with the World Health Organisation and UNHCR;

l. to provide professional counselling and therapy as well as general support for refugee women who have suffered traumatic experiences;

m. to encourage the establishment of non-governmental refugee organisations to help refugees overcome mental problems which may have resulted from traumatic experiences;

n. to identify shortcomings in the provision of educational opportunities for refugee women, and provide them with facilities which would give them access to education (child care, seminars for working refugee women, etc);

o. to support programmes designed to facilitate women's return and reintegration, in particular training and income-generating programmes linked to the situation in the country of origin;

p. to co-operate more closely with UNHCR and local non-governmental organisations and promote the networking of their activities.