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**Common European Asylum System and a Lack of Consistent Gender Sensitivity: *In Directives Veritas***

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*There are vast and worrying disparities in the way different EU States handle gender-related asylum claims. As a result, women are not guaranteed anything close to consistent, gender-sensitive treatment when they seek protection in Europe. Women seeking asylum are too often confronted with legislation and policy that fail to meet acceptable standards, while even gender-sensitive policies are not implemented in practice.*

*European Parliament, 2012[[1]](#footnote-1)*

Gender plays a significant role in migration processes. It affects a decision to leave, defines the experience of migrants during their ‘journey’, and often determines a final destination and experience upon arrival to a host country. It is important that all responses to migrants consider gendered aspects of a situation through gender mainstreaming. Policies, programs, and services must be gender sensitive to ensure that women and girls migrants are safe and are able to integrate successfully into their new society.

 The importance of such efforts increases these days, as numbers of women and girls fleeing violence in Syria and heading to Europe goes up. Desperately fleeing Syria in search of a better, secure life in Europe, these women and girls experience more threats and insecurities at every stage of their ‘journey’ to the EU. At first glance, the reports of Amnesty International, Human Rights Watch, Aljazeera, UNHCR, Women’s Refugee Commission, and the European Union Agency for Fundamental Rights reveal the failure of the EU member states to protect refugees and asylum seekers, especially their female population, which raises a question – where is the proclaimed by the Commission gender-mainstreaming? However, a closer analysis of the Common European Asylum System (CEAS) Directives on the subject of their gender-sensitivity lets to detect those measures in member states’ implementation, even though not all of the EU member states manage to address gender issues in a comprehensive and coordinated manner.

The research paper uses qualitative methods, analyzing primary and secondary sources: official EU documents (the CEAS Directives), EU Parliament, UN Refugee Agency, the Women’s Refugee Commission, European Union Agency for Fundamental Rights, Asylum Information Database, Amnesty International, and Human Rights Watch reports, as well as academic works on EU policy making and gender in asylum.

One of the main criticism of the failure of the EU laws and policies to have effective outcomes is their vague nature. Therefore, the research argues that the member states policies inconsistently implement gender mainstreaming of the CEAS because of the vague wording of the CEAS Directives.

**Gender in Asylum: Why does It Matter?**

Europe received more than 1 million people arriving by sea in the Mediterranean area in 2015, where less than 20% were women and 25% - children. [[2]](#footnote-2) In 2016, more than 350,000 migrants crossed the Mediterranean. [[3]](#footnote-3) According to the UNHCR, 19% of those refugees arrived to Greece and Italy in March 2016 were women and 34% - children.[[4]](#footnote-4)

According to the UNHCR and Women’s Refugee Commission (WRC), one of the reasons for such a growing number of women refugees is a perception that this group of the population will be more successful in receiving asylum. [[5]](#footnote-5) Desperately fleeing their countries of origin in search of protection and security, all refugees face risks. However, women and girls experience more threats and insecurities at every stage of their traumatic ‘journey’ to the EU than men.

Women leave their countries of origin based on a variety of reasons. It can be such practices as female genital mutilation (FGM), control of women’s fertility (forced pregnancy and abortion), persecutory law, domestic violence, rape and wartime sexual violence – all these reasons can force women to flee their countries.[[6]](#footnote-6) Also, women are often the first victims of political, economic and social repression. In societies facing social and political upheaval, women are the most exposed to violent attacks during wars or ethnic crises. [[7]](#footnote-7)

Women’s ‘journey’ to their final destination, for instance, Europe, is also long and dangerous. According to the International Organization for Migration, women and girls are the most vulnerable groups when it comes to sexual exploitation.[[8]](#footnote-8) Indeed, as J. Freedman points out, in their transit, women can face sexual harassment, rape, and torture by pirates, smugglers, border guards, camp administrators, and other refugees.[[9]](#footnote-9) Very often, such violence in the journey facilitates transportation and navigation. As Alison Gerard states, “the price of passage may be rape.” [[10]](#footnote-10) However, not only women are facing sexual abuses in their transit. The UNHCR reports on “children engaging in survival sex to pay smugglers to continue their journey.”[[11]](#footnote-11)

Finally, women refugees’ experience in countries of their final destination can be even more terrifying. At the United Nations Refugee Summit in New York in September 2016, the Women’s Refugee Commission pointed out that female refugees are facing numerous risks in Europe because of inadequate facilities at reception centers.[[12]](#footnote-12) While waiting for a decision on their asylum claims, women experience different issues to compare to men in the refugee camps.They often become victims of rapes and sexual harassment there. *[[13]](#footnote-13)* As UNHCR says, a risk of sexual violence is higher in overcrowded reception sites and in locations, such as parks, roadsides and train stations.[[14]](#footnote-14)

According to the European Union Agency for Fundamental Rights (FRA), the majority of violence cases and abuses happen because the EU Member States do not have specific mechanisms to prevent gender-based violence at reception or detention centers. [[15]](#footnote-15) Such sources as the European Parliament Report on the Situation of Women Refugees in the Refugee Camps in Germany and Belgium,[[16]](#footnote-16) WRC,[[17]](#footnote-17) UNHCR,[[18]](#footnote-18) Aljazeera, Amnesty International, and Human Rights Watch emphasize that reception centers often lack separate spaces for women and families with children, which exacerbates the situation of these categories of refugees.[[19]](#footnote-19)

For instance, women in refugee camps in Greece constantly complain that they do not feel safe due to the mixed populations in camps (men and women often share the same tents) and lack of proper lighting at night.[[20]](#footnote-20) Human Rights Watch report emphasizes women’s fear of sharing washrooms with men as they are terrified of being assaulted on their way to the toilet.[[21]](#footnote-21) In some places, the situation becomes critical, as Amnesty International states, when women stop eating and drinking, so they do not need to go to washrooms shared by men, where sometimes the men watch them.[[22]](#footnote-22) Referring to the WRC’s executive director, Sara Costa, lack of separate toilets and accommodations only increases women’s vulnerability.[[23]](#footnote-23)

Another issue that women refugees face in Europe is an intricate access to basic services.[[24]](#footnote-24) Pregnant women often lack an appropriate treatment; some of them do not receive medical treatment at all and necessary supplies, such as nappies, food, and baby milk.[[25]](#footnote-25) Human Rights Watch also reports on the poorly organized food distribution. While young men are rushing to distribution points and accessing the food, women often stay without it. [[26]](#footnote-26)

In response to these many challenges for women and girl migrants and refugees, Tirana Hassan, Amnesty International’s Crisis Response Director, stated:

These women and their children have fled some of the world’s most dangerous areas, and it is shameful that they are still at risk on European soil … More steps need to be taken to ensure that refugee women, especially those most at risk, are identified, and special processes and services are put in place to ensure that their basic rights, safety, and security are protected.[[27]](#footnote-27)

Despite the numerous sources highlighting insecurities, experienced by women refugees in Europe, the EU policies consider the implementation of gender mainstreaming to protect women rights and to solve the issues they are facing.

**Gender Mainstreaming and the Common European Asylum System (CEAS)**

 “Equality between women and men is one of the European Union's founding values.”[[28]](#footnote-28) The Commission officially declared its commitment to mainstreaming with a new Communication, entitled "Incorporating Equal Opportunities for Women and Men into All Community Policies and Activities," in February 1996 with a purpose to promote gender equality in all the policies of the European Union.[[29]](#footnote-29) In 2000, the EU Commission presented the *Program Relating to the Community Framework Strategy on Gender Equality (2001-2005) (The Program)*. The Program provided the strategy plan for the next four years – for the period from 1 January 2001 to 31 December 2005 -, and was adopted by the Council.[[30]](#footnote-30)

According to Article 2, the Program “was related to the Community's overall strategy on gender equality, which embraces all Community policies geared to achieving gender equality, including gender mainstreaming policies and specific actions targeted at women.”[[31]](#footnote-31) In addition to the economic and civil life and equal participation and representation, the Program was supposed to operate in social rights areas to improve gender mainstreaming in policies, which “have an impact on women's daily life such as transport, public health, and the fight against discrimination on other grounds.”[[32]](#footnote-32) Asylum field can also be related to one of such policies, affecting women's life.

The Common European Asylum System (CEAS) stems from the Tampere Agreement. Its aim was to facilitate the access to asylum system for those who was seeking protection.[[33]](#footnote-33) In 1999, during the European Council meeting at Tampere, the EU ministers agreed that the Common European Asylum System’s main goal should be a transformation of the European Union into the “area of freedom, security, and justice.”[[34]](#footnote-34)

The development of the Common European Asylum System terminated with three main directives – Asylum Procedure Directive (Directive 85/2005/EC ), Qualification Directive (Directive 2004/83/EC), and Reception Conditions Directive (Directive 2003/9/EC) –, which provide the main interest for the analysis of this paper. The Dublin Regulation (Regulation (EC) 343/2003) has also become a part of the CEAS legislative framework. The purpose of the Dublin Regulation was the determination of the EU States, responsible for processing asylum claims. The Dublin Regulation is a cornerstone of the Dublin System, which also includes EURODAC system, EU fingerprints database for unauthorized entrants to the European Union.[[35]](#footnote-35)

*In Search of the Gender Sensitivity: CEAS Directives*

The Program’s time range to develop gender mainstreaming in the EU policies overlaps with the first stage - the harmonization - of the CEAS. [[36]](#footnote-36) The first stage had to set minimum standards for reception and examination of asylum seekers, as well as the qualification standards to identify those eligible for asylum applications.[[37]](#footnote-37) Thus, it is logical to expect the integration of the gender-mainstreaming approach and development of the gender-sensitive measures in the EU asylum policies.

Based on the discussed issues, faced by women refugees in their transit and countries of asylum, a number academics define what those gender sensitive measures should look like. Z. Deacon and C. Sullivan claim, an asylum policy is a gender-sensitive one if it addresses the issues women refugee face in their host society: accommodations, different employment, language and transportation needs, social support and limited access to host community services.[[38]](#footnote-38) At the same time, B. Ankenbrand argues that gender-sensitive policy will also address the sexual and gender-based persecution, as well as persecutions women experience in the private sphere.[[39]](#footnote-39) This framework provided a basis for the analysis of the CEAS directives on the subject of their gender sensitivity.

At the first stage of the CEAS, only one Directive addressed the need to consider gender during the asylum process – the Qualification Directive. The Council Directive 2004/83/EC (Qualification Directive) includes Article 4, which states:

The individual position and personal circumstances of the applicant, including factors such as background, gender and age, 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.[[40]](#footnote-40)

Article 4 demonstrates that for the first time gender is included into the list of reasons that give a right to claim for asylum. The Council Directive 2003/9/EC (Reception Conditions Directive), issued one year earlier, in general, does not contain norms that would address gender issues.[[41]](#footnote-41) Finally, the Council Directive 2005/85/EC (Asylum Procedures Directive) does not make an exception in the list of the “gender-neutral” EU asylum directives: neither it addresses the gender-based issues of refugees and asylum seekers, nor it even uses the term “gender” in its context.

*Qualification Directive (Recast)*

A deeper integration of gender into the context of Directives takes place after their revision. The Directive 2011/95/EU of the European Parliament and of the Council (Recast) (Qualification Directive) recognizes refugees and persons granted subsidiary protection. The Directive, paragraph 30, states:

It is equally necessary to introduce a common concept of the persecution ground “membership of a particular social group. For the purposes 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 sterilization or forced abortion, should be given due consideration in so far as they are related to the applicant’s well-founded fear of persecution. [[42]](#footnote-42)

Thus, referring to the theoretical framework of the gender-sensitive asylum policy by B. Ankenbrand, the Directive includes the interpretation of the gender-based persecutions, which gives a right to claim for asylum.

*Reception Conditions Directive (Recast)*

The Directive 2013/33/EU of the European Parliament and of the Council (Recast) (Reception Conditions Directive) in Article 18 states as follows:

3.   Member States shall take into consideration gender and age-specific concerns and the situation of vulnerable persons in relation to applicants within the premises and accommodation centers referred to in paragraph 1(a) and (b).

4.   Member States shall take appropriate measures to prevent assault and gender-based violence, including sexual assault and harassment, within the premises and accommodation centers referred to in paragraph 1(a) and (b).[[43]](#footnote-43)

Article 18.1(a) and (b), in its turn, addresses the requirements for the accommodation centers that should provide refugees with “an adequate standard of living.”[[44]](#footnote-44) In that case, Article 18 corresponds with the framework of the gender-sensitive asylum policy described by Z. Deacon and C. Sullivan.

Additionally, Article 21 addresses the category of vulnerable people and states as follows:

Member States shall take into account the specific situation of vulnerable persons such as 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, in the national law implementing this Directive.

Article 21 in section 1 also emphasizes that:

States shall assess whether the applicant is an applicant with special reception needs. Member States shall also indicate the nature of such needs.

The number of Articles contains gender-sensitive approach in the Reception Conditions Directive. However, without going into the discursive analysis of the Directives, the real situation of women and girls in refugee camps, on the contrary, questions the presence of the gender sensitive measures in the EU asylum laws.

*Asylum Procedure Directive (Recast****)***

Finally, the Directive 2013/32/EU of the European Parliament and of the Council (Recast) (Asylum Procedures Directive) also claims for the gender-sensitivity, but in terms of the asylum procedures. Section 32 of the Directive states as follows:

With a view to ensuring substantive equality between female and male applicants, examination procedures should be gender-sensitive. In particular, personal interviews should be organized 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. The complexity of gender-related claims should be properly taken into account in procedures based on the concept of safe third country, the concept of safe country of origin or the notion of subsequent applications.[[45]](#footnote-45)

Furthermore, Article 15 establishes the requirement for interviewers to take into account personal and general circumstances, such as gender, during the personal interview:[[46]](#footnote-46)

Member States shall take appropriate steps to ensure that personal interviews are conducted under conditions, which allow applicants to present the grounds for their applications in a comprehensive manner. To that end, Member States shall:

(c) Select an interpreter who is able to ensure appropriate communication between the applicant and the person who conducts the interview. The communication shall take place in the language preferred by the applicant unless there is another language, which he or she understands and in which he or she is able to communicate clearly. Wherever possible, Member States shall provide an interpreter of the same sex if the applicant so requests, unless the determining authority has 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.

Therefore, the analysis of the Directives demonstrates that all of them approach gender-sensitive aspects. At the same time, despite the facts from numerous NGOs reports, covered earlier in the paper and revealed such a massive failure of the member states to protect women refugees and asylum seekers, there are also facts that justify the intention of the EU member states’ governments to implement gender-sensitive measures of the CEAS Directives and address women issues**.**

**EU Member States and Gender-Sensitive Asylum Policies**

To demonstrate the intentions of the member states to address women refugees’ needs, the current research looks for the implementation of the following gender-sensitive measures by the member states:

* Gender-sensitive examination procedure in the member states;[[47]](#footnote-47)
* Appropriate measures to prevent assault and gender-based violence, including sexual assault and harassment, within the premises and accommodation centers;[[48]](#footnote-48)
* Consideration of vulnerable groups’ needs;[[49]](#footnote-49)
* Special training for staff working with vulnerable people.[[50]](#footnote-50)

*Gender Sensitive Examination Procedures*

The Guidelines of the German Federal Agency for Migration and Refugees stipulate that if women – refugees or asylum seekers – experienced violence, a specially trained female interviewer as well as a female interpreter should take over.[[51]](#footnote-51) Interviewed female asylum seekers also have a right to request a confidentiality of their interviews, in the case of which even their husbands will not be able to obtain information.[[52]](#footnote-52) In Hungary, for instance, the initiative to provide the same gender official to conduct the whole asylum procedure comes from the Office of Immigration and Nationality, only in case if there is a suspicion that an asylum seeker is a victim of a gender-based violence or sexual harassment.[[53]](#footnote-53)

*Accommodation Centers*

Measures to prevent gender-based violence include infrastructure and housing measures, such as separate accommodation for single women and other women vulnerable to gender-based violence and separate sanitary facilities (toilets and bathrooms) for men and women. [[54]](#footnote-54)

Several member states demonstrated the implementation of such measures. For instance, in Austria, a social worker offers women an opportunity to have separate accommodation, and it does not matter whether a woman is traveling alone, is accompanied or with family. Women also have a right to change accommodation if they indicate vulnerabilities at any time. In addition to that, if a woman during her interview mentioned about any problems with violence, a social worker will place such woman in separate living quarters for women, where all staff are women.[[55]](#footnote-55)

Interestingly, Greece also considers women vulnerable to gender-based violence. Such women are placed in isolated areas within the reception facilities and are monitored by the Reception and Identification Service’s staff. [[56]](#footnote-56) Even Hungary, who demonstrated an extreme reluctance in accepting asylum seekers on its territory, however, proves the intention to incorporate gender-sensitive measures in practice. Hungarian services place single women in a special accommodation space, which has sanitary facilities and private spaces separated from those available for single men. [[57]](#footnote-57) However, the requirement for those women who want to leave separately are high - a potential victim has to request such accommodation, or “her individual circumstances (e.g. mental and physical condition) have to justify the separation.”[[58]](#footnote-58)

*Vulnerable Groups’ Needs*

Considering Article 21 of the Reception Conditions Directive, Austria tries to provide a needed medical support – for instance, gynecologist, - to pregnant women. Member States also try to insure gender balance among health professionals at reception centers. Thus, Slovenia, where most of the medical staff and the translators at the centres are male, provide female doctors and translator upon request.[[59]](#footnote-59)

Moreover, with respect to the Reception Conditions Directive’s requirement to provide access to appropriate medical and psychological treatment or care for persons who have been subjected to rape or other serious acts of violence,[[60]](#footnote-60) some member states provide health care assistance and psychosocial support to migrant women who are victims of gender-based violence. Croatia, if cases of gender-based violence are reported to the police, considers providing psychosocial help and support at the reception centers. Also, NGOs in Croatia contribute to maintaining a good medical condition of pregnant women and women who have recently given birth, as well as their newborn children.[[61]](#footnote-61) Finally, in Hungary, a victim of gender-based violence are also entitled to proper medical assistance.[[62]](#footnote-62)

However, there is also the other side of the coin. For instance, the reception conditions in Italy are far from being adequate about healthcare assistance, cultural and linguistic mediation, and food provision. The situation is especially complicated for vulnerable groups - pregnant women and children, which lack access to protected shelter structures.

In Hungary, a registration priority is given to vulnerable groups - pregnant women, children, disabled people and those in need of medical assistance. However, the length of the registration procedure itself can exacerbate the situation of these vulnerable groups. While waiting for their turn, women and children often end up with sleeping in the open air without access to facilities outside the transit zones that threatens their security.[[63]](#footnote-63)

*Special Training for Staff*

Finally, some member states fail to provide an appropriately trained staff – interpreters and interviewers – for women refugees. In Hungary, Sweden, and Austria, the staff is not trained to recognize and deal with gender-based violence.

In Hungary, staff receives regular intercultural training, but no special training on how to identify victims of gender-based violence.[[64]](#footnote-64) Sweden even does not have requirements for special training on gender-based violence for staff working at the asylum accommodation centers. Local NGOs can demonstrate an initiative to organize such training.[[65]](#footnote-65) However, it will not be on a regular basis. Also, in Austria, training for social workers on gender-based violence is carried out at federal reception centers, but not necessarily at provincial accommodation centers. [[66]](#footnote-66)

Another evidence of the lack of competent personnel provides a personal story of one Guinean female asylum seeker in Belgium:

“The social worker to whom I explained my story said, “Excuse me, but what are you talking about?” For a moment I was speechless, I could not understand how as a social worker she didn’t know about excision. She is supposed to “help” me, and she does not even know what I am talking about; it was useless to continue telling her my story.”[[67]](#footnote-67)

Despite the instruction of the Asylum Procedure Directive for member states to “take appropriate steps to ensure that personal interviews are conducted under conditions which allow applicants to present the grounds for their applications in a comprehensive manner,”[[68]](#footnote-68) it is not the case in Bulgaria. In Bulgaria, there is a number of unskilled interpreters, known to victims or from the same countries. This fact provides obstacles for women to report about their discriminations and abuses. Therefore, the information is often skewed – whether it is not complete, or misinterpreted.[[69]](#footnote-69)

Therefore, the member states’ governments and NGOs make efforts to address gender issues. Some of them succeed, some of them - do not. The analyzed information also demonstrates that gender-sensitive measures are not provided in a systematic way, and more could be done to prevent and address continuing abuses against women and girls in the current crisis. However, the reason for such a relative failure to maintain consistent gender mainstreaming in the member states’ policies is the vague gender-sensitive instructions in the CEAS Directives.

**In Directives Veritas**

Numerous sources reveal the member states’ failure to implement gender-sensitive measures of the EU asylum policy in practice. Eleanor Morris, in her book *Second Class Migrants?...* argues that the failure of the implementation of the gender-sensitive measures in asylum policies is the variety of attitudinal factors and perceptions in different member states.[[70]](#footnote-70) Human Rights Watch report from March 2016 also claims that the appalling conditions of refugees are due to a “lack of government involvement.”[[71]](#footnote-71) Pierrette Pape, the director of policy and campaigns at European Women’s Lobby (EWL), also states that the major problem of a non-consistent implementation of gender sensitive measures in different member states is the lack of political will -“It simply isn’t a priority for them.”[[72]](#footnote-72)

At the same time, the EU laws are often blamed for being too vague. J. Vedsted-Hansen, C. Katsiaficas, L. Conant, M.S. Groenhuijsen, and A. Pemberton - criticize the EU laws for their vague instructions, and as a result - a failure to have an efficient outcome of the EU-level laws. Vedsted-Hansen states that problematic issues identified in the Directives are due to “the amount of discretion allowed to member states in a number of key areas.” [[73]](#footnote-73) Besides, Conant says that non-implementation of laws can be a result of ambiguities of interpretation. [[74]](#footnote-74) According to M.S. Groenhuijsen, and A. Pemberton, these ambiguous interpretations are the result of the fact that the content of many norms and instructions is phrased in an “‘open’ fashion”, which makes it hard to identify whether member states comply with those norms or not.[[75]](#footnote-75)

As for Katsiaficas, she also states that “some of the challenges to a consistent and fair use of asylum as a protection tool in the EU have been due to legislative flaws including vague wording and a high level of Member States discretion.”[[76]](#footnote-76) In 2007, the EU Commission in its Green Paper on the Future European Asylum System also admitted that the fact that the Directives leave a wide margin of discretion to the EU member states undermines the desired outcome of the harmonization stage of the CEAS.[[77]](#footnote-77) In the same Green Paper, the Commission also suggested to clarify some concepts from Qualification Directive, which would eliminate the divergent interpretation and application of criteria in the different Member States.[[78]](#footnote-78) However, Katsiaficas emphasizes that the vague wording issue is relevant to the first stage directives and was improved in the recast directives and legislation.

This criticism reveals the reason for the failure of the member states to implement the gender-sensitive measures of the CEAS consistently. Indeed, the recast Directives, as demonstrated earlier by the analysis, lean more towards gender mainstreaming. However, even recently integrated in the texts of the Directives gender-senstitive measures contain some shortcomings that bias the policies outcomes.

For instance, Article 15.3 (c) of the Asylum Procedure Directive mentions nothing about a cultural background (as in the case of Bulgaria). An interpreter should not only be of the same sex that facilitates a conversation. An interviewee has to have an opportunity to choose an ethnicity of an interviewer if at some point the same origin can cause obstacles for examination.

Article 18.4 of the Reception Conditions Directive states that:

4.   Member States shall take appropriate measures to prevent assault and gender-based violence, including sexual assault and harassment, within the premises and accommodation centers referred to in paragraph 1(a) and (b).[[79]](#footnote-79)

Nevertheless, the Directive does not identify what those ‘appropriate measures’ should look like. Should women be resettled? Should the administration of such accommodation centers isolate men who committed violence? If so, what this ‘isolation’ should look like? Therefore, based on the examples provided earlier, administration of some member states is making good efforts in protecting women refugees by providing them with different accommodation if reported about sexual violence.

Paragraphs 1(a) and (b) of Article 18, in their turn, address the requirements for the accommodation centers that should provide refugees with “an adequate standard of living.”[[80]](#footnote-80) Again, there is no clarification on what those ‘adequate standard of leaving’ should look like. Despite Article 18.3 states that “Member States shall take into consideration gender…in relation to applicants within the premises and accommodation centers,”[[81]](#footnote-81) Article 18.1 (b) should also be amended with respect to gender. Adequate standard of leaving should be provided with the consideration of gender needs, which might help reduce gender-based violence in accommodation centers and premises. Thus, the lack of such ‘insignificant’ details undermines the security of the most vulnerable category of migrants in this situation – women.

Moreover, Article 21 of the Reception Condition Directives identifies the categories of vulnerable people as:

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, in the national law implementing this Directive. [[82]](#footnote-82)

Therefore, the definition of vulnerable groups emphasizes the fact that not all women have the same vulnerabilities, based on their experience, and, as a result, – the same needs. However, the Reception Conditions Directive is lacking this ‘insignificant aspect.’

Article 22.1 states:

Member States shall assess whether the applicant is an applicant with special reception needs. Member States shall also indicate the nature of such needs. [[83]](#footnote-83)

 This wording leaves member states with discretion in their treatment of vulnerable categories of refugees, undermining their security even more. Different member states have different definitions for vulnerable groups, which can easily exclude one category of women or another and eliminate them from protection measures. For instance, Bulgaria defines only “unaccompanied children, pregnant women, elderly people, single parents with minor children, individuals with disabilities and victims of psychological, physical or sexual abuse as vulnerable under national law.”[[84]](#footnote-84) Belgium, on the contrary, defines only victims of human trafficking as a vulnerable group.[[85]](#footnote-85)

Finally, the Reception Conditions Directive, Article 25.2, also requires Member States to provide appropriate training to staff working with victims of rape or other serious acts of violence:

Those working with victims of torture, rape or other serious acts of violence shall have had and shall continue to receive appropriate training concerning their needs, and shall be bound by the confidentiality rules provided for in national law, in relation to any information they obtain in the course of their work.[[86]](#footnote-86)

Nevertheless, there is no clarification on what aspects this trainig should address to prepare staff working with victims of each specific type of torture or violence. The more precise definition could provide reception and accommodation centers with staff, more competent in gender-based violence, and, therefore, potentially increase women’s security.

Thus, a discursive analysis of the Directives demonstrates that particular Articles are lacking precision. The recast Directives, indeed, obtained more instructions relating to gender-mainstreaming. However, the context of recast directives continues being vague and as a result can be one of the reasons for the inconsistent non-systematic implementation of the CEAS gender-sensitive measures in practice.

**Conclusion:**

The research and analysis of the CEAS from the gender perspective demonstrated that, despite the criticism for the non-implementation of gender-sensitive policies in practice, the member states make efforts to protect women refugees and asylum seekers. The findings indicated that all Member States seem to have one or another measure in place, but only a few of them have a consistent response to gender-based violence. This fact confirms that, indeed, there is still a lot to be done to prevent and address continuing abuses against women refugees. However, the most significant is the fact that the member states demonstrate intention to implementing gender-sensitive measures, which questions a statement that women refugees are not granted gender-sensitive treatment in Europe. Finally, the analysis also provided evidence for an assumption that the CEAS Directives’ context is vague in particular articles, and that this vagueness can be an obstacle for member states to implement gender-sensitive measures.

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