

Refugee Women as Agents for Peace

The UN Women, Peace and Security Agenda in the Context
of Forced Displacement. Country Study Austria

Barbara Kühhas and Marie-Luise Möller

October 2020



© Kiril Kirkov

Publisher:

Wiener Institut für Internationalen Dialog und Zusammenarbeit –
Vienna Institute for International Dialogue and Cooperation (VIDC)
Möllwaldplatz 5/3, A-1040 Vienna
www.vidc.org

Authors: Barbara Kühhas (Gender and Diversity Consulting) and Marie-Luise Möller

Editor: Lena Gruber (VIDC)

Proof reading and editing: Kim Traill

Pictures: © Murtaza Elham and Kiril Kirkov

Published in accordance with §25 of the Media Law.

Copyright: Vienna Institute for International Dialogue and Cooperation (VIDC),
Möllwaldplatz 5/3, A-1040 Vienna.

Basic issues: discussion papers on development policies, international cooperation
and south-north cultural exchange, as well as anti-racist campaigning.

The views expressed in this publication are those of the authors,
and not necessarily those of the editor/VIDC.

CONTENT

Abbreviations	4
Foreword	5
Acknowledgements.....	6
Executive Summary	7
1. Introduction to the Women, Peace and Security Agenda	11
2. Contextualising the WPS Agenda to a (Forced) Migration Context within the EU.....	13
3. Methodology	15
4. Applying the EU WPS Agenda to the Rights of Refugee Women in the EU	16
5. Applying the EU WPS Agenda to the Rights of Refugee Women in Austria	25
5.1. Participation and Leading by Example.....	26
5.2. Prevention	35
5.3. Protection	40
5.4. Relief and Recovery	51
6. Conclusion	65
Annex 1: Bibliography	67
Annex 2: Overview of the Women, Peace Security Resolutions.....	70
Annex 3: Prevention of GBV – the Istanbul Convention.....	71
Annex 4: Reception, Relief and Recovery – Standards in Austrian Provinces	73
Annex 5: FDG/KII Interview Guides.....	75

Abbreviations

AMS	Arbeitsmarktservice (Public Employment Service Austria)
AGS	An Garda Síochána (Irish National Police)
CEAS	Common European Asylum System
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CoE	Council of Europe
CT	Counterterrorism
CSOs	Civil Society Organisations
DDR	Demobilisation, Disarmament and Reintegration
GAP II	EU Gender Action Plan for 2016-2020
GED	Gender Equality and Diversity
GV	Grundversorgung (Basic Services)
IDP	Internally Displaced People
IRPP	Irish Refugee Protection Program
EU RAP	European Union Regional Action Plan
IMAG	Inter-ministerial Working Group on WPS
MS	Member States
NAPs	National Action Plans
OFPRA	French Office for the Protection of Refugees and Stateless Persons
ÖIF	Österreichischer Integrationsfonds (Austrian Integration Fund)
PKF	Peace Keeping Forces
PVCE	Prevention Counter Violent Extremism
SEA	Sexual Exploitation and Abuse
SGBV	Sexual and Gender-Based Violence
SPRAR	System for the Protection of Asylum-seekers and Refugees (Italy)
SRHR	Sexual and Reproductive Health and Rights
SSR	Security Sector Reform
ToT	Training of Trainers
UNSCR 1325	United Nations Security Council Resolution 1325
UNHCR	United Nations High Commissioner for Refugees
UN OHCHR	United Nations Office of the High Commissioner for Human Rights
VAWG	Violence against Women and Girls
WPS	Women, Peace and Security

FOREWORD

In the year 2000, the *UN Security Council Resolution 1325* was adopted – with the main aims of strengthening women’s participation in peace and security governance; ensuring their protection; enabling their recovery from conflict-related and gender-based violence; and contributing to the prevention of armed conflict. In addition, UNSCR 1325 demands gender awareness in conflict analysis and peacebuilding. A number of resolutions, national and regional action plans followed, which together form the *UN Women, Peace and Security (WPS)* agenda.

Great effort has been put into the realisation of this WPS agenda – by international organisations, the EU, state actors, international NGOs, feminist networks and grass roots organisations. One significant group however has been widely ignored in the discourse, action plans and implementation of this agenda, namely forcibly-displaced, conflict-affected women and girls who have sought asylum in Europe.

In general, European actors tend to look at conflict regions outside the EU and their immediate neighbouring countries to analyse, demand and implement the participation and protection of women and girls. European WPS actors observe women’s participation in the Afghan peace negotiations, develop tools to analyse women’s empowerment projects in development and humanitarian work from Colombia to Myanmar, invite female peace activists from DR Congo to Somalia to conferences and publish analyses of conflict-related sexual violence from Bosnia to Liberia. Yet, do we also acknowledge refugee and asylum-seeking women as experts in conflict analysis and peacebuilding and invite them to WPS roundtables and conferences? Do we demand and guarantee sufficient, adequate relief and recovery mechanisms for conflict-affected women and girls? And do we understand that this participation, relief and recovery and protection of refugee women and girls within the EU forms an essential part of the WPS agenda?

The closer a woman gets to the EU border, the less she appears to be considered a person of relevance

in the context of the WPS agenda. The participation and safety of a woman in Syria is of concern within the framework of the WPS agenda. When the same woman flees to a refugee camp in Lebanon, her protection and the prevention of further (gender-based) violence remains an issue in the WPS agenda. Somewhere on her way to Europe however, and certainly by the time she is beginning to establish her life in an EU member state, she is no longer seen as “conflict-affected woman” worthy of demanding participation, protection, relief and recovery in the name of the WPS agenda. Yet, she is the same person: her story, experiences and her expertise remain identical. It is also highly likely that during her flight she experienced the fear of, or actual, gender-based violence, as well as gaining further knowledge of the realities of other women and girls, and is therefore not only in particular need of medical, psychological, social and financial support but also a very valuable expert in the field of gender and peacebuilding.

The Vienna Institute for International Dialogue and Cooperation (VIDC) has been working on the *UN Women, Peace and Security (WPS) Agenda*, as well as on diaspora engagement over many years. We seek to amplify the voices of migrant and refugee women – for example by inviting them as speakers to panel discussions and by developing empowerment and gender sensitisation trainings for Afghan women in cooperation with Afghan diaspora associations. We took this year’s 20th anniversary of the UNSCR 1325 as an occasion to draw attention to the connection between these two policy areas: the WPS agenda and forced migration to Europe. This study focuses on the gaps in the implementation of the WPS agenda in Austria with regards to the rights and living conditions of refugee and asylum-seeking women. We strongly believe that this research enriches the WPS discourse and empowers refugee women as agents for peace.

Lena Gruber, VIDC



ACKNOWLEDGEMENTS

This study would not have been possible without the Afghan and Syrian women who participated in the focus group discussions and shared their experiences and recommendations. Special thanks also go to Samar Al Bradan and Negina Naseri for the translation and transcription of the discussions. The VIDC and the authors also thank the key informants of this study, Ahmed Alhelli, Rojin Ali, Samar al Bradan, Somah Ibrahim, and those interviewees whose names remain confidential due to reasons of safety. Your expertise and professional assessment were of great value.

The photos in this study were taken by Murtaza Elham and Kiril Kirkov as part of the “New Roots” project (2019/2020). This project was realised by Kiril Kirkov, in cooperation with UNHCR and the Women’s Center *ega: frauen im zentrum*, in order to empower refugee women through photography workshops. The VIDC would like to express great appreciation to the photographers and all the women who participated in this project.

Thank you also to the *Austrian Development Agency (ADA)* for financing this study, to Kim Trill for editing and to *typothese* for the layout.

EXECUTIVE SUMMARY

On 31st of October 2020, the United Nations Security Council Resolution 1325 (UNSCR 1325) on Women, Peace and Security (WPS) commemorates its 20th anniversary. Celebrated as a landmark resolution in 2000, it reaffirms the important role of women in the prevention and resolution of conflicts, peace negotiations, peacebuilding, peacekeeping, humanitarian responses and post-conflict reconstruction, and stresses the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security.

Since then, nine additional WPS resolutions have been adopted by the Security Council. Currently 84 member states (MS) have adopted National Action Plans (NAPs), and eleven Regional Action Plans (RAPs) are ready for implementation. Both the UN's WPS agenda and the EU's 2008 approach have been criticised for focusing too heavily on women as victims of conflict, rather than on recognising women as active agents of change. In the "first generation" of NAPs and RAPs, the WPS agenda was chiefly understood as providing support for women in conflict and post-conflict zones, and EU MS saw their responsibility regarding internal implementation mainly in terms of the need to increase numbers of female personnel in police and military contingents for peacekeeping and peace-building missions.

A major critique of the WPS agenda points to the fact that although forcibly displaced women are present in the WPS resolutions, the issue is of only marginal and inconsistent concern. Scholars' analysis suggests that this marginalisation has negative effects on refugee women and recommends that including the refugee question more prominently into WPS policymaking has the potential to improve the security of those who have fled to Europe. *"The separation of the normative commitments of the WPS agenda on the one hand and the response to the refugee crisis on the other hand lead to problematic outcomes at the level of knowledge production, policy commitments, and the broader public discourse."*¹ The "new generation" of the EU RAP

includes a different approach and represents a shift – from a state-centred and uniform approach, towards a greater focus on diversity and inclusiveness. In July 2019, the *EU Action Plan on Women, Peace and Security WPS 2019-2024* (EU RAP) was established, which complements the *EU Gender Action Plan for 2016-2020* (GAP II).² Importantly, and in line with the *European Consensus on Development* and the *Sustainable Development Goals (SDGs)*, as well as within the broader human rights framework, it also includes the situations of refugee and asylum-seeking women and girls in Europe.

At the time of elaborating this research paper, of the 18 EU MS which do have a NAP on 1325, 11 already include provisions regarding refugee and asylum seekers within Europe in their NAPs on WPS. Until now, the Austrian NAP on 1325 has not yet considered the situation of female refugees and asylum seekers within Austria.³ Austrian civil society actors are calling for this gap to be closed. In order to bridge these gaps, this study analyses the internal implementation of the EU RAP in Austria, with regards to the situation for refugee and asylum-seeking women along the following objectives of the EU RAP: Participation (including Leading by Example), Prevention, Protection, Relief and Recovery.⁴

The methodology included a desk review of relevant literature and an overview of relevant obligations derived under international law. The overview of relevant obligations under international and EU law, including relevant instruments of the Council of Europe, outlines to what extent the WPS agenda is intertwined with (international) refugee law, other human rights standards and victim's rights in the European context. The analytical section of this study includes brief summaries of relevant national laws, with the aim of providing an overview of the extent to which binding obligations under international law are implemented at a national level. The following section comprises an extensive analysis

1 Holviki, Aiko and Reeves, Audrey (LSE, Centre for Women, Peace and Security): *The WPS Agenda and the "Refugee Crisis": Missing Connections and Missing Opportunities in Europe*. London School of Economics and Political Science, 6/2017p.5.

2 See: <http://epd.eu/2020/05/06/consultation-on-the-gender-action-plan/> at the time of writing this paper, GAP III is developed

3 See: https://www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Menschenrechte/UN_Security_Council_National_Action_Plan.pdf

4 EU Action Plan on Women, Peace and Security (WPS), 2019-2024. Working document of the EEAAS, EEAS (2019) 747 – 4. July 2019, p. 5.

of all European NAPS on WPS, focusing in particular on good practice examples of the inclusion of refugee and asylum-seeking women's concerns and rights.

Based on this, semi-structured interview and focus group discussion guides were elaborated, empirical data was collected from Afghan and Syrian refugee and asylum-seeking women in Austria, then data triangulation and analysis took place. The authors concluded each chapter along the EU RAP objectives, with recommendations for Austria. The results should inform possible amendments to an updated Austrian NAP on WPS in line with EU commitments, and support actors working in the fields of WPS and refugees. Importantly, it also aims to support the inclusion of refugee (women's) organisations into existing WPS platforms, to enable women to voice their concerns and become active agents of change in both their countries of origin, as well as in their host country, Austria.

Under the key objective of *Participation*, the EU RAP underlines that "(...) *The EU Strategic Approach places the WPS agenda at the centre of the full spectrum of the EU Common Foreign and Security Policy, as an essential tool in ensuring that the rights, agency and protection of women and girls are observed and upheld at all times, and to confirm that a meaningful and equitable role in decision-making is secured for women of all ages during all stages of conflict prevention, peace-making, peace-building and post-conflict rehabilitation.*"⁵ The key findings include shortcomings in the involvement of asylum-seeking and refugee women in humanitarian camps, as well as accommodation and reception centre management, as well as early access to information on language courses and programs; a lack of intercultural understanding between refugee and host communities, and non-involvement in WPS platforms. Recommendations include the promotion of research regarding gender analysis of the drivers of forced migration, as well as into the situation for asylum-seeking women and girls in their host countries. It is seen as important to actively involve diaspora organisations in project design for their communities, as well as to support transformative media work in order to change stereotypes about refugee women in the mindsets of the Austrian population, and to support positive role models for refugee women and girls themselves. Overall, an institutionalised consultative process with civil society in line with the *Policy Recommenda-*

tions (OIIP, CARE 2019) is deemed necessary, as well as the provision of funding for refugee women's and diaspora organisations in line with the *Vienna Declaration (2020)*. Positive examples can be found in Germany, Belgium, and the Netherlands. In order to achieve greater participation in the labour market, more active talent management by the Austrian Labour Market Services would create a win-win situation, as many refugee women are well-educated but unable to utilise their full potential.

Under the pillar of *Prevention*, the EU underlines the application of a holistic perspective, emphasising that "*Gender equality, peace, security, development and human rights are closely linked. This means that the EU must prioritise conflict prevention as one of several ways to prevent conflict-related and calamitous security, economic, environmental and social consequences of violent conflict on women, men, boys and girls.*"⁶ The EU states that it will play an active role in conflict prevention globally, regionally, nationally and locally, including monitoring and reporting of human rights violations against women and girls, and applying a zero tolerance policy to end impunity, as well as in supporting legal reforms and transitional justice processes. One of the fulfilment criteria mentioned is that the EU's early-warning mechanisms and subsequent actions will be gender-responsive; and that there will be an improved understanding of the root causes of violence.⁷ Major gaps detected in Austria include the need for the enhancement of information for asylum-seeking women and men on gender equality provisions in Austria, including sexual and reproductive health and rights, as well as the absence of research and knowledge of asylum-relevant stakeholders in gender-specific reasons for flight and migration.

Recommendations for the pillar of *Prevention* include capacity development for gender analysis in conflict prevention, as well as filling in gaps in research regarding gender-specific reasons for flight and migration, including for refugee women. Importantly, more funding and implementation of courses for asylum seekers and refugees on engaging men for gender equality and women's empowerment (also including sexual and reproductive health and rights) is required. Furthermore, a great need was detected for improvement in intercul-

⁵ Ibid., p.9

⁶ WPS Council Conclusions, 2018, p.22.

⁷ EEAS (2019), 747, p.10. See also indicators 5, 7, 9, 11, 12, 13, 15, 17, 23, 25.

tural understanding, as well as in the understanding of conflict dynamics and related gender-specific concerns. In this regard, the training of staff working in accommodation centres, as well as those managing and facilitating services – including health professionals, legal advisors and interpreters – about the cultural settings and gender perceptions in the countries of origin of asylum seekers is also a major recommendation. The WPS NAPs of Ireland and Germany present good practice examples.

The pillar of *Protection* is closely linked to protection from sexual and gender-based violence. Under the principles of the *EU Strategic Approach to WPS*, it is underlined that *“The EU will ensure that the protection of refugees, internally displaced people, stateless people and asylum seekers meets the different gender-related protection needs of women, men, girls and boys.”*⁸ Under *Protection*, the *Council Conclusions* mention the importance of analysis of the different experiences and backgrounds of women, men, girls and boys in the context of armed conflict. All face the risk of trafficking, and although women and girls face a higher risk of SGBV and becoming domestic and sexual slaves of combatants, as well as of forced marriage, men and boys can also become victims of SGBV, and may face a higher risk of forced recruitment and targeted killings. Findings suggest that in general, successful access to justice at national and international courts for victims of serious forms of (conflict-related) forms of violence can be improved and must be ensured. It appears that there is a lack of information for victims of serious forms of (conflict-related) violence about how to access national criminal courts and claim compensation. Women interviewed suggested that mandatory courses on relevant protection mechanisms for all asylum-seeking women should be organised. These should include information about their rights as victims in criminal procedures, including their rights to effectively claim compensation. Again, awareness-raising training sessions for men and boys were also deemed to be very important, as well as trainings for translators and interpreters working with Austrian authorities and courts, along with mechanisms to control and ensure a high quality of translation. Also, it is recommended that regular trainings on conflict-related forms of violence and on the transnational dimensions of such crimes, etc., are provided for decision makers in asylum procedures, and also for law

enforcement authorities, including police, as these are crucial for the identification of potential victims of serious, conflict-related crimes. Further, the development of strategies aimed at improving cooperation between all state and non-state actors (police, law-enforcement, courts, victim support organisations, etc) involved in the protection of victims (survivors) should be actively promoted, including the development and active use of referral pathways by all actors. Good practice examples can be found in the NAPs of Ireland, Finland, and Spain.

In the chapter on *Relief and Recovery*, the *EU WPS Council Conclusions (2018)* focus on ensuring that relief, recovery, and reconstruction are inclusive and take the specific needs of women and girls into consideration.⁹ Special attention is paid to the most vulnerable groups in processes linked to peace-building, such as repatriation, resettlement, rehabilitation, reintegration, and post-conflict reconstruction, including several aspects which meet the needs of forcibly displaced asylum-seeking and refugee women and girls within the EU. This includes the provision of medical, psychosocial, legal and safety support to all victims/survivors of conflict-related SGBV, as well as ensuring that they have the rights and access to comprehensive health-care information, shelter protection and services, as well as to restorative justice and reparations; and to support the relief, recovery and rehabilitation of women and girls affected by conflicts in third countries and within the EU. Asylum laws, policies and procedures must respect and guarantee that all women, girls, and all survivors of conflict-related SGBV benefit from equal rights and standards during procedures; as well as to ensure that EU policies on development, and their implementation, build on women’s local experiences and priorities during the relief and recovery phase.

The gaps identified by this research project lead to the following recommendations: Better monitoring of the provision of adequate reception conditions in accommodation centres for asylum seekers, which addresses individual (gender-specific) requirements, is necessary. In addition, the need to ensure that access to information on asylum procedures and legally guaranteed services (including legal representation) is available as soon as possible after arrival, and for as long as procedures are ongoing in Austria, in a language which can be understood, is a priority. Another key recommendation is the urgent need for scaling up the availa-

8 WPS Council Conclusions, 2018, p.21.

9 EU WPS Council Conclusions, Brussels 2018, p. 40f.

bility of psychosocial services and (mental) health services, while endeavouring to increase the number of trained (female) interpreters, in order to ensure effective access to health services. The scaling-up of labour market integration for recognised (female) refugees is also an urgent need. On the legal side, a high quality of assessments of applications for international protection must be ensured, including a high level of professionalism by case workers and interpreters, taking gender-specific needs and contexts into account. With regards to applicants who have claimed to be victims or survivors of serious forms of conflict-related violence, it is crucial that their special (procedural) needs are addressed professionally and that they are adequately supported. Good practice examples of related provisions in the WPS NAPs are Belgium, Finland, France, Italy, and Germany.

During the FGDs and interviews with asylum-seeking and refugee women from Afghanistan and Syria in Austria, a strong conviction and engagement for participation in Austria and for gender equality was noted. There is huge potential for integrating refugee women's organisations and experts into broadening and implementing the WPS agendas. It would be beneficial and necessary to update the current version of the *Austrian NAP on WPS (2012)* in line with the new *EU RAP on WPS (2019-24)*. The aim of ensuring the human rights of women and girls affected by conflict, who are now

forcibly displaced in Europe, is necessary to comply with the *EU RAP on WPS*. To develop these amendments, it is highly recommended that the responsible state actors of the IMAG should consult with developers of the NAPs in best practice countries such as Ireland, Germany, Finland and/or France. Furthermore, asylum experts, migrant women's organisations in Austria and the EU, refugee women and relevant ministries, including departments which are not yet part of the IMAG, but which work with refugees and asylum seekers should be invited.

It is highly recommended that practitioners who work either in the field of WPS, or with asylum-seekers and refugees, especially women and girls, include the contents of this study and its recommendations in consultations with responsible state institutions and refugee (women's) organisations, as well as in practice. The findings and recommendations of this research intend to inform the linking-up and harmonisation of policies, Austrian law, activities, the strengthening of expertise in relevant fields, and to support cooperation in fields such as asylum (Ministry of Interior) and WPS (under the leadership of the Ministry of European and Foreign Affairs). The authors of this study hope to contribute to a fruitful discussion on these important topics, and to support a win-win approach based on human rights, for all stakeholders.



1. INTRODUCTION TO THE WOMEN, PEACE AND SECURITY AGENDA

On 31st of October 2000, the United Nations Security Council unanimously adopted Resolution 1325 (UNSCR 1325) on Women, Peace and Security (WPS). The Security Council recognised for the first time the special position of women in conflict zones and the importance of their role in peacebuilding. The resolution calls for greater participation of women in conflict prevention, conflict resolution and peacebuilding. It urges states to take the necessary steps to protect women before, during and after conflicts. It reaffirms respect for the fundamental rights of women and girls and equal participation of women at all levels of decision-making processes as both objectives and essential instruments of conflict prevention, conflict resolution and fostering a culture of peace.

Since then, the Security Council's commitment has been further strengthened by the adoption of nine ad-

ditional resolutions on WPS.¹⁰ Security Council Resolutions are legally binding for the Member States (MS). Regarding UNSCR 1325, there are differing legal opinions.¹¹ In any case, this broadening commitment has also led to the opportunity for relatively comprehensive and constantly expanding institutional mechanisms to be set up, such as the elaboration of National and Regional Action Plans, or the bringing together of relevant international instruments from human rights law

¹⁰ More information on the additional Women, Peace and Security resolutions is to be found in Annex 2.

¹¹ Several authors point out that since the UNSCR 1325 was not adopted under Chapter 7 of the UN Charter International Peace and Security, it is not in fact formally legally-binding for the UN member states (http://www.ekvilib.org/wp-content/uploads/2017/06/33A_Studija-Zahodni-Balkan.pdf; <https://www.corteidh.or.cr/tablas/r30497.pdf>), other authors underline that the interpretation of being "legally binding" is rather a question of political will, see: <https://www.nato.int/docu/review/articles/2019/10/31/exclusive-interview-with-unscr-1325-as-she-turns-19/index.html>.

(*Universal Declaration of Human Rights, Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and General Recommendations of CEDAW, etc.*), international refugee law (*UN Convention relating to the Status of Refugees, the Geneva Refugee Convention*, including the supplementary protocol (1967) and the Principle of *Non-Refoulement*) and humanitarian law.

At the level of international human rights bodies, obligations arising from the CEDAW are relevant for the implementation of UNSCR 1325, both of which are complementary and mutually reinforcing in several areas. This includes conflict prevention, gender-based violence, sexual exploitation and trafficking in human beings, participation, access to justice, education, health services and employment for displaced persons, refugees and asylum seekers, among others.

These intertwined aspects are further strengthened through several *General Recommendations*, issued by the Committee on the Elimination of Discrimination against Women.¹² The *General Recommendations* provide authoritative guidance to MS on implementation and reporting procedures related to the CEDAW. Particularly interconnected with the WPS agenda are *General Recommendation No. 30* on women in conflict prevention, conflict and post-conflict situations (2013); *General Recommendation No. 32* on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women (2014); and the currently discussed *Draft General Recommendation on Trafficking in Women and Girls in the Context of Global Migration* (2020). This means that UN MS need to report to the CEDAW Committee on the implementation of their WPS agenda, and civil society organisations (CSOs) can submit shadow reports outlining their perception of gaps and challenges in implementation.¹³ The UN CEDAW Committee outlines in general recommendation No 32: *“There are many reasons why women are com-*

*pelled to leave their homes and seek asylum in other countries. In addition to aggravated or cumulative forms of discrimination against women amounting to persecution, women experience violations of their rights throughout the displacement cycle. The Committee recognises that displacement arising from armed conflict, gender-related persecution and other serious human rights violations that affect women compounds existing challenges to the elimination of discrimination against women. It also recognises the persistence of other forms of exploitation concomitant with displacement, such as trafficking for purposes of sexual or labour exploitation, slavery, and servitude. The Committee therefore reiterates the obligation of State parties to treat women with dignity and to respect, protect and fulfil their rights under the Convention at each stage of the displacement cycle, as well as in the enjoyment of durable solutions, including integration and/or resettlement in receiving States and/or voluntary repatriation to their State of origin.”*¹⁴

Additionally, the framework of the *Sustainable Development Goals* (SDGs) is intrinsically linked with the issue of *“achieving gender equality and empowering all women and girls”* (SDG 5), as well as with *“promoting peaceful and inclusive societies for sustainable development, providing access to justice for all, and building effective, accountable and inclusive institutions at all levels.”* (SDG 16)¹⁵

As of May 2020, 84 UN Member States have developed a *National Action Plan* (NAP) on 1325 and the broader WPS agenda. There are an additional eleven *Regional Action Plans* (RAPs) in place, such as those of the African Union and the European Union.¹⁶ When elaborating this research paper, of the 27 EU Member States (EU MS) 18 had developed NAPs in order to implement the Women, Peace and Security (WPS) Agenda.¹⁷

12 General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations CEDAW/C/GC/30 (2013), General recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women CEDAW/C/GC/32 (2014), General recommendation No. 35 on gender-based violence against women, updating General Recommendation No. 19 and the currently discussed DRAFT General recommendation on Trafficking in Women and Girls in the Context of Global Migration.

13 For more information on CEDAW and its implementation visit: <https://www.ohchr.org/EN/HRBodies/CEDAW/pages/cedawindex.aspx>

14 UN Committee on the Elimination of Discrimination Against Women (CEDAW), General recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, 5 November 2014, CEDAW/C/GC/32, available at: <https://www.refworld.org/docid/54620fb54.html>, para 14.

15 See: <https://sdgs.un.org/goals>

16 See: <https://www.peacewomen.org/member-states> (accessed 10.06.2020) Regional Action Plans on WPS: African Union , European Union

17 Austria, Belgium, Croatia, Czech Republic, Denmark, Estonia, Finland, Germany, France, Ireland, Italy, Lithuania, Netherlands, Portugal, Romania, Slovenia, Spain, Sweden.

2. CONTEXTUALISING THE WPS AGENDA TO A (FORCED) MIGRATION CONTEXT WITHIN THE EU

A major critique of the WPS agenda points to the fact that although forcibly displaced women are present in the WPS resolutions, the issue is only of marginal and inconsistent concern. Scholars' analysis suggests that this marginalisation has negative effects on refugee women and recommend that including the refugee question more prominently into WPS policymaking has the potential to improve security for those who have fled to Europe. *“The separation of the normative commitments of the WPS agenda on the one hand and the response to the refugee crisis on the other lead to problematic outcomes at the level of knowledge production, policy commitments, and the broader public discourse.”*¹⁸ Although there is a tight legal framework waiting to be fulfilled, the WPS agenda is still far from being truly implemented, and there is much to be done if it is to be taken seriously.

Since 2015, major trends have influenced the international security situation. According to the UN's statistics on women, 65 million people were forcibly displaced globally in 2017 – including IDPs, refugees and stateless persons. Of these, 21.3 million were refugees. At the end of 2019, the number of forcibly-displaced persons had reached 79.5 million, including 26 million refugees (UNHCR). In 2019, more than 90 % of those killed in armed conflict were civilians. Furthermore, the world is currently facing a massive public-health and economic crisis as a result of the COVID-19 pandemic. Even in light of this catastrophe, UN MS failed to agree on a global ceasefire at the annual debate on the protection of civilians in May 2020 in order to relieve this global crisis.

The humanitarian catastrophe in Syria, the forced displacement of millions of people and the refugee

crisis affecting Europe brought the issue of refugees and asylum seekers into the framework of WPS. Apart from being relevant to humanitarian aid, development cooperation and crisis management operations in conflict-affected regions, the WPS agenda increasingly impacts domestic European sectors. The dichotomy, that the WPS agenda was only applied to fragile and conflict states but not observed within the EU itself, has only recently begun to change.

In 2018, the European Council reaffirmed that the WPS agenda is universally applicable, and *“that it must therefore be implemented internally within the European Union and its MS, as well as in external actions, so that actions can be coherent, credible and impactful.(...) This will be achieved by integrating a gender perspective and women's participation in all contexts, from conflict analysis to subsequent actions, including dialogue facilitation, mediation, peace negotiations and other conflict prevention and resolution tools (...)”*¹⁹

The total number of first-time asylum applicants in the EU-27 in 2019 was 612 700, and the number of repeat applicants (persons lodging more than one application) was 63 600.²⁰ The distribution of first-time asylum applicants in Europe by sex shows that more men (61.9 %) than women (38.1 %) were seeking asylum. Among the youngest age group (0–13 years), males accounted for 51.2 % of the total number of applicants in 2019.²¹

18 Holviki, Aiko and Reeves, Audrey (LSE, Centre for women, Peace and Security): The WPS Agenda and the “Refugee Crisis”: Missing Connections and Missing Opportunities in Europe. London School of Economics and Political Science, 6/2017p.5.

19 Women, Peace and Security – Council conclusions (Brussels, 10 December 2018), (OR. en) 15086/18; CFSP/PESC 1150; COPS 470; CSDP/PSDC 712; COHOM 161, RELEX 1047, p.4.

20 A first-time applicant for international protection is a person who lodged an application for asylum for the first time in a given EU Member State and therefore excludes repeat applicants (in that Member State) and so more accurately reflects the number of newly-arrived persons applying for international protection in the reporting Member State.

21 The statistics are from EUROSTAT (27.05.2020). https://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_statistics#Age_and_gender_of_first-time_applicants

This data shows that in the younger age group the number or percentage of females is relatively higher than in older age groups. With 142 400 applicants registered in 2019, Germany accounted for 23.3 % of all first-time applicants in the EU-27. It was followed by France (119 900, or 19.6 %), Spain (115 200, or 18.8 %), ahead of Greece (74 900, or 12.2 %) and Italy (35 000, or 5.7 %). In Austria, the five main citizenships of first-time asylum applicants (non-EU-27 citizens) in 2019, were Syria (2 660), Afghanistan (2 515), Iran (655), Somalia (595), and Iraq (590).²²

Gender/age breakdown of the total number of applicants in Austria in 2019²³

	Number	Percentage
Total number of applicants	12,511	100%
Men	8,280	66.18%
Women	4,231	33.82%
Children	5,257	-
Unaccompanied children	963	7.7%

Looking at this data, it becomes clear that a huge number of women and girls fled to Europe. Still there are many gaps in relation to the situation for female asylum seekers and refugees in Europe and Austria. The results of a recent workshop in Vienna, which brought together academia, non-governmental organisations (NGOs) and various ministries working on WPS, underlined inconsistencies in research, consultation and participation of refugee women's organisations, psychosocial care and in border management.²⁴

In order to bridge these gaps, this study analyses the internal implementation of the EU RAP in Austria with regards to the situation for refugee and asylum-seeking women, along the following objectives of the EU RAP: *Participation* (including Leading by Example), *Prevention, Protection, Relief and Recovery*.²⁵

In each of the sub-chapters you will find the objectives, corresponding actions required and indicators from the EU RAP, a brief overview of relevant national law, as well as good practice examples from EU-MS NAPS on WPS. A core part of this study is the analysis of Focus Group Discussions (FGDs) and Key Informant Interviews (KIIs) with female conflict-affected refugee and asylum seekers, followed by recommendations for the implementation of the broadened EU WPS approach for the Austrian NAP.

22 [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=File:Five_main_citizenships_of_first-time_asylum_applicants_\(non-EU-27_citizens\),_2019_\(number,_rounded_figures\).png](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=File:Five_main_citizenships_of_first-time_asylum_applicants_(non-EU-27_citizens),_2019_(number,_rounded_figures).png)

23 Statistics are from: <https://www.asylumineurope.org/reports/country/austria/statistics>

24 Karen Knipp-Rentrop, Saskia Stachowitsch, Josefa Maria Stiegler: Policy Brief. Der EU-Aktionsplan zur Frauen, Frieden, Sicherheit Agenda – Chancen und Herausforderungen für die Umsetzung der Agenda in Österreich, Wien Jänner 2020.

25 EU Action Plan on Women, Peace and Security (WPS), 2019-2024. Working document of the EEAAS, EEAS (2019) 747 – 4. Juli 2019, p. 5.



3. METHODOLOGY

An interdisciplinary team comprising a cultural and social anthropologist specialised in gender studies and the WPS agenda, and a legal advisor specialised in asylum law and victim’s rights, cooperated for this research project.

The study included desk research, qualitative empirical data gathering, triangulation of data for identification of gaps and the formulation of recommendations. The desk research covered relevant documents regarding the WPS agenda, as well as the relevant legal framework (including international and EU law, in addition to relevant instruments of the Council of Europe and relevant national law). Based on the *EU Action Plan on WPS*, NAPS of EU MS on WPS were analysed in order to identify promising approaches on ways to link the WPS agenda with the context of forced migration. The implementation of the NAPs could not be evaluated at this point in time and would need further research.

Qualitative data was gathered in two Focus Group Discussions (FGDs) with ten Afghan and seven Syrian refugee women in Austria, as well as in four in-depth

Key Informant Interviews (KIIs). The key informants were refugees from Syria, Afghanistan, and Iraq – all working in the humanitarian and migration sector in Austria. The Syrian and Afghan refugee communities were chosen for the case studies as they represent the major asylum-seeking and refugee communities in Austria.²⁶ The limited funding for this study did not allow for more empirical data gathering, nevertheless the data collected gave a good insight into the experiences, opinions and challenges faced by female refugees and asylum seekers.

The semi-structured FGD and KII guides were elaborated following the desk review on the basis of the legal obligations and the *EU Regional Action Plan*, as well as on good practice examples from *National Action Plans* of EU Member States with regards to the inclusion of refugee and asylum-seeking women. You will find the FGD and KII guide in Annex 3.

²⁶ see Austrian Ministry of Interior (Innenministerium), Asylstatistik 2019, available at https://www.bmi.gv.at/301/Statistiken/files/Jahresstatistiken/Asyl-Jahresstatistik_2019.pdf

4. APPLYING THE EU WPS AGENDA TO THE RIGHTS OF REFUGEE WOMEN IN THE EU

In 2008, the EU became the first regional body to formally recognise UNSCR 1325 through its *Comprehensive Approach on Women, Peace and Security*.²⁷ One critique was that the EU did not sufficiently include civil society or actors with context-specific knowledge from third countries in the planning and implementation of its strategy. A further concern over the EU's 2008 approach is that it failed to take into account structural power and hierarchies present on the ground in conflicts, which could perpetuate gender injustices, as well as including a gender analysis in its approach. Both the UN's WPS agenda and the EU's 2008 approach have been criticised for focusing too heavily on women as victims of conflict, rather than on recognising women as active participants of change. In the "first generation" of NAPs and RAPs, the WPS agenda was mainly understood as supporting women in conflict and post-conflict zones, and EU MS saw their responsibility regarding internal implementation chiefly as one of ensuring numbers of female personnel in police and military contingents involved in peacekeeping and peace-building missions were increased.

The "new generation" of the EU RAP takes a different approach and represents a shift from a state-centred and uniform approach towards a greater focus on diversity and inclusiveness.²⁸ On a European level, the Foreign Affairs Council adopted its first ever *Conclusions on Women, Peace and Security* in December 2018, reminding EU MS and all relevant EU services and institutions of their responsibility for the implementation of the WPS agenda.²⁹ The Council welcomes the *EU Strategic Approach to WPS*, which reaffirms the holistic implementa-

tion of the WPS agenda and recognises gender equality and women's empowerment as prerequisites for dealing with the prevention, management, and resolution of conflict and for achieving sustainable and lasting peace and security.³⁰ It is of special importance that the EU underlines that "These actions should be intrinsic components of more effective national and international policies on human rights and sustainable development and in line with the "European Consensus for Development" as part of the overall EU commitment to implement the *Agenda 2030 for Sustainable Development and its Sustainable Development Goals across all EU policies*."³¹

As a tool for implementation, a concise, specific, and measurable action plan was requested. Hence, in July 2019, the *EU Action Plan on Women, Peace and Security WPS 2019-2024* (EU RAP) was established, which complements the *EU Gender Action Plan for 2016-2020* (GAP II).³²

This action plan has six prioritised objectives.³³ As already defined in UNSCR 1325, the EU RAP identifies objectives under the key priority areas of *Prevention, Protection, Relief and Recovery*, as well as the three, overarching, cross-cutting principles of participation, gender mainstreaming, and leading by example.³⁴ All are interlinked and mutually reinforcing. The recent EU RAP explicitly points to a stronger link between the WPS agenda and EU internal implementation regarding

27 http://www.eeas.europa.eu/archives/features/features-working-women/working-with-women/docs/01-eu-comprehensive-approach-1325_en.pdf

28 Riley, Heidi, *Shifting Conceptions of Gender Justice in EU Policy on Women Peace and Security* (April 3, 2020). GLOBUS Research Paper 9/2020.

29 *Women, Peace and Security – Council conclusions* (Brussels, 10 December 2018), (OR. en) 15086/18; CFSP/PESC 1150; COPS 470 ; CSDP/PSDC 712; COHOM 161, RELEX 1047.

30 Gender equality is one of the core values of the European Union and has over the last two decades become increasingly important in the EU's external action agenda.

31 EEAS (2019) 747, p.3.

32 See: <http://epd.eu/2020/05/06/consultation-on-the-gender-action-plan/> at the time of writing this paper, GAP II is developed

33 Two-speed objectives have been included, namely: a) Objectives 1-3 are finite, with quantifiable outcomes that should aim to be reached in the short, mid or long term; their objective would need thereafter to be refined or restated; b) Objectives 4-6 place their primary focus on establishing more permanent processes which, when in effect, will continue to deliver valuable outcomes for as long as the process is sustained.

34 In UNSCR 1325 four pillars are central: Participation, prevention, protection, relief & recovery.

women and girls' refugees and asylum seekers rights within the EU MS.

4.1. Overview of International Core Legal Guarantees and Standards

Based on the objectives of the *EU WPS Action Plan 2019*, the following brief overview of core international guarantees and standards derived from international law, including EU law and Council of Europe (CoE) instruments, is provided.

The *UN 1951 Refugee Convention* foresees that recognised refugees shall be able to actively participate in the society of the country which grants them refugee status ('content of international protection').³⁵ The *EU Qualification Directive (recast)* broadens the scope of beneficiaries of international protection, entitling them to rights enabling them to actively participate in the receiving country.³⁶ This includes holders of subsidiary protection, in addition to recognised refugees.³⁷ Under the *UN 1951 Refugee Convention*, as well as under the *EU Qualification Directive (recast)*, among other guarantees,³⁸ it is laid down that access to integration facilities and programs appropriate to the specific needs of

beneficiaries of refugee or subsidiary protection status shall be ensured.³⁹

Active participation by applicants for international protection, as well as by holders of international protection (asylum or subsidiary protection) in a receiving country, including for example diaspora or peacebuilding activities, might be either an indicator or consequence of their successful access to information and integration programs in the receiving country. In addition, active participation might require that regular access to legally-guaranteed services and rights are respected

BOX 1:

OBJECTIVE 1 – PARTICIPATION (EEAS(2019) 747, P.7)

To increase women's leadership and participation in all areas related to peace and security within the EU services and institutions and in the EU Member States (Internal participation);

To help increase women's leadership and participation in all policy-making decisions/processes in all areas related to peace and security *inter alia* Conflict Prevention, Conflict Resolution, Mediation, Post-Conflict Rehabilitation, Preventing and Countering Radicalisation, Violent Extremism and Terrorism, Rule of Law, Security Sector Reform (SSR) and Peacebuilding, in both formal and informal decision-making and priority setting (External participation).

Fulfilment criteria

- Formal and informal institutional factors are identified and addressed that are preventing women from being included and/or equitably and meaningfully participating, as well as from reaching leadership positions, in all conflict-related settings, as well as in all areas related to peace and security in the EU institutions.
- Structural obstacles to women's meaningful and equitable participation and to their contributions to all actions related to prevention and resolution of conflicts and in post-conflict public life are addressed.
- Diplomatic and financial measures are used to promote women's leadership and the balanced representation of men and women from diverse backgrounds in all stages of peace processes.

35 UN General Assembly, Convention Relating to the Status of Refugees, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137, available at: <https://www.refworld.org/docid/3be01b964.html>; see Arts 2 ff UN Refugee Convention for instance; see also UN High Commissioner for Refugees (UNHCR), *Commentary of the Refugee Convention 1951 (Articles 2-11, 13-37)*, October 1997, available at: <https://www.refworld.org/docid/4785ee9d2.html>.

36 European Union: Council of the European Union, *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 (recast)*, 20 December 2011, OJ L 337/9-337/26; 20.12.2011, 2011/95/EU, (EU Qualification Directive (recast) in the following), available at: <https://www.refworld.org/docid/4f197df02.html>.

37 See Art 1, read with Art 13, 18 and 20 EU Qualification Directive (recast).

38 Access to information in a language that they understand or are reasonably supposed to understand, on the rights and obligations relating to that status; maintaining family unity; a residence permit and a travel document; access to employment, access to education, access to social welfare and healthcare; freedom of movement within the receiving country; special guarantees for minors.

39 Art 34 EU Qualification Directive (recast).

BOX 2**OBJECTIVE 4 – PREVENTION
(EEAS(2019) 747, P.10)**

The EU plays an active role globally, regionally, nationally and locally, in conflict prevention through the WPS approach, cardinal for its success.

The EU plays an active role in prevention, monitoring and reporting of conflict-related human rights violations against women and girls and the promotion of zero-tolerance/full accountability policies to help end impunity and bring perpetrators of such crimes to justice;

The EU supports legislative and institutional reform as well as transitional justice processes that fully integrate the principle of non-discrimination and international human rights standards.

Fulfilment criteria

- The EU's early-warning mechanisms and subsequent actions are gender-responsive, including to incidence of SGBV.
- There is an improved understanding of the root causes of violence against women and girls and of gender-related drivers of conflict and actions are undertaken to counter further relapse, including by strengthening state institutions.
- There is systematic monitoring and reporting in place for the prevention of human rights violations against women and girls in conflict, including sexual exploitation and abuse (SEA), harassment including sexual harassment (SH), and other forms of SGBV, including in the context of violent extremism.

(including prevention of further violence) and ensured as a prerequisite. This again shows how the objectives laid down in the *EU Action Plan on Women, Peace and Security (WPS) 2019* are intertwined.

Research shows that such (diaspora) peacebuilding initiatives may indeed have a positive influence on conflict dynamics and development efforts in countries of origin.⁴⁰ According to *Antara et al*, neutral or possibly negative influences of such initiatives can be avoided

⁴⁰ Antara, Leung, Mauntanidze, *Leveraging the impact of Diasporas on peace and development in their country of origin*, Stockholm Forum on Peace and Development 2017, Session Report 8,

through active integration and cooperation with actors in receiving countries.⁴¹ Based on the findings of *Antara et al*, the role of the diaspora in areas of particular interest, such as justice initiatives, as well as in the formation of strategic development initiatives and (transnational) cooperation, should be actively enhanced.⁴² The peacebuilding impact of distance voting should also be considered.⁴³

In general, the implementation and active application of the following general recommendations to the CEDAW is of crucial importance to the WPS Agenda in the context of (forced) migration:

- **General recommendation No.32** on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, 5 November 2014, CEDAW/C/GC/32
- **General recommendation No.33** on women's access to justice
- **General recommendation No.35** on gender-based violence against women, updating general recommendation No.19, CEDAW/C/GC/35, 14.07.2017
- **Draft general recommendation No.38 on trafficking of women and girls in the context of global migration** (draft version of May 2020) (final version upcoming)

The *EU Reception Conditions Directive (recast)* upholds the obligation to ensure training for those working with applicants for international protection.⁴⁴ These include social workers in accommodation centres, legal advisors, health practitioners and/or staff in victim protection organisations.⁴⁵ This is relevant, taking into account that personnel in the humanitarian sector in receiving

available at: https://www.sipri.org/sites/default/files/2017-09/session_report_no_8.pdf

⁴¹ Ibid.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ European Union: Council of the European Union, Directive 2013/33/EU of the European Parliament and Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), 29 June 2013, OJ L 180/96 -105/32; 29.6.2013, 2013/33/EU, "EU Receptions Conditions Directive (recast)" in the following

⁴⁵ See Arts 23, 25 or 18(7) *EU Reception Conditions Directive (recast)*: *Member States shall ensure that persons working in accommodation centres shall be adequately trained 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.*

BOX 3

**OBJECTIVE 5 – PROTECTION
(EEAS(2019) 747, P.11)**

The EU actively promotes the protection and safeguarding of women's and girls' rights as well as the **increase in women's and girls' access to justice at local, national, regional and international levels** through special emphasis on restorative justice and the rights of survivors and victims.

1. The EU supports all efforts for institutional mechanisms to be established and/or activated for the protection of women and girls, as well as men and boys, in fragile environments and or conflict-affected contexts to help prevent and respond to all forms of sexual and gender-based violence (SGBV).
2. The EU supports all efforts for the protection of peacemakers and peace-builders, especially of women, in post-agreement/transitional settings.

Fulfilment criteria

- Institutional mechanisms are established to protect and safeguard women's and girls' rights in fragile and conflict-affected contexts.
- All deployed EU personnel are trained in addressing conflict-related violence and all other forms of SGBV, SEA, and all forms of harassment, including SH.
- EU rules, procedures and reporting mechanisms on SGBV, including SEA, harassment and SH, are readily available and effectively communicated.

countries might play an important role in conflict prevention and an improved understanding of the root causes of violence against women and girls. People working directly with applicants for international protection might establish a relationship of trust. They might detect conflict-related dynamics, e.g. among refugee groups, learn about actors of conflict, recruitment strategies of actors of conflict, including in receiving countries, cultural (mis-) understandings and/or stereotypes, etc.

Additionally, under the *Istanbul Convention*, general obligations regarding prevention,⁴⁶ as well as specific measures to provide an immediate response in order to prevent further violence, are laid down, including

risk assessment and risk management by police or law enforcement agencies, emergency barring orders, restraining or protection orders.⁴⁷

Refugee women might often be survivors or victims of serious forms of (conflict-related) crimes committed in their countries of origin, or countries they might have transited while fleeing conflicts or war.⁴⁸ Victims or survivors of crimes committed in (post-)conflict countries may seek to hold perpetrators accountable at national (domestic) courts in receiving countries such as Austria.⁴⁹

Consequently, the *EU Action Plan on Women, Peace and Security (WPS) 2019-2024* under Objective 5 foresees a strong focus on victim's rights and the rights of survivors of (conflict-related) violence, where increased access to courts shall be ensured at local, national, regional and international levels. Several important legal frameworks lay down positive obligations to enable victims to access courts and – consequently – to access their rights and procedural safeguards in criminal procedures as victims, and also when claiming compensation.⁵⁰

⁴⁷ See Arts 48-59 CoE Istanbul Convention

⁴⁸ In the context of (judicial) protection and access to justice, survivors of a crime are often referred to as "victims". It is important to take into account that this legal categorisation as "victim" describes that with regard to the person concerned there were reasonable grounds to believe that she/he is a victim of a crime and that therefore, he/she is entitled to legally guaranteed (victim's) rights.

⁴⁹ Even though no universal definition of conflict-related crimes exists, international law provides legal definitions contextualising different forms of serious crimes which might also be conflict related; see for instance:

Victim of an abuse of power; see e.g. UN General Assembly Res A/RES/40/34, 29.11.1985 Basic Principles of Justice for victims of a crime and abuse of power

Victim of gross violations of human rights law and humanitarian law; see e.g. UN Commission on Human Rights, Resolution 2005/35 on Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, 19 April 2005, E/CN.4/RES/2005/35

Victim of international criminal law; see e.g. UN General Assembly, Rome Statute of the International Criminal Court (last amended 2010), 17 July 1998, ISBN No. 92-9227-227-6; ICC, Rules of Procedure and Evidence

Victim of terrorism; see e.g. CoE, Guidelines on the protection of victims of terrorist attacks, 2017; UN Security Council resolution 1566 (2004) on Threats to international peace and security caused by terrorist acts; Council Framework Decision 2008/919/JHA of 28 November 2008 amending Framework Decision 2002/475/JHA on combating terrorism

⁵⁰ See Council of the European Union, Council Directive 2004/80/EC of 29 April 2004, relating to compensation for crime victims, Official Journal L 261, 06/08/2004 p. 15 – 18; European Union: Council of the European Union, Directive 2012/29/EU of the European Parliament and of the Council of October 2012 establishing minimum standards on the rights, support and protection

⁴⁶ See Art 12 CoE Istanbul Convention

The *EU Victim's Rights Directive*⁵¹ is an important binding instrument which upholds the rights of victims of a crime, including assistance, relief and rehabilitation, and enables their **access to and participation in criminal proceedings**.⁵² Under this directive, victims' rights must be ensured, irrespective of their residence status or possibly pending immigration procedures or assessments for international protection. Therefore, migrants with unclear or irregular residence status can also benefit from the rights laid down under this Directive.⁵³ In addition, it provides for the establishment of minimum rules applicable in the MS to facilitate mutual recognition of judgments and judicial decisions, as well

of victims of crime, and replacing Council Framework Decision 2001/220/JHA, 14 November 2012, L 315/57: Art 16, recitals 49 and 62; Art 30 Istanbul Convention, Arts 12(2) and 17 EU Anti-Trafficking Directive, Art 15 Council of Europe Convention on Action against Trafficking in Human Beings, Art 6(6) UN Palermo Protocol.

51 See Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHAEU "Victims of a Crime Directive"; see also: non-binding international guidelines to uphold the rights and procedural standards of victims of violence: UN Basic Principles of Justice for Victims (Implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (Council resolution 1989/57)) available at: https://www.unodc.org/pdf/criminal_justice/Implementation_of_the_Declaration_of_Basic_Principles_of_Justice_for_Victims_of_Crime_and_Abuse_of_Power.pdf; Guidelines for Action on Children in the Criminal Justice System (Vienna Guidelines) available at: https://www.unodc.org/pdf/criminal_justice/Guidelines_for_Action_on_Children_in_the_Criminal_Justice_System.pdf; Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime available at: https://www.unodc.org/pdf/criminal_justice/Guidelines_on_Justice_in_Matters_involving_Child_Victims_and_Witnesses_of_Crime.pdf; UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules) available at: https://www.unodc.org/pdf/criminal_justice/UN_Standard_Minimum_Rules_for_the_Admin_of_Juvenile_Justice_Beijing_Rules.pdf

52 See also recitals 9, 17, 26 EU Victims of a Crime Directive: services provided shall ensure a high standard while protecting the dignity and self-determination of a victim, enabling her to make informed decisions through a targeted and integrated approach addressing individual needs and ensuring referrals to specialised support services; examples for victim's rights and guarantees which might have further specific implications on refugee or migrant women: Effective investigations, including transnational cooperation (Art 26), Protection and Safety (Arts 18, 20, 23), Right to safeguards in the context of restorative justice services (Art 12), Right to the return of property (Art 15), Right to protection of victims during criminal investigations (Art 20), Individual assessment of victims to identify specific protection needs (Art 22), Cooperation and coordination of services (Art 26).

53 Arts 8 and 9 EU Victims of a Crime Directive.

BOX 4

OBJECTIVE 6 – RELIEF AND RECOVERY (EEAS(2019) 747, P.12)

The EU supports and provides adequate and appropriate relief and recovery in conflict and post-conflict situations that meet the needs of women and girls.

Fulfilment criteria

- Support the implementation, including the funding, of specific relief and recovery initiatives that meet the needs of women and girls.
- Methods and tools are established to ensure relief and recovery that meet the needs of women and girls in conflict and post-conflict situations.
- All agreements by the EU with third countries on migration flows and border control must integrate a gender perspective and meet human rights' standards.

as police and judicial cooperation in criminal matters with a cross-border dimension, in particular with regards to the rights of victims of crime.⁵⁴

Furthermore, in the context of suspected violations of international criminal law, the *Principle of Universal Jurisdiction* is of relevance. According to this principle, investigations against a person suspected of having committed crimes which fall under international criminal law can be initiated and conducted by national courts (e.g. in receiving countries such as Austria), even if those crimes were not committed on the territory of these countries, depending on the seriousness of these crimes.⁵⁵ The *Principle of Universal Jurisdiction* is of particular relevance in contexts where acts falling under international criminal law were committed in countries which do not come under the jurisdiction of the International Criminal Court, such as Iraq or Syria.⁵⁶

54 See recital 3 EU Victims of a Crime Directive; see also Article 82(2) of the Treaty on the Functioning of the European Union (TFEU)

55 Orakhelashvili, A. (ed), *Research Handbook on Jurisdiction and Immunities in International Law*, in: Research Handbooks in International Law series, October 2015, <https://doi.org/10.4337/9781783472185>.

56 See for instance: Eurojust, The prosecution at national level of sexual and gender-based violence (SGBV) committed by the Islamic State in Iraq and the Levant (ISIL), 2016.

Objective 5 further foresees that **institutional mechanisms shall be established and/or activated for the protection of women and girls, as well as for men and boys in fragile environments**, which shall help prevent and respond to all forms of sexual and gender-based violence (SGBV). Refugee women might regularly find themselves in fragile environments, e.g. due to unclear residency status, insufficient information about their rights, or ongoing violence.

In the context of migration it is of particular significance that under EU law,⁵⁷ and according to obligations deriving from relevant CoE Conventions, MS shall issue a renewable residence permit which shall take into account situations where the victim's personal circumstances are such that it would be unreasonable to compel them to leave the national territory.⁵⁸ In addition, the issuance of a renewable residence permit shall ensure cooperation with the competent authorities in receiving countries such as Austria in cases where investigations or criminal proceedings have been initiated against a perpetrator.⁵⁹ Furthermore, under the *Istanbul Convention*, the issuance of a renewable residence permit is foreseen, ensuring that victims of GBV can obtain a residence permit, independently from (abusive) partners.⁶⁰

Objective 6 of the *EU Action Plan on Women, Peace and Security (WPS) 2019-2024* foresees that relief, recovery and rehabilitation in third countries and within the EU shall be supported, addressing women and girls affected by conflict. The activities promoted in the *EU WPS Action Plan 2019* show clearly that the provision of appropriate relief and recovery for refugees and applicants for international protection shall be ensured within EU MS: *"Promote the provision of, as needed, medical, psychosocial, legal and safety support to all victims/survivors of conflict-related SGBV and aim to ensure that they have the rights and the access to comprehensive healthcare information, shelter protection and services, as well as restorative justice and reparations."*⁶¹

Activity 6.4 in the *EU WPS Action Plan 2019* further specifies that ensuring adequate relief, recovery and rehabilitation shall include the guarantee of equal rights

57 See for instance Arts 1, read with Art 17 as well as recitals 51 and 56 EU Victims of a Crime Directive.

58 Art 59 Istanbul Convention and Art 14 Council of Europe Convention on Action against Trafficking in Human Beings.

59 Ibid.

60 See Art 59 Istanbul Convention

61 Activity 6.2 EU WPS Action Plan 2019

BOX 5

MINIMUM STANDARDS AND GUARANTEES RELATED TO THE PROVISION OF MATERIAL RECEPTION UNDER THE EU RECEPTION CONDITIONS DIRECTIVE (RECAST)

- Assistance takes due account of the victim's safety, personal circumstances, including age and gender-related aspects (Arts 21, 22, 18)
- Standards of living capable of ensuring their subsistence, through such measures as: adequate accommodation (Arts 21, 22, 18)
- Material assistance to ensure subsistence (Arts 17, 18, 19)
- Access to medical treatment (Arts 17, 19, 23, 25)
- Translation and interpretation services (Art 5)
- Access to employment, vocational training (Art 15, 16)
- Counselling and information, in particular with regards to their legal rights and the services available to them, in a language that they can understand (Art 5)
- Assistance to victims of torture, rape or other forms of serious violence (Arts 23(4), 25)

and standards during asylum proceedings, which address not only the needs of women and girls, but also the needs of all survivors of conflict-related SGBV – and thus also includes the needs of male survivors of conflict-related (S)GBV.⁶² International standards and state obligations on relief, recovery and rehabilitation of refugees and crime victims are laid down in international law, including EU law, and instruments of the Council of Europe are required to be implemented by MS such as Austria, or could be applied with direct effect.⁶³

62 Activity 6.4 EU WPS Action Plan 2019

63 See Article 288 *Treaty on the Functioning of the European Union* ("TFEU"), which explicitly provides that regulations "shall be binding in its entirety and directly applicable in all Member States". The European Court of Justice has confirmed that they are therefore in principle directly effective, stating that "owing to their very nature and their place in the system of sources of Union law, regulations operate to confer rights on individuals which the national courts have a duty to protect".

In the EU context, according to the *EU Reception Conditions Directive (recast)*, MS shall ensure a dignified standard of living.⁶⁴ In addition to **adequate accommodation**, MS must not only guarantee **subsistence** but also assistance with **mental and physical health** and **“other” issues**. Health care shall *“include, at least, emergency care and essential treatment of illnesses and of serious mental disorders”*.⁶⁵

The *EU Reception Conditions Directive (recast)*⁶⁶ lays down that MS are required to take into account special reception needs once an application for international protection has been made.⁶⁷ EU MS are required to establish (even informal) **procedures for assessing special reception needs**.⁶⁸ Consequently, in addition to the obligation to identify persons with special reception needs, MS are required to indicate the nature of their special needs.⁶⁹ Special reception needs could be the availability of ongoing medical treatment or access to safe accommodation in cases of ongoing violence against women. Furthermore, regarding possibly changing needs for relief, recovery and rehabilitation, MS shall ensure an **appropriate monitoring of the reception situation**.⁷⁰

Under Article 25 of the *EU Receptions Conditions Directive (recast)*, victims of serious acts of violence have the right to receive *‘necessary treatment for the damages caused by acts of violence, and in particular, access to appropriate medical and psychological treatment or care*, whereas with regard to minor victims of violence EU law foresees that *“a high standard of the provision of such services”* must be ensured.⁷¹

64 Recitals 11 and 25 EU Receptions Conditions Directive (recast).

65 According to Article 19(1) *EU Receptions Conditions Directive (recast)*, *‘Member States shall ensure that applicants receive necessary health care, which shall include, at least, emergency care and essential treatment of illnesses and of serious mental disorders’*.

66 Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 lays down standards for the reception of applicants for international protection, OJ L 180, 29.6.2013, p. 96–116; in the following: EU Receptions Conditions Directive (recast)

67 See Article 3 EU Receptions Conditions Directive (recast); Art 21 EU Receptions Conditions Directive (recast refers to ‘persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence’; see also recital 14 Art 17(2) EU Receptions Conditions Directive (recast).

68 Art 22 EU Receptions Conditions Directive (recast).

69 Ibid.

70 Ibid.

71 Article 23(4) EU Receptions Conditions Directive (recast); see here in particular the relevant and applicable provision in the UN

Under the *EU Victim’s Rights Directive*, victim’s rights, including *inter alia* assistance and rehabilitation, must be ensured, irrespective of their residence status or possibly pending immigration procedures or assessments for international protection. Therefore, migrants with unclear or irregular residence status can also benefit from these rights.⁷²

The *Istanbul Convention* sets further standards on protection and assistance specifically for victims of GBV and domestic violence,⁷³ taking migration context into account.⁷⁴ Accordingly, state parties shall develop gender-sensitive reception procedures.⁷⁵ Gender guidelines should also address, and be responsive to, cultural and religious sensitivities, personal factors, and also recognise trauma. Such guidelines on gender-sensitive reception shall contribute to empowering women to rebuild their lives.⁷⁶

Conflict-related forms of sexual or gender-based violence may also include **trafficking in human beings** within the country of origin (only) and/or in transit, and/or reception countries given the (often) transnational nature of this serious crime.⁷⁷ Both the *Council of Europe Convention on Action Against Trafficking in Human Beings* and the *EU Anti-Trafficking Direc-*

Convention on the Rights of a Child, including prevention, promotion of treatment, rehabilitation and palliative care services (Arts. 24 and 25 CRC and Art. 39 CRC); see also, CRC Committee, General Comment No 6 (2005): Treatment of Unaccompanied and Separated Children Outside their Country of Origin, 1 September 2005, CRC/GC/2005/6; UN Economic and Social Council (ECOSOC), Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime, 22 July 2005, E/RES/2005/20.

72 Arts 8 and 9 EU Victims of a Crime Directive.

73 See in particular Art 20, but also Arts 22 and 23 of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (“Istanbul Convention”).

74 See Arts 59 and 60 Istanbul Convention.

75 Ibid.

76 Council of Europe, Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence, 11 May 2011, also refers to the provision of additional psychosocial and crisis counselling, as well as medical care for survivors of trauma as examples, considering the particular vulnerability of female applicants who may have been exposed to sexual or other forms of abuse. (Convention on Preventing and Combating Violence against Women and Domestic Violence, para. 315).

77 Council of Europe, Council of Europe Convention on Action Against Trafficking in Human Beings, 16 May 2005, CETS 197; Council of Europe, Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence, 11 May 2011.

BOX 6

EXAMPLES OF GENDER-SENSITIVE ACCOMMODATION FOR APPLICANTS FOR INTERNATIONAL PROTECTION EXEMPLIFIED IN THE EXPLANATORY REPORT TO THE ISTANBUL CONVENTION:

- the identification of victims of violence against women as early in the process as possible
- the separate accommodation of single men and women
- separate toilet facilities, or at a minimum, different timetables established and monitored for their use by males and females
- rooms that can be locked by their occupants
- adequate lighting throughout the reception centre
- guard protection, including female guards, trained in the gender-specific needs of residents
- training of reception centre staff
- code of conduct applying also to private service providers
- formal arrangements for intervention and protection in instances of gender-based violence
- provision of information to women and girls on gender-based violence and available assistance services

tive lay down detailed obligations on victim protection and assistance⁷⁸ following a human-rights based approach,⁷⁹ including child specific guarantees.⁸⁰

78 See Art 10 ff CoE Anti-Trafficking Convention, Arts 12 ff EU Anti-Trafficking Directive; see also Council of Europe Evaluation Report Austria, Third Evaluation Round, *Access to justice and effective remedies for victims of trafficking in human beings*, 10 June 2020, available at <https://rm.coe.int/greta-2020-03-fgr-aut-en/16809eb4fd>.

79 Council of Europe, Council of Europe Convention on Action Against Trafficking in Human Beings, 16 May 2005, CETS 197, Council of Europe, *Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence*, 11 May 2011.

80 including the right to education (Article 11(1)); ensuring the appointment of a guardian in cases of unaccompanied and/or separated minors or in cases of minors under parental care with conflicting interests (see Article 11(2)); and providing assistance and support to the family of the minor, where appropriate (see Article 11(3)).

Asylum Law and Procedures for International Protection

EU law, in particular the *EU Qualification Directive (recast)*,⁸¹ but also the *EU Asylum Procedures Directive (recast)*⁸² acknowledges gender-related aspects and needs in asylum procedures and also in assessments of the claimed fear of (gender-related) persecution.⁸³

Under EU law it is explicitly acknowledged that past persecution or harm – such as severe forms of conflict-related (sexual) violence – may be an indication of the existence of legitimate grounds for the claimed fear of persecution or the real risk of a serious harm upon return to the country of origin.⁸⁴

Survivors might find it challenging to speak about past experiences or fears due to shame, trauma, social norms or the absence of (legal) information about the relevance of gender-specific aspects in assessments for international protection, which might also have country- and/or conflict-related implications.⁸⁵ Therefore, it is crucial that conditions during an interview allow an

81 European Union: Council of the European Union, 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 (recast), 20 December 2011, OJ L 337/9-337/26; 20.12.2011, 2011/95/EU.

82 European Union: Council of the European Union, Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast), 29 June 2013, OJ L 180/60 -180/95; 29.6.2013, 2013/32/EU.

83 Art 9(1) EU Qualification Directive (recast) – outlines the first detailed definition of persecution according to Art 1A UN Refugee Convention. The decisive element for an act to be qualified as persecution is the effect of a violation of an applicant's rights being comparable with severe violations of basic human rights, taking into account his/her personal circumstances and the individual situation, including for example gender or age (see Art 4(3) (c) EU Qualification Directive; see also Art 9(2)(f) EU Qualification Directive (recast) which lays down that acts of a gender-specific nature can be considered as persecution, provided that they are qualified as serious enough.

84 See Art 4(4) read with Art 9(1) EU Qualification Directive (recast).

85 According to Art 4(3) EU Asylum Procedures Directive, *Member States shall ensure that the personnel of the determining authority referred to in paragraph 1 are properly trained. (...) Persons interviewing applicants pursuant to this Directive shall also have acquired general knowledge of problems which could adversely affect the applicants' ability to be interviewed, such as indications that the applicant may have been tortured in the past.* <https://www.refworld.org/docid/519b1fb54.html>

applicant who might be a survivor of conflict-related sexual or gender-based violence to find himself/herself in a situation where it is possible to provide his/her statement, taking into account that aspects such as trauma, age and state of health may impact their ability to provide a statement and thus realise his/her right to participate and to be heard.⁸⁶

Consequently, assessing international protection needs of survivors of sexual or gender-based violence who claim to fear persecution or serious harm upon return, requires a high level of human rights-, country-, and conflict-related knowledge and expertise.⁸⁷

In addition, access to (legal) information for applicants of international protection is crucial to ensure

active participation in procedures and assessments upholding the (fundamental) right to be heard.⁸⁸

Particularly in cases of serious violence, the decision-making authorities also have the possibility of seeking expert medical advice under *Article 10(3)(d) EU Asylum Procedures Directive*.⁸⁹ They should not decide on a case where there is an indication of previous torture without making the necessary investigations.⁹⁰

The overview of core guarantees and standards deriving under international law – and in particular under the CEAS framework addressing the European context – shows how strongly these obligations are intertwined with obligations under the WPS agenda and the objectives as defined in the EU RAP.

⁸⁶ UN High Commissioner for Refugees (UNHCR), *Beyond Proof, Credibility Assessment in EU Asylum Systems : Full Report*, May 2013.

⁸⁷ See Art 4(3) EU Qualification Directive (recast) on the use of country of origin information and on the relevance of taking into consideration the individual situation and personal circumstances of an applicant for international protection.

⁸⁸ Art 41 EU Charter.

⁸⁹ important case law of ECHR, CAT and UK UT on the investigation of torture and the use of medical reports/expert opinions: UK Upper Tribunal, Judgment of 5 April 2013, JL (medical reports-credibility) China [2013] UKUT 00145 (IAC). European Court of Human Rights (ECtHR), Judgment of 19 September 2013, *RJ v France*, application no 10466/11.

European Court of Human Rights (ECtHR), Judgment of 9 June 2010, *RC v Sweden*, application no 41827/07.

United Nations Committee against Torture (CAT), Decision of 28 April 2017, Communication no 602/2014, *SSB v Denmark*.

United Nations Committee against Torture (CAT), Decision of 23 November 2012, Communication no 464/2011, *KH v Denmark*.

United Nations Committee against Torture (CAT), Decision of 1 June 2012, Communication no 396/2009, Gbadjavi v Switzerland.

⁹⁰ Article 18(1) first paragraph Asylum Procedures Directive (recast) Article 18(1) first paragraph APD (recast): *Member States shall, subject to the applicant's consent, arrange for a medical examination of the applicant concerning signs that might indicate past persecution or serious harm. Alternatively, Member States may provide that the applicant arranges for such a medical examination.* One of the most effective tools for ending impunity related to torture is the so-called Istanbul Protocol. This UN document outlines international legal standards and sets out specific guidelines on how to conduct effective legal and medical investigations into allegations of torture and ill-treatment: United Nations, Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

5. APPLYING THE EU WPS AGENDA TO THE RIGHTS OF REFUGEE WOMEN IN AUSTRIA

Based on international standards, along with the objectives laid down in the *EU Action Plan 2019*, this research aims to explore the current situation in Austria, thus contributing to the evaluation of the WPS agenda with a focus on protection, rights and participation of female refugees and asylum-seekers.

At the time of elaborating this research paper, of the 18 EU MS which do have a NAP on 1325, eleven already include provisions regarding refugee and asylum seekers within their NAPs on WPS. Up until now, the *Austrian NAP* on 1325 has not considered the situation of female refugees and asylum seekers within Austria.⁹¹ Austrian civil society actors are calling for this gap to be

closed. A policy brief from January 2020 by civil society, academia and relevant ministries calls for the implementation of the *EU Strategic Approach to WPS* to be ensured, which clearly points out the inner state implementation.⁹² Among other things, this brief calls for the integration of conflict-affected female refugees, asylum seekers and diaspora women as experts in consultation processes. Additionally, it recommends three core issues regarding flight and migration: dedicated research on the connection between the WPS agenda and forced migration, the provision of more psychosocial and medical support to survivors of SGBV, as well as the inclusion of WPS provisions in border management.

91 See: https://www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Menschenrechte/UN_Security_Council_National_Action_Plan.pdf

92 See: Karen Knipp-Rentrop, Saskia Stachowitsch, Josefa Maria Stiegler: Policy Brief. Der EU-Aktionsplan zur Frauen, Frieden, Sicherheit Agenda – Chancen und Herausforderungen für die Umsetzung der Agenda in Österreich, Wien Jänner 2020.; and: Holviki, Aiko and Reeves, Audrey (LSE, Centre for Women, Peace and Security): The WPS Agenda and the “Refugee Crisis”: Missing Connections and Missing Opportunities in Europe. London School of Economics and Political Science, 6/2017.



5.1. Participation and Leading by Example

Women's roles in WPS are not homogenous – they can be peacemakers, combatants, human rights defenders and/or survivors of violence. Frequently however, women are regarded merely as victims, as opposed to agents of change. The pillar of *Participation* within the WPS agenda is crucial: it focuses on women's equal participation and the promotion of gender equality in peace and security decision-making processes, including at local, national, and international levels. Women's organisations, women human rights defenders and CSOs, as well as diplomats, military and police (women) have engaged to ensure women's participation in all conflict-related contexts: from conflict analysis to dialogue facilitation, mediation, peace negotiations, conflict prevention and resolution, humanitarian and rehabilitation programs; as well as the training of military and police forces, with the aim of ensuring gender equality and the empowerment of women and girls in conflict and post-conflict settings. In 2015, CSOs were strongly calling for the prioritisation of meaningful women's participation in all realms of conflict pre-

vention, resolution, peacebuilding and decision-making processes in governments.⁹³

Many of the women and girls who fled to Europe faced increased and multiple forms of violence due to armed conflict and displacement, including: sexual violence, sexual abuse, mass rape, domestic violence, forced and early marriage, slavery, trafficking and honour crimes. Often they are still denied the right to participate in decision-making, post-conflict reconstruction programs, or adequate representation in peace talks or Peace Keeping Forces (PKFs). Refugee and asylum-seeking women in particular face major challenges engaging in formal peace processes, post-conflict reconstruction efforts or participation at all levels in the receiving countries.

Brief overview of relevant national laws in Austria

In Austria, the *National Integration Act (IntG)* provides that activities aim to “ensure participation in the social, economic, cultural life in Austria.”⁹⁴ Central is

93 PeaceWomen (Women's International League for Peace and Freedom): Through the Lens of Civil Society. Summary Report of the Public Submission to the Global Study on Women, Peace and Security, 2015, p.11.

94 Bundesgesetz zur Integration rechtmäßig in Österreich aufhältiger Personen ohne österreichische Staatsbürgerschaft (Integra-

*participation in the labour market, access to education, gender equality and swift self-sustainability (...).*⁹⁵ Furthermore, it acknowledges that *“(i)ntegration as a process that extends to society as a whole requires a coordinated approach by the various state and civil society actors and requires an active contribution from every single person in Austria within the scope of their own possibilities.*⁹⁶ The extent to which activities addressing peacebuilding in (post-) conflict countries might additionally have a positive influence on the social or cultural life or the promotion of gender-equality in Austria is unclear and might require further research. Consequently, it is unclear whether such initiatives would also fall under the scope of the National Integration Act (*“IntegrationsG”*).⁹⁷

The main focus of the activities laid down in the *National Integration Act (“IntegrationsG”)* is on acquiring knowledge of the German language and democratic values.⁹⁸ It needs to be stressed however, that the services and guarantees laid down in this act only address persons with regular residence status. This includes holders of refugee status, holders of subsidiary protection status and holders of a residence permit according to the *Immigration and Residence Act (“Niederlassungs- und Aufenthaltsgesetz”)*.⁹⁹ Consequently, applicants for international protection are excluded from services provided under this law. This gives reason to question to what extent integration activities by applicants for international protection which aim to contribute to Austrian social or cultural life or gender equality are

sufficiently acknowledged. Examples of such activities could be trainings on women’s rights for diaspora communities. It might give even more reason to question whether it is acknowledged that such initiatives might even have a positive impact on peacebuilding in (post-) conflict countries.

5.1.1. EU RAP and Good Practices in NAPs of EU-MS

The EU RAP underlines the importance of women’s participation by stating, that *“(..) The EU Strategic Approach places the WPS agenda at the centre of the full spectrum of the EU Common Foreign and Security Policy, as an essential tool in ensuring that the rights, agency and protection of women and girls are observed and upheld at all times, and to confirm that a meaningful and equitable role in decision-making is secured for women of all ages during all stages of conflict prevention, peace-making, peacebuilding and post-conflict rehabilitation”*.¹⁰⁰

Under the objective of *Participation*, several indicators are relevant to forcedly displaced women and girls and also affect women refugees and asylum seekers in Austria (in)directly:

(1) N# and proportion of women mediators, negotiators and technical experts present in formal as well as informal peace processes where the EU and its MS are engaged, with specific mention of those in leadership positions.

This indicator is relevant to support human right defenders with regards to the granting of asylum and the participation of the diaspora in peace efforts.

(20) – N# and details of institutionalised, as well as ad hoc EU-led and/or supported consultations with CSOs, including women’s organisations, women activists, regarding implementation of (i) the Strategic Approach, as well as (ii) WPS policies in partner countries.

This indicator is already suggested in the *Vienna Declaration*¹⁰¹ and is one of the central recommendations of the policy brief regarding the EU RAP and its im-

tionsgesetz – IntG) StF: BGBl. I Nr. 68/2017.

95 Art 2(2) National Integration Act („IntG“).

96 See Art 2(1) IntG.

97 See also UNHCR, Analyse des Entwurfs für ein Integrationsgesetz, 2017, available at https://www.unhcr.org/dach/wp-content/uploads/sites/27/2017/05/AUT_Positionen_2017_IntG.pdf; according to UNCHR it is recommended to take into account more strongly ‘1234567’ is the individual situation of refugees who might face challenges when trying to successfully attend courses, referring to child care responsibilities – thus examples with a clear gender component (see UNHCR Analysis p 3-5).

98 Art 7(1) National Integration Act provides: *“The integration agreement serves the integration of third-country nationals legally resident in the federal territory (...) and aims to enable them to participate in social, economic, and cultural life in Austria. As part of this agreement, third-country nationals are obliged to acquire knowledge of the German language as well as the democratic order and the basic principles that can be derived from it.”*

99 Bundesgesetz über die Niederlassung und den Aufenthalt in Österreich (Niederlassungs- und Aufenthaltsgesetz – NAG) StF: BGBl. I Nr. 100/2005;

100 Ibid., p.9

101 Vienna Declaration 2020. Women Peacebuilders & Humanitarian Actors Define Key Priorities in 2020 and Beyond, Vienna Austria.

plementation in Austria.¹⁰² It is important to ensure the integration of refugee women's organisations into NAP implementation and evaluation sessions in the wider WPS community.

(22) N# of NAPs or other national policies related to WPS adopted by EU MS and N# of civil society organisations contributing to the formulation, implementation and evaluation of WPS-related EU and EU-supported NAPs, documents or policies in third countries.

As outlined in the introduction, of the 27 EU MS, 18 have a NAP on WPS and of those, eleven have already included provisions on refugee and asylum seeking women and girls in the reception countries. Of those eleven, five NAPs include provisions in line with or supporting the EU RAP's objective *Participation*. The following good practice examples are found:

Provisions of EU NAPs as good practices within EU MS domestic affairs:

The **German NAP (2017–2020)**, under the focus area of *“systematically integrating a gender perspective in crisis prevention”* by working towards dismantling discriminatory and violence-related stereotypes about gender roles, especially among men and boys, which militate against gender equality, includes the promotion of the work of *DaMigra*.¹⁰³ This is an umbrella organisation of migrant women's organisations, and the first national organisation for migrants from diverse backgrounds at the federal level in Germany. In particular, the German NAP supports the promotion of a project on strengthening female migrants and displaced women, which focuses on women-specific perspectives on displacement and asylum, the visibility of women migrants' concerns in policy and the public sphere, and expanding cooperation with scientific organisations.¹⁰⁴

The **Belgium NAP**, under its objective 2, states that consideration must be given to gender mainstreaming when carrying out any action, from the drafting of laws

and conventions to the development of asylum procedures and the definition of tasks for peacekeeping missions and their evaluation, through to the putting in place of humanitarian aid programs and the granting of subsidies.¹⁰⁵ It further defines as a goal (34) to inform and involve civil society in order to ensure the exchange of information, the creation of a network of gender-related expertise available in Belgium, and consultation with civil society in the middle and at the end of the period covered by the NAP, which includes the organisation of two reporting and coordination events.

Particularly engaged with the refugee and asylum-seeking community is the **Irish NAP (2019–2024)**.¹⁰⁶ Under strategic outcome 2.3., *“The empowerment and meaningful participation in decision-making of women on the island of Ireland, including those affected by conflict is demonstrably improved”*, it subsumes many activities, involving a variety of ministries in its domestic implementation:

- Department of Foreign Affairs and Trade (2.3.1) is in charge of improving technical and financial support to civil society programs addressing the drivers of conflict with a gender sensitive approach, by providing resources from the Reconciliation Fund to CSO-led initiatives at a strategic level that aim to strengthen the role of women in peacebuilding.
- Department of Justice and Equality: In order to improve the participation of migrant women living in Ireland, including those from conflict-affected areas, the department is in charge of supporting the well-being of women in Direct Provision Centres and the community by developing an English language acquisition program for migrant women, monitoring their capacity building, as well as liaising with appropriate government agencies regarding the provision of childcare in accommodation centres and communities for Irish Refugee Protection Program (IRPP) clients. A further task includes the pillar of *Promotion*, with the strategic outcome that *“Ireland's commitments and actions on the WPS Agenda, including lesson sharing, is enhanced and demonstrated by advocacy, communication and engagement at local, national, regional and international levels.”* It is planned to establish regular, inclusive outreach

102 Karen Knipp-Rentrop, Saskia Stachowitsch, Josefa Maria Stiegler: Policy Brief. Der EU-Aktionsplan zur Frauen, Frieden, Sicherheit Agenda – Chancen und Herausforderungen für die Umsetzung der Agenda in Österreich, Wien Jänner 2020.

103 See: <https://www.damigra.de/> Dachverband der Migrantinnenorganisationen (Deutschland).

104 German NAP (2017 – 2020), p.16.

105 See: OBJECTIVE 6. Follow-up, reporting and monitoring, goal 34 (p.11)

106 Ireland's third National Action Plan for the implementation of UNSCR 1325 and related resolutions, 2019 – 2024

events in Northern Ireland and border counties in order to promote awareness of the agenda. The establishment and regular review of a list of cross-generational and cross-community women's organisations (including migrant and refugee groups) and other civil society actors working on WPS across Northern Ireland is planned, to ensure their inclusion in WPS outreach events. A further strategic outcome is that *"Ireland's commitment and action on WPS is promoted among domestic stakeholders. Women from conflict-affected areas are informed of the WPS Agenda"*.

- Department of Rural and Community Development: oversees *"strengthening consultation, inclusion and participation in local, regional and national decision-making structures for women, including women from conflict and post-conflict affected areas"*.

A further good practice regarding strengthening the participation of refugee and diaspora women can be found in the **Dutch NAP (2012-2015)**,¹⁰⁷ which states: *"Many migrant and refugee women's organisations in the Netherlands are involved in peacebuilding activities. These activities take place both within their communities in the Netherlands and in their countries of origin, with which they have strong ties"*. Several examples of projects with diaspora women's organisations are mentioned, which support the implementation of UNSCR 1325 within the Netherlands and in their countries of origin.

5.1.2. Participation: Experiences of refugee and asylum-seeking women in Austria

In this sub-chapter we describe the experiences of refugee and asylum-seeking women with regards to their participation in their countries of origin, during their flight, in refugee camps within the EU borders, and later in reception centres in Austria. Finally, we come to their participation in diaspora and women's organisations in Austria, including peace processes in their countries of origin and their integration into Austrian society. Data comes from FDGs and KIIs, mainly Syrian and Afghan refugee women now residing in Austria.

Participation in the country of origin:

"In 2004, women started to work in offices. Although men didn't openly say, 'you should stay at home and only take care of your household', we could see it in their eyes. We knew that they didn't want us. And it is not easy, when you are in your job and you are not accepted."

Afghan woman on women's participation in their country of origin

With regards to **active engagement by women in peace process activities supporting the WPS agenda and gender equality in their countries of origin**, the participants from Syria knew some peace and women's rights activists, now refugees in Austria, who had been imprisoned in Syria due to their activities. In Syria, the issue of "peacebuilding" as such is not discussed openly. People are extremely afraid that secret service staff have infiltrated these kinds of activities and therefore this area of work was described as being very limited and generally undercover. Activists were more engaged in issues such as women's rights, civil rights or GBV.

One respondent from Afghanistan had actively worked with the UN during the peace process. In 2004, when the Taliban held no position of power, women began working in offices. This was quite new to men. She described it as "very challenging" to start working with this concept that women should fight for their rights and create a new society. *"Although men didn't openly say – you should stay at home and only take care of your household, we could see it in their eyes. We knew that they didn't want us. And it is not easy, when you are in your job and you are not accepted."* Her work was often related to families and the role of women as mothers, and attempting to encourage them to convince male family members that "now there is no time for war, it is time to start a new job or to get an education". From 2010, former local UN staff began to work directly with the Afghan government, where they also cooperated directly with the Taliban. She described this as "quite challenging". They tried to convince the Taliban by showing their work for elderly people, work with the Mujahideen, and their engagement in the Peace Councils. Nevertheless, the interviewee stated, although women carried out the majority of the background work for the peace process and attempted to ensure the integration of women's rights, female staff did not feel accepted.

¹⁰⁷ Dutch National Action Plan (2012-2015) Women: Powerful Agents for Peace and Security; p.37.

Participation within the EU:

Other questions explored the possibilities for women who stayed in refugee camps within the EU, but outside Austria, to participate and give their views on services provided inside and outside the camps with regards to various service providers, specialised services such as trauma experts, specialised lawyers and services addressing the needs of women and girls, etc., **and to make their suggestions heard.** This is one of the fundamental aspects of *Participation* laid down by humanitarian standards, in many NAPs, as well as in the EU RAP and the WPS agendas resolutions. Nevertheless, implementation is hampered.

Several Afghan refugee women described their situation in a Greek refugee camp as “inhumane”. A room of approximately 50 square metres was used to accommodate 200 persons and was fenced with trellis, as in a prison. Beds and toilets were extremely dirty, and food was only provided through the fences. No feminine hygiene articles were distributed and they were forbidden to leave the camp. The women stated that they “had to accept everything”, as they had come to the country illegally and were afraid of being deported if they spoke out. They also stated that people were only transported elsewhere (to a hospital or different camp) if they were “almost dying”. The only services provided in this camp were the taking of fingerprints and distribution of food by one person.

Another Syrian respondent, now working for refugees in Austria, described the situation of her female clients in those camps as “dramatic”. Apart from the language barrier and subsequent inability to communicate, basic needs such as hygiene articles were not provided, nor was there medical or psychosocial health care. In general, few women had any financial means and most were very afraid of (S)GBV, and of rape in particular. Women and girls never walked around alone, moving only in groups and preferably with men whom they knew – if there were any. Most women had no chance to give their views on the services provided to camp management or to the NGOs, which usually also had few options to change the situation. Furthermore, people were on the move and tried to stay as briefly as possible in these camps. The situation is different for women who came to Austria via family reunion measures, as they rarely passed through third countries.

Participation in Austria:

“I went to the doctor and he gave me some medication, but I didn’t know that I was pregnant. The child died because of this medication. [...] I cried a lot as [...] I had to abort. This was a big problem as I couldn’t talk to the doctor at all.”

Refugee woman on language barriers during her time in an accommodation centre in Austria

When women were asked about their situations on arrival at accommodation centres in Austria, and their options to give their views and suggestions on services provided inside and outside the centres, a wide variety of answers was given.¹⁰⁸

Several factors influenced their responses. One was the time of arrival (year), another the duration of their stay in the main reception centres such as Traiskirchen or St. Georgen (Thalham). Other factors included: (1) their individual language skills and educational backgrounds, (2) their ability to access information – either through skilled staff, NGOs, volunteers or knowledgeable people with the same mother-tongue and experience in Austria, (3) access to social media where refugees already living in Austria were supporting new applicants for international protection, (4) the location of the centre (urban or in the countryside), and (5) the management of the reception centres or pensions.

Major issues mentioned included the language barrier, and a sense of “not being taken seriously”. Interviewees described particular challenges with visiting doctors and hospitals or enrolling children in school. *“Unfortunately, I also experienced cases where women were not heard or taken seriously when they needed to go to a doctor; they had to pay or they were sent without a translator. Imagine a woman who has never been to school in her country, she comes from a very provincial area and she has never been out alone. And when she goes to the doctor, she cannot understand a word he says and the doctor cannot understand her. I have seen those experiences, and some were really not pleasant.”*

Sometimes these problems with communication led to dramatic consequences. One Afghan woman de-

¹⁰⁸ Q3: this includes different service providers, specialised services such as trauma experts, specialised lawyers, services addressing the needs of women and girls, adequate housing, adequate living standards, health provisions, security, education for children etc.

scribed her experience: *“After three days in Traiskirchen, my family and I were transferred to Burgenland. It was ok, but I had some problems. My kids all were at school, but my husband and I had no possibility to attend a German course. It is very difficult to live in a country without being able to speak the language. I went to the doctor and he gave me some medication, but I didn’t know that I was pregnant. The child died because of this medication. I am happy that I do have five children, but I still cried a lot as the embryo died in my womb and I had to abort it. It was a big problem that I couldn’t talk to the doctor at all.”*

Diaspora organisations in Austria:

When refugee and/or asylum seeking women were asked if they have been actively engaged in peace process activities in their country of origin since their arrival in Austria (e.g. through diaspora organisations, women’s organisations, refugee organisations, etc.), **and if so, in what way are they participating?** – a wide variety of answers was given.

Some women were not active at all in any kind of organisations due to their household chores, interests and/or the workload of studying and educational activities for their personal development. Some said that they were unaware of such activities but would like to participate if they had the relevant information. Others were very actively engaged and presented a picture of a vibrant refugee community supporting conflict prevention, resolution and peacebuilding in their countries of origin, as well as fostering integration of their community in Austria and Europe.

As channels of participation, the Afghan women mentioned the VIDC, a WhatsApp group and the Afghan cultural association **AKIS-EU (“AKIS-EU Afghanische Kultur, Integration und Solidarität”)**, which is also engaged in the WPS agenda.¹⁰⁹ The society organises regular women’s activities and provides opportunities for individual women to become engaged. AKIS further supports Afghan women to access healthcare, German language classes, online learning on YouTube and with finding employment. It was noted however that many Afghan women are rather introverted and often lack the courage to talk openly about their problems.

109 See: <https://akiseu.com/> AKIS-EU Afghanische Kultur, Integration und Solidarität

Several of the Syrian women – many of whom are Kurdish Syrians – are active in a Kurdish women’s association, which defends women’s rights internationally and has branches in the Austrian cities of Vienna, Graz, Linz and Innsbruck. They actively support conflict resolution and peacebuilding, both in and for Syria.

One young, professional Syrian woman became actively involved in a diaspora organisation called **Globally Connected**¹¹⁰ soon after her arrival in Austria in 2015. **Globally Connected** is a network of Syrian men and women who arrived in Europe after 2015. The organisation was founded in the Netherlands and has branches in Germany, Denmark, Sweden, Austria, and France, and supports the communication of the Syrian diaspora across Europe. The main focus of the association is the complex situation in Syria with regards to peacebuilding, as well as overcoming challenges in acquiring Syrian citizenship for stateless persons in Syria, as well as the situation of Syrian refugees in Europe.

Some of the Syrian women interviewed are working in women’s organisations supporting victims of GBV, psychological and/or physical violence. They make home visits, talk to potential victims/survivors and support them with information and/or referrals where necessary. They actively work with women’s shelters (“Frauenhäuser”) and act as interpreters if the women need to visit doctors and/or lawyers. The IOM also supports projects for refugee women’s empowerment in Austria. One of the Syrian women has applied for a job with this project.

Obstacles to participation

A young Syrian professional stressed the **importance of language** as both the precondition and the primary obstacle to participation. The influencing factors regarding acquisition of language are multiple: educational background, access to information about the Austrian system and politics, etc. In the course of her work with the refugee community, she observed that on a local level, the active participation of women appears to be easier in the countryside where people know each other better. Many volunteer groups exist in Austria where refugee women can actively engage in

110 See: <https://www.international-alert.org/blogs/globally-connected-locally-engaged-building-bridges-between-syrian-refugees-and-host-societies>, the official website of **Globally Connected** was under reconstruction during the elaboration of this study.

small-scale activities with children and/or the elderly. In the bigger cities, especially in Vienna, she observed a “kind of parallel Syrian diaspora community”, which she believes can sometimes impede closer contact with Austrian society.

An Iraqi lawyer emphasised the **psychosocial and cultural component** for many Iraqi women who were forced to leave their country: Many risked their lives and used all their financial resources to flee. Now in Austria they worry about their family members back in Iraq. They hope to get asylum in Austria and bring their families. *“Unfortunately, most Iraqi asylum cases here get a negative decision (“Bescheid”) and are refused in first instance. They then need to file a complaint and apply to the higher court. This can take two, three, sometimes four years. And they don’t know what to do here.(...) Without documents, she cannot work, she cannot study, she is not sure if she can stay here and bring her husband and/or her children. And they bring with them their traditions of fear. (...) They don’t have the courage to face these problems. She cannot go to a court, she cannot go to the police, because in her mind she is still living as she did in Iraq.”* He tries to mitigate these barriers by supporting people on Facebook and/or other social media, or by giving legal advice directly when asked.

Another young Syrian expert working in Vienna, who has applied for international protection in Austria, stated that the main problem is **a lack of communication and trust**. She said that in all projects for the Syrian community, Syrians are only participants and never partners or actively involved in project design. They are only rarely asked to contribute as advisors, and feel unwelcome as genuine stakeholders in the development of projects for their own community, a situation which she says “needs to change”. She also criticised the **lack of resources** for Syrian organisations, which require an umbrella organisation or an Austrian organisation to apply for **funds**. Another criticism was that, in theory, many of the projects for the refugee community are very well designed, however they are poorly implemented. *“I have the feeling there are resources, but unfortunately it is very seldom that I participate in one of those workshops and feel that the people who work there are really passionate and aim for change. But I see if Syrians are involved, who are really affected and who want to change something, the dynamics are very different.”*

5.1.3. Recommendations regarding Participation

Humanitarian sector and development cooperation, reception centre management: Ensure that all state- and non-state service providers and institutions involved in the reception and accommodation of asylum seekers facilitate access for women to participate in the setting up of facilities, and mechanisms to ensure women can voice their concerns about the management of reception and accommodation centres.

Meaningfully include female applicants for international protection at all stages of design, implementation, and monitoring of humanitarian programs which contribute to social cohesion between communities, and ensure that they are represented in all coordination and leadership mechanisms (*Vienna Declaration 2020*, 16).

Promote research projects aiming at analysing possible implications of activities which address peacebuilding in (post-) conflict countries on the social and cultural life or the promotion of gender-equality in Austria.

Ensure that access to information related to language courses and institutions which offer such courses, as well as to integration programs, is provided as soon as possible, and at a minimum once an application for international protection is admitted to proceed on merit (“inhaltliches Asylverfahren”). The non-existence of language skills upon arrival has been identified by the participants of this study as a major concern, in addition to the long waiting period for asylum decisions, during which there is inadequate access to language classes. Consequently, in order to facilitate the precondition of participation at all levels, it is highly recommended that all asylum seekers are offered language classes as soon as possible after arrival.

Institutionalised consultative process with civil society: In line with the policy recommendations from OIIP and CARE (2019) we state that an institutionalised consultative process with civil society is required in Austria, in order to include civil society perspectives in the implementation of the WPS agenda. This process should be structured, regular and professional. In addition to the annual meetings of the Inter-ministerial Working Group on 1325 (IMAG) for the elaboration

and monitoring of the annual report on WPS, currently existing platforms should include refugee women and diaspora organisations, as well as organisations working with female refugees and asylum seekers, for a professional operational exchange which includes CSOs, academia and the IMAG. The currently existing platforms (IMAG on 1325, Platform EU, Internationales und Gender, 3 C Jahreskonferenz, Friends of 1325, etc.) do not as yet actively **include affected women in the consultation processes.** This process should include support of human rights defenders and be based on the understanding that diaspora and refugee organisations are valuable resources. Such activities of the IMAG on 1325 and CSOs should be integrated into the annual Austrian NAP reporting procedures (e.g. ADA, Ministry of Interior...) and could be reported under EU RAP Indicator #1 (Good practice examples include the German NAP (work with *DaMigra*), the Belgium NAP, with its established inclusive consultative process, as well as the Dutch NAP (work with MWPN)).

Establishment and regular review of a list of cross-generational and cross-community women's organisations, including migrant and refugee groups and other civil society actors focused on WPS across Austria, to be included in WPS outreach events (good practice Irish NAP).

Actively involve diaspora organisations in the design of projects which support their communities. In this context it is further recommended to clarify the concept of diaspora and understand the various contexts in which it can be part of peacebuilding and development processes in Austria. Consequently, the role of the diaspora should be enhanced in areas of particular interest, such as justice initiatives, the formation of strategic development initiatives and (transnational) cooperation. Support from host states for transitional justice processes in countries of origin can also be deeply significant for diaspora groups.

Develop international electoral guidelines for the involvement of diaspora in political and electoral processes in countries of origin while using technology to overcome financial and logistical obstacles associated with voting from abroad.

Funding for refugee women's and diaspora organisations: In line with the *Vienna Declaration (2020)*, it

is highly recommended that coordination with women's rights and refugee women's rights organisations be improved, as well as funding for these organisations to support their work in implementing the WPS agenda both in and from Austria be increased. This is a long-standing request from both the VIDC and diaspora organisations. (Good Practices: The Irish NAP supports the access of migrant and refugee women's organisations to the "Reconciliation Fund", and supports their activities on local, regional, and national levels in Ireland. Also, Germany and Denmark are proactively financing diaspora engagement).

Media work to change stereotypes about refugee women: In order to change stereotypes about refugee women in Austria, a media campaign to portray refugee women as a positive resource is recommended. Such a campaign would be directed both towards changing the perceptions of the Austrian public, as well as presenting role models for refugee women communities themselves.¹¹¹ (The Irish NAP promotes media work to inform the public about the WPS agenda.)

Enhanced talent management for refugees – detection of resources: A talent management focal point/department should be established within the AMS, which detects potentials and qualifications of persons who have received positive asylum decisions. Very often, highly-talented and educated refugee women feel unable to utilise their potential, due to inadequate and/or non-existent capacities within the AMS to understand their professional profile and to support them in a way which could be beneficial to both the women and to Austrian society. A study shows that within the first year of receiving a positive asylum decision, 20 % of recognised refugees begin to work. By the fifth year, 35 % have found employment. Ten years after having been granted refugee status, the participation of refugee women in the Austrian labour market is still 10 % lower than persons with Austrian citizenship.¹¹² 42 %

¹¹¹ As positive examples, the "Integrationsbotschafterinnen" program of the ÖIF-Initiative ZUSAMMEN: ÖSTERREICH, and the „Mentoring für MigrantInnen“ by the ÖIF, WKO und AMS can be mentioned.

¹¹² Manahl, Caroline: Was wissen wir wissenschaftlich fundiert über den Prozess der Arbeitsmarktintegration von Flüchtlingen? Eine Übersicht über aktuelle österreichische und internationale Studienergebnisse, Arbeitspapier okay.zusammen leben / Projektstelle für Zuwanderung und Integration, Dezember 2017.

of refugee women in Austria had prior work experience in their country of origin, compared to 90 % of male refugees. Although Syrian women often have good educational backgrounds, 70,5 % remained unemployed in 2019.¹¹³

Endeavour to identify role models and/or experts among applicants for international protection who in light of their personal background (relevant work-related experience in countries of origin, relevant educational background, etc.) might be able to actively contribute to activities relevant to peacebuilding or conflict resolution/prevention and involve them in (ongoing) initiatives. Such activities might focus on strategic areas of interest, such as strengthening rule of law, prevention of transnational crime, transitional justice processes, etc.

113 Zusammen – Das Magazin zu Integration in Österreich, Selbstbestimmt Chancen ergreifen, Frühjahr 2020 #08, p.16.



5.2. Prevention

“A conflict averted does not make headlines, but it saves lives and livelihoods. We must stop conflicts and prevent new ones. Preventing conflict is not easy. But our collective experience shows that it is less costly than ending it.”

Ex-President of Liberia and Nobel Peace Laureate – Ellen Johnson Sirleaf at the annual Security Council Protection of Civilians Debate, May 2020.

Looking into civil society’s conclusions at the 15th anniversary of UNSCR 1325, the criticism of the implementation of the WPS agenda at that time was that it was often used as a management tool *“making war safer, rather than questioning the structural causes of wars and armed conflict and (their) long-term impact.”*¹¹⁴

The **Women’s International League for Peace and Freedom (WILPF)** stated that *“The international community must stop taking a myopic approach that only*

focuses on symptoms of conflict and should move instead towards an integrated approach that addresses the gendered root causes of conflict for gender justice and sustainable peace.” In 2020, CSOs still criticise the Security Council debate on protection of civilians, which continues largely to focus on protection in conflict as the end goal, rather than on prevention.¹¹⁵

The **DeRAD Project** should be promoted as a good example of an initiative which implements activities contributing to conflict prevention.¹¹⁶ Activities include awareness-raising, education, training of professionals, preventive intervention and treatment programs, in the context of both the prevention of Islamic political extremism and deradicalisation. Project activities include counselling, the provision of information, the facilitation of workshops and/or seminars, prevention-related counselling in detention facilities, conducting research, etc. Among other research projects, a study on the radicalisation of women in the context of Islamic polit-

114 PeaceWomen – Women’s International League for Peace and Freedom (WILPF): Through the Lens of Civil Society. Summary Report of the Public Submission to the Global Study on Women, Peace and Security, New York 2015, p.15.

115 See: <https://www.peacewomen.org/e-news/protection-civilians-and-new-wilpf-lse-research>, Prevention is Key to Protecting Civilians in Armed Conflict. WILPF Women, Peace and Security Program, 28 May 2020

116 www.derad.at

ical extremism, using the example of Austria, was published.¹¹⁷

5.2.1. EU RAP and Good Practices in NAPs of EU MS

With regards to the principles of the *EU Strategic Approach to WPS*, the first is a combination of internal and external policy. Under key objectives and requirements is stated: *“Increasing support for identifying and addressing the gender-related drivers of fragility and violent and armed conflict. To date, research on gender and peacebuilding has focused primarily on the gender-related impacts of violent conflict, but relatively little attention has been given to the gender-related drivers and root causes of violent and armed conflict. An example is the key understanding of how gender norms and roles feed into conflict, as is focusing more deeply on the interplay between different intersecting elements of identities such as age, race, ethnicity, nationality, social class, sexual orientation, ability, religion or belief, urban/rural setting and gender.”*¹¹⁸ Under the umbrella of applying a holistic perspective, the EU also underlines that *“Gender equality, peace, security, development and human rights are closely linked. This means that the EU must prioritise conflict prevention as one of several ways to prevent conflict-related and calamitous security, as well as the economic, environmental and social consequences of violent conflict on women, men, boys and girls.”*¹¹⁹

The EU states that it will play an active role in conflict prevention globally, regionally, nationally and locally, including monitoring and reporting of human rights violations against women and girls, and applying a zero-tolerance policy to end impunity, as well as in supporting legal reforms and transitional justice processes. One of the fulfilment criteria mentioned is that the EU’s early-warning mechanisms and subsequent actions will be gender responsive; and that there will be an improved understanding of the root causes of violence.¹²⁰ The new EU RAP emphasises the following key areas for external action: preventing and countering violent ex-

tremism (PVCE), counterterrorism (CT) and general issues relating to migration.¹²¹

The EU RAP includes a broad range of indicators under *Prevention*. Some of those also reflect the situation for women refugees and asylum seekers in their home countries, and could be considered in an updated Austrian NAP.

(7) N# and proportion of staff in the EU and its MSs in counterterrorism, prevention and countering of violent extremism (P/CVE) bodies, who have gender expertise.

(9) N# and details of EU capacity-building on WPS in inter alia conflict prevention, peace building and mediation support to partners and third countries.

(17) N# of EU actions on conflict prevention, mediation, peacebuilding, peace negotiations, conflict-resolution and reconstruction/rehabilitation that used or were based on gender analysis, among other aspects.

All these indicators point to the need for capacity building in gender analysis of root causes of conflict, in order to have sufficient specialised staff for preventive work. Here, proactively engaging refugee women from conflict-affected countries as trainers in capacity building plans (for NGOs, police, military, mediators, etc.), could provide support in raising awareness of gender roles and their relation to conflict in conflict-affected countries. Support of such activities could be included in the annual Austrian NAP reporting.

Good practices of NAPs by EU MS on Prevention:

Under the NAP pillar of *Prevention*, **Ireland** stresses the integration of gender analysis into its work in conflict-affected contexts, as well as in peace and security fora.¹²² To prevent violent extremism, the monitoring framework of the Irish NAP includes, as an objective, that *“Men are aware of cultural norms in Ireland”*. The

¹¹⁷ Diaw, Hirsekorn, Seferovic, Radikalisierung von weiblichen Personen im Kontext des islamisch begründeten politischen Extremismus am Beispiel Österreichs, 2018.

¹¹⁸ Peace Women, 2015, p. 20 (m).

¹¹⁹ WPS Council Conclusions, 2018, p.22.

¹²⁰ EEAS (2029), 747, p.10. See also indicators 5,7,9,11,12,13,15,17,23,25.

¹²¹ See: Women, Peace and Security- Council conclusions (10 December 2018), Brussels p. 16.

¹²² Women, Peace and Security – Ireland’s third National Action Plan for the implementation of UNSCR 1325 and related resolutions, 2019 – 2024, p.15.

respective performance indicator is the “*provision of a Cultural Orientation to IRPP beneficiaries whereby societal norms of Ireland with regards gender equality is communicated.*”¹²³

In the introduction to its NAP, **Germany** adopts a forward-looking approach: from prevention, conflict resolution and stabilisation, to peacebuilding, post-conflict rehabilitation and reconstruction.¹²⁴ On one hand, Germany supports projects and programs aimed at the prevention of violence against women and girls in contexts of acute conflict and displacement, as well as in post-conflict situations, with a special focus on providing opportunities for women’s organisations to play a formative role. On the other, through its support of *DaMigra*, it works towards dismantling discriminatory and violence-related stereotypes of gender roles, especially among men and boys, which militate against gender equality, thus preventing conflict in the host country.

5.2.2. Prevention: Experiences of refugee and asylum-seeking women in Austria

With regards to elements of *Prevention*, and based on the good practices of the NAPS of Ireland and Germany, the authors included several questions in the FGDs and KIIIs about access to information on gender equality in Austria, for both male and female asylum seekers and refugees.

Refugee experts were asked if refugee or asylum-seeking women receive any information on Austria’s provisions for gender equality (such as a “*cultural orientation*” package), and if so, where and how they receive it.

A Syrian woman answered that in her personal experience this is rare. The MA17 (Department for Integration and Diversity of the City of Vienna) runs programs on women’s empowerment, but these were described as rather basic, and not specifically targeted to female refugees.¹²⁵ She also stated that several NGOs offer

some trainings and programs, but that these efforts were inadequate. Furthermore, she felt that men receive more information than women, although this depends on the specific refugee communities. In the traditional, more conservative Syrian groups, it is usually men who “go out to look for information”. Often they do not share it all with the women, in particular if it is in relation to women’s rights. Many men do not agree with the “western” concept of women’s rights and fear a “wave of divorce”.¹²⁶ They argue that if women know about the rights provided in Austrian society, problems in their families and relationships will escalate. This is a very challenging perception from many angles.

Another question asked participants if they were aware of trainings aimed at changing the mindsets of men and boys from their communities with regards to gender equality and women’s rights, and if so, what was the effect?

Many refugee women knew about the *Value and Orientation Courses* (“*Wertekurse*”), which provide information about Austrian democracy, culture, basic rights and gender equality.¹²⁷ They felt that these sometimes controversial *Wertekurse* were helpful, however they have only been accessible and compulsory since 2017 for people who receive asylum or are eligible for subsidiary protection.¹²⁸ This means that a huge number of people who applied for asylum – a process which can take several years – are not eligible for this program, and valuable time for integration, as well as the prevention of conflicts due to cultural and legal misunderstandings in the host country, is lost. Some interviewees knew about the *Gender Equality and Diversity* (GED) workshops (gender sensitisation courses for men and boys) offered to young Afghan men by the VIDC and linked to soccer.¹²⁹ They

123 Ibid., p.60.

124 Action Plan of the Government of the Federal Republic of Germany on the Implementation of United Nations Security Council Resolution 1325 on Women, Peace and Security for the Period 2017 – 2020.

125 see also: <https://www.wien.gv.at/kontakte/ma17/> – The Ma 17 is a department of the City Council of Vienna, which assists the integration of migrants and refugees. It states: “Integration is a process. It is connected with tasks and challenges both for the hosting society and the migrants. This department is supporting all people in Vienna, to reach equality and equal opportunities.”

126 The term “western” is used here, as it was used by the participants of the study themselves.

127 See: <https://www.integrationsfonds.at/kurse/werte-und-orientierungskurse>. These *Values and Orientation courses* are offered for persons with asylum, subsidiaries entitled to protection and asylum seekers from the age of 15. These courses include the values of the Austrian Constitution, gender equality, human dignity and democratic principles. They were started in 2015 with Sebastian Kurz: *50 Punkte – Plan zur Integration von Asylberechtigten und subsidiär Schutzberechtigten in Österreich*, and are binding since 2017.

128 The *Wertekurse* are controversially discussed, see <https://www.sjoe.at/trotzdem/wertekurse>

129 See: <https://www.vidc.org/themen/migration/gender-tandem-workshops>

were also aware that the IOM offers a full and effective program of gender training for men and boys.

A young Syrian law student noted that such gender trainings are only attended by men who are already open-minded, and that such men are a minority. Most others are “stuck” in their “sexist ideas about women’s roles” and would never attend such a workshop. She valued the initiatives however, “because it is better to have a little, than nothing”. The Syrian refugee women stated in the FGD that in general the acceptance of gender equality is a major challenge, as men do not easily accept the concept of equal opportunities for women. A refugee women’s advisor, herself a Syrian refugee, said that while she was working for *Interface*, she had to advise Syrian men. *“They simply didn’t like that a woman would tell them what to do. I have been working there for a long time, but for that I have been mobbed and insulted by men, only because I am a Syrian woman and spoke Arabic to them. If I had been an Austrian woman, they would not have dared to insult me”.*

A young expert from Afghanistan working herself with refugees, wanted to see sexual and reproductive health and rights (SRHR), including family planning and birth control, integrated into such GED trainings for men. She stated: *“These trainings for men and boys are extremely important. (...) we have organised these kinds of trainings for men, too – that should especially focus on the topic of birth control, you know? Because they are with the children all in one room, for years and years and women are getting pregnant. (...) Unfortunately, in our country it is a kind of shame. And nobody is talking about this. Even the mothers are not talking to their daughters about this issue, and mothers are not talking to their sons about these issues. It is very important, and very necessary.”* ÖIF data from 2019 shows that Syrian women have the highest fertility rate among women living in Austria, with 4,31 children.¹³⁰ Afghan women have 3.21 children and Austrian women only 1.37. This data suggests that increased access to SRHR information for the refugee community might be beneficial, especially as Syrian women also have the highest unemployment rate, at 75,2%.¹³¹

130 ÖIF: Frauen & Integration ZAHLEN, DATEN UND FAKTEN 2019, p.55.

131 Ibid., p. 11.

5.2.3. Recommendations regarding Prevention

“Trainings for men and boys are extremely important. They should focus in particular on the topic of birth control. [...] Unfortunately, in our country [...] nobody is talking about this. Even the mothers are not talking to their daughters and sons about these issues.”

Young expert from Afghanistan working for refugees on gender sensitisation and the prevention of violence

Capacity development regarding gender analysis and conflict prevention: In line with the *Policy Paper* from OIIP & CARE, it is recommended to strengthen capacity in Austria for gender analysis regarding conflict prevention, including staff of involved institutions and NGOs (relevant ministries, organisations working in humanitarian action including in accommodation centres), actors in development cooperation in post-conflict regions, as well as Austrian civil servant staff working with asylum-seekers and refugee women.¹³²

Fill gaps in research regarding gender specific reasons for flight and migration: Strengthen capacities by supporting experts in gender analysis and conflict prevention, including qualified women from refugee/diaspora communities and academic institutions. Research projects may consider gender-related aspects in conflict-related phenomena in receiving countries, such as recruitment for conflict-related activities, trafficking in human beings or harmful traditional practices.¹³³

More funding and implementation of courses for asylum seekers and refugees in engaging men in gender equality, empowering women and SRHR: According to the women interviewed for this study, the acceptance of women’s rights and gender equality is relatively weak within the male population of refugee communities, as the cultural setting of the host community is very different from the countries of origin. To facilitate a better understanding of the basic democratic values and laws of Austrian society, gender equality and women’s rights, it is recommended that cultural orientation courses be expanded to include all asylum

132 Karen Knipp-Rentrop, Saskia Stachowitsch, Josefa Maria Stiegler: Policy Brief. Der EU-Aktionsplan zu Frauen, Frieden, Sicherheit Agenda – Chancen und Herausforderungen für die Umsetzung der Agenda in Österreich, Wien Jänner 2020, p. 3.

133 See for instance OIIP, Short Study: Foreign Fighters – Grundlagen für Österreichs Präventions- und Deradikalisierungsarbeit, 2018.

seekers, as soon as possible after their arrival, in order to avoid and prevent (S)GBV and other forms of gender-based discrimination in the host country.

It is highly recommended to provide more gender sensitisation trainings for men, as well as empowerment workshops for women. Good practice examples can be found in the Irish and German NAPs. The study participants strongly suggested making such courses mandatory for all refugees and asylum seekers as early as possible in the asylum procedure, especially for women who arrive via family reunion programs. Often these women are very isolated, with limited or no access to information, as they stay within their families and typically patriarchal structures.

Study participants also recommended that **orientation on sexual and reproductive health and rights** – with information about family planning and birth control – should be included in this package. This issue is not discussed openly in their countries of origin, and therefore there is a lack of appropriate information about timing and spacing of children and SRHR. Syrian (with 4.3 children) and Afghan (with 3.2 children) women have the highest fertility rates in Austria, as well as the highest unemployment rates. If they can better control the timing and spacing of their children, their opportunities to access the labour market could increase.

Training of staff working in accommodation centres, managing and facilitating the provision of services, as well as health professionals, legal advisors and interpreters: Training and information about local (conflict-related) contexts, conflict-related dynamics and actors, the use of new technologies and/or social media, might be useful to identify recruitment strategies of actors of conflict among refugee and/or migrant communities; thus preventing radicalisation.

BOX 7

MINIMUM REQUIREMENTS ON CONTENTS AND KNOWLEDGE TO BE ACQUIRED IN TRAININGS FOR ALL ACTORS (NON-STATE AND STATE ACTORS)

- training on gender-related aspects with regards to various conflict-related contexts, including training on concepts of “honour” as being interpreted and applied by family members committed to such social norms or harmful traditions
- training on conflict or violence prevention on root causes or drivers of conflict or violence
- training on protection and response for suspected victims of serious crimes
- training on the preventative character of assessments of an applicant’s well-founded fear of persecution or serious harm, while taking gender-related aspects into account in assessments of a country of origin’s ability and willingness to provide protection from (further) persecution or serious harm.
- training on so-called developments *sur place* which may have gender-related aspects (such as divorce from an abusive husband or a testimony statement against conflict-related perpetrators of a crime), considering gender-related forms of violence and persecution upon return, such as honour-related violence or killing
- training on gender-specific procedural safeguards in asylum procedures or police investigations, including training on the impact of trauma-related aspects on a victim’s ability to provide statements, on positive state obligations to provide victim support and safety



5.3. Protection

The *Protection* pillar of the WPS agenda focuses on women's human rights and safety, as well as physical and economic security. Specific needs and human rights of women in conflict-affected areas and the urgency to uphold access to justice and accountability for grave violations of human rights of women and girls, including the lack of basic needs (such as water, food, health care, housing, schooling, etc.), adequate social and legal support services to victims; and/or the special protection of specific groups such as women human rights defenders or ex-combatants who might be at special risk of forced disappearances and extrajudicial killings in and after conflict.¹³⁴

¹³⁴ The Austrian Basic Services Act includes the following for asylum seekers within Austria: Adequate accommodation; Provision of nutrition; Pocket money aimed at ensuring subsistence; Access to medical care, including health assurance; Special care for persons with special needs; Information, counselling and psychosocial support, provided by adequate personnel be supported by interpreters aimed at supporting applicants with questions regarding Austria and voluntary return; Transport costs to be able to reach relevant asylum and immigration authorities for interviews or other appointments; Transport costs for school attendance for minors; Support to ensure daily structures if necessary; Provision of financial or material support necessary for clothes; Provision

Another broad topic is the protection from violence against women and girls (VAWG) and sexual and gender-based violence (SGBV) during and after conflict. All these issues are frequently the cause of forced displacement and lead to women and girls fleeing their countries of origin in search of survival and protection.

Following is a brief overview of victims' and/or survivors of such crimes rights to access national courts, as well as an overview of their rights to compensation and procedural safeguards. This is relevant for interviews during the asylum procedure, as well as to ensure adequate access to justice for refugee women and girls whilst in Austria.

Brief overview on relevant national law:

Access to national courts:

With regards to **gender-related crimes committed in Austria**, the *Austrian Penal Code* provides that the following crimes, committed in Austria, shall be punishable at national courts: forced marriage, threats (of the use of violence), trafficking in human beings, rape, violence, slavery, stalking, female genital mutilation,

of financial support necessary for funerals or the return of bodies; Provision of return counselling, including travel costs.

forbidden arrangement of adoptions, sexual abuse, extortive abduction, coercion aimed at forcing a victim into prostitution or pornographic acts.¹³⁵ Transnational and/or conflict-related implications due to the nature of these crimes may exist.

In Austria, various options exist to enable victims of **gender-related crimes committed outside Austrian territory** to access national courts: In general, Austrian courts are competent for crimes committed outside Austria if they are punishable under the law of the country where the crime was committed, and if the perpetrator is caught on Austrian territory and cannot be extradited for a reason other than the nature or character of this act¹³⁶. In addition, Austrian courts are competent for crimes committed outside Austria, *regardless* of whether such crimes are punishable under the law of the country where they were committed, if Austria is under an obligation to prosecute under international treaties.¹³⁷ Furthermore, the *Austrian Penal Code* foresees that specific crimes can be prosecuted by Austrian courts, regardless of whether they are punishable under the law of the country where they were committed – provided that additional conditions apply.¹³⁸ Examples include female genital mutilation, ex-

135 Bundesgesetz vom 23. Jänner 1974 über die mit gerichtlicher Strafe bedrohten Handlungen (Strafgesetzbuch – StGB) StF: BGBl. Nr. 60/1974 (“Austrian Criminal Act”).

136 See Art 65 Austrian Penal Code.

137 See Art 64(6) Austrian Penal Code; an example for international treaties is the Council of Europe European Convention on the Compensation of Victims of Violent Crimes, 1983, taking into account that among Member States of the Council of Europe are countries with ongoing (internal or international) conflicts or post-conflict countries such as the Russian Federation (including areas such as Chechnya or Dagestan), Ukraine or Turkey; see also UN Commission on Human Rights, Resolution 2005/35 on Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, 19 April 2005, E/CN.4/RES/2005/35; see also Article 44 Istanbul Convention which lays down various requirements whereby Members of the Council of Europe must establish jurisdiction over all offences with which the Istanbul Convention is concerned.

138 According to Art 64(4a) Austrian Penal Code (Strafprozeßordnung 1975 (StPO) StF: BGBl. Nr. 631/1975), Austrian courts have jurisdiction over certain crimes (as listed in Art 64(4a) Penal Code) regardless of locally applicable law, provided that at least one of the following requirements is fulfilled: (-) no other Austrian interests are affected; (-) either the victim or the perpetrator is an Austrian citizen or have their habitual residence in Austria; (-) the alleged perpetrator is present on Austrian territory and cannot be extradited.

BOX 8

EXAMPLE OF A CURRENTLY PENDING CASE IN AUSTRIA BASED ON THE PRINCIPLE OF UNIVERSAL JURISDICTION:

The victims, who fled to Austria as refugees, claimed to have been subjected to torture and serious forms of sexual violence to be qualified as torture. This trial is part of a series of criminal complaints which were submitted in Germany, Austria, Sweden and Norway by nearly 100 Syrians. In Germany for instance, at the time of writing this study, 17 torture survivors gave witness testimonies to the German Federal Criminal Police (Bundeskriminalamt). The cases are meanwhile pending at the Higher Regional Court in Koblenz.

More information about these procedures is available at the website of the European Centre for Constitutional and Human Rights (ECCHR): www.ecchr.eu

tortive abduction, slave trade, trafficking in human beings, terrorism-related acts, rape, sexual coercion and torture, forbidden arrangements of adoptions, grave coercion aiming at forcing a victim into prostitution or pornographic acts.¹³⁹

Furthermore, Austria acknowledges the *Principle of Universal Jurisdiction*. Consequently, following this principle, under Austrian law, full complementary jurisdiction of Austrian courts over international crimes exists in cases of suspected genocide, crimes against humanity, war crimes, torture and the crime of aggression, provided that additional conditions are fulfilled.¹⁴⁰

139 Ibid. Examples for (gender-related) crimes, which are not considered under Austrian law to be prosecuted by domestic courts (if committed outside the Austrian territory) are: deprivation of liberty, forced marriages or other forms of coercion (including honour-related threats or killings).

140 See Chapter 25 and Art 64(1)(4c) Austrian Penal Code: Austrian Courts can exercise jurisdiction over these crimes regardless of locally applicable law, provided that at least one of the following requirements is fulfilled: (-) the perpetrator or the victim is an Austrian citizen; (-) other Austrian national interests are not affected; (-) the perpetrator is a foreigner who has his habitual residence in Austria or is present in Austria and cannot be extradited.

BOX 9**SPECIFIC SAFEGUARDS FOR VICTIMS OF A CRIME WHO WERE IDENTIFIED AS BEING “PARTICULARLY VULNERABLE”**

- to demand, if possible, to be questioned by a person of the same sex
- to demand that interpreting services are provided by a person of the same sex, if possible, when the victim is questioned during the preliminary investigation and during the court hearing
- to refuse to answer questions about the details of the criminal offence, the description of which they consider unreasonable, or to refuse to answer questions of personal nature
- to demand to be questioned in a gentle manner during both the preliminary proceedings and the court hearing – in particular for minor victims who could have been sexually injured by the criminal offence of which the accused was charged – if necessary by an expert
- to demand that the court hearing be excluded from the public domain
- to be informed immediately *ex officio*
- to be accompanied by a trusted person during an interrogation
- the right to avoid contact between victim and offender (Art 19)

Safeguarding victims’ rights in criminal procedures:

The *Austrian Code of Criminal Procedure* includes a separate section on victim’s rights,¹⁴¹ which establishes various procedural rights.¹⁴² In the context of migration, survivors or victims of a crime might often lack information about their rights and procedural safeguards in a receiving country such as Austria. Also, in view of Objective 5 of the *EU Action Plan*, which foresees an increased access to national courts through victims’ rights – procedural standards aiming at ensuring victim’s participation in investigations/procedures, includ-

141 See Art 65 Austrian Penal Code: a “victim” is a person who – as a consequence of a crime – is/was exposed to violence, including violent threats, to violations of sexual integrity or self-determination, or whose interpersonal dependency to another person might have been abused.

142 Arts 66-70 Austrian Penal Code.

ing their right to legal aid and their right to be heard, are of particular relevance.¹⁴³

The *Austrian Penal Code* provides, that victims who are “particularly vulnerable” (“besonders schutzbedürftig”) shall be identified as soon as possible, in order to enable them to realise additional victims’ rights (see Box 9). It is laid down that victims of a violation of their sexual self-determination or minors shall be considered “particularly vulnerable”.

In addition, “particularly vulnerable” victims and their (close) family members, as well as victims of terrorist attacks, are entitled to psychosocial and legal support (“Prozessbegleitung”) at their request, insofar as this is necessary to safeguard the procedural rights of the victims.¹⁴⁴

The residence status of a victim can have strong implications for his/her ability and willingness to access courts and/or to participate in criminal procedures, or to claim compensation. In some cases, the residence situation of a victim or survivor of a serious crime might be unclear or irregular. In others, the issuance of a residence card might be dependent on the residence status of a (potentially) abusive family member. Under Austrian law, it is foreseen that renewable residence permits shall be issued to victims of a crime, including victims of human trafficking, in order to ensure cooperation with police or other investigative law enforcement bodies.¹⁴⁵ Alternatively, for example in contexts where a protection order was (or could have been) issued against a violent perpetrator with the aim of protecting the victim, a renewable residence card, independent of the residence card of a potentially abusive family member, shall be issued.¹⁴⁶

143 See Austrian Code of Criminal Procedures Arts 65 ff: access to legal aid; right to be heard and the right to ask questions to judges, experts, and the accused; access to information (including the right to see a file (“Akteneinsicht”) and to receive information about the ongoing procedure) Access to adequate translation.

144 Art 66(2) Austrian Code of Criminal Procedures

145 See Art 57(1)lit 2 Asylum Act.

146 See Art 57(1)lit 3 Asylum Act; see challenges and gaps relating to the implementation of the obligations laid down in the CoE Istanbul Convention and the CoE Convention on Action to Combat Trafficking against Women: Austrian NGO-Shadow Report to GREVIO, 2016, CoE, Group of Experts on Action against Trafficking in Human Beings (GRETA), Evaluation Report Austria, Third Evaluation Round, 2020, CoE, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), Evaluation Report Austria, 2017.

The majority of cases of GBV however are discontinued by the public prosecutor's office or the perpetrators are acquitted by the court.¹⁴⁷ This has the consequence that prosecution in practice de facto is dependent on the victim's willingness to testify against the perpetrator, whereas virtually all relevant crimes are official offences where charges should be brought by the state without putting the burden of prosecution indirectly on the victim. As outlined in *Austria's Shadow Report* related to the national implementation of the *Istanbul Convention*, victims are often not believed when their witness testimony in court slightly differs from their testimony given to the police. This disregards the individual situation or personal circumstances of a victim, such as their educational background, influence of social norms, possible effects of trauma, or the dynamics of a long-term violent relationship.¹⁴⁸ Some offences in the *Austrian Penal Code* still include a clause privileging perpetrators who are related to the victim. This clause provides for a lower statutory range of punishment, or an exemption from punishment, by stipulating that charges are not automatically brought against the perpetrator by the state, but rather the victim must authorise the prosecution in order for charges to be brought.¹⁴⁹

Access to compensation:

Under Austrian law, victims of a crime who have suffered bodily harm are entitled to compensation.¹⁵⁰ In cases where the accused is convicted, the criminal court decides if the results of the criminal proceedings are a strong enough basis for assessing the claim, otherwise the referral will be made to civil courts.¹⁵¹

Compensation can only be granted to victims who have suffered grievous bodily harm or bodily harm causing severe, long-term consequences.¹⁵² Victims of

sexual violence however frequently suffer from acute trauma and face the risk of life-long re-traumatisation caused by ordinary situations. This is not considered in the criteria laid down in the National Act relating to victims of a crime.¹⁵³ In general, any person who was legally in Austria at the time the crime was committed, is eligible to receive compensation according to the National Act relating to victims of a crime.¹⁵⁴ As a result, persons without a permit to legally reside in the country, or whose residence status was unclear at the time the crime was committed, are excluded from compensation procedures. Exceptions are made only for victims of human trafficking.¹⁵⁵ Gaps remain however with regards to the actual enforcement of claims, as demonstrated by *Planitzer* and *Probst*.¹⁵⁶

Measures of protection in cases of continued risk or ongoing violence

In cases where victims of violence, including (S)GBV, might be at risk of ongoing violence in Austria, the possibility of imposing interim injunctions, protection orders, and/or entry bans can be taken.¹⁵⁷ Such immediate measures for protection also apply in contexts where criminal investigations are not (yet) pending.¹⁵⁸ In Austria there is a long practice of referrals by the police to Protection Centres ("Gewaltschutzzentren", "Interventionsstelle bei Gewalt in der Familie"), where counselling and support for victims is offered.¹⁵⁹ (See

147 Austrian statistics regarding the prosecution of relevant offences are in contrast to Article 49 para 2 of the Istanbul Convention which obliges Member States to "ensure effective investigation and prosecution".

148 Austrian NGO-Shadow Report to GREVIO, 2016.

149 See Arts 155-158 Austrian Penal Code.

150 Arts 165-179 Austrian Penal Code.

151 Art 67 Austrian Penal Code.

152 National Act relating to victims of a crime (VerbrechensopferG, VOG) Bundesgesetz vom 9. Juli 1972 über die Gewährung von Hilfeleistungen an Opfer von Verbrechen (Verbrechensopfergesetz – VOG) StF: BGBl. Nr. 288/1972; see in particular Art 1, read with Art 6a VOG.

153 See the more far-reaching obligations laid down in Art 30(2) Istanbul Convention regarding compensation claims

154 Arts 2 ff VOG.

155 Art 1(7) VOG.

156 Planitzer J., Probst E., *Entschädigung für Betroffene des Menschenhandels. Rechtliche Verpflichtungen und ihre Umsetzung in der Praxis* SIAK-Journal – Zeitschrift für Polizeiwissenschaft und polizeiliche Praxis, 4/2019, p. 16-28. doi: 10.7396/2019_4_B.

157 Bundesgesetz, mit dem das Allgemeine Bürgerliche Gesetzbuch, das Strafgesetzbuch, das Jugendgerichtsgesetz 1988, die Strafprozeßordnung 1975, das Strafregistergesetz 1968, das Tilgungsgesetz 1972, die Exekutionsordnung und das Bundesgesetz, mit dem das Sicherheitspolizeigesetz geändert wird und Verstöße gegen bestimmte einstweilige Verfügungen zum Schutz vor Gewalt und zum Schutz vor Eingriffen in die Privatsphäre zu Verwaltungsübertretungen erklärt werden, geändert werden (Drittes Gewaltschutzgesetz – 3. GeSchG); see also Arts 52, 53 Istanbul Convention: Under the Istanbul Convention, measures to provide immediate response in order to prevent further violence are laid down, including risk assessment and risk management by police or law enforcement, emergency barring orders, restraining or protection orders.

158 see Art 56 Istanbul Convention.

159 See challenges and gaps regarding the implementation of obligations laid down in the CoE Istanbul Convention: Austrian

also Annex 4 on recommendations made by the Council of Europe GREVIO Committee with regards to the prevention of GBV and domestic violence.)

5.3.1. EU RAP and Good Practices in NAPs of EU-MS

Under the principles of the *EU Strategic Approach to WPS*, it is stated that “*The EU will ensure that the protection of refugees, internally displaced people, stateless people and asylum seekers meets the different gender-related protection needs of women, men, girls and boys.*”¹⁶⁰

Under the pillar of *Protection*, the *Council Conclusions* mention the importance of the analysis of the different experiences and backgrounds of women, men, girls and boys in the context of armed conflict. All face the risk of trafficking, and although women and girls face a higher risk of SGBV, forced marriage and/or becoming domestic and sexual slaves of combatants, men and boys can also be victims of SGBV, and may face a higher risk of forced recruitment and targeted killings.

Often women, men, boys, and girls become targets of SGBV on a massive scale as a means of achieving political, military or economic ends. Those crimes remain largely unchecked and impunity needs to be addressed.¹⁶¹ Furthermore, hate speech, threats, defamation campaigns, repression and violence against human rights defenders is often linked to sex, gender identity, sexual orientation, socioeconomic status, education, age, ethnicity, class, religion or belief.

In the *WPS Council Conclusions*,¹⁶² the EU commits to continue to promote the following:

- To continue to implement: (i) ‘EU guidelines on violence against women and girls and combating all forms of discrimination against them’; (ii) ‘EU Guidelines on promoting compliance with international humanitarian law¹⁶³’; (iii) ‘Ensuring protection — European Union guidelines on human rights defend-

ers¹⁶⁴’; and (iv) ‘EU human rights guidelines on freedom of expression online and offline¹⁶⁵’.

- Promote a system-wide approach to preventing, reporting and punishing Sexual Exploitation and Abuse¹⁶⁶ (SEA) and sexual harassment.¹⁶⁷
- Adopt, implement, and promote internal and external policies of zero tolerance towards discrimination, sexual exploitation and abuse, trafficking in human beings, sexual assault, and sexual harassment. Ensure that adopting related policies is considered a formal leadership responsibility.
- Support women, men, girls, and boys who are survivors of sexual and gender-based violence, and their families, in accessing justice and due remedy, including healthcare information and services, as well as psychosocial support to prevent their (re)stigmatisation and (re)victimisation, and to ensure their safety and reintegration.
- Promote efforts that aim to end impunity for crimes of (S)GBV, including conflict-related sexual violence. This includes, but is not limited to, supporting gender-sensitive transitional justice processes and building capacity of law enforcement and justice system practitioners to handle cases in a gender-sensitive way, as set out in the EU’s transitional justice framework.
- Implement the *Non-paper on ending sexual violence in conflict — A guide to practical actions at EU level*.
- Pay specific attention to the human rights of children, young and older people, those living in poverty, people with visible and non-visible disabilities, people belonging to minorities and indigenous peoples, refugees, internally displaced people and asylum seekers in vulnerable situations/context.

NGO-Shadow Report to GREVIO, 2016, CoE, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), Evaluation Report Austria, 2017.

¹⁶⁰ WPS Council Conclusions, 2018, p.21.

¹⁶¹ Ibid., p. 34.

¹⁶² Ibid., p. 36f., all of these commitments are also applicable within the EU.

¹⁶³ EU Guidelines on promoting compliance with International Humanitarian Law (IHL) — Technical update (doc. 16841/09).

¹⁶⁴ Ensuring protection — European Union Guidelines on Human Rights Defenders (doc. 16332/2/08).

¹⁶⁵ EU Human Rights Guidelines on Freedom of Expression Online and Offline (doc. 9647/14).

¹⁶⁶ In line with UN standards (ST/SGB/2003/13), sexual exploitation means any actual or attempted abuse of a position of vulnerability, power differential, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another; while sexual abuse means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

¹⁶⁷ The European Commission policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment C(2006) 1624/3, applicable also for EEAS. 31 ST 6877 2018 INIT, Upgraded Generic Standards of Behaviour for CSDP Missions and Operations.

Relevant indicators of the *EU Action Plan on WPS*, which are also relevant to the asylum-seeking and refugee communities in Austria, are:

Indicator (25) N# of EU-supported activities aiming at strengthening the institutional social support and safety systems available for survivors of SGBV and addressing protection of rights and justice responses to SGBV in conflict and post-conflict situations affecting women, girls, men and boys.

Indicator (26) Total expenditure, N# and details (per country) of projects that implement support services for victims/survivors of SGBV/SEA where available, and in line with a survivor-centred approach, N# of victims/survivors reached by these projects.

Both indicators support a survivor-centred approach for victims of (S)GBV and could be applied within EU MS, thus including Austria, for asylum-seeking and refugee women and girls.

Indicator (29) Best practices and challenges, of EU and its Member States policies and initiatives on protection measures and how they affect / benefit women, men, boys' and girls' refugees or asylum seekers from countries affected by armed conflict.

This indicator supports the exchange of best practices and challenges in protection measures for asylum seekers within the EU, including Austria. Activities of a potential “Network of exchange for effective protection”, including diaspora and refugee women’s organisations, NGOs, academia and responsible Austrian authorities could also be communicated in the annual Austrian reports on 1325.

Good practices of NAPs by EU MS on Protection:

According to the NAP of **Ireland**,¹⁶⁸ the country seeks to achieve two strategic outcomes related to the pillar of **Protection**: The first is implemented in-country, with measures which include; “(..) *providing an agile*

*police service, responsive to the changing nature of crime, to also provide a victim-focused policing service, supportive of all vulnerable service users in implementing the statutory obligations of An Garda Síochána (AGS) to victims.”*¹⁶⁹ This includes trainings for police officers who are engaged with women from immigrant communities; working together with other agencies to identify issues which impact women and girls relocated to Ireland from former conflict zones; hosting of community clinics at refugee and asylum seeker centres; and the delivery of guidance and policy on how to protect the most vulnerable in the criminal justice system. A joint agency task force (JATF) is charged with tackling issues facing border counties, including immigration offences, trafficking in human beings and other provisions connected to the WPS agenda.

The **Finnish NAP** states: “*Finland takes measures to enhance the gender equality content and gender perspective in reception services for individuals seeking international protection and in the services and support measures promoting the integration of individuals granted international protection and other immigrants. Many of the women and girls arriving in Finland as refugees or asylum seekers have experienced sexual violence in their country of origin or during their flight. For this reason, reception centres should provide women and girls with a comprehensive range of services intended for victims of sexual violence. In this context, consideration should be given to their background and any cultural obstacles that impact their willingness to seek help. This prevents them from becoming victims again.*”¹⁷⁰

Spain refers to the pillar of **protection** under the NAPs objective 3: “*Guarantee the protection of, and respect for, the human rights of women and girls in conflict and post-conflict situations.*”¹⁷¹ This relates to “*Questions such as access to secure and effective complaint mechanisms, the right to asylum and refuge in scenarios of possible rights violations or the importance of ownership by and the participation of women, avoiding double or triple victimisation, are fundamental in this context.*”, and that it will “*monitor Spain’s*

¹⁶⁸ Women, Peace and Security – Ireland’s third National Action Plan for the implementation of UNSCR 1325 and related resolutions, 2019 – 2024.

¹⁶⁹ An Garda Síochána is Irish and the National Police of the Republic of Ireland.

¹⁷⁰ Ibid., p. 49.

¹⁷¹ Spain: 2017-2023 Second National action Plan to Women, Peace and Security, p.26.

compliance with its obligations vis-à-vis the right to asylum and the recommendations put forward by CE-DAW, the Palermo Protocol and the Plan to Combat Human Trafficking, as well as the Istanbul Convention, with respect to identifying, protecting and supporting women victims and survivors of violence.”¹⁷²

5.3.2. Protection: Experiences of refugee and asylum-seeking women in Austria

“If you would like to take a step in your life it needs so much inner strength. [...] I see that we should have many more role models, to get relevant information. Many women think it is better to live in a violent situation rather than raising their voice.”
Afghan expert on the difficulty of standing up against cultural stereotypes

In line with good practices from several EU MS NAPs, the research team developed several questions for the FGDs and KIIs relating to the pillar of *Protection*.

One question was formulated as follows: **“To what extent are women from your community informed about victims’ rights and access to courts in Austria?”** Experts interviewed said that major challenges included inappropriate intercultural communication, a lack of accurate information, as well as difficulties in building trust.

A Syrian expert working in refugee support services stated that women’s level of knowledge is variable, but that most refugee women know very little about the topic. Refugee women often refrain from demanding their rights (such as maintenance for children, alimony, etc.) in order to avoid problems, and frequently GBV is involved. Many do not want to call the police and prefer to endure a violent situation than *“get into trouble”*. Often, they are not aware of their rights, or don’t trust the Austrian system, so even if they know their rights, they doubt they will receive the necessary protection. Additionally, when Syrian refugees arrive as families, they must go through certain asylum procedures and questioning in police stations. As it is typically the men who take charge in these procedures, they generally understand the system better.

Members of the Afghan community described a similar situation: *“Unfortunately, I have also experienced this as a very big gap, a lack of communication and a*

lack of trust. Because in our country and the countries around us, because of corruption, (...) the people cannot trust the police.” Often women are afraid to be sent back to Afghanistan, or fear that if they go to the police, their husbands would become more violent, or that their children would be taken away from them.

Other experts stated that there is sufficient information available, either online or in brochures, as well as from various organisations where staff are willing to explain legal procedures to asylum seekers and refugee women. The main issue is rather how the information is shared and communicated. Language barriers and sometimes inaccurate translations can lead to misunderstandings and women being unmotivated to insist on their rights. It is not enough to provide information, it also needs an appropriate setting. Confidentiality, trust and respectful intercultural understanding would help to ensure that asylum seeking women understand that such information about their rights to protection is in their interests. The persons giving the information also need to understand the concerns of the refugee women and why they are so afraid.

Another question asked **how, since their arrival, had asylum seeking and refugee women received information on obtaining protection from violence against them and/or their children and on how to prevent further violence?**¹⁷³ **And how they are able to realise their rights for interim measures/protection (e.g. protection orders, restraining orders, etc.), if facing an ongoing risk of continued gender-based violence.**

The Afghan women’s group stated that they had received information from the women’s shelter (“AÖF – Verein Autonome Österreichische Frauenhäuser”), women’s advisory services, as well from friends and a women’s empowerment workshop run by the VIDC. They understood that in Austria, women and men have equal rights and women have the right to make their own decisions regarding their wellbeing and health, and that SGBV is illegal. Another woman who attended *Value and Orientation Courses (“Wertekurse”)* in AKIS together with her husband, said she and her husband had a good understanding, sharing childcare, household chores and cooking. The women said that it was very important for the men to understand that they were not entitled to mistreat or beat their wives. This was evaluated as more effective by the female participants than the women themselves stating “you are not

¹⁷² Ibid., p. 27.

¹⁷³ Q 18, This question was asked in the FGDs and KIIs, also Q 21.

allowed to beat me". The Afghan women also felt that those living in Vienna are better informed than those in the countryside, as a certificate of participation in an ÖIF-run course is a precondition to receive services from the MA40 (Vienna Social Services).¹⁷⁴

The participants also knew many Afghan women who had not received any information about their rights, and gave birth to a child each year "like in Afghanistan". Frequently in such cases, the men alone are responsible for the household income, and women do not know that the family receives child benefits ("Kinderergeld") or other social service money because the men are using for their own purposes, such as holidays or cars. Very often women "stay at home, have children, and don't really learn the language well", which also contributes to their having minimal or no access to information and support. The FGD participants estimated that out of every 100 families, perhaps five have a good understanding between male and female family members, while 95 families live with household violence.

Some women underlined the importance of family counselling ("Familienberatungen") to help families out of crisis, support genuine equality between women and men, and thus prevent children from being affected. Some said that Afghan people also tend to make "opportunistic" decisions: if they see benefits from themselves in the Austrian regulations, they will "go for it". But when they are given information which does not suit their cultural mindset, they prefer to continue to live by Afghan customary laws.

Cultural norms typically predominate: A major challenge identified by the Afghan women was that in their community, culture frequently overrides law, and if a woman stands up against cultural stereotypes, she is seen negatively by her society and community. An Afghan expert stated that knowledge the legal provisions is insufficient: *"If you would like to take a step in your life it requires much inner strength, especially for the Afghan community, due to the ideals in society. Unfortunately many Afghan women are illiterate – they cannot read, and sometimes cannot analyse what the person is saying. They will trust their husbands more than this (Austrian) woman and the translator who are there. I see that we should have many more role models, to pass on the information. Many think it is better to live in a violent situation than to raise your*

voice." Several cases of forced marriage and honour killings were mentioned. *"Therefore, I think it needs to be mandatory for women to take part in these kinds of workshops, for them to know about their rights. There are many women who have no idea about these options."*

FGD participants said that in Syria, women are afraid of violence and that Syrian men in Austria do know that GBV is illegal. Women generally understand that here they have more protection, however violence often continues, albeit in a lesser form. The issue of women abusing legal protection services in Austria, by telling false stories, was raised. Some women say that they are victims of violence in order to harm their men; especially if they overestimate the level of protection they might receive. This can lead to the perpetration of violence, as men fear such stories, and due to cultural misunderstandings of "eastern and western concepts", men believe that the Austrian legal system supports the destruction of families, and find it difficult to accept. They do not understand, for example, that young women are able live alone, etc.

Unclear or lack of information about the legal situation: Another challenge reported was that sometimes Afghan women do not understand the legal information provided: *"We have seen husband and wife who are talking when the husband is drunk, and she calls the police. When they come and see that he is not violent, they leave the drunk husband in the same house, then the woman is so helpless. She does not understand that it is not possible for the police to take a drunk person out of the house and give them different accommodation. So, this is something where they need some practice (...) that it is not possible that you just fight, and the police come, and that they will take you away, give you another accommodation and everything is like paradise."*

Social isolation of women by the family: Another woman told of a friend who was affected by GBV on a daily basis – even during pregnancy – and had large bruises from severe beatings. She accompanied her twice to services centres and gave her phone numbers of the women's help line ("Frauennotruf") and the women's advice help line ("Frauenberatung"). Unfortunately, her friend's mother-in-law heard about this and completely isolated her daughter-in-law. Since then, her father, husband or the mother-in-law accompany her everywhere and she has no way to contact friends

174 <https://www.wien.gv.at/kontakte/ma40/>

or escape with her two children. The conclusion was that often women do want to protect themselves, but refrain from realising their right to protection out of fear of losing their children, and/or becoming the victim of an honour killing or other form of persecution.

Other women stated that they know many Afghans who accompany their wives everywhere – even to German classes. In general, many continue to adhere to Afghan social norms, although things are changing over time and some men have changed. Nevertheless, Afghan mentality and culture remains predominant, depending on individual family structures.

Interview participants were also asked to give their **impressions of the Austrian authorities work in identifying victims of (S)GBV in order to enable them to realise their rights, and to describe their experiences in this respect.** The Afghan women's group stated that the Austrian authorities do a good job in general, however the major challenge is that women who are victims of violence are afraid to speak out and stand up for their rights. In the Syrian women's group, some had positive experiences with the Austrian authorities and protection from violence. One described the situation of a friend, who was given a place in a women's shelter where she hid until the situation improved and she could divorce. They concluded that there are positive cases where the women were able to get divorced and remain with their children.

Lack of accurate information about, and understanding of, legal concepts: Others said they understand that in Austria, women and children are legally protected. There are often however misunderstandings of the concept of protection. Children for example might threaten to call the police on their parents. The parents then become afraid that the youth welfare office will take their children away.

Another Syrian expert working for refugee women, stated that the Austrian authorities can help effectively when women describe their situations in detail. But women rarely tell the complete truth. Some abuse the law and tell untrue stories. This was a major discussion in both the Syrian and Afghan women's FGDs. Sometimes women are unclear about legal concepts and call the police about minor incidents, which they describe as "rape".

Hindrances by males and societal pressure: *"In our community, everything related to women's protection, protection from and prevention of violence is never seen well. The argument is always: Destroy the fami-*

lies, take away the children and harm the men. Therefore, no woman dares to speak out and say: I do have rights and I will defend myself! There is so much pressure on people, and it is getting worse. I feel that when I say, 'your husband has no right to be bad with you, you can protect yourself'. Then the answer is: 'Should I do the same as other women and destroy my family?' So, the Austrian authorities can only do their work if the community and women are able to accept the protection offered. The main issue is communication, and only if this is working can the authorities do their jobs. One case involved a desperate Syrian victim of GBV, who filed a complaint. Her husband responded by threatening to harm her family in Syria and to send people "to get her brother". She withdrew the complaint, as she did not dare risk harm to her family, and the authorities were no longer able to help her.

Unprofessional behaviour of (male) translators, paired with insufficient capacity of authorities: An expert from Syria said the authorities do act if there is proof of serious crimes, however she felt they often fail to take the background to the stories seriously enough. Regarding the importance of communication, another Syrian expert opined that the quality of translation – at the police and/or courts – is variable. She related the story of a male translator who did not approve of the statement of the woman, so he simply translated it incorrectly, something which happens frequently. A woman makes a statement, then finds that the translator told a totally different story, so the Austrian authorities do not find out about her problems.

Mandatory courses on legally-guaranteed services, protection and the rights of asylum-seeking and refugee women: One middle-aged woman said *"I have experienced so much violence, that I never want to marry again. There should be mandatory courses for Afghan women, so they can leave the house and not have to stay at home all the time. So we can understand Austrian society better and be with people other than our families. If the man works and the woman does not need to go to mandatory courses, the man will not let her go – with the argument that he is earning the money and we don't need you to go to courses."*

Another set of questions (Q 22 -25) asked to the **experts**, was related to **the situation of women who were victims of serious gender-based crimes (which are related to the (post-)conflict situation in their coun-**

try of origin and are ongoing in Austria) and their experiences when (trying to) access national courts in Austria in order to hold perpetrators to account.

These questions also considered possible residence-related implications as a consequence of their attempts to access justice in Austria.

The experts had scant information on this issue, however they stated that, in general, such investigations are extremely time consuming. One referred to a case currently pending in Austria, where 16 Syrian victims of torture have filed a complaint about “detention centres in Syria” (see Box 8). It was described as symptomatic that initially no female torture victim was willing to testify, although females were also affected. Women are afraid to give testimonies, due to a combination of stigmatisation and fear of possible consequences. In general, women who are victims of rape, or were beaten during detention, find it difficult to speak about their experiences. One person said that many of her friends had been in detention, and even in private they didn’t want to admit that they were subjected to torture, sexual harassment or rape. Overall, *“everybody knows that in Syrian detention centres women are sexually harassed”*, but no one wants to talk about it, e.g. due to feelings of shame or the fear of stigmatisation by the society.

5.3.3. Recommendations regarding Protection

“There should be mandatory courses for Afghan women, so they will be able to leave the house [...]. So we can understand Austrian society better and be with people other than only our families. If the man works and the woman does not need to go to mandatory courses, the man will not let her go – with the argument that he is earning the money and we don’t need you to go to courses.”

Afghan woman on courses regarding protection mechanisms

Mandatory courses for refugee women to provide enhanced information on protection mechanisms in relevant languages: In order to ensure improved and more accurate understanding for asylum-seeking and refugee women, mandatory courses on Austrian protection mechanisms, legal definitions of offences and procedures shall be introduced and added to the existing *Value and Orientation Courses* (“Wertekurse”),

and/or other trainings. It is highly recommended to include refugee women’s organisations from the various diaspora communities as culturally appropriate multipliers. A training of trainers (ToT) course for multipliers should be envisaged.

More training for translators who work with/or Austrian authorities, as well as the establishment of control mechanisms to ensure a high quality of translations:

In order to guarantee accurate translation for asylum-seeking and refugee women, mechanisms for monitoring the quality of translation at meetings/interviews with police and/or authorities shall be established. Engaging female translators might be beneficial to facilitate interviews with asylum-seeking women.

Training of decision makers and judges (in asylum and criminal procedures), police or other state actors on conflict-related (S)GBV involved in the context of asylum procedures, law enforcement, criminal procedures or reception:

It is recommended that regular trainings for decision makers and judges (in asylum procedures), police and other state actors involved in asylum procedures or reception are ensured. These actors are crucial to the identification of potential victims of serious conflict-related crimes and their knowledge and expertise can be vital in developing strategies aiming at the prevention of violence and/or conflict. In order to support their responsibility to identify and respond, it is highly recommended that ongoing mandatory capacity building is ensured.

Setting up a “network of exchange for effective protection”, including diaspora and refugee women’s organisations, NGOs, academia and responsible Austrian authorities:

In line with Indicator #29 of the EU RAP (on best practices and challenges, of the EU and its Member States policies and initiatives on protection measures and how they affect/benefit refugees and/or asylum seekers from countries affected by armed conflict): This indicator supports the exchange of best practices and challenges in protection measures for asylum seekers within the EU, thus including Austria. A “Network of exchange for effective Protection” including diaspora and refugee women’s organisations, NGOs, academia and responsible Austrian authorities should be established, and activities communicated in the annual Austrian reports on UNSCR 1325.

Ensure and improve successful access to justice at national courts for victims of serious (conflict-related) forms of violence: Consider increasing investigations and procedures in cases where crimes were committed outside the territory of Austria. Stronger transnational cooperation by law between state actors (such as law enforcement, police, courts and/or immigration authorities) and non-state actors (such as victim's rights organisations) would improve the quality of investigations and increase the number of convictions.

Actively pursue procedures against perpetrators suspected of having committed crimes which fall under international criminal law, in particular with regards to countries of origin which have not ratified the Rome Statute (such as Iraq and Syria).

Improve successful access to justice and compensation for survivors and/or victims of various forms of gender-based violence, including psychological violence, coercion, honour-related threats and crimes, and/or forced marriage.

Consider revising legal provisions with privileges for perpetrators who are family members: By making

the severity of punishment dependent on the relationship between the perpetrator and the victim, and/or placing the responsibility for criminal prosecution on the victim, the legislator gives the message that (violent) acts committed against family members are less grave than publicly-committed offences.

Actively promoting and applying a victim-centred approach in investigations and evidence assessments, taking into account the individual situation or personal circumstances of a victim (such as educational background, influence of social norms and the possible effects of trauma and/or the dynamics of a long-term violent relationship on the psyche of victims.)

Consider developing strategies aimed at ensuring improved cooperation among all state- and non-state actors – including police, law enforcement courts – involved in the protection of victims of violence

Strategies shall include *inter alia* the setting up of case conferences, developing and actively promoting the application of referral pathways and *Standard Operational Procedures* to be applied by all relevant actors.



5.4. Relief and Recovery

The *Relief and Recovery* Pillar of the WPS agenda focuses on ensuring that relief needs specific to women and girls are met, including asylum procedures. It calls for efforts to support women's active participation in relief and recovery efforts, including providing women with equal access to financial means to support their own livelihoods; and further focuses on gender-specific needs during conflict and post-conflict periods, including Demobilisation, Disarmament and Reintegration (DDR) Programs and transitional justice processes, and demands that special attention is paid to the most vulnerable, including displaced women and girls, survivors of gender-based violence, and those with disabilities. Women's meaningful participation in transition processes contributes to more stable solutions and successful transitions to lasting peace.¹⁷⁵

Within the WPS resolutions, references to "relief and recovery" are many and wide-ranging. As an example, UNSCR 1325 calls on all stakeholders involved in negotiating and implementing peace agreements to adopt a gender perspective responding to "*the special needs of women and girls during repatriation and resettlement*

and for rehabilitation, reintegration and post-conflict reconstruction" (UNSCR 2000 a, para.8).¹⁷⁶ It also refers to the need to "*take measures to support local women's peace initiatives and indigenous processes for conflict resolution, that involve women in all of the implementation mechanisms of the peace agreements.*" It also confirms the need to take "*measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary.*"

UNSCR 1820 (UNSC 2008a, para.13) calls "*to support the development and strengthening of the capacities of national institutions*", including the judicial and health systems and local CSO networks in order "*to provide sustainable assistance*". UNSCR 1888 (2009, para.8) calls on the SG to rapidly "*deploy a team of experts to situations or particular concern with respect to SGBV in conflict*" in order to strengthen "*the rule of law, civilian and military judicial systems, mediation, criminal investigation, SSR, witness protection, fair trial standards and public outreach*". Widespread VAWG and SGBV during and after conflict, difficulties faced by survivors and victims in accessing justice, including redress and

¹⁷⁵ Peace Women: Through the Lens of Civil Society, 2015, p.36.

¹⁷⁶ Porter, Elizabeth and Anuradha Mundkur: Peace and Security: Implications for Women, Univ. of Queensland Press, 2012.

reparations, and the high level of impunity for these crimes (still) present a major challenge.

UNSCR 1889 encourages MS, in cooperation with CSOs and women's organisations, to specify women and girls' needs and priorities and to design concrete strategies in accordance with their legal systems to address those needs and priorities. Attention needs to be paid to providing *“greater physical security and better socioeconomic conditions, through education, income-generating services, access to basic services, in particular to health services, including sexual and reproductive health and reproductive rights (SRHR) and mental health, gender-responsive law enforcement and access to justice, as well as enhancing capacity to engage in public decision-making at all levels”* (2009 c, para 10.).

Brief overview on relevant national law: Legal provisions governing reception of applicants for international protection in Austria

Following is an overview of legal provisions in Austria governing reception, from the time an application for international protection is made until such time as the procedures are completed and legally binding, taking specific implications on the rights and needs of victims of conflict-related (S)GBV into account:

In Austria, the Federal Government is responsible for organising reception (including accommodation, relief, recovery and rehabilitation), where assessments on the admissibility of the application for international protection are ongoing (*“Zulassungsverfahren”*).¹⁷⁷ While admissibility assessments are being made, applicants for international protection are, in most cases, accommodated in so-called *“first-reception centres”*, located in Traiskirchen and Thalham.

According to Art 2(1) GVG Bund however, the special needs of ‘vulnerable persons’ must be considered – *“as well as possible”* – in admissibility assessments. This leaves room for interpretation. No mechanism for identifying and assessing the special reception needs

¹⁷⁷ Such assessments include procedures under the so-called Dublin III Regulation, governing the responsibility for assessments on the merits among different EU MS and Switzerland, and include so-called subsequent applications and assessments related to safe third countries.

of women, children or survivors of serious forms of violence (including the need for rehabilitation, relief, recovery, etc.) is foreseen in the Federal Basic Services Act (GVG-Bund), in other national frameworks, or in (in) formal procedures.¹⁷⁸ This gap may have serious implications for survivors or victims of (ongoing) conflict-related (S)GBV, as it is unclear how their special needs will be addressed and how they can make their needs heard.¹⁷⁹

The legal situation with regards to the provision of reception is unclear if an applicant leaves the first reception centres without notifying and receiving permission from the responsible authorities. An example of such a situation might be if a victim of (continued) (S) GBV or GBV tries to escape from a perpetrator who is present in or around these centres.

Provision of basic services in regional provinces (“Bundesländer”)

Once the admissibility of an application is established and assessments (on the merits) of the well-foundedness of a claimed fear of persecution or real risk of serious harm can be initiated, local provinces (*“Bundesländer”*) are responsible for the provision of basic services (*“Grundversorgung”*). Family-related aspects and special needs shall be taken into account, without further specification of such aspects or needs.¹⁸⁰ Persons who were previously accommodated in first reception centres must be informed about the accommodation (centre) and area where they will receive basic services upon admission to the procedure.¹⁸¹ Such information shall be provided informally (*“formlos mitzuteilen”*). This may make it challenging for persons with special reception needs to effectively make their opinions and needs heard, particularly in cases where there is insufficient consideration of these needs and/or insufficient access to assistance. This might occur when there are limitations and/or obstacles, such as insufficient access to information, trauma-related (mental) health issues

¹⁷⁸ See Art 22 EU Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 which lays down standards for the reception of applicants for international protection, OJ L 180, 29.6.2013, p. 96–116; in the following: *EU Receptions Conditions Directive (recast)* as crucial provision under EU law according to which MS shall ensure to make assessments of special reception needs.

¹⁷⁹ See the obligations under Arts 21 and 22 EU Reception Conditions Directive (recast).

¹⁸⁰ Art 2 (2a) GVG Bund.

¹⁸¹ Art 2 GVG Bund.

and/or ongoing harassment or intimidation by perpetrators.

Under the federal system in Austria, each regional province (“Bundesland”) has its own regional *Basic Services Act* (“Grundversorgungsgesetz”).¹⁸² Each regional *Basic Services Act* outlines the scope of reception guarantees (basic services).

The box below provides an overview of reception services as laid out in each regional *Basic Services Act*, in cases where applicants for international protection are accommodated in an organised accommodation centre:

Differences exist with regards to the actual provisions, definitions and standards in each regional province. *Please see Annex 5 for further information on the various standards and challenges in service provision in Austrian regional provinces.*

182 Vereinbarung zwischen dem Bund und den Ländern gemäß Art. 15a B-VG über gemeinsame Maßnahmen zur vorübergehenden Grundversorgung für hilfs- und schutzbedürftige Fremde (Asylwerber, Asylberechtigte, Vertriebene und andere aus rechtlichen oder faktischen Gründen nicht abschiebbare Menschen) in Österreich; StF: LGBl.Nr. 39/2004; NÖ Grundversorgungsgesetz StF: LGBl. 9240-0 („regional Basic Services Act, Lower Austria“), Gesetz vom 18. Mai 2006 über die vorübergehende Grundversorgung von Asylwerberinnen und Asylwerbern und sonstigen hilfs- und schutzbedürftigen Fremden (Asylwerberinnen und Asylwerber, Asylberechtigte, Vertriebene und andere aus rechtlichen oder faktischen Gründen nicht abschiebbare Menschen) im Burgenland (Burgenländisches Landesbetreuungsgesetz – Bgld. LBetreuG) („regional Basic Services Act, Burgenland“); Gesetz vom 4. April 2006 über Maßnahmen zur vorübergehenden Grundversorgung für hilfs- und schutzbedürftige Fremde (Asylwerber, Asylberechtigte, Vertriebene und andere aus rechtlichen oder faktischen Gründen nicht abschiebbare Menschen) in Kärnten (Kärntner Grundversorgungsgesetz – K-GrVG) („regional Basic Services Act, Carinthia“); Landesgesetz über die Umsetzung der Grundversorgungsvereinbarung (Oö. Grundversorgungsgesetz 2006) StF: LGBl.Nr. 12/2007 („regional Basic Services Act, Upper Austria“); Gesetz vom 14. März 2007 zur Sicherstellung der vorübergehenden Grundversorgung von hilfs- und schutzbedürftigen Fremden in Salzburg (Salzburger Grundversorgungsgesetz) StF: LGBl Nr 35/2007 („regional Basic Services Act, „Salzburg“); Gesetz über die Grundversorgung hilfs- und schutzbedürftiger Fremder (Steiermärkisches Grundversorgungsgesetz – StGVG) StF: LGBl. Nr. 111/2016; Gesetz vom 15. Dezember 2005, mit dem das Tiroler Grundversorgungsgesetz erlassen wird StF: LGBl. Nr. 21/2006 („regional Basic Services Act, Tyrol“); Gesetz über Maßnahmen zur vorübergehenden Grundversorgung für hilfs- und schutzbedürftige Fremde (Asylwerber, Asylberechtigte, Vertriebene und andere aus rechtlichen oder faktischen Gründen nicht abschiebbare Menschen) in Wien (Wiener Grundversorgungsgesetz – WGVG) StF: LGBl. Nr. 46/2004 („regional Basic Services Act, Vienna“)

BOX 10

RECEPTION SERVICES AS LAID DOWN IN EACH REGIONAL BASIC SERVICES ACT

- Adequate accommodation
- Provision of nutrition
- Pocket money aimed at ensuring subsistence
- Access to medical care, including health insurance
- Special care for persons with special needs
- Information, counselling and psychosocial support, provided by competent personnel supported by interpreters aimed at assisting applicants with questions pertaining to Austria and questions regarding voluntary return
- Transport costs to enable applicants to reach relevant asylum and immigration authorities in the case of interviews or other appointments
- Transport costs for school attendance for minors
- Support to ensure daily structures if necessary
- Provision of financial or material support necessary for clothes
- Provision of financial support necessary in case of funerals or return of bodies
- Provision of counselling in case of return, including travel costs

Brief overview of national asylum law:

Case law of the *Austrian Administrative Court*, as well as of the *Higher Constitutional Court* and the *Higher Administrative Court*, demonstrate that (S)GBV, endured in (post-) conflict countries, can be qualified as persecution or serious harm.¹⁸³

Art 20 of the *Asylum Act* lays down that victims of (possible) violations of their rights to sexual self-determination shall be informed about the opportunity

183 See for instance: Administrative Court, 13.11.2014, Ra 2014/18/0011; domestic violence, Turkey: Administrative Court (Verwaltungsgerichtshof), 24.03.2011, 2008/23/0176; forced marriage, Iraq: Administrative Court, 15.12.2015, Ra 2014/18/0118, Independent Asylum Senate: 09.05.2007, 250.030/3/9E; harmful traditional practices, Afghanistan: Federal Administrative Court, 11.06.2014 W178 1425310-1/13E, W178 1425311-1/11E, W178 1425312-1/12E, W178 1425313-1/8E; Administrative Court 06.07.2011, 2008/19/0994, et al.

to be interviewed by a person of the same sex, as well as to have an interpreter of the same sex.¹⁸⁴ Austrian Courts however have remitted numerous cases of applicants for international protection to the Lower Court or the first instance authority as a result of insufficient or absent assessments and/or insufficient (legal) reasoning about claimed gender-based violence, and/or have ordered additional assessments, including interviews.¹⁸⁵ In the Evaluation Report on the implementation of the *Istanbul Convention* in Austria, the GREVIO committee stated: *“It has been brought to GREVIO’s attention that there simply are not sufficient numbers of qualified interpreters, that, as noted above, they do not receive training in issues of gender-based violence or gender-sensitive procedures and, indeed, most of them are male. This makes it difficult to ensure that a female asylum seeker’s right to a female interpreter is respected. In addition, those conducting the interviews often have recourse to “cultural mediators”, who may be from the same communities/countries/regions as the asylum-seekers themselves which, while positive in terms of trying to comprehend the situation of the asylum-seeker, will raise issues if they are not of the same gender.”*¹⁸⁶

In the recommendations, the GREVIO committee *“invite(s) the Austrian authorities to ensure that all women arriving as asylum-seekers are ensured the possibility of being interviewed on their own and that all those concerned in the processes (interviewers, interpreters, lawyers) receive adequate training on the questions of gender-based persecution and gender-based violence.”*

With regard to the quality of legal aid provided to applicants for international protection, the GREVIO com-

mittee in its Evaluation Report found *“that for those who wish to appeal a negative decision, the legal assistance provided (mostly through two non-governmental organisations) can be of differing quality – in some instances, according to practitioners, the asylum seeker is left very much to her own devices.”*¹⁸⁷

The system of the provision of legal assistance has been changed following the introduction of a law establishing the Federal Agency for Supervision and Support Services (*“Bundesagentur für Betreuungs- und Unterstützungsleistungen”*, BBU-G)¹⁸⁸. It foresees that this new federal agency, which falls under the responsibility of the Ministry of Interior, will be in charge *inter alia* of providing legal assistance to applicants for international protection in admissibility procedures and in asylum procedures pending at the Federal Administrative Court, as of January 2021.¹⁸⁹

5.4.1. EU RAP and Good Practices in NAPs of EU-MS

The *EU WPS Council Conclusions (2018)* refer to *Relief and Recovery*, with a focus on ensuring that relief, recovery, and reconstruction are inclusive and consider the specific needs of women and girls.¹⁹⁰ Special attention is paid to the most vulnerable groups in processes linked to peacebuilding, such as repatriation, resettlement, rehabilitation, reintegration and post-conflict reconstruction. This includes displaced women and girls, survivors of (S)GBV, older people, people with disabilities, minorities and indigenous peoples. Furthermore, it calls for more efforts to support women’s active participation in relief and recovery efforts, including equal access to livelihood opportunities and justice.

The EU commits to broad support and the provision of adequate and appropriate relief and recovery in con-

184 The standards related to interviews are more far-reaching in EU law and are laid down in the EU Asylum Procedures Directive (recast), which particularly acknowledges the need for a gender-sensitive approach in personal interviews: see e.g. recital 32 *Asylum Procedures Directive (recast)*; Article 4(3) *Asylum Procedures Directive (recast)* states, *inter alia*, that ‘Member States shall ensure that the personnel of the determining authority ... are properly trained’; that ‘[p]ersons interviewing applicants pursuant to this Directive shall also have acquired general knowledge of problems which could adversely affect the applicants’ ability to be interviewed, such as indications that the applicant may have been tortured in the past’.

185 See for instance, Administrative Court, 15.12.2015, Ra 2014/18/0118, Administrative Court, 24.03.2011, 2008/23/0176, Constitutional Court, 20.09.2012, U179/12, Constitutional Court, 20.09.2012, U2109/11 – U227/11.

186 Council of Europe, GREVIO Evaluation Report Austria, para 213.

187 Council of Europe, GREVIO Evaluation Report Austria, para 207.

188 Federal Law on the Establishment of the Federal Agency for Care and Support Services Limited Liability Company (BBU-G), available in German at: <https://bit.ly/2RG8gY5>.

189 In the public debate about this law *inter alia* concerns related to possible conflicts of interests of legal advisors and their independence were raised (see https://www.parlament.gv.at/PAKT/VHG/XXVI/SNME/SNME_04072/imfname_747916.pdf); see also Art 26(2), second paragraph *EU Reception Conditions Directive (recast)* which foresees that MS shall ensure that free legal assistance and representation is to be provided to applicants for international protection by ‘suitably qualified persons, as admitted or permitted under national law whose interests do not conflict or could not potentially conflict with those of the applicant’.

190 EU WPS Council Conclusions, Brussels 2018, p. 40f.

flict and post-conflict situations, including the following aspects, in order to meet the needs of forcibly-displaced, asylum-seeking and refugee women and girls within the EU:

- Ensuring that all organisations receiving EU funding and support comply with EU gender equality policies, including a rights-based approach and gender-based violence minimum standards and guidelines.
- Supporting psychosocial initiatives for all survivors of violent conflict, irrespective of their gender or age.
- Supporting the relief, recovery and rehabilitation of women and girls affected by conflict, including within the EU. This includes ensuring that asylum law, policies and procedures respect and guarantee that all women, girls, and all gender-based violence survivors' benefit from equal rights and standards during proceedings.

With regards to refugees' and asylum seekers' rights, fulfilment criteria state that: "All agreements by the EU with third countries on migration flows and border control must integrate a gender perspective and meet human rights standards."¹⁹¹ Relevant actions include:

- Promote the provision of, as required, medical, psychosocial, legal and safety support to all victims/survivors of conflict-related SGBV, and aim to ensure that they have the rights and access to comprehensive health-care information, shelter protection and services, as well as to restorative justice and reparations (6.2.).
- Support the relief, recovery and rehabilitation of women and girls affected by the conflict in third countries and within the EU. This includes that asylum law, policies and procedures must respect and guarantee that all women, girls and all survivors of conflict-related SGBV benefit from equal rights and standards during procedures (6.4.).
- Ensure that EU policy development and implementation builds on women's local experiences and priorities during the relief and recovery phase (6.5.)

The authors identified the following EU RAP indicators as relevant:

Indicator (11): N# and details of projects/programs by theme: a) Security (and Justice) Sector Reform [S(J) SR], b) Disarmament, Demobilisation and Reintegra-

tion (DDR), c) humanitarian aid, d) good governance, e) human rights, f) transitional justice, where a gender perspective is mainstreamed.

Although indicator 11 is very general, its human rights dimension is to be applied also within Europe, and other projects and/or programs with and for refugee women within Europe could be subsumed under the other chapters into reporting structures.

Indicator (27) N#, proportion and country of origin of female and male asylum seekers who have obtained the status of refugee or benefit from subsidiary protection in the EU.

Indicator (28) N# and details of support provided for refugee and asylum-seeking women's and girls' economic and social empowerment in the country of origin, in refugee camps, in transit, or in the country of destination.

Indicators 27 and 28 should be integrated into an updated Austrian NAP on 1325 and WPS, including the internal dimension of forcibly displaced women and girls accordingly.

National Member States NAP Good Practices¹⁹²:

The **Belgium NAP**, in line with UNSCR 1889, calls for the inclusion of the needs of women in activities such as the collection and analysis of data, as well as in planning for disarmament, demobilisation and reintegration, and the organisation of refugee camps.¹⁹³ The NAP includes three goals under the line of action "Take the gender perspective into account in the refugee issue", which also relate to relief and recovery:

Give consideration to the specific needs of women during the asylum application procedure (13 a – indicator # and percentage of women applying for asylum who have received refugee status or have benefited from subsidiary protection. Guidelines, exchange of information)

Give consideration to the specific needs of women when hosting and accommodating refugees (13 b – indicator: Equipment and buildings adapted to the needs of women); and

Give consideration to the specific needs of women in terms of resettlement in Belgium (13 c – indicator:

¹⁹² Please also refer to chapter 2.1.1. *EU RAP and Good Practices EU-MS NAPS under Participation, Humanitarian Aid, Peacekeeping, Peacebuilding, and Reconstruction.*

¹⁹³ Second National Action Plan "Women, Peace, Security" (2013-2016), implementing UN Security Council Resolution 1325.; p.3

¹⁹¹ EU Action Plan on WPS (EEAS (2019)747), p. 12.

number of vulnerable refugees resettled in Belgium, broken down by gender).

The **Finnish NAP** states: *“In reception centres, services for refugees and asylum seekers are developed so as to give consideration to the security of women and girls (accommodation arrangements, security training), efforts are made to ensure that the special needs of asylum-seeking women and girls can be better identified and considered, especially during the early stages of reception services (such as initial health checks), and there are also guidelines on how to deal with victims of human trafficking. At the same time, refugee women and female asylum seekers are provided with more opportunities for empowerment, active engagement and influencing decisions concerning their lives. All shelters are open to immigrants who have experienced intimate partner violence and the residents have the right to use interpreters.*

*The integration process includes taking measures to ensure that the special needs of women and girls are considered in the fields of education, training, civic participation, employment, and the promotion of health. The Government Integration Program contains a range of measures that aim to provide immigrant women with better education and training paths to working life.”*¹⁹⁴ In the integration measures taken at a national level, efforts are made to strengthen gender equality and to encourage women and girls to take part in integration activities based on the needs of individual immigrants. In this context, consideration should be given to the availability of education, training, and the improvement of the labour market status of women. (Responsible actors are the Ministry of Social Affairs and Health, Ministry of Economic Affairs and Employment, Ministry of Education and Culture)¹⁹⁵

Also, the French NAP, with regards to its domestic policy, commits to pay increased consideration to gender and the protection of women against sexual violence in military operations, as well as to issues linked to gender and violence against women during asylum procedures. This includes:

- 1- Provide mandatory training on gender considerations for those involved in peacekeeping operations

¹⁹⁴ Ministry for Foreign Affairs of Finland: Women, peace and security – Finland’s National Action Plan 2018-2021, p. 50.

¹⁹⁵ Ibid., p. 55.

(introductory courses, lifelong training) and other actors involved in the asylum procedure.

- 2- Produce gender-based statistics, as well as specific analysis, on the situation of women with regards to the processing of requests for international protection, at all stages of the procedure.
- 3- Make instruments available for carrying out asylum request interviews on the grounds of gender-based persecution.
- 4- Appointment of “gender” representatives to French Office for the Protection of Refugees and Stateless Persons (OFPRA), the French National Court of Asylum (CNDA) and regional welcome platforms.

The **German NAP** refers to the *relief and recovery* pillar under section IV., relating to *“Improving protection from sexual and gender-specific violence at the national and international level, and working against the impunity of perpetrators”*,¹⁹⁶ advocate for women and girls to receive better protection (...), and for survivors to have access to medical, psychological and legal support.¹⁹⁷

- For displaced women and girls, access to the German assistance system is to be facilitated through the further assurance of the multilingual advisory services of the BMFSFJ’s nationwide “Violence against Women” telephone helpline and “Pregnant Women in Need” telephone helpline, as well as the further promotion of the nationwide coordination offices of the “Bundesverband der Frauenberatungsstellen und Frauennotrufe in Deutschland”(bff), Coordination of Women’s Shelters (“Frauenhauskoordinierung”) and the KOK German NGO network against trafficking in human beings, which support their special consultation services for displaced women and girls. (BMFSFJ)
- Implementation of a project for displaced girls, as well as for girls who have already been living in Germany, on protection against forced marriage. Another project is to be conducted for girls whose foreign marriages are not recognised in Germany. (BMFSFJ)

¹⁹⁶ Action Plan of the Government of the Federal Republic of Germany on the Implementation of United Nations Security Council Resolution 1325 on Women, Peace and Security for the Period 2017 – 2020, 22 f. Please note, that protection and relief & recovery are sometimes intrinsically intertwined.

¹⁹⁷ <https://www.frauen-gegen-gewalt.de/de/der-bundesverband.html>

- Ratification of the *Council of Europe Convention* on preventing and combating violence against women and domestic violence (*Istanbul Convention*) by the end of the current legislative period. (BMFSFJ)
- Economically strengthening refugees, internally displaced persons and the communities abroad that take them in, including through training and qualification measures. (BMZ)
- Protective measures for (potential) victims of trafficking and smuggling in human beings.

Italy¹⁹⁸ commits in its NAP, under Action 4, to reporting on the situation of women refugees, asylum seekers, and under the humanitarian protection system, within the “System for the Protection of Asylum-seekers and Refugees” (SPRAR).¹⁹⁹ Also included is the monitoring of domestic cases of hate crimes, including online, concerning women refugees and asylum-seekers; and the number of hate crimes against women refugees and asylum-seekers.

Under Point 7, the support of the to-be adopted Ministry of Health and CSOs “Guidelines on healthcare and rehabilitation of refugees and those entitled to subsidiary protection, who have been victims of torture, rape, or any other serious form of violence” is underlined; and indicators for monitoring are established through “*Outreach planned and implemented to increase awareness of healthcare and support services available to migrant women from conflict and post-conflict areas.*”²⁰⁰

5.4.2. Relief and Recovery: Experiences of refugee and asylum-seeking women in Austria

“For the first time we felt as human beings again, because during our flight we were treated like animals all the time.”

Afghan woman on her transfer to a private apartment in Vienna

This chapter summarises the results of the FGDs and KIIs with regards to questions relating to *relief and*

recovery. This includes access to information about legally-guaranteed services, information about refugee status determination procedures, the adequacy of translation services, accommodation and housing, the availability of medical and psychosocial services and access to the labor market.

The participants of the study were asked if women had **received any information about legally-guaranteed services for them as asylum seekers/refugees, as well as about service providers (NGOs, experts, etc.)** upon their arrival in Austria, and if so, where and how had they received this information and how was their specific situation as a woman addressed in this respect.²⁰¹

Traiskirchen in general was described as “very basic”, but that there was/is a building called “House 7”, where women could find basic support services in their mother tongues. These however did not include information about violence prevention or legal services. Many women felt very insecure – especially single women, or women travelling alone with their children. They often preferred to move as quickly as possible to Vienna or other cities where they had friends or acquaintances, even if this meant waiving their right to basic services (“Grundversorgung”) or health insurance. In general, people tried to leave the main first reception centres as soon as possible, as the basic services in the centres in Vienna were reputed “to be much better”. This is not always true for the smaller private pensions in the Austrian countryside, which vary widely in the quality of services provided.

One Afghan woman said her experience had been positive: she had stayed for only three days in Traiskirchen before being transferred to a private pension in Carinthia, where the manager (“Chef”) of the pension “even asked about their food preferences, cooked halal for them, and provided them with all the information he had”. Other Afghan women, who arrived with the large numbers of refugees during 2015, described their situations in Traiskirchen as “rather difficult”. After two months they were transferred to a private apartment in Vienna, where “*for the first time we felt like human beings again, because during the flight we were treated like animals all the time.*”

One Syrian woman said that although she was the only single woman with her daughter amongst 200 men, when they moved to a privately-organised accom-

198 Italy: Third National Action Plan, in accordance with UN Security Council Resolution 1325(2000), 2016 – 2019.

199 Responsible agencies are: ANCI; Ministry of Interior; UN; and CSOs.

200 Responsible agencies are: the Ministry of Health; CIDU; and CSOs.

201 Q 4.

modation centre in a regional province, the pension manager and staff ensured that they were respected and treated well. Another woman from Syria said that other Syrian women with whom she worked, who had stayed in Traiskirchen at a time when it was less crowded, had described their situation as “rather good”, and had felt that they could speak about their concerns regarding the services provided.

The Afghan women stated that when they arrived, they initially had poor access to information. It was particularly problematic for those living in small villages and isolated pensions in the Austrian countryside. Due to this lack of information, they did not know how to behave in their first interviews, which they identified as a main reason why many Afghan refugees receive a “negative” response to their asylum claim in the first instance. In general, Afghan cases tend to take very long time. Many respondents had spent months in small pensions, where they felt they had not been given necessary information from governmental and/or other organisations. During those first 5-6 months they had received no German classes, and frequently the organisation of translators was/is problematic.²⁰² This absence of information and inability to communicate often led/leads to psychological distress and depression. Many had arrived in Europe via the “Balkan route”, which is a very difficult journey. One woman had been wrongly (privately) informed that she should dress “western and chic” when attending her interview. The judge then asked “why she was wearing high heels and permissive clothes instead of a head scarf”.

One woman arrived under a UN program, through which Diakonie took care of all her needs for her first three years in Austria. She was given information about everything she needed to know, including language courses. Another Syrian woman said that she had problems with communication, as when she first arrived – under the family reunion program – she stayed privately with her father.

When asked about **access to information on legal services, which included protection from GBV**, one expert reiterated that women coming from countries where no such system exists are afraid to contact the police. Many of these women are already traumatised due to their experiences in conflict zones or during their flight. In their communities, a family protects its

members and there is little trust in the state – a total contrast to Austrian society.

An Iraqi human rights lawyer, who identified the same issue, suggested that newly-arrived women be provided with legal services in Arabic, as Arabic is spoken by several refugee communities. Organisations such as Caritas and Diakonie already give legal advice to women, however he felt that many refugees in his community are unwilling to share their stories. He suggested that if someone there, preferably a woman, spoke Arabic, it would be much easier for refugee women. He also emphasised the importance of building trust, as many asylum seekers have no clear legal status. This also comes with limited opportunities to work due to legal restrictions, as well as limited opportunities to rent one’s own apartment. Often, they live in circumstances where there is no privacy. For women to feel secure and stable, they need time to integrate into Austrian society, and the opportunity to make Austrian friends.

When women were asked more explicitly about the **information provided on refugee status determination procedures and how to realise their rights in these procedures**, the Syrian women reported a range of experiences.²⁰³ These were dependent on when they arrived (before or during 2015), if they came as part of a resettlement program, or if they came through the family reunification program. One woman had arrived in Austria thirteen years ago, and knew nothing about the system – she was only aware that in Austria human rights are respected. She lived with Caritas in Salzburg for two years, until she received a positive asylum decision. Others stated that they had received information informally, mainly from friends and family members who had already gone through asylum procedures in Austria. In general, women rarely talk about their experiences of violence or SGBV. On one hand, many women are unaware that this can influence their asylum procedures, and on the other, it is culturally both difficult and unacceptable to talk about personal experiences of SGBV and/or conflict-specific violence. This reluctance to reveal information of this nature can have a major impact on the outcome their asylum procedures.

An Afghan expert stated that her fellow countrywomen “*also get information from different organisations, such as Diakonie, the Integrationshaus, Verein Menschenrechte or Caritas. But unfortunately, in some cases, the information is channeled through their hus-*

²⁰² Entitlement to language classes is only given once the people get a positive asylum status.

²⁰³ Q. 6.

bands.” This means that their specific needs as asylum-seeking women – to learn about (S)GBV or gender-based persecution – are not sufficiently addressed. “I think that sometimes they do not have the opportunity to get the right information translated correctly, and sometimes there is also a lack of trust. (...) As a translator I have seen that a female police officer, as a woman, is trying to help and give information, but from the way the asylum seeker is receiving it – I can see (...) there is still something in between. (...) the woman thinks: If I tell her that I am beaten, this policewoman will get angry and send us all back to our country. Unfortunately, there is a gap in communication, and a lack of trust for the other.”

The young Syrian woman, who came with a resettlement program, had the best conditions. She was assured that she had the right to accommodation, free translation services and legal support. She was independent, confident and able to speak English, which was a huge asset in this situation. She felt she didn't need any special treatment as a woman – and that from her experience of working with refugees, she had observed that often women receive better treatment than men. This however was dependent on the individual officers in charge. In her opinion, asylum procedures do not specifically consider the situation of women.

As mentioned previously, translation and language barriers are major issues for asylum seekers. As Austria is required to provide translation services, we asked interviewees: **While being interviewed by (female) police officers/case officers/judges during your refugee status determination procedure, did you have the impression that the person who interviewed you was experienced, professional and respectful? How would you describe your experiences?**²⁰⁴

Here the experiences varied widely. The Afghan women in the FGD said, that overall, the experience regarding translation in court was adequate. The Afghan expert stated that Austrian authorities in charge of asylum procedures have insufficient knowledge of Afghan culture and the specific challenges faced by women. Her perception was that asylum decisions are not made based on cases, but rather on the personalities of the people involved. *“If you are lucky, there is good mood, or you are there on a day where they accept a particular number of cases, or if there is bad mood, they would just refuse you.”* She added: *“I have seen some*

of my friends who go to their interviews, they have done so much work in their countries, and so much integration work in this country, they have learned the language well – but still they are asked only a few questions, then the case is closed and in a few days the negative decision comes, unfortunately. But I have also seen people, where it was not fair that some get a positive answer without having anything in their hands, and others who really deserve it, get a negative decision. Now I am talking only about the first interview. And in the second instance we have also sometimes seen things like that.”

Many of the Syrian women came through the family reunification program and in their cases only had brief interviews upon their arrival in Austria. Sometimes these talks were with the family, sometimes they were individual. Overall, the Syrian women felt they were treated adequately. One young woman said: *“I was treated well when I arrived with my siblings. I was not interviewed alone, but everything was fine. I was a minor, under 18, and they treated us like a family”.* Another young woman stated: *“For me the experience was also good. I was over 18 and had an individual interview. I was asked if I was in love with somebody or if I was living alone, because if I would have been living in a relationship, I could have brought my partner to Austria. Then they explained to me that I am safe here and that I can live alone.”*

Another Syrian woman said that her interview was highly professional, but also very serious and strict. Information was only provided if asked for, which she found problematic. A policeman told her after she had lodged her asylum application in Salzburg that she could go on to Germany if she wanted (in 2015). This was incorrect, however fortunately she already knew about this. *“This was problematic because he might have told that to many persons who did not know. I didn't make a fuss out of it, but thinking about it now, it was really problematic.”*

With regards to the professional behaviour of Austrian asylum authorities' staff, one issue in particular was highlighted by both the Syrian and the Afghan experts: In their opinions, the level of cultural understanding of the countries of origin of the asylum seekers is sometimes low. They considered that training on cultural backgrounds would be important in order for staff to better understand the context and concerns of refugee women. A Syrian refugee advisor described several cases where women were required to remove their

204 Q.7.

headscarves during their interviews – an act which goes against their culture and religious identity – and this had not been understood by Austrian authorities. Such incidents point to the **need for trainings in intercultural understanding.**

The second question asked to what extent adequate translation was provided.²⁰⁵ One Afghan woman said that in her official asylum interview she spoke for an hour, but the translator took only ten minutes to translate her story, so she was unsure whether the translator’s attitude was professional. Another explained that as Afghanistan uses a different calendar, her birth date was incorrectly translated, and she still has the wrong date on her documents and residence card. Others said that they were dependent on their male relatives, who came with them for translation when they needed it (was not clear if they meant in everyday life or with authorities).

A Syrian refugee women’s advisor opined that adequate translation is not always provided, meaning many people choose to bring their own interpreters with them. Hospital visits are particularly challenging. Although provision of translation services is a right, many hospitals do not have interpreters in place. Often the advisor calls the hospitals to insist on this service for her clients.

Another question asked **the asylum-seeking and refugee women about their perceptions of the extent of cooperation between the various Austrian stakeholders with regards to the provision of services (including accommodation, medical care, info provision, etc.),** and to what extent specific considerations and a coordinated response related to special reception needs of women and their respective experiences were made.²⁰⁶

A Syrian expert described the system as “not too bad, but very bureaucratic”, especially with regards to accommodation or finding shelter from violence in the women’s shelter houses. She said that this worked fine with the intervention centre against domestic violence (“Verein Wiener Interventionsstelle gegen familiäre Gewalt”), which was very helpful, but overall coordination of dates and availability was challenging. She was not aware if referral pathways are in place.²⁰⁷

205 Q 8.

206 Q 10.

207 Each country is obliged to have a list for GBV prevention, with all the necessary contacts, including police, courts and NGOs, which might be involved in such a case.

The Afghan refugee women’s advisor said that many organisations, including Diakonie, Caritas, Verein MR and others provide services, including legal services. She reiterated that building trust and enabling communication are of major importance. Furthermore, she sees *“that it is the responsibility of the asylum-seekers and depends on how they respond to the situation. I see that the organisations are there and if there are problems, they can always be referred to.[...] It also depends on how people react individually to the situation, but overall, the policies and agendas of these organisations and their inter-communication is good. We should be thankful for that.”*

Another issue explored was the **extent to which women received information about medical and psychosocial services provided in Austria after their arrival.**

Regarding **psychosocial services**, the situation was described by the experts as “bad”, as there are **inadequate places available** and health insurance only partially covers the costs. *Hemayat* offers a specialised service, however clients must wait months for therapy. In cases of severe trauma, treatment is needed urgently.²⁰⁸ Again, the language barrier is a challenge: receiving treatment in the mother tongue is rare, and bringing a translator is costly and complicated.

With regards to access to medical services, the women stated that upon arrival they were given medical check-ups and received medical insurance (e-cards), although sometimes this took some time. Again, the **language barrier is a challenge** – as well as understanding the Austrian health system. Frequently hospitals do not have the necessary interpreters. In Diakonie’s Advice Centre for Women, there is a female doctor for refugee and asylum-seeking women who provides advice, requests specialised interpreters for hospital visits, etc. Her services are very valuable and in great demand. The women also try to find doctors who speak their languages. There is also a faith-based hospital in Vienna’s second district (“Krankenhaus der Barmherzigen Brüder”), which treats people without medical insurance.

Another question related to relief and recovery examined **to what extent financial support for basic needs and subsistence has functioned since their arrival in Austria.**²⁰⁹ The asylum seekers described how

208 www.hemayat.org

209 Q 13.

after they had their first interview and were given accommodation, their situation was as follows: *“We got 40 Euro per month per person. This is very little. We got food two or three times a day, and mostly it was sausage and bread. We were not used to eating this and it was difficult to get used to. At the beginning it was incredibly difficult, but over time the boss of our pension opened a coffee shop where we could bake cakes. We got 5 Euro per cake; and we could also wash clothes to earn some money.”*

Caritas was mentioned as a **good practice example**, as they ensure that *“Grundversorgung”* is either paid into bank accounts in the names of the women, or into the women’s own bank accounts. This ensures that women have access to family and childcare allowances. Further control over decision making with regards to the household income cannot be provided.

Participants were asked **how they were able to improve reception conditions or services provided to better address their needs in situations where these conditions, including support services, did not meet their specific needs as women (including the needs of their children).**²¹⁰

The Afghan women’s group described the situation upon their arrival in 2015 as “difficult” in the first reception centres: it was “a bit out of control” and “the rules were strict”. There was not much food, and no hygiene articles or showers available. It took two months until they got separate showers and toilets for women and men.

The situation improved when they received their first Convention Travel Pass (“Konventionspass”) and were able to move to other places where they had more space, although their situations depended on the respective home managers.²¹¹ Some managers were very polite and asked the women about their specific needs and dietary preferences. In other places, women were given money to buy their food themselves so they could cook, and some also organised events for women. Some women however had negative experiences. One Afghan woman said her home manager did not pass on the money they should have received and even took the child allowances, as they were unaware of this social support.

²¹⁰ Q 17.

²¹¹ It might be likely that the woman interviewed was referring to the “white card”—a card which is issued upon admission to the asylum procedure)

Another Afghan woman said that *“there are also houses in the mountains, you can only see one angry manager of the pension (“Chef”), who is the owner of a pension that he/she is responsible for her restaurant and they don’t want to see these people. And they are all also somehow unpleasant. The children are very scared when they see them – the parents cannot communicate, and they are not sure what is happening and what should they do. And, the manager (“Chef”) of the house is not always pleasant – but as I said this is different from house to house, from location to location. We cannot say all of them are rude or bad, but we can’t say either that all of them are run so well.”*

With regards to the possibility to improve conditions if they did not satisfy their needs, this depended on the management of the accommodation centres. Access to information and advisory services were/are key to receiving necessary support. Advisory services for asylum-seeking women are particularly scarce: there are some in Vienna, but not enough, and the situation in the countryside is worse. This indicates a **need for better monitoring of the accommodation centres**, in particular the privately-run homes in the countryside.

The Afghan expert explained that *“It is again, the differences between the systems. Sometimes people who came from other countries do not know how to raise their voices. Or they are really scared, as they think it might have directly a negative impact on their asylum process (...) So, I see this as one of the most important things for the women, that they need to improve their language skills. And to have patience and not be scared! (...) We should not forget – if somebody is living for years and years in the asylum processes, they are losing their motivation, and if they don’t understand how to speak up in the right way, they become aggressive and are unable to get their message across in the right way.”*

Another question asked **to what extent access to the labour market had worked out for them since their arrival in Austria.**²¹² Information about the labour market is given once the asylum seeker receives a positive decision. Only then can they register at the AMS, where the AMS provides courses about integration into the labour market. Nevertheless, it is difficult to find a job or training centre. Access to study was also described as “difficult”.

²¹² Q 15.

The Afghan women's group stated: *"Not only me, but all Afghan women are also at home. It is not easy to find a job, and it is difficult to work as cleaning lady. We also want to work in offices, but we need better language skills (...) the kids go to school, the men try to work and we the women live like in Afghanistan, only cooking, cleaning,... We have no freedom and are dependent on the family. Our life is like in Afghanistan, only without the headscarf."*

A Syrian refugee woman working in refugee services said that **in general the situation is difficult**. Even for educated women, it is challenging to have their educational qualifications recognised, and of course they must acquire the necessary language skills. Overall, the Austrian labour market **tends not to hire refugee women at their level of expertise**, rather they only receive offers of work as cleaning or kitchen staff.

A 2017 study of refugees and their occupational profiles in their countries of origin reveals that almost four out of ten men were working in unskilled positions (38%), three out of ten in skilled positions (31%), some held management positions (3%) and a substantial proportion were previously self-employed (28%).²¹³ Among women, the occupational profile was different. The majority had worked in skilled positions (62%), some in unskilled (21 %). Management positions were held by 2 %, and self-employment was less frequent among women (15 %).

This data clearly shows that **many refugee women are highly educated/skilled and great potential is lost**, both for them and their host country, Austria.

A young woman stated that at the AMS and social services she had no opportunity to make complaints or suggestions. She also said that if they go there in a self-confident manner, AMS staff do not treat them well. *"They are very rude to us and we forget what we wanted to say. The AMS needs to be more accurate and provide more German classes and training and jobs. The staff are lazy, and only give one meeting every three months instead of a job. They need to be more proactive. Many women have a lot of talents, they just need a chance!"*

²¹³ Vienna Institute of Demography (Austrian Academy of Sciences): Labour Market Profile, Previous Employment and Economic Integration of Refugees: An Austrian Case Study, Working Paper 13/2017, p.13.

Previous labor market participation of refugees participating in competence checks in Austria, according to demographic characteristics

		Male	Female
Citizenship	Iraq	94%	77%
	Syria	94%	70%
	Afghanistan	90%	53%
	Other	88%	75%
Education	ISCED 0	91%	49%
	ISCED 1	96%	54%
	ISCED 2	91%	63%
	ISCED 3	91%	65%
	ISCED 4-6	94%	92%
Age	Below 25	79%	40%
	25-29	90%	54%
	30-39	97%	74%
	40+	98%	78%
Total		92%	69%

Vienna Institute of Demography (Austrian Academy of Sciences): Labour Market Profile, Previous Employment and Economic Integration of Refugees: An Austrian Case Study, Working Paper 13/2017, p.12

In order to find a good job, women need good **language skills**. They complained that the AMS only pays for B1 classes, but not **B2 level which they require**. The money they receive as minimum security ("Mindestsicherung") is insufficient for them to afford to pay privately for B2 level German classes. Opportunities to communicate actively in German is also important and some women asked how they could contact Austrian women in order to practice the language.

One young Afghan woman had passed her B1, B2 and secondary school exams, yet also has a three-year-old daughter for whom she has no kindergarten place. She does not have enough money to pay for a private nursery place, however according to AMS rules she must work. Without **childcare** however, she is unable to work.

Some Afghan women also stated that they feel **people above 50 years of age** are not taken care of, nor does the government invest in them with regards to their **inclusion in the labour market**. They believe it would be a win-win situation for older people to be both integrated into Austrian society and for Austrian

society to have fewer unemployed persons, with fewer psychosocial problems.

Austrian statistical data shows that around 20% of people with positive asylum decisions began work within the first year. The labour market participation of refugee women after ten years however is still 10% lower than the rest of the Austrian population. According to competency checks from the Austrian labour market services (“AMS-Kompetenzchecks”) in Vienna, women from Syria, Afghanistan and Iraq in particular often either have a higher education than their male counterparts (university degree) or haven’t gone to school at all. Statistics underpin that integration of refugee women into the labour market is particularly difficult, as ten years after receiving positive asylum status, only 30% have found formal employment.²¹⁴

5.4.3. Recommendations regarding Relief and Recovery

“We should not forget – if somebody is living for years and years in the asylum process, they are losing their motivation [...]. Sometimes people who came from other countries do not know how to raise their voice. Or they are really scared, as they think it might have a direct negative impact on their asylum process. [...]”
Afghan expert on improving reception conditions and support services

Overall, **better monitoring of refugee accommodation is necessary.** Some accommodation centre managers, particularly the smaller ones, take advantage of the fact that asylum seekers have insufficient information.

Ensure that information on asylum procedures, legally-guaranteed standards in reception provisions and service providers, including legal representation, are available as soon as possible upon arrival and for as long as procedures are ongoing – in a language which can be understood: Provision of information shall consider different (regional) contexts and the accommodation situations of applicants for international protection. It is important that information is made

214 Manahl, Caroline: Was wissen wir wissenschaftlich fundiert über den Prozess der Arbeitsmarktintegration von Flüchtlingen? Eine Übersicht über aktuelle österreichische und internationale Studienergebnisse, Arbeitspapier okay.zusammen leben / Projektstelle für Zuwanderung und Integration, Dezember 2017, p.33 f.

available in rural areas, as well as in urban settings. Additionally, those who are not living in an organised accommodation centre shall also receive information. It shall be provided in a language the asylum seekers can reasonably understand and shall comprehensively take into account gender-specific aspects, such as specific accommodation, health or protection needs of women and girls.

Use of social media to access information: The use of social media in the mother tongues of the refugee community could be an easy and effective tool to facilitate access to necessary information on options for protection in Austria. Cooperation with refugee women’s organisations is highly recommended.

Scaling up labour market integration for recognised refugees: Recent research shows that many refugee women are highly educated and have worked in skilled jobs in their countries of origin (especially in Syria). Better labour market integration is needed, which should include the offer of higher-level language courses (B2), improved access to childcare and more mentoring programs for refugee women (and older people). This would lead to a win-win situation.

Scaling up of psychosocial services (PS) and (mental) health services in different languages: Many forcibly displaced women and girls suffer from psychological distress, depression and trauma. Provision of psychosocial services is currently inadequate and Austria should invest in scaling up such services in different mother tongues of the refugee communities, as psychosocial health is a precondition for successful integration. In 2019, refugee women in Austria were, on average, at greater risk (35%) of having moderate or severe, i.e. clinically-relevant problems, as compared to refugee men (31%), and compared to Austrian women (10%) and Austrian men (6%).²¹⁵

Scaling up the number of interpreters, of females interpreters in particular, for medical services: In order to overcome the lack of available interpreters for refugee communities accessing Austrian medical ser-

215 WIIW Working Paper 169 (Sebastian Leitner, Michael Landesmann, Judith Kohlenberger, Isabella Buber-Ennser and Bernhard Rengs): The Effect of Stressors and Resilience Factors on Mental Health of Recent Refugees in Austria, Vienna 2019, p.7.

vices a *Training of Trainers* program, in cooperation with refugee women's organisations, should be considered across Austria.

Ensure that access to health services takes a holistic, interdisciplinary approach, which considers the special needs of victims of gender-based violence and applicants for international protection: As applicants for international protection might be victims of (S)GBV, it is crucial that their specific needs regarding health services are taken into account. In addition to overcoming language barriers, cultural issues, social norms, and/or different concepts of (mental) health, victims of violence might still be at risk of (ongoing) violence and/or under pressure from perpetrators. In addition to ensuring that sufficient resources – which require a high level of expertise from medical personnel – are available to respond to these complex needs, it is also crucial that support before – and follow-up after -/. treatment is available (e.g. psychosocial support from social workers, escorts, etc.).

Ensure a high quality of assessments of applications for international protection, including a high level of professionalism by case workers and interpreters, taking gender-specific needs and contexts into account: It is recommended that more legal services in the mother tongues of the refugee communities be provided, as well as improved monitoring of the quality of translation provided during asylum procedures. More female translators should be engaged for asylum-seeking women in particular, so they feel more comfortable explaining their reasons for asylum, including their experiences of war-related violence and SGBV.

Consider setting up procedures for assessments of special reception and/or procedural needs, taking specific gender-related aspects to identify possible victims of violence into account: Under the obligations of EU Law, it is highly recommended that a system of assessments for special reception and/or procedural needs be established. This should take specific

gender-related aspects to identify possible victims of violence into account. Such assessments shall be undertaken as soon as possible after an application for international protection is made and shall be conducted throughout the asylum procedure. As special reception or procedural needs (during asylum procedures) may change, this should also be taken into account. Good practice examples are Belgium, Finland and Germany.

Develop referral pathways to be actively applied by all (state- and non-state) actors in practice, which address different contexts in order to ensure a well-coordinated response and provision of reception: Even though there are informal case-related referral pathways through professional networks in Austria, no formally established pathways exist. Referral pathways are a standard tool to ensure a professional, well-coordinated response and provision of reception, while addressing the individual needs of applicants for international protection. Referral pathways shall be developed to address different contexts: for example, referral pathways for victims of trafficking, which are applicable throughout Austria, along with referral pathways for victims of gender-related crimes, such as FGM, forced marriage or honour-related crimes. In addition, it is crucial that these referral pathways are regularly updated to indicate contacts for focal points and/or other responsible persons. Already-developed practical guidelines for suspected cases of child trafficking might be a leading example for developing referral pathways which take other contexts and crimes into account, and should be actively applied in practice.²¹⁶

Establish formal monitoring procedures throughout reception and ongoing asylum procedures in line with international standards: It is highly recommended that monitoring throughout reception provision and ongoing asylum procedures be improved. This should also include the monitoring of the performance of persons involved in service provision, including interpreters and/or legal advisors.

216 BMFJ, Handlungsorientierungen Kinderhandel, available at https://www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Menschenrechte/Handlungsorientierungen_zur_Identifizierung_und_zum_Umgang_mit_potenziel....pdf



6. CONCLUSION

In commemoration of the 20th anniversary of the UN-SCR 1325 and thus the start of the international WPS agenda in 2000, this research examines the situation for forcibly-displaced women, who, although referred to in the WPS resolutions, are only mentioned marginally and inconsistently. This study focuses on the situation for asylum-seeking and refugee women and girls in Austria, with a view to the provisions of the new *EU RAP on WPS (2019-24)*, which includes the situation for forcibly-displaced women and girls within Europe.

The assumption that domestic aspects are neither sufficiently reflected in the Austrian NAP, nor in practice, was clearly confirmed, although due to financial limitations the study could not include a representative sample of asylum-seeking and refugee women and girls. To align Austria's NAP on the WPS agenda (second revised version from 2012) with the EU RAP along the pillars of *participation* and leading by example, *protection*, *prevention* and *relief and recovery*, several amendments need to be made in relation to the situation for refugee and asylum-seeking women and girls in Austria. When examining their experiences, perceptions and challenges in Austria, several issues with the implementation of

the domestic aspects of the EU RAP on WPS were detected, which indicate the need for improvement.

Under the pillar of *Participation*, the main findings include shortcomings in the involvement of asylum-seeking and refugee women in humanitarian aid as well as reception and accommodation centre, management; inadequate early access to information on language courses and programs; a lack of intercultural understanding between refugee and host communities and the non-involvement of refugee (women's) and diaspora organisations in any WPS platforms.

Under the pillar of *Prevention*, major gaps detected in Austria include the need for the enhancement of information for asylum-seeking women and men on gender equality provisions in Austria, including sexual and reproductive health and rights, as well as a lack of research and knowledge by asylum-relevant stakeholders of gender-specific reasons for flight and migration.

Under the key objective of *Protection*, findings suggest that in general, successful access to domestic courts for victims of serious forms of (conflict-related) forms of violence can be improved and must be ensured. It appears there is a lack of information for

victims of serious forms of (conflict-related) violence on how to access national criminal courts and/or how to claim compensation. Women interviewed suggested that mandatory courses be organised on relevant protection mechanisms for all asylum-seeking women; more trainings for translators and interpreters be provided, as well as more awareness-raising trainings on gender equality for men and boys from Austria's refugee communities, in order to help them to overcome their cultural gender stereotypes.

Under the chapter of *Relief and Recovery*, this research found that monitoring of the provision of adequate reception conditions in accommodation centres for asylum seekers – which addresses individual (gender-specific) needs – appears to be insufficient. There is a need to improve access to information on asylum procedures and legally-guaranteed services, as well as to ensure that service providers (including legal representation) is available as soon as possible upon arrival in Austria, and for as long as procedures are ongoing, in a language which can be understood. A huge gap was also detected with regards to the availability of psychosocial and (mental) health care services in different languages, as well as the number of trained (female) interpreters available to ensure effective access to health services. Integration into the labour market for recognised (female) refugees at the level of their professional potential was also reported to be a significant issue by the interviewees. With regards to the legal aspect, interviewees reported that the taking of gender-specific needs and contexts into account during assessments of applications for international protection also has potential for improvement.

In general, the study shows that core obligations deriving from the WPS agenda, along with the objectives as defined in the EU RAP, are strongly interlinked with obligations under international human rights law and – in view of the European context – with obligations deriving from the instruments of the legal framework of the CEAS, as well as other EU Directives, such as the EU *Victim of a Crime* Directive. In this regard the study shows that national implementation of binding international law and EU law might be improved, in particular with regards to the obligation to assess (document) the nature of specific needs (e.g. specialised health care, adequate living conditions which address the needs of women, adequate translation services) throughout the entire asylum procedure. Additionally, access to information for applicants for international

protection regarding ways in which they can effectively access their rights and legally-guaranteed (reception) services appears to be problematic. Furthermore, it seems that information on protection (mechanisms), including opportunities to access domestic courts as a victim of a serious (gender-based) crime, seems to be insufficient. In this regard, paying attention to developments regarding procedures at domestic courts aiming at prosecuting persons suspected of having committed crimes which fall under international criminal law, will be important.

During the FGDs and interviews with asylum-seeking and refugee women from Afghanistan and Syria in Austria, a high level of dedication and desire to participate in Austrian society and for gender equality could be noted. There is huge potential to integrate refugee women's organisations and experts into both the WPS agendas, and their implementation. It would be beneficial and necessary to update the current version of the *Austrian NAP on WPS (2012)* in line with the new *EU RAP on WPS (2019-24)*. The aim of ensuring the human rights of women and girls affected by conflict, who are now forcibly displaced in Europe, is necessary to comply with the *EU RAP on WPS*. To develop these amendments, it is highly recommended that the responsible state actors of the IMAG should consult with developers of the NAPs in best practice countries such as Ireland, Germany, Finland and/or France. Furthermore, asylum experts, migrant women's organisations in Austria and the EU, refugee women, and other relevant ministries, including departments which are not part of the IMAG, but work with refugees and asylum-seekers, should be invited.

It is highly recommended that practitioners who work either in the field of WPS, or with asylum-seekers and refugees, in particular with women and girls, include the content of this study and its recommendations into consultations with responsible state institutions and refugee (women's) organisations, as well as in practice. The findings and recommendations of this research aim to inform the linking up and harmonisation of policies, Austrian law, activities, strengthening of expertise in relevant fields, and to support cooperation in the fields of asylum (Ministry of Interior) and WPS (under the leadership of the Ministry of European and Foreign Affairs). The authors of this study hope to contribute to a fruitful discussion on these important topics, and to support a win-win approach based on human rights, for all stakeholders.

Annex 1: Bibliography

- Action Plan of the Government of the Federal Republic of Germany on the Implementation of United Nations Security Council Resolution 1325 on Women, Peace and Security for the period 2017 – 2020.
- Action Plan of the Republic of Slovenia for the Implementation of UN Security Council Resolutions No. 1325 and 1820 on Women, Peace and Security for the period 2010–2015.
- ADA: We'll rise up: Starke Botschaft für den Frieden aus Wien. Global Women's Forum for Peace and Humanitarian Action (GWF 2020) in Wien, available at: <https://www.entwicklung.at/ada/aktuelles/detail/well-rise-up-internationale-friedensaktivistinnen-senden-eine-starke-botschaft-aus-wien>
- Antara, Lina, Winnie Leung, Ottila Mauntanidze: Leveraging the impact of Diasporas on peace and development in their country of origin, Stockholm Forum on Peace and Development 2017, Session Report 8, available at: https://www.sipri.org/sites/default/files/2017-09/session_report_no_8.pdf
- Appiagyei-Atua, Kwadwo: United Nations Security Council Resolution 1325 on Women, Peace, and Security — Is it Binding?, available at: <https://www.corteidh.or.cr/tablas/r30497.pdf>
- BMEIA: Frauen, Frieden, Sicherheit – SR-Res 1325, available at: <https://www.bmeia.gv.at/europa-aussenpolitik/menschenrechte/schwerpunktthemen/rechte-der-frau-geschlechtergleichstellung/frauen-frieden-sicherheit-sr-res-1325/>
- Buber-Ennser, Isabella, et al.: Human Capital, Values, and Attitudes of Persons Seeking Refuge in Austria in 2015. 23 September, 2016.
- Christian, Viola: 7. Roundtable – Die Bedeutung von Migration für die VN Sicherheitsrat-Resolution 1325, Vienna, 24 January, 2018.
- Committee on the Elimination of Discrimination against Women – DRAFT General recommendation on Trafficking in Women and Girls in the Context of Global Migration, 2019.
- Committee on the Elimination of Discrimination against Women: General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations, CEDAW/C/GC/30, 1 November 2013.
- Committee on the Elimination of Discrimination against Women: General recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, CEDAW/C/GC/32, 14 November 2014.
- Council of Europe, **Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence**, available at: <https://rm.coe.int/16800d383a>
- Council of Europe, Group of Experts on Action against Trafficking in Human Beings (GRETA), Evaluation Report Austria, Third Evaluation Round, 2020, available at: <https://rm.coe.int/greta-2020-03-fgr-aut-en/16809eb4fd>
- Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), Evaluation Report Austria, 2017, available at: <https://rm.coe.int/grevio-report-austria-1st-evaluation/1680759619>
- Denmark's National Action Plan for implementation of UN Security Council Resolution 1325 on Women, Peace and Security, 2014 – 2019.
- Diaw, Moussa Al-Hassan, Murat Kemal Hirsekorn, Salih Seferovic: Radikalisierung von weiblichen Personen im Kontext des islamisch begründeten politischen Extremismus am Beispiel Österreichs, 2018, available at: https://www.bmeia.gv.at/file-admin/user_upload/Zentrale/Integration/Publikationen/Final_Studie_Radikalisierung_Frauen_Austria_2018.pdf
- EU Action Plan on Women, Peace and Security (WPS), 2019-2024. Working document of the EEAAS, EEAS (2019) 747, 4 July 2019.
- Foster, Stephanie: Terrorism, Women, Peace, and Security. What's important to know about women, gender norms, and terrorism, 24 April, 2020, available at: https://www.law.upenn.edu/live/news/9998-whats-important-to-know-about-women-gender-norms/news/cerl-news#.XqN-Foh_juTA.twitter
- France's Second National Action Plan – Implementation of United Nations Security Council "Women, Peace and Security" resolutions, 2015-2018.

- Freedman, Jane: Sexual and gender-based violence against refugee women: a hidden aspect of the refugee “crisis”, *Reproductive Health Matters*, Volume 24, 2016, p. 18-26, available at: <https://doi.org/10.1016/j.rhm.2016.05.003>
- Grimes, Rachel / UK Ministry of Defence: Exclusive interview with UNSCR 1325 as she turns 19, London, 31 October 2019, available at: <https://www.nato.int/docu/review/articles/2019/10/31/exclusive-interview-with-unscr-1325-as-she-turns-19/index.html>
- Holviki, Aiko, Audrey Reeves (LSE, Centre for women, Peace and Security): The WPS Agenda and the “Refugee Crisis”: Missing Connections and Missing Opportunities in Europe. *London School of Economics and Political Science*, 6/2017.
- Iceland’s National Action Plan on Women, Peace and Security 2018-2022.
- Italy’s Third National Action Plan, in accordance with UN Security Council Resolution 1325(2000), 2016-2019.
- Kingdom of Belgium – Second National Action Plan “Women, Peace, Security” 2013-2016, implementing UN Security Council Resolution 1325.
- Knipp-Rentrop, Karen, Saskia Stachowitsch, Josefa Maria Stiegler: Policy Brief. Der EU-Aktionsplan zur Frauen, Frieden, Sicherheit Agenda – Chancen und Herausforderungen für die Umsetzung der Agenda in Österreich, Vienna, January 2020, available at: https://www.oaip.ac.at/cms/media/policy-brief_workshop_eu-aktionsplan-zur-frauen-frieden-sicherheit-agenda-1.pdf
- Manahl, Caroline: Was wissen wir wissenschaftlich fundiert über den Prozess der Arbeitsmarktintegration von Flüchtlingen? Eine Übersicht über aktuelle österreichische und internationale Studienergebnisse, Arbeitspapier okay.zusammen leben / Projektstelle für Zuwanderung und Integration, Dezember 2017.
- Orakhelashvili, Alexander (ed): Research Handbook on Jurisdiction and Immunities in International Law, in: *Research Handbooks in International Law series*, October 2015, <https://doi.org/10.4337/9781783472185>
- Österreichischer Integrationsfonds: Frauen & Integration Zahlen, Daten und Fakten 2019.
- PeaceWomen – Women’s International League for Peace and Freedom (WILPF): Through the Lens of Civil Society. Summary Report of the Public Submission to the Global Study on Women, Peace and Security, New York, 2015.
- Planitzer, Julia, Evelyn Probst, Entschädigung für Betroffene des Menschenhandels. Rechtliche Verpflichtungen und ihre Umsetzung in der Praxis *SIAK-Journal – Zeitschrift für Polizeiwissenschaft und polizeiliche Praxis*, 4/2019, p. 16-28.
- Resolution 1325 (2000) S/RES/1325 (2000), 31 October 2000.
- Resolution 1820 (2008) S/RES/1820 (2008), 19 June 2008.
- Resolution 1888 (2009) S/RES/1888 (2009), 30 September 2009.
- Resolution 1889 (2009), S/RES/1889 (2009), 5 October 2009.
- Resolution 1960 (2010), S/RES/1960 (2010), 16 December 2010.
- Resolution 2106 (2013), S/RES/2106 (2013), 24 June 2013.
- Resolution 2122 (2013), S/RES/2122 (2013), 18 October 2013.
- Resolution 2242 (2015), S/RES/2242 (2015), 13 October 2015.
- Resolution 2250 (2015), S/RES/2250 (2015)*, 9 December 2015.
- Resolution 2419 (2018), S/RES/2419 (2018), 6 June 2018.
- Riley, Heidi, Shifting Conceptions of Gender Justice in EU Policy on Women Peace and Security (April 3, 2020). *GLOBUS Research Paper 9/2020*, Available at SSRN: <https://ssrn.com/abstract=3567803> or <http://dx.doi.org/10.2139/ssrn.3567803>
- Ryngaert, C., *The Territoriality Principle*, in *Jurisdiction, in International Law (2nd Edition)*, 1 April 2015.
- Safe Life, Spotlight Report, Your Choice: ‘honour’-based violence, forced marriage and domestic abuse, available at: <https://safelives.org.uk/sites/default/files/resources/Spotlight%20on%20HBV%20and%20forced%20marriage-web.pdf>
- Spain 2017-2023. Second National Action Plan on Women, Peace and Security.
- UN OHCHR, Report on the mission to Austria focusing on the human rights of migrants, particularly in the context of return, October 2018, available at: <https://bit.ly/2u4JoQE>

- UN OHCHR, Report on the mission to Austria, focusing on the human rights of migrants, particularly in the context of return, October 2018, available at: <https://bit.ly/2u4JoQE>
- UNHCR, Analyse des Entwurfs für ein Integrationsgesetz, 2017, available at: https://www.unhcr.org/dach/wp-content/uploads/sites/27/2017/05/AUT_Positionen_2017_IntG.pdf
- UNHCR, Analyse des Entwurfs für ein Integrationsgesetz, 2017, available at: https://www.unhcr.org/dach/wp-content/uploads/sites/27/2017/05/AUT_Positionen_2017_IntG.pdf
- UNHCR, Handbook for interpreters in Asylum Procedures, available at: https://www.unhcr.org/dach/wp-content/uploads/sites/27/2017/09/AUT_Handbook-Asylum-Interpreting_en.pdf
- UNHCR, Beyond Proof, Credibility Assessment in EU Asylum Systems: Full Report, May 2013, available at: <https://www.refworld.org/docid/519b1fb54.html>
- UNHCR: Global Trends – Forced Displacement in 2018, available at: <https://www.unhcr.org/figures-at-a-glance.html>
- Vienna Declaration 2020: Women Peacebuilders & Humanitarian Actors Define Key Priorities in 2020 and Beyond, 20 February 2020, Vienna, Austria, available at: <https://wphfund.org/2020/02/20/vienna-declaration-2020/>
- Vienna Institute of Demography (Austrian Academy of Sciences): Labour Market Profile, Previous Employment and Economic Integration of Refugees: An Austrian Case Study, Working Paper 13/2017.
- WIIW Working Paper 169 (The Vienna Institute for International Economic Studies, Sebastian Leitner, Michael Landesmann, Judith Kohlenberger, Isabella Buber-Ennser and Bernhard Rengs): The Effect of Stressors and Resilience Factors on Mental Health of Recent Refugees in Austria, Vienna, 2019.
- Women, Peace and Security – Council conclusions (Brussels, 10 December 2018), (OR. en) 15086/18; CFSP/PESC 1150; COPS 470; CSDP/PSDC 712; COHOM 161, RELEX 1047.
- Women, Peace and Security – Ireland’s third National Action Plan for the implementation of UNSCR 1325 and related resolutions, 2019 – 2024.
- Women, Peace and Security- Finland’s National Action Plan 2018–2021, Ministry for Foreign Affairs of Finland, Helsinki, 2018.
- Zusammen – Das Magazin zu Integration in Österreich, Selbstbestimmt Chancen ergreifen, Frühjahr 2020, number 08, p.16.

Annex 2: Overview of the Women, Peace Security Resolutions

UNSCR Resolution 1820 (2008) addresses sexual violence against women and girls during armed conflict. It emphasises the need to prosecute perpetrators and to provide annual reporting. <https://www.unwomen.org/en/docs/2008/6/un-security-council-resolution-1820>

Resolution 1888 (2009) provides that all sexual violence against women and children in armed conflicts should be stopped and creates a mandate for a Special Representative of the United Nations Secretary-General on Sexual Violence in Conflict, a team of experts on sexual violence in conflicts and advisors for the protection of women in United Nations peacekeeping operations.²¹⁷ <https://www.unwomen.org/en/docs/2009/9/un-security-council-resolution-1888>

Resolution 1889 (2009) urges Member States, United Nations bodies, donors, and civil society organisations (CSOs) to ensure gender equality and participation in peace building and post-conflict reconstruction, and establishes indicators for the monitoring of resolution 1325 and requests the Secretary-General to submit a report on women's participation and inclusion in peace building. [https://undocs.org/en/S/RES/1889\(2009\)](https://undocs.org/en/S/RES/1889(2009))

Resolution 1960 (2010) reiterates the need to strengthen actions against sexual violence; as well as to enforce accountability of perpetrators of such war crimes, publishing their names on a "name and shame list" and making it clear that impunity will no longer be tolerated. [https://undocs.org/en/S/RES/1960\(2010\)](https://undocs.org/en/S/RES/1960(2010))

Again, Resolution 2106 (2013) addresses the accountability of perpetrators of sexual violence in conflict and emphasises the importance of women's political and economic empowerment. [https://undocs.org/en/S/RES/2106\(2013\)](https://undocs.org/en/S/RES/2106(2013))

Resolution 2122 (2013) aims to strengthen the position of women at all stages of peace processes and emphasises women in leadership. It clearly positions gender equality and wom-

en's empowerment as critical to international peace and security and recognises the differential impact of all violations in conflict on women and girls. It further calls for consistent application of WPS across the Security Council's work. [https://undocs.org/en/S/RES/2122\(2013\)](https://undocs.org/en/S/RES/2122(2013))

Resolution 2242 (2015) emphasises women's role in the fight against extremism and terrorism. It also proposes that the Security Council improves its work procedures pertaining to women, peace and security. It has also established an Informal Experts Group (IEG); to address persistent obstacles in implementing the WPS agenda. [https://undocs.org/en/S/RES/2242\(2015\)](https://undocs.org/en/S/RES/2242(2015))

Resolution 2467 (2019) [S/RES/2467(2019)] – Positions conflict-related sexual violence as firmly rooted in the broader women, peace and security agenda; stresses justice and accountability efforts; calls for support and protection to women's civil society organisations; and calls for attention to the issues of children born of rape. [https://undocs.org/en/S/RES/2467\(2019\)](https://undocs.org/en/S/RES/2467(2019))

Resolution 2493 (2019) [S/RES/2493(2019)] – Calls for full implementation of all previous resolutions on women, peace and security; requests the UN to develop context-specific approaches for women's participation in all UN-supported peace processes; and urges Member States to ensure and provide timely support for the full, equal, and meaningful participation of women in all stages of peace processes, including in the mechanisms set up to implement and monitor peace agreements.

For more information on the women peace and security agenda, visit the following websites:

UN Women:

<https://www.unwomen.org/en/what-we-do/peace-and-security/global-norms-and-standards>

Global Network of Women Peacebuilders:

<https://www.womenpeacesecurity.org/member/gnwp/>

Women's International League for Peace and Freedom (WILPF):

<https://www.wilpf.org/>

²¹⁷ See: <https://www.un.org/sg/en/global-leadership/office-of-the-special-representative-of-the-secretary-general-on-sexual-violence-in-conflict/all>

Annex 3: Prevention of GBV – the Istanbul Convention

Prevention of sexual and gender-based violence – obligations and standards according to the *Istanbul Convention*:

The *Istanbul Convention*²¹⁸ contains a number of relevant provisions laying down state obligations regarding prevention of (further) sexual or gender-based violence,²¹⁹ which might also have transnational, conflict-related implications:²²⁰

- Awareness raising activities (Art 13): *Member States (MS) shall promote or conduct, on a regular basis and at all levels, awareness-raising campaigns or programmes, including in co-operation with national human rights institutions and equality bodies, civil society and non-governmental organisations, especially women's organisations, where appropriate, to increase awareness and understanding among the general public of the different manifestations of all forms of violence covered by the scope of this Convention, their consequences on children and the need to prevent such violence*
- Education (Art 14): *MS shall develop teaching material on issues such as equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships, gender-based violence against women and the right to personal integrity, adapted to the evolving capacity of learners, in formal curricula and at all levels of education.(...)*
- Training of Professionals (Art 15): *MS shall provide or strengthen appropriate training for the relevant professionals dealing with victims or perpetrators of all acts of violence covered by the scope of this Convention, on the prevention and detection of such violence, equality between women and men, the needs and rights of victims, as well as on how to prevent secondary victimisation.(...)*
- Preventive intervention and treatment programmes (Art 16): *MS shall provide or strengthen necessary*

legislative or other measures to set up or support programmes aimed at teaching perpetrators of domestic violence to adopt non-violent behaviour in interpersonal relationships with a view to preventing further violence and changing violent behavioural patterns; including necessary legislative or other measures (...)

- Participation of the private sector and the media (Art 17): *Member States shall encourage the private sector, the information and communication technology sector and the media, with due respect for freedom of expression and their independence, to participate in the elaboration and implementation of policies and to set guidelines and self-regulatory standards to prevent violence against women and to enhance respect for their dignity.(...)*

In the Evaluation Report of the Council of Europe GREVIO committee regarding the national implementation of the *Istanbul Convention* in Austria, several recommendations with a specific focus on prevention were made:²²¹

- *(...) it crucial to expand the scope of awareness-raising activities to address the root causes of violence against women and what may be perceived as growing antifeminist attitudes. (...).*²²²
- *GREVIO encourages the Austrian authorities to acknowledge gender inequality as a root cause of violence against women and to take measures to increase gender equality, not only through legislation but also through awareness raising, public education and cultural change.*²²³
- *GREVIO strongly encourages the Austrian authorities to ensure a stronger role of the various federal ministries in conceptualising, implementing and evaluating public awareness-raising activities to ensure regular campaigns and programmes of national reach, including with the help of public broadcasting announcements. GREVIO further specifies that*

²¹⁸ Council of Europe, *The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence*, November 2014, available at: <https://www.refworld.org/docid/548165c94.html>

²¹⁹ Arts 12-17 *Istanbul Convention*

²²⁰ See General Principle related to Prevention in Art 12 *Istanbul Convention*

²²¹ Council of Europe, *GREVIO Evaluation Report Austria*, 2017, available at <https://rm.coe.int/grevio-report-austria-1st-evaluation/1680759619>

²²² *Ibid.*, para 66

²²³ *Ibid.*, para 67

*this would have to be accompanied by appropriate budgetary measures.*²²⁴

- *GREVIO strongly encourages the Austrian authorities to introduce compulsory and harmonised training modules on violence against women and domestic violence for all health professions.*²²⁵

- *GREVIO strongly encourages the Austrian authorities to ensure sustainable and stable funding for training sessions on all issues listed in Article 15 of the Istanbul Convention carried out by the specialist women's support services for law enforcement agencies.*²²⁶

224 Ibid., para 69

225 Ibid., para 75

226 Ibid., para 77

Annex 4: Reception, Relief and Recovery – Standards in Austrian Provinces

Standards and Challenges in service provision in Austrian regional provinces

Overview on reception services as laid down in each regional *Basic Services Act* in cases where applicants for international protection are accommodated in an organised accommodation centre:

Under the federal system in Austria, every regional province (“Bundesland”) has its own regional Basic Services Act (“Grundversorgungsgesetz”). Each regional *Basic Services Act* in each regional province outlines the scope of reception guarantees (“Basic Services”).

Despite the fact that legally guaranteed services are equal in every regional province, differences regarding to the actual provision, definitions and standards exist in each regional province.

With regard to provisions governing standards for accommodation to be provided, each regional province lays down that adequate accommodation shall be provided, whereas every regional *Basic Services Act* foresees different standards and definitions.²²⁷ Regional provinces, such as Vienna, Salzburg or Styria include additional information on standards related to accommodation, which also has gender-implications: Carinthia requires that gender- and age-specific aspects shall be taken into account while respecting dignity, family unity and the situation of persons with special needs, such as victims of torture and violence.²²⁸ In the *Styrian Basic Services Act* it is additionally required that staff working in accommodation centres shall have the appropriate professional background.²²⁹ Tyrol is the only regional province, which explicitly lays down that persons being accommodated in organised accommodation centres shall have access to family members, legal advisors, representatives of UNHCR and/or representatives of other relevant national or international organisations, as well as to acknowledged NGOs.²³⁰

227 See for instance *Basic Services Act Burgenland*, *Basic Services Act Lower Austria*, *Basic Services Act Salzburg*, *Basic Services Act Tyrol*, *Basic Services Act Carinthia*, *Basic Services Act Styria*, *Basic Services Act Vienna*

228 <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrK&Gesetzesnummer=20000199>

229 <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrStmK&Gesetzesnummer=20001331>

230 See corresponding provisions in the EU Reception Conditions Directive (recast): Art 5 and 18.

Additionally, with the exception of the *Vienna Basic Services Act* and the *Tyrol Basic Services Act* – all other regional Basic Services Acts lay down provisions regarding withdrawal or reduction of reception services,²³¹ as well as provisions which take into account the special needs of unaccompanied minors.²³² The provisions regarding withdrawal or reduction of reception services, as well as possibilities to receive information and participate in procedures related to basic services provided vary. In Burgenland, for instance, in cases where beneficiaries of GV leave the accommodation centre for more than one week, basic services will be withdrawn.²³³ This may have implications e.g. on women who fled from partners due to (continued, possibly conflict-related) violence, or from other perpetrators present in or around an accommodation centre. In such cases women are at imminent risk of homelessness and at risk of losing access to other necessary services, such as health care and a health insurance or financial support to ensure basic subsistence. In Styria, basic services (material reception) can be withdrawn if an applicant for international protection did not make their application for international protection within 4 weeks of arrival.²³⁴ This provision may have implications on victims of conflict-related sexual or gender-based violence: in cases of conflict-related trafficking in human beings for sexual exploitation, with Austria as destination country along a trafficking route for instance, victims might still be under the influence of perpetrators, or might have been held captive for longer than 4 weeks upon arrival in Austria. Other examples might be minor victims of conflict-related violence under the ongoing influence of abusive family members, etc.

231 Art 4 *Basic Services Act Burgenland*, Art 3 *Basic Services Act Lower Austria*, Art 6 *Basic Services Act Salzburg*, Art 5 *Basic Services Act Tyrol*, Art 3 *Basic Services Act Carinthia*, Art 4 *Basic Services Act Styria*, Art 1(2) *Basic Services Act Upper Austria*.

232 Art 7 *Basic Services Act Burgenland*, Art 6(1) *Basic Services Act Lower Austria*, Art 6(2) *Basic Services Act Salzburg*, Art 7 *Basic Services Act Tyrol*, Art 7 *Basic Services Act Carinthia*, Art 5 *Basic Services Act Styria*, *Basic Services Act Vienna*.

233 See Art 5(4) *Basic Services Act Burgenland*: “Bei der Beurteilung der Hilfsbedürftigkeit ist die Dauer der Abwesenheit besonders zu berücksichtigen, wobei bei einer Abwesenheitsdauer von mehr als einer Woche grundsätzlich von nicht gegebener Hilfsbedürftigkeit auszugehen ist.”

234 Art 7(2) *Basic Services Act Styria*.

In Upper Austria, access to reception might be withdrawn in cases where applicants' cooperation with authorities in establishing their identity is found to be insufficient.²³⁵ This provision may have implications in cases where victims of serious forms of violence may still be under the influence of perpetrators who may for instance force victims to use false documents. Other examples might be survivors of violence who are stateless, or survivors who were never in the possession of documents or passports due to local customs discriminating against women in their countries of origin.²³⁶ Cases where abusive perpetrators may have confiscated documents as a means of oppression or where flight occurred under circumstances in which obtaining the appropriate identity documents was not possible, may also be additional examples. Such contexts may also apply in cases of women who fled from conflict-related sexual or gender-based violence. Cultural aspects, such as different calendars or individual situations (age, educational background, impairments, lacking or unclear legal capacity etc.) should also be taken into account.

The *Vienna Law on Basic Services* does not entail provisions related to withdrawal or reduction of services, nor does it entail provisions regarding procedural safeguards, e.g. an applicant's right to participate in assessments of the provision of services (e.g. provision of accommodation), receive information, a right to ap-

ply for basic services ("Grundversorgung") or to appeal against a decision made under this law. All other Basic Services Acts in regional provinces entail **provisions on procedural safeguards**, whereas in particular with regard to an applicant's right to a remedy against a decision on the provision of reception basic services ("Grundversorgung") seems to be limited: The *Basic Services Act in Burgenland* for instance, only enables an applicant to receive a written decision against which an appeal would be possible, if they actively request to get such a decision.²³⁷ It is unclear whether applicants would have a right to a remedy in case of an approval of services (e.g. provision of a room in an accommodation centre) which might be considered inadequate in view e.g. of special reception needs. An example might be the case of a female victim of conflict-related torture provided with a place to stay in an accommodation centre where she is the only female inhabitant.

Access to legal advice to lodge an appeal also appears to be limited. In Burgenland for instance, legal advisors must be appointed by the same authority responsible for the provision of reception (basic services "Grundversorgung"), which might raise questions related to necessary impartiality when permitting access to legal advice.²³⁸

²³⁵ Art 3(2)(7) Basic Services Act Upper Austria.

²³⁶ The CJEU acknowledged that applicants may have limited possibilities to acquire some documents or evidence in *MM* and held that '(a) Member State may also be better placed than an applicant to gain access to certain types of documents'. CJEU, judgment of 22 November 2012, case C-277/11, *MM v Minister for Justice, Equality and Law Reform, Ireland, Attorney General*, para. 66.

²³⁷ Arts 11 and 11a Basic Services Act Burgenland

²³⁸ *Ibid.*

Annex 5: FDG/KII Interview Guides

	Question	KII/FGD	Objective
1	Have <i>you (or other women from your community who are now living in Austria)</i> been actively involved in any peace process activities in your country of origin, supporting gender equality? <input type="checkbox"/> If yes, please describe these activities (<i>human rights defenders, activists, ...</i>)	KII	Participation
2	If you stayed in any refugee camp within the EU – but outside of Austria, what possibilities did women have to participate and give their views on services provided inside and outside the camp (<i>regarding different service providers, specialised services such as trauma experts, specialised lawyers, services addressing the needs of women and girls, etc.</i>) and make their suggestions heard?	FGD, KII	Participation
3	When you arrived in an accommodation centre in Austria, what possibilities did women have to participate and give their views on services provided inside and outside the camp (<i>regarding different service providers, specialised services such as trauma experts, specialised lawyers, services addressing the needs of women and girls, adequate housing, adequate living standard, health provisions, security, education for children, ...</i>) and make their suggestions heard?	FGD, KII	Participation
4	Did you receive any information about legally-guaranteed services for you as an asylum seeker/refugee, as well as service providers (NGOs, experts, etc.)? <input type="checkbox"/> If so, where and how did you receive this information and how was your specific situation as a woman addressed in this respect (<i>Access to Information – Zugang zu Information zu Verfahren und Unterstützungsmöglichkeiten</i>)	FGD	Relief and Recovery
5	To what extent are women from your community informed about victims' rights and access to courts in Austria? <i>Access to Information (e.g. on victims' rights, access to courts, etc)</i>	FGD, KII	Protection
6	Since your arrival in Austria, in what way have you received information about refugee status determination procedures and how to realise your rights in these procedures?	FGD, KII	Relief and Recovery
7	While being interviewed by (female) police officers/case officers/judges during your refugee status determination procedure, did you have the impression that the person who interviewed you was experienced, professional and respectful? <input type="checkbox"/> How would you describe your experiences?	FGD/KII	Participation/ Relief and Recovery
8	To which extent was adequate translation provided?	FGD	Protection/ Relief and Recovery
9	Have you received any information on Austria's provisions for gender equality (<i>and a cultural orientation package</i>)? <input type="checkbox"/> Where and how did you receive it?	FGD	Prevention

10	With regards to the provision of services (<i>incl accommodation, medical care, info provision, etc.</i>) to what extent did/do the different Austrian stakeholders cooperate? <input type="checkbox"/> Do you think there are specific considerations and a coordinated response related to the special reception needs of women? <input type="checkbox"/> If so, how would you describe your experiences in this respect?	KII	Relief and Recovery
11	Since your arrival in Austria, how did you receive (adequate) information about available accommodation, services addressing your specific needs and service providers. (adequate accommodation)		Relief and Recovery
12	Since your arrival in Austria, to what extent did you receive information about medical and psychosocial services provided?	FGD	Relief and Recovery
13	Since your arrival in Austria, to what extent does financial support cater for your basic needs and subsistence?	FGD	Relief and Recovery
14	Since your arrival in Austria, to what extent have you received access to education?	FGD	Relief and Recovery
15	Since your arrival in Austria, to what extent have you received assistance in obtaining access to the labour market?	FGD	Relief and Recovery
16	Have the reception conditions and support services met your needs as a woman?	FGD,KII	
17	If you had the experience that reception conditions, including support services, did not meet your specific needs as woman (including the needs of your children), how were you able to improve reception conditions or services provided to better address your needs?	FGD, KII	Relief and recovery
18	Since your arrival in Austria, how have you received information on obtaining protection from violence against you and/or your children and how to prevent further violence?	FGD, KII	Relief and Recovery, protection, prevention
19	Do you have the impression that Austrian authorities identify victims of (S)GBV in order to enable them to realise their victim's rights? <input type="checkbox"/> How would you describe your experiences or those of women from your community in this respect?	KII (FGD)	Protection
20	Have you heard about gender trainings for men and boys from your community, which aim to change their mindset regarding gender equality and women's rights? <input type="checkbox"/> If yes, what was the effect? (<i>Engaging men activities – counterterrorism.....</i>)	FGD, KII	Prevention
21	How are women facing the ongoing risk of continued gender-based violence able to realise their rights for interim measures/protection (<i>e.g. protection orders, restraining orders, etc.</i>)?	KII	Protection
22	How would you describe the situation for women who are victims of serious gender-based crimes (<i>which are related to the (post-)conflict situation in their country of origin and are ongoing in Austria</i>) who seek to obtain a residence (card) in order to have residency independent of their partner (perpetrator) or to be able to recover and/or participate in ongoing investigations against perpetrators?	KII	Protection

23	Are you aware of cases of women who became victims of serious crimes (<i>which are related to the (post-)conflict situation in their country of origin</i>) and who tried to participate in international investigations (e.g. by the ICC) as victims of such crimes? <input type="checkbox"/> If so, what were/are the experiences of these women participating (as victims) in such procedures?	KII	Protection
24	Are you aware of cases of women who became victims of serious crimes during conflict in your country of origin (Syria, Afghanistan, etc.) which had a nexus to (Syria/Afghanistan) and who claimed compensation in Austria? If so, what were their experiences?	KII	Relief and recovery
25	How would you describe the situation for women who became victims of serious conflict-related crimes in asylum procedures? (“procedures for international protection” – wording EC or EASO; alternatively, “refugee status determination procedures” wording UNHCR)	KII, FGD	Relief and Recovery
26	Are you actively involved in any peace process activities in your country of origin since you have been living in Austria (e.g. diaspora organisation, others....)? If so, please describe how you are participating.	KII (evtl. FGD)	Participation
27	Do you think that you (or women from your community) can actively support conflict prevention in your country of origin from Austria? What would this look like? (<i>EU’s early-warning mechanisms and subsequent actions will be gender-responsive; and that there will be an improved understanding of root causes of violence</i>)	KII	Prevention
28	What are your main concerns since your arrival in Austria?	FGD	Prevention
29	How can you raise your concerns regarding your stay in Austria?	FGD	Participation
30	Who are your interlocutors or counterparts?	FGD	Participation
31	What are the main hindrances to your participation in processes/decision-making regarding issues that are important for you?	FGD, KII	Participation
32	Since your arrival in Austria, do you, as refugee/asylum seeker participate in any (diaspora) organisation, women’s organisation and/or refugee organisation? <input type="checkbox"/> If yes, what are your goals?	FGD, KII	Participation
33	How can you reach out to the Austrian public (e.g. through initiatives of your community or refugee/women’s organisations)?	KII	Participation

www.vidc.org