



# BUILDING A SAFETY NET

## for migrant and refugee women

Situation analysis and mapping of the existing legal and policy framework in Germany

Reporting Partner for Germany: Maria Kontos (CRWI Diotima)



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## 1. Introduction: Objectives and methods

In 2015 and 2016 more than one million men and women fleeing war, violence and poverty in countries like Syria, Iraq and Afghanistan came to Germany seeking asylum. Most of them used the so-called Balkan route. This finally closed at the north border of Greece in March 2016. There has been a vivid public debate in Germany about the immigration of asylum seekers in 2015, with the Chancellor underlying Germany's obligation to support people fleeing war and asserting that Germany was in a position to cope with the asylum seeker influx. Her statement was "We'll manage it" (Hildebrandt and Ulrich 2015). The position of keeping the borders open has been strongly criticized by the Bavarian conservative party CSU, as Bavaria's borders were a main entry point for the refugees. Anti-immigrant sentiments have also been promoted by the right-wing anti-immigrant party AfD. On the other hand, instead of taking a moral perspective on helping people in need, the immigration of asylum seekers, in particular from Syria, has also been addressed as a solution to the prospective lack of qualified manpower in Germany, a topic which has been in the focus of migration debates over the last decade (Bingemann 2015).

The first problem to solve was the accommodation of the newcomers. The authorities had difficulty finding sufficient accommodation and some of the asylum seekers ended up sleeping in sports halls and empty office blocks. The newcomers had to live in collective accommodation centers. This in turn means "waiting". "Waiting" ends when the applicant is granted asylum, and thus accorded the right to enter the labour market and to apply for family reunification, but in some cases, "waiting" ends in the rejection of the asylum application and in deportation. The long duration of the procedures may result in some asylum seekers having to live in collective accommodation for a lengthy period. There, they have to live among strangers, being separated from what was once their own social group. The living conditions in collective accommodation centers have been strongly criticized by NGOs as being harmful for the residents. Living conditions depend on the size, the location of the accommodation and the facilities supplied as well as the legal regulation of the residence and asylum procedures. Some initial accommodation centers host thousands of asylum seekers. Many of the collective accommodation premises - former military barracks - are outside cities. Enforced idleness, isolation and overcrowding produce a stressful atmosphere. There is a lack of privacy, and no separation of sexes in the sanitary facilities. In many refugee complexes, sanitary areas cannot even be locked. In most collective accommodation, men are in the majority, while women make up some 30% of the residents (AIDA 2016); in some accommodation there is an even lower percentage of women. According to our interviewee from the NGO 5, in a collective accommodation center for people speaking Farsi in the Rhine-Main region, the sex ratio is 1 woman and 50 men. Generally, in collective accommodation, women do not have the possibility of withdrawing to a safe area. All these factors result in a stressful climate that favours gender-based violence against women but also against other vulnerable groups like children, adolescents and LGBTQI. The perpetrators may include husbands, other refugees, and even the personnel of the accommodation. Interviewees have stressed that the staff in collective accommodation tend to treat refugee women and men in a "disrespectful" way.

Except for some rare publications referring to the scientific evaluation of protection actions for vulnerable groups among the asylum seekers (see for example Leutzinger-Bohleber et al 2016) and reports based on the experience and testimony of experts engaged in the protection of refugees, there is little research on the situation of the new asylum seekers in Germany and much less on the issue of gender-based violence in this context (Rabe 2015). For example, the recent IAB-BAMF-SOEP Refugee Survey, which is supposed to represent the most extensive collection of data for the analysis of forced migration and the integration of refugees worldwide (BAMF, 2016) focuses on motivations, values, educational backgrounds and aspirations as well as labour market integration, but contains little information about issues of gender-based violence. Nevertheless, biographical experiences were recorded in this survey, and the finding was that “15% of the female refugees reported having been sexually assaulted” (BAMF 2016, p. 5). This rather low percentage<sup>1</sup> might depend on the method of interviewing and the focus on educational and employment issues: in the mass media the phenomenon is more frequently reported, focusing on incidents of gender-based violence in collective accommodation (Spörrle 2016). Indeed, from a small sample research, it became obvious that half of refugee women in collective accommodations have experienced gender-based violence in this context, and some are victims of trafficking (Rabe 2015a). Similarly, the broad traumatization through experiences before and during fleeing has been documented in a recent Charite publication (Schouler-Ocak and Kurmeyer 2017) which embraced a broad spectrum of refugee women in five different Federal States. This research consisting of a questionnaire and focus groups brought the gender specific traumatization of women refugees into focus, both before they left their country, during the journey and in Germany under the living conditions in the collective accommodation centers. The authors speak of “sexualized assaults” and “discrimination” in collective accommodation (p. 8).

Concerning the vulnerable groups among the refugees, our analysis showed that victims of trafficking are not a central topic in the recent policy debates about gender-based violence in the context of refugee immigration. Indeed, it is assumed that trafficking is an issue among irregular migrants; the recent asylum seekers are not irregular, for they are registered and are going through the legal procedures of the asylum application. The main bulk of the identified victims of trafficking for sexual exploitation in Germany seem currently to be European citizens, from Bulgaria and Rumania or are even German citizens. A smaller number come from Nigeria and other African countries. They are exploited in bars, brothels and flats. Concerning the numbers of identified victims of trafficking, in the year 2015 there was a decrease, the victims amounting to 416, while in 2014 there were 557. Concerning victims of trafficking for labour exploitation, in the year 2014, 54 cases were identified. The victims have been forced to work in a range of sectors: the agrarian sector, construction, meat-processing industry, hotels, restaurants and domestic work in the households of foreign diplomats. They come from European countries like Bulgaria, Poland and Rumania, but also from Afghanistan, Pakistan and Vietnam (U.S. Department of State 2017).

Moreover, experts assume that in the collective accommodation centers there are also other vulnerable groups exposed to gender-based violence, such as children, adolescents and some LSBTQI people (Rabe 2015b). However, some interviewees (NGO 3) have stressed that they have not detected any LGBTQI cases in the collective accommodation where they work. None of the

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<sup>1</sup>Rabe (2015b) refers to a research within a collective accommodation and reports that half of the female interviewees had experiences of gender-based violence.

interviewees referred to the issue of FGM being practiced in collective accommodation<sup>2</sup>. Concerning gender-based violence in collective accommodation, our interviewees (NGO 3) stressed that they have detected some cases of forced marriages. The experts we have interviewed have confirmed that gender-based violence is a rather common experience of refugee women reaching Europe and Germany in the last couple of years, either in the country of origin, on the way to Germany or in Germany after arrival. Empirical research that gives to refugee women the possibility to speak out about their painful experiences could unveil this phenomenon, but such research is lacking so far.

### *The Objectives of the research*

Given this situation, the Daphne project “Building a safety net” aims at contributing to knowledge about the phenomenon of gender-based violence against refugee women in Germany with an overview of the legal framework and policies focusing on gender-based violence, but also broader issues like integration in labour market and society. We consider statutory policies as well as policies from below, namely the NGOs as actors in civil society. For this, we conduct a mapping of the policies, challenges, unattended needs, services, gaps in the services, resources available, and actors in the field. The aim is to describe the most relevant initiatives at the different levels (local, Federal State and central state) to respond to the problem of gender-based violence against refugee women. The analysis takes into account factors working at the micro and the macro levels and aims at reflecting on the role of the different actors, and Civil Society Organizations.

The focus of the research is on the newly-arrived asylum seekers from the year 2013 onwards. *Refugee* is a legal term meaning the status of a *recognized refugee*, granted to an asylum seeker after the positive ruling on his/her asylum application either based on Asylum Law or based on the 1951 Geneva Refugee Convention. In this report, the term refugee is used, not only in this legal sense, but also as a sociological term to describe those on the move, fleeing situations of war and life-threatening situations affecting themselves and the members of their family.

### *Methods*

The methods utilized in the current analysis aimed at analyzing the legal and institutional framework while taking into account the needs of the victims of gender-based violence are:

- a) Document analysis embracing information and research findings about the legal framework, the legal and institutional procedures, the demographic structure, the experiences of the new asylum seekers; law documents, reports and media presentations.
- b) The secondary analysis has been supplemented by our primary research. This includes one focus group with 5 experts and 10 individual narrative interviews with experts active in the field of the management of new asylum migration: representatives of NGOs, scientific institutions, professionals and volunteers. Women’s organizations embracing both migrant and native women are active in the field of support for refugee women and have been therefore included in the sample. In the presentation, we have anonymized the interviewees at the request of some of them.

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<sup>2</sup> Most Syrian women would not even know what it is meant with the term female genital mutilation (Schouler-Ocak and Kurmeyer 2017).

The analysis refers to the situation at the different levels of policy organization: the central government, the Federal States, and the municipalities. The local perspective focuses on the City of Frankfurt/Main, the Rhine-Main region and the Federal State of Hesse.

In the following, we first give an outline of the quantitative dimensions of the refugee migration in Germany (Section 2) and the collective accommodation structures fostering the emergence of gender-based violence (Section 3). Then we discuss the legal framework through the lens of the protection measures concerning gender-based violence (Section 4), the procedures foreseen, their intersections and gaps (Section 5). In section 6 we outline the main policy and civic society actors involved in the protection of refugee women affected by gender-based violence and the promotion of their social integration. In section 7 we give an overview of the cooperation and communication among the actors. Finally, in section 8, we present some of the policies, - both bottom-up and top-down - aimed at combating gender-based violence and at protecting the victims among the refugees as well as at fostering the (selective) social integration of asylum seekers, and we discuss their possible limitations.

## 2. Quantitative dimensions and demographic structure of the new asylum seekers migration

In 2015, 890,000 men and women seeking refuge came to Germany, of which 450,000 applied for asylum. The following table offers an overview on the numbers of asylum seekers in the year 2016 and their national composition as well as the legal status that has been granted to them, both in numbers and in percentages.

*Asylum seekers, national composition and legal status in numbers and percentages*

	Applicants in 2016	Pending applications in 2016	Refugee status	Subsidiary protection	Humanitaria n protection	Rejection n	Refugee rate	Subs.P rate
Total	745545	433719	256136	153700	24084	173846	42,10%	2
Syria	268866	58399	166520	121562	910	167	57,60%	4
Afghanistan	127892	102856	13813	5836	18441	24817	22,00%	
Iraq	97162	53852	36801	10912	439	14248	59,00%	1
Iran	26872	24045	5443	257	150	3806	56,40%	
Eritrea	19103	13439	16666	3652	119	135	81,00%	1
Albania	17236		18	73	78	30020	0,06%	
Pakistan	15528	16430	275	49	105	8201	3,20%	
Undefined	14922	10586	6782	6084	111	1189	47,90%	4
Nigeria	12916	18666	127	34	213	1787	5,90%	
Russia	12234		357	127	177	5712	5,60%	

Source: AIDA 2016, p. 8; BAMF, Asylum Statistics December 2016: Federal Government, Reply to parliamentary question by the party "Die Linke", February 2017, p. 34

The rejection of asylum applications made by Syrians was only 0,1% while 99,4%. of the applications by Albanians were rejected. High rejection quotas also applied to Pakistani (95%), Russian (89,6%) and Nigerian (82,6%) applicants.

The percentage of women among the current refugee populations increased from 27 % in June 2015 to 55 % in January 2016 (AIDA, 2016). Families and children are among the asylum seekers and the number of unaccompanied minors has increased. Moreover, family re-unification immigration increased in 2016 (50% more) (AIDA 2016).

*Gender/age breakdown of the total number of applicants: 2016, Numbers and Percentages*

	Number	Percentage
Total		
number of applicants	745155	100,00%
Men	487370	65,40%
Women	255870	34,30%
Children	268190	36,00%
Unaccompanied children	35939	5,00%

Source: Eurostat, published in AIDA, Country Report: Germany, 2016, p. 9

Two out of three asylum seekers are men. Most asylum seekers are young people, under 30 years of age. One third of the asylum seekers are minors. In 2015, 42,300 unaccompanied minors were registered. Half of them applied for asylum. 32,464 unaccompanied minors were registered in the first 10 months of 2016.

According to BAMF data, in 2016, 91,1% of the accompanied minors were male and 8,9 % were female (BAMF 2017).

*Data for female gender-based violence victims*

There are media reports about gender-based violence experienced by refugee women, both before entering Germany, i.e. in the places of origin as well as in the several stages of their travelling routes and in the collective refugee accommodation to which they are allocated upon arrival in Germany. There are, however, no statistical data available about the detected gender-based violence survivors.

### **3. Sites and buildings where refugees reside: the locus of gender-based violence**

The distribution of asylum seekers to the 16 Federal States is determined by a quota system called "Königsteiner Schlüssel". This system takes into account the number of inhabitants and the tax revenue in the municipalities (See BAMF 2016 and AIDA, 2016, p. 58). Thus, richer municipalities receive more asylum seekers to accommodate than poor municipalities. Municipalities are confronted with the task of organizing accommodation of the asylum seekers. There are three types of accommodation:

- Initial reception centers (Aufnahmeeinrichtungen).

Asylum seekers are distributed to the Federal States and first have to stay in initial reception centers. In each Federal State, there is at least one initial reception center. Initial reception centers have several hundred places. Many are former army barracks. Some are in big cities, some in smaller ones and some are at a considerable distance to the next city. The accommodation standards vary among the Federal States. A typical room might have 2 to 4 beds. One shower might be available for 10 to 12 persons, but in some centers, the ratio is worse than that (AIDA, 2016,p.62). Food is usually served in canteens; efforts are made to provide food that conforms to religious preferences. Asylum seekers may leave the center, but in most cases, they have to report to the security personnel upon leaving and re-entering. However, a large number of newly arrived asylum seekers could not be accommodated in initial reception centers. They have been sent to local accommodation centers, and some of them have been sheltered in emergency shelters like gyms, containers, empty warehouses or office buildings and tents (AIDA, 2016, p. 61).

After their asylum application has been filed, they have to stay there, for up to 6 months. However, those from “safe countries of origin” (See pages 12 and 17) are obliged to stay in the initial reception center for longer than six months, in fact for the whole duration of the procedure (AIDA, 2016, p. 59).

It is worth noting that special reception centers have been created in which groups of asylum seekers with “low success prospects” are gathered in order to go through summary procedures for the decision on their applications. Such asylum seekers are those with “no willingness to cooperate”, i.e. who give false identity information, or who have destroyed their documents. In these reception centers, refugees are restricted in their movement, they are not allowed to leave the center and if they leave, they will no longer receive support and the asylum procedure will be suspended (AIDA, 2016).

- Collective accommodation centers (Gemeinschaftsunterkünfte)

After the expiration of the first six months, asylum seekers are accommodated in “collective accommodation centers” within the same Federal State. The responsibility for the collective accommodation centers lies with the municipality. However, they may also be run by NGOs or private facility management companies (AIDA S. 59)

- Decentralized accommodation

In some Federal States, the majority of asylum seekers live in decentralized accommodation, mostly apartments or smaller accommodation centers.

In many big cities, asylum seekers are unable to find accommodation on the housing market and have to remain in the collective accommodation centers even if they are not obliged to do so (AIDA S. 63). In 2015, 182,254 people were living in initial reception centers, 416,689 in collective accommodation and 375, 608 in decentralized accommodation (AIDA, p. 60).



### *Critical views on the collective accommodation centers*

There has been a lot of criticism of the living conditions in the initial reception centers, collective accommodation and the emergency accommodation centers, that host high numbers of asylum seekers.

Pro Asyl reported on January 10<sup>th</sup> 2017 about the unacceptable living conditions in gyms, empty industrial premises or airport buildings, especially in Berlin, but also elsewhere. Health risks are on the increase, especially risks of mental disorders because of living conditions precluding privacy, as there are no separate and quiet areas offering the possibility for retreat. Sexualized violence against women is a constantly recurring issue. There is no room for recreation and children have nowhere to play (Pro Asyl 2017, MAZ, 12.10.2016).

Another problem is the lack of qualified staff, able to offer counseling and support for the integration of the refugees. Even worse, the involvement of the security staff in gender-based violence incidents has been reported. The Refugee Council in Hamburg has stressed that the “Security staff is not trained social workers staff and not the ideal communication partner for the personal problems of the people” (Spörrle 2016).

Our interview partner from Pro Asyl points to the tendency to make the “emergency” (collective) accommodation infrastructures permanent. Also, the interview partner from the City of Frankfurt municipality has stressed that in Frankfurt, due to the density of the housing market, there has been no transfer of refugees to flats, so that they have remained in collective accommodation for much longer than the planned 6 months. On the other hand, in some municipalities, those asylum seekers whose request for asylum has been rejected and are to be deported, are returned from apartments back into the collective accommodation (Pro Asyl 2017).

A recommendation made by many Refugee Councils, which are the local branches of Pro Asyl, is to combat gender-based violence by closing all mass accommodation premises and by accommodating refugees in flats. Where this is not possible, there should be a separation of women and single men (Spörrle 2016).

Violence in collective accommodation may also be of a general nature. The collective accommodation centers become in many cases a target of protest and violence on the part of ultra-right wing anti-immigrant groups. This puts the safety of all residents in question. Official statistics refer to 900 attacks on accommodation facilities in 2016, among them 66 arson attacks. The Amadeu Antonio Stiftung, however, considers the number of the attacks to be much higher. This organization refers to 1,578 attacks on facilities, including 102 arson attacks<sup>3</sup>.

## **4. Legal frameworks**

In Germany, there are various laws relevant to the status and situation of refugee/asylum seekers and laws and policies for the prevention of gender-based violence and the protection of the victims.

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<sup>3</sup> See Mut Gegen Rechte Gewalt “Chronik flüchtlingsfeindlicher Vorfälle”, 17 February 2017, <https://www.mut-gegen-rechte-gewalt.de/chronik-karte>.

### **a. Laws concerning asylum**

There are several Laws in place that regulate the asylum procedures and decisions and the stay of asylum seekers:

The Asylum Act,  
The Asylum Seekers' Benefits Act,  
The Basic Law (Constitution)  
The Residence Act.

The right to asylum for all those who are politically persecuted in their country was established for the first time in the United Nations Charter of Human Rights in 1948. In the Federal Republic of Germany, the right to asylum was established in 1949 in the Constitution (Basic Law) as Art. 16. Thus, the right to asylum is a constitutional right in Germany. Almost at the same time, the right to asylum was established in the Constitution of the German Democratic Republic. In addition, Germany is a signatory of the Geneva Convention Referring to the Status of Refugees from 1951 and has implemented this in German Law.

The Asylum Act and the Residence Act are the two most important immigration laws in Germany that cover the admission and handling of refugee claims. Amendments to the Asylum Law in Germany have been strongly influenced by the development in the numbers of those seeking asylum in Germany depending on wars, civil wars and other crises in the world. In the 80ies and the beginning of the 90ies there was an increase in the number of asylum seekers in the Federal Republic of Germany. In 1992, the number of asylum seekers reached a peak with some 440,000 people having entered Germany. After a controversial public debate, in 1993, the Asylum Law was reformed and restricted in relation to the following points, among others:

- Foreigners who enter Germany from a state of the European Union or a safe third state were no longer entitled to asylum.
- Some countries of origin have been classified as safe and their nationals cannot receive asylum.

Until 1993, asylum seekers and those falling under subsidiary or humanitarian protection were subsidized according to the Social Benefits Act. From 1993 on, the Asylum Seekers Benefits Act came into force. It regulates the subsidies for this social category at a considerably lower level than the Social Benefits Act did. With this change, it was expected that the motivation to apply for asylum in Germany would be minimized.

After the reform of the Asylum Law, there was indeed a reduction of the numbers of asylum seekers entering Germany. In 2008, with about 28,000 people, the number of the asylum seekers was at its lowest level.

From 2002 and until 2013, the percentage of asylum applications being granted fell to only 2%. The reduction in the numbers of positive decisions was possible because originally, the German Asylum Law had addressed only individual cases of political persecution. People fleeing wars and civil wars were not entitled to asylum in Germany. It was due to the EU directives on this issue<sup>4</sup> that this

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<sup>4</sup> See Council Directive 2001/55/EC of 20 July 2001

position changed, as the EU directives opened the way to granting asylum to refugees fleeing (civil) wars.

Nevertheless, in 2015, in the wake of the so called “refugee crisis”, asylum regulations became even more restricted. The Act for the Reform of the Residence Right and the termination of stay from August 1, 2015 has brought some improvements for those who have been “tolerated” for a long time, i.e. those who only had their deportation postponed. These improvements addressed especially young people who could show good achievement in their efforts at gaining qualifications. At the same time, in relation to deportation and detention of those with rejected asylum applications, more severe rules have come into force (Die Beauftragte der Bundesregierung für Migration, Flüchtlinge und Integration, 2016, p. 5).

At the same time, the Asylum Seekers Benefits Law was reformed and benefits were reduced for asylum seekers who were accommodated in accommodation centers, being transferred to benefits in kind with only a small amount (143 Euros per month) being given in cash. This is, however, subject to the discretion of each Federal State (BAMF 2017). For instance, in the Federal State of Bavaria, the subsidies had also been given in kind in previous years, while some Federal States give all subsidies in cash.

With the amendment of the Asylum Law in 2016, through the Act for the Accelerated Asylum Procedures - the so-called *Asylpaket II* - further restrictions of the asylum regulations came into force. The asylum procedures were accelerated and more Balkan states (Albania, Kosovo and Montenegro) were classified as “safe”. Family unification for those granted subsidiary protection can take place only after two years of residence. Morocco, Algeria and Tunisia were also declared to be safe states. The subsidies for the asylum seekers have been reduced and deportations even of sick asylum seekers have been made easier. Deportation can be now postponed only in cases of severe illness. At the same time, those asylum seekers who start an apprenticeship receive a secure permit of stay.

In the reform of the Asylum Law, the situation of refugee women in the collective accommodation centers and the increasing risks of gender-based violence there, also on the part of the personnel, were taken into account: Employees in the reception and accommodation centers have now to deliver a comprehensive penal clearance certificate in order to work in the collective accommodation centers. In this way, persons who have been involved in gender-based violence incidents are excluded from working in these places.

A further law affecting the situation of asylum seekers and refugees is the Integration Act. This law was adopted on July 7, 2016 and has been in force since August 6, 2016. This Act regulates integration policies addressing particular refugees, for instance the integration courses that newcomers are obliged to attend. According to the act, the content of the orientation courses is - more than ever before – directed at teaching newcomers about the “values” of society. These “values” usually include gender equality and self-determination, and thus touch upon domestic violence and gender-based violence generally. On the other hand, the Act enables the residence obligation to be extended to recognized refugees for three years, while the stable residence permit called “settlement permit” (Niederlassungserlaubnis) is granted to recognized refugees only if they can demonstrate “integration achievements” (Integrationsleistungen). Integration into the labour market has become easier, as refugees with “good prospects to stay” may be placed in work without having to prove that there is no one else with a privileged permit of stay who could take the job, as was foreseen in previous regulations. The Act entails a program of 100,000 jobs for those asylum seekers who have good prospects to be recognized and to stay in the country. Asylum seekers from so-called safe countries or those with the status of toleration have no right to such jobs. The Act

entails new control instruments that have been developed for responding to the interruption of an apprenticeship as a result of permit of stay sanctions. Nevertheless, the Integration Act foresees for asylum seekers support for finding an apprenticeship, as well as accompanying support. In sum, besides support, the Integration Act delivers instruments for the selection for stable stay of asylum seekers and refugees according to their ability and willingness to comply with the rules of integrating into a highly competitive labour market (Die Beauftragte der Bundesregierung 2016, p. 5). The Integration Act has been criticized by many NGOs, especially the Refugee Council in NRW that stresses the problem of the extension of residence obligation to recognized refugees. Some recognized refugees who had moved to other Federal States, also for realizing family reunification have had to return to the first Federal State they were assigned to (Flüchtlingsrat NRW e.V. 2016). Thus, this Act counteracts the efforts of the refugees to live together with their families.

From spring 2015 and until the end of the year, some 1,091,894 asylum seekers entered Germany via the Balkan route. Of these, 890,000 stayed in the country. In the year 2016 and until the closing of the Balkan route in the spring of this year, some 723,000 people applied for asylum. The largest ethnic groups among the asylum seekers are Syrians, Afghans, Iraqis, Iranians and Eritreans. The number of asylum seekers from the West Balkan has decreased. The numbers of expulsions increased in the year 2015 and after.

In sum, today, the refugee statuses foreseen through the asylum procedures are:

- Recognized refugee according to the Asylum Law

According to Art. 16a of the Basic Law (German Constitution), asylum seekers maybe recognized as refugees and be granted a residence and work permit for three years. After this period, they might receive a permit for permanent residence, if the situation of persecution in the country of origin has not changed. They have the right to family reunification even if they do have not a secure income.

- Recognized refugee status according to the 1951 Geneva Convention

According to §3 AsylG (Asylum Law), asylum seekers might be recognized as refugees on the basis of the 1951 Geneva Convention. They, too, receive a residence permit for three years. These refugees have similar rights to refugees recognized according to the Asylum Law. There is little difference in the legal status of these two categories.

- Refugees granted subsidiary protection

Subsidiary protection is given according to §4 AsylG (Asylum Law) to those asylum seekers whose asylum application has been rejected. They cannot receive the status of the refugee according to the 1951 Geneva Convention, but, at the same time, they cannot be repatriated because there would be serious threats to their lives if they returned to their country of origin. These asylum seekers receive a residence permit for one year and after five years may be granted the permit for settlement if the reasons for the protection have not ceased and if they comply with the legal requirements. They have no legal entitlement to family reunification.

- Refugees granted humanitarian protection

Humanitarian protection (Duldung) is granted in the form of temporary suspension of deportation for up to 6 months on humanitarian or international legal grounds or in order to promote the political interests of the Federal Republic of Germany. These refugees have no work permit in the first year, but they may work in specific jobs if there is no other candidate for this job from the category of the more privileged workers. This category of refugees is also not entitled to family reunification.

Securing the residence permit for staying in Germany after the expiration of the first residence permit depends more and more on the capacity to integrate into the labour market. A main policy objective in this context is recruiting qualified workers among the refugees, so that it can be said that asylum policy intersects with labor market policy objectives (See Sachverständigenrat deutscher Stiftungen für Integration und Migration 2017) for instance, those who attend an apprenticeship are granted a residence permit for the duration of the apprenticeship.

### *The visibility of gender based violence victims in the Asylum Law*

Concerning the visibility of victims of gender-based violence in the Asylum Law and asylum procedures in Germany, the precondition for recognizing gender based violence as a ground for asylum was already stipulated in the 1951 Geneva Refugee Convention. The Geneva Convention recognizes persecution on the part of non-state actors, for instance the family members of the victim, as a ground for recognition as refugee. Despite this Germany declined to recognize such grounds for asylum for a long time. In the focus of the recognition procedure was “political” persecution, i.e. persecution by state actors (Pelzer and Rennington 2006). Only in 2005, with the enforcement of the Immigration Act, did persecution because of gender and perpetrated by non-state actors become a reason not to be deported. However, in this legal context, the victims of gender-based violence are entitled only to subsidiary protection, not to full refugee status (Büllesbach 2008).

Also in the Asylum Act (§3b Par.1, No 4) it is clearly stated that persecution based on belonging to a specific social group also applies, if it involves gender or gender specific identity<sup>5</sup>. Indeed, there is a slight improvement in the treatment of victims of gender-based violence in the context of the asylum procedures. The Federal Office BAMF has to investigate in each case if, for instance, the status of the recognized refugee has to be granted because of the threat of genital mutilation, honor killing, forced marriage, or domestic violence.

In the year 2005, there were only 56 cases of recognized asylum on the basis of gender-based persecution, while in 2006 their number increased to 116 (BT Drs. 16/4831). In 2007, there was a further increase in the success of this kind of asylum applications. Countries of origin of these asylum seekers were African states like Ghana, Nigeria, Eritrea and Cameroon. Reasons for successful asylum applications were the practice of genital mutilation, or in the case of Eritrea, the gender-specific violence in the context of obligatory “national service”. Trafficking for sexual exploitation has also been a reason in asylum applications; however, victims of trafficking and forced prostitution have rarely been recognized as entitled to asylum (Büllesbach 2008).

Despite the progress made in asylum practices recognizing gender-based violence, in many cases decision-making remains strongly influenced by the dominant cultural relativism in relation to migrant women’s exposure to gender-based violence. Women who were supposed to be used to a western style of life are recognized as victims of gender based persecution, while those who are supposed to be used to living in a traditional culture are not recognized as such. Indeed, in the years before the new wave of civil war refugees’ migrations, there was a paradox characterizing German asylum practice. Although gender-based persecution was recognized, the borders became more and more closed, with the introduction of visas to be obtained in the countries of origin and through militarization practices turning Europe to a Fortress (Pelzer 2008).

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<sup>5</sup> Gender based persecution is recognized when the state in the country of origin cannot, or is not willing to offer protection against the gender-based violence and there is no other alternative for the victim than exiting the country.

In the year 2016, 18,782 asylum statuses were granted based on gender specific persecution. This means that in 7,8 % of the cases refugee status was granted on the basis of gender specific persecution. (BAMF, 2017 [https://www.bamf.de/SharedDocs/Anlagen/DE/Publikationen/Broschueren/bundesamt-in-zahlen-2016-asyl.pdf? blob=publicationFile](https://www.bamf.de/SharedDocs/Anlagen/DE/Publikationen/Broschueren/bundesamt-in-zahlen-2016-asyl.pdf?blob=publicationFile)). The Federal Office BAMF has appointed special commissioners in the asylum procedure for detecting and deciding about gender-based violence grounds for asylum (Weinbrenner 2015, <https://info.brot-fuer-die-welt.de/blog/geschlechtsspezifische-verfolgung-treibt-frauen>). Despite the progress in recognizing gender-based violence as a reason for asylum, there is evidence that sensitivity and understanding is lacking in the way the asylum procedures are put into practice. This view is also held by several interview partners from the NGOs.

### **b. Laws against gender-based violence**

In the course of the women's movement from the 80ies on, gender-based violence became an issue in legislation debates in Germany. It took, however, some years to establish a law protecting the victims. The Protection Against Violence Act (Gewaltschutzgesetz) has been in force since 2002. It refers specifically to domestic violence and entails regulations for the protection of the victims. Moreover, in the public sphere, gender-based violence is punishable as a criminal offence (§ 184h, Number 1) and regarding the work place, the Employment Act from 1994 (Beschäftigungsgesetz) refers to issues of gender-based violence too. However, Germany ratified the Convention of the Council of Europe only recently, on the 1st of June 2016 - the so-called Istanbul-Convention - which states that sexual assault should be punishable if it is done against the will of the victim, without the victim having to prove the use of violence (Council of Europe 2011).

#### *The visibility of refugee women in the Laws against gender-based violence*

Nevertheless, the Protection Against Violence Act can be applied in cases of gender-based violence in collective accommodation for refugees; however, the main obstacle here is that if the perpetrator is the husband, women are mostly not willing to refer to the incident. Our interviewees have referred to the many reasons for this: they might not be aware that this is punishable in Germany; they might not want to expose a family member to the police. They might be afraid that this would harm their chances of asylum or, even, that they would be accused themselves of having provoked the violence.

## **5. Procedures deriving from the legal framework and their intersections and gaps**

Migrants without the necessary documents caught at the border are sent back to the "safe third country" they came from. In this case, they do not have the opportunity to apply for asylum in Germany. There were reports in the media about such incidents at the Austrian-German border in 2016. There is however, no information about the number of such cases (AIDA S. 16). Asylum seekers having crossed the borders have to contact the responsible authorities to apply for asylum. In March 2016, the reform of the Asylum Act foresaw that those who did not comply with the obligation to appear immediately at the BAMF office would be regarded as having failed to pursue the asylum procedure and the procedure would not start at all. Asylum seekers arriving at an international airport are subject to the "airport procedure". In an accelerated procedure, a decision is made as to whether they are allowed to enter the territory or not.

The legal status of an asylum seeker is determined when a person has arrived at one of the offices of BAMF and the application has been registered. A special Identity Card authorizes the asylum seeker

to receive social benefits. Asylum seekers are allocated to the different Federal States and then to municipalities. They have to stay in reception centers for up to 6 months. Municipalities are responsible for housing and social benefits. Only recognized refugees may attend integration and language courses.

According to the law, asylum seekers are accommodated in initial reception centers for up to 6 months; those from so-called “safe countries of origin” are obliged to stay there for the whole duration of the procedure. In March 2016, the accelerated procedure was introduced as a reform of the Asylum Act, the so-called *Asyl Paket II*. §30a of the reformed Asylum Act about accelerated procedures defines categories of asylum seekers for whom an accelerated procedure applies. These are people from so-called “safe countries of origin”, or asylum seekers that are thought to have deliberately misled the authorities about their identity. The procedure must last one week only, and if there is an appeal against the rejection of the application, the juridical procedure has to be finalized within two weeks. During this time, the asylum seeker has to live in the initial accommodation and is subject to limitations on their freedom of movement<sup>6</sup>.

In 2016, 20 new reception centers were established. In these centers, fast track procedures such as registration, identity checks, the interview/hearing and the decision-making are streamlined. The aim is to absolve the procedure within a couple of days. According to the so-called “Heidelberg Modell” asylum, seekers are categorized in four “clusters”:

Countries of origin with a high protection rate (high chance of being granted protection) (Cluster A)  
 Countries of origin with a low protection rate (low chance of being granted protection) (Cluster B)  
 Complex cases (Cluster C)  
 Dublin cases (Cluster D)

With the creation of these clusters for the sake of procedural efficiency the category of ethnicity/nationality became of central importance: Countries of origin with a high protection rate are Syria, Iraq, Eritrea. Countries of origin with a low protection rate are those classified as safe third states: Kosovo, Albania, Morocco, Tunisia and others. Cluster B asylum applicants are subject to fast track procedures. According to the interviewee from the NGO1, the individual fate and history of the asylum seeker becomes invisible under these circumstances. The same point is made in the Memorandum of Pro Asyl et al (2016). The ethnic belonging and nationality become the basis for the asylum application decision. This has a considerable impact on the situation of women asylum seekers. Women fleeing gender-based violence in the country of origin will have reduced chances for admission if they come from a so-called safe country.

Asylum applications are filed at the Federal Office for Migration and Refugees (BAMF). The BAMF offices are usually located at the same premises as the initial reception centers. The “interview”/hearing about the asylum claim and persecution reasons has to take place in these centers, but it usually takes place later. In this hearing, the asylum seekers have to give an account of their journey to Germany and about the reasons for their flight. If a female asylum seeker wants to claim gender specific reasons/persecution for her asylum application, she may ask to be interviewed by a specially trained female interviewer. However, as interviewees point (NGO2 and 3), not every BAMF office has such specially trained female interviewers.

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<sup>6</sup> Die Bundesregierung, Asylpaket II in Kraft, 2016, <https://www.bundesregierung.de/Content/DE/Artikel/2016/02/2016-02-03-asylpaket2.html> see also Asylgesetz <https://dejure.org/gesetze/AsylG/30a.html>

As a follow-up to the report of 2005, in 2016 the organization Pro Asyl, the German Section of Amnesty International together with other German NGOs published a Memorandum about the asylum procedures in Germany and the considerable weaknesses in the asylum procedures still pertaining<sup>7</sup>. The conclusion was that there had been no positive change of note since the first Memorandum. Among other weaknesses of the procedures, the Memorandum refers to the poor qualification of the new staff employed to cope with the mass immigration of refugees. These new officers receive a training of three weeks only and have then to conduct hearings on their own responsibility.

Furthermore, several issues are raised in relation to the hearings. There is a lack of sufficient information for the asylum seekers about the procedures. The information flyer of the BAMF, and the formal instructions given at the beginning of the hearing, are not sufficient to inform the asylum seekers about the procedures. The legal obligation to inform the asylum seeker is rarely met (Memorandum 2016). Furthermore, hearings are made without the BAMF officer being informed about the case. Legal support for the asylum seeker during the hearing is not possible, because, before the hearing, there is no file of the case that could give to a lawyer an overview about the case. The time and place of the hearing are not known beforehand. This situation contradicts asylum law, as the law accords the applicant the right to be supported by a lawyer. A relevant point that has been criticized is that the interviews/hearings are made by officers other than those who make the final decision about the application. The latter are located in remote decision-making centers and have not had any personal contact to the applicant (AIDA p.11; Pro Asyl Memorandum für faire und sorgfältige Asylverfahren in Deutschland, 2016). According to the Memorandum, the officers responsible for the final decision do not have sufficient knowledge about the country of origin or knowledge about asylum law. According to information from BAMF, in 1/3 of the cases the decision is processed in separation from the interview/hearing (Drucksache 18/11262, S. 77). The BAMF should consider reestablishing the unity of the interview and the decision (ibid.).

For asylum seekers with special needs, like women, victims of gender-based violence, unaccompanied minors and others, the rules of BAMF prescribe that at the hearing a specially trained officer should be present. This however, is rarely the case.

Pro Asyl, but also other interviewees (NGO 3), point to the language issue in relation to the asylum procedure interview. Given the many dialects of the languages refugees speak, the interpreters appointed by BAMF in some cases do not understand the refugee women, and the women do not understand the interpreters either. This frequently applies in the case of Arabic speaking women. Moreover, interpreters are not officially qualified, while low payment and no objective selection criteria make it impossible to get qualified staff. The interviewee from the women's organization stressed that refugee women are afraid of male interpreters.

The testimony of the asylum seeker is written down and a translated copy in the language of the asylum seeker is handed out to the applicant. On the basis of the interview and if needed, on the basis of further investigations about the situation in the country of the origin, the decision about the application is made. The decision letter that is given to the applicant includes information about the possibility of appeal against the decision and the regulations that apply. However, as already mentioned, the knowledge of the officers about the conditions in the country of origin are in most cases poor.

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<sup>7</sup>See Memorandum für faire und sorgfältige Asylverfahren in Deutschland. Standards zur Gewährleistung der asylrechtlichen Verfahrensgarantien 2016.



The analysis of BAMF-decisions on asylum applications has shown that there has been no sufficient clarification of the persecution situation of the applicants, the situation in the country of origin has not been sufficiently taken into account and there has been a lack of the necessary caution in the examination of each individual case. The analysis of the text structure of a sample of decisions show that the officers issuing the decisions have not examined the cases properly. In several decisions, there are identical formulations about the testimony being implausible without referring to the content of the testimony. The nationality of the asylum seeker seems to be the criterion for the decision without having examined the individual case in depth. Because of all these weaknesses, the Memorandum speaks of “structural deficiencies” of the asylum procedures, which cannot be accounted for only by the work overload of recent years (Memorandum 2016).

Pro Asyl also stresses that the decision practice of recent years show that decisions follow other objectives than the protection of the refugees. Thus, in 2016, there has been a considerable reduction of the recognition as refugees for Syrian applicants. Compared with 2015 when recognition was 100%, in September 2016 the percentage had fallen to less than 30%. The rest were granted only the status of subsidiary protection, although nothing had changed in the situation of the country of origin. This can only be explained as an effort to limit family unification, as the recent change of the Asylum Law suspends family unification for the following two years for those with subsidiary protection status only.

Together with the changes and rationalization of the procedures for the examination of asylum applications, BAMF is busy with organizing in more and more effective ways the deportation of those who have not received a permit of stay of any kind. Indeed, in 2016 and the first months of 2017 saw increasing numbers of deportations of rejected asylum seekers. In order to organize deportations as effectively as possible, refugees who are to be deported are not informed about the date of deportation, so that they will not go underground. There are no data about women among the deportees. The current efforts are to organize expulsion already before the refugees have entered Germany. For realizing this, there are negotiations for setting up hot spots in North Africa, and in particular in Tunisia.

The interview partners (NGOs and Pro Asyl) have pointed to the high level of successful appeals against the negative asylum decisions of BAMF, which showed that the decisions were met without having really taken into consideration the individual life experiences of the applicants.

#### *Asylum laws and procedures, anti-violence laws and the needs of the victims of gender-based violence*

Interviewees from the organizations offering counseling in collective accommodation are confronted with cases of female victims of gender-based violence. They have pointed out that violence committed by a husband cannot be negotiated in the framework of the asylum procedure, but that there are possibilities for the women to utilize the protective means offered by the Anti Violence Act. Theoretically, the existing and quite differentiated legal protection system for gender-based violence victims could be implemented in collective accommodation centers too. In practice, however, a systematic implementation of these rights in these centers is lacking. Measures and services provided by the laws for the protection of women victims of gender-based violence have considerable limitations with regards to refugee women because of regulations and procedures of the asylum and residence laws.

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<sup>8</sup> Die Bundesregierung (2017): Flucht und Asyl – Fakten und Hintergründe, [https://www.bundesregierung.de/Webs/Breg/DE/Themen/Fluechtlings-Asylpolitik/4-FAQ/\\_node.html?id=GlossarEntry1674036](https://www.bundesregierung.de/Webs/Breg/DE/Themen/Fluechtlings-Asylpolitik/4-FAQ/_node.html?id=GlossarEntry1674036)

The obligation to reside in the district of the accommodation center limits the freedom of movement of asylum seekers and becomes a serious barrier when women victims of domestic/gender-based violence decide to ask for protection in a women's shelter. The next shelter might be outside the district the refugee victim of domestic violence is obliged to stay in. In some cases, it is not even possible to leave the accommodation for a short time. Breach of the obligation of residence may incur a financial penalty. In case of repetition, the refugee may be confronted with a penal procedure. The Foreigners Offices and the BAMF have, indeed, a leeway to allow exceptions to the residence obligation, this, however, is not regulated in practice and moving refugees from one place to another might take months. In sum, the procedures foreseen contradict the protection needs of women under the situation of gender-based violence stress and urgent need for support and protection.

Finally, it is essential that the shelters for the protection of women victims of domestic violence finance the support and daily costs of the women through the social benefits system. This brings into question their accessibility by women seeking asylum or being rejected asylum seekers, as asylum seekers are mostly subsidized in kind. It follows that in order to be accepted in a women's shelter, the refugee woman has to be subsidized in cash.

In the case of a perpetrator being expelled from the collective accommodation, it is necessary to take into account his binding residence obligation and that he has to have permission to leave the accommodation. He also has to be given another place to stay. This means, in such cases, social authorities and the relevant Foreigners Office have to be involved (See Rabe, 2015a and b).

It becomes clear that networking between the organizations offering legal information for the asylum procedures, and organizations offering information to gender-based violence victims, becomes more and more an issue locally, as legal questions for single cases have to be clarified (Rabe 2015b).

## **6. Social and policy actors involved in the protection and support of migrant and refugee women - their activities concerning gender-based violence**

### **a. Central, regional and local government actors**

#### **• The Federal Office for Migration and Refugees (BAMF)**

The BAMF is a federal authority under the supervision of the Federal Ministry of Interior. It is responsible for implementing asylum proceedings and for granting refugee protection. It also coordinates the integration policy at national level. Another responsibility is research on migration, with the aim of managing migration on an informed basis. BAMF has branch offices in the first reception centers. These are central entrypoints for the asylum procedure.<sup>9</sup> All necessary steps for the asylum procedure are carried out here: medical examination, identity check, application, interview and initial advice on access to the labour market. The decision on the asylum application, on the other hand, is taken in the decision-making centers. Under the current conditions of mass immigration of asylum seekers, there is need for more staff, who have to be trained. However, we have already referred to the critique on the expertise of the BAMF staff and the inadequate qualification program of the new entries (See page 18). At the same time, one of the goals of the

<sup>9</sup> See §62 Asylverfahrensgesetz, (Act for Asylum procedures). The medical examinations have to detect communicable diseases.

Office is to increase the intercultural awareness of the officers by increasing the share of staff with a “migration background”<sup>10</sup>. According to the self-presentation of the Federal Office, there is awareness of the situation of gender-based violence survivors. The Office engages “special-commissioned case-officers” to examine the applications of particular vulnerable groups, such as persons persecuted because of their gender, unaccompanied minors, traumatized victims of torture or victims of trafficking (Federal Office of Migration and Refugees 2016).

- The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ)

One assignment of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) in the context of women’s policies is to combat gender-based violence in all fields of life, like family, the public or in the context of prostitution. In the agenda of the BMFSFJ, migrant and refugee women are categories of women in need of protection against gender-based violence. The BMFSFJ has initiated and supported a range of projects in this field (see page 27).

- The Federal Ministry of Interior

Asylum seekers, refugees, migration, integration, and the labour market integration of migrants, are key issues of the Federal Ministry of Interior. Ensuring democratic and peaceful relations between people of different national, religious and cultural backgrounds is important. The aim is to integrate into society all people who live in Germany permanently and lawfully and to grant them the related rights and duties (Federal Ministry of the Interior, [http://www.bmi.bund.de/EN/Topics/Migration-Integration/Integration/integration\\_node.html](http://www.bmi.bund.de/EN/Topics/Migration-Integration/Integration/integration_node.html)).

Thus, the migration and asylum policies of the Ministry of Interior have a focus on issues of public security and selection of the well-adapted and easy to integrate into the labour market.

- The Commissioner of the Federal Government for Integration, Migration and Refugees

The Commissioner is responsible for the issues and the situation of migrants and refugees. She or he is concerned with the legislation that touches upon the situation of these groups and monitors the implementation of policies. A main objective of the Commissioner is peacefully living alongside each other. Since 2016, the Commissioner has developed projects strengthening the work of volunteers for the support of refugees, but also specifically for the support of women refugees. Counseling seminars, training towards prevention of gender-based violence, help towards self-help - also in cooperation with migrant women’s organizations - are some of the targets of the Commissioner. In order to achieve these tasks, especially the support of the volunteers, the Federal Government increased the budget of the Commissioner in the last two years (Die Beauftragte 2016, p. 3). It is worth noting, that in her 11th report (Die Beauftragte 2016), the Commissioner has formulated remarkable critical comments about the changes to different Acts governing the residence rights of asylum seekers, for instance the suspension of the right to family reunification for those enjoying subsidiary protection and the rules for deportation of rejected asylum seekers.

- Federal States

The Federal States are responsible for the initial reception centers, the social support and the accommodation of the asylum seekers. The Federal States received special financial support from the

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<sup>10</sup> According to the Microcensus- Act of 2004, „People with migration background“ are those who have not the German citizenship or one of their parents was born without the German citizenship.

central government in the years after 2015 to address the needs arising through the mass immigration of asylum seekers (BAMF, EMN (2017)).

- Municipalities

Municipalities are responsible for the collective accommodation and the subsidizing of the asylum seekers, as well for the subsidizing of those who have gone through the asylum application procedure but have not yet integrated into the labour market. In the municipalities, specific departments for migrants and for women have been established for several years, and many municipalities have recently established refugees' offices dealing with issues of accommodation and social integration of refugees.

b. Third sector institutions

- Welfare Organizations

The Welfare Organizations of the Churches (Caritas, Diakonie) and of the trade unions (Arbeiterwohlfahrt) have been traditionally responsible for social work with migrants. More recently, social work specifically addressing ethnic groups of migrants has been incorporated into the general social work structures. Today, some welfare organizations are managing collective accommodation on behalf of the Federal States or the municipalities.

c. Trade Unions

Concerning the situation of refugees generally and of female victims of gender-based violence in particular, Trade Unions are not the central actors. However, as central social actors, they position themselves in relation to policy towards refugees and they develop their own policy actions aimed at refugees' social integration. A central issue for Trade Unions also, is the need to combat racism against refugees. Some of the activities of the Trade Unions are:

- IG Metall, the Trade Union in the sector of metal industries, finances with 500,000 Euros its local branches for setting up projects and actions addressing refugees. In cooperation with the women's organization Berami, The IG Metall in Frankfurt/Main has recently set up under the name „Der Laden“ a Counselling Center for refugee women and men (IG Metall 2016).
- Verdi, the Trade Union in the services sector has pointed to the need for the labour market integration of the refugees, the need for more jobs within the public sector to aid the reception and integration of the refugees (Ver.di 2016).
- DGB, the Confederation of the Trade Unions in Germany, has also formulated concerns about the integration modus of refugees in the labour market. Concerns refer in particular to the issue of undermining the minimum salary level when it comes to their employment (DGB 2017).

d. NGOs

- Human rights organizations: Pro Asyl

The organization Pro Asyl is the best known organization at the level of the Federal State, supporting the human rights of refugees and asylum seekers in Germany. Pro Asyl was founded in 1986 and since then, besides broad information and political campaigns, it has been active in lobbying and commenting on law reforms, conducting research and supporting asylum seekers through the asylum procedure. Pro Asyl enjoys in this way considerable influence in the German public sphere, as well as on government. Pro Asyl had more than 21,000 members in the year 2015. Other organizations such as churches, trade unions, welfare and other human rights' organizations cooperate with Pro Asyl. At the level of the Federal States, the Refugee Councils (Flüchtlingsräte) - also members of Pro Asyl - coordinate the local and regional work (Die Flüchtlingsräte, <http://www.fluechtlingsrat.de/>).

- German and migrant women's organizations

Most important NGOs in this field are women's organizations. Out of the new women's movement in the 70s arose organizations, which became established in the field of counseling with the aim of overcoming situations of disadvantage for women. These organizations are embedded in the legal structures that have been established to support women in society. They are financed by state agencies or private funds. Thus, they act autonomously but within the limits set by the legal framework. On the other hand, with the Equal Treatment Act, structures of women's support have been established within all levels of the administration - like the establishment of an office of a Representative for Gender Equality (or Representative for Women's issues) in almost all city administrations - in the third sector institutions, and in the private sector, for instance the larger firms. Migrant women's protection and emancipation has been a central activity field for German political feminism. Today, many German women's organizations have professionalized in the field of support for women generally, and migrant women specifically, and the percentage of migrant women, not only among the clients but also among the staff, is high. However, there are also many migrant women's organizations, active in the field of support, training and counseling for migrant women. In Frankfurt/Main, one of the biggest organizations with migrant women among its staff is Berami e.V. It offers specialized courses and counseling on Career Guidance and Labour Market Inclusion of Refugees. Another organization of this kind is FIM offering regular training and counseling to refugee women in collective accommodation, not only in Frankfurt/Main. Migrant women's associations active in the field in other cities are Kurdish, Iranians and South American associations.

It is worth noting that the well-established migrants' associations are not present in this field. Some of the interview partners, however, pointed to cooperation with these associations, especially in relation to courses offered to refugee men (NGO 3), or in relation to the support for refugee families when they are to leave the collective accommodation centers. Other interview partners (NGO 4) pointed to the social conflicts within the ethnic groups. These conflicts may be explained by the civil war situations in the countries of origin. Refugee women and men would not be eager to contact these organizations, as they do not feel that they can trust them.

- International and national/local humanitarian agencies.

In Germany, in the field of support for refugee women victims of gender-based violence, the role of the international organizations is not considerable, as the national state and the civil society are covering the needs arising.

- a. Unsalaries volunteers

The immigration of unprecedented numbers of refugees in 2015 and 2016 mobilized civil society. Numerous men and women decided to engage voluntarily in supporting the newcomers. The promotion of the engagement of volunteers has been also a target of the Ministries involved in the support and integration of refugees, aiming in this way to solve the problem of support and integration of refugees in a non-costly way.

Besides the state activities and the activities of the welfare organizations, volunteers' work is traditionally quite important for implementing policies of integration of migrants in Germany. The legal framework for the involvement of volunteers in all social fields is organized by the Federal Ministry for Families, Senior Citizens, Women and Youth Affairs. However, several other state actors are involved in the organization of the work of volunteers. Thus, since 2015, the promotion of volunteers' involvement in the work for refugees has become a central aspect of the work of the Commissioner of the Federal Government for Migration, Refugees and Integration. (Die Beauftragte der Bundesregierung, 2016, p. 2). The resources enable the qualification and advice for the volunteers and the creation of public awareness for the need for such work.

Local authorities in the municipalities coordinate and organize the work of volunteers for the work with the asylum seekers. Coping with the accommodation and integration needs of the newcomers depends both on the broad offer of volunteer services by the population as well as the efforts of the local authorities for advertisement and invitation of citizens to do voluntary work. It is not possible to list the numerous authorities and organizations who are active in this field. An example, however, is that the municipality of Frankfurt/Main has set up a project "Frankfurt helps" to coordinate and train volunteers willing to work for the integration and the protection of refugees. Some activists have set up web pages to inform about possibilities to give support in refugee work. However, some of our interviewees have stressed that the volunteers working with the refugees are themselves in need of support, as they work with traumatized people who respond to the traumatic situation in ways that the volunteers without a professional background cannot always understand<sup>11</sup>. It is also of interest for our analysis that there is a concern that some of the men asking to help in refugee work might be just interested in making contact with refugee women through the volunteer work (Wie kann ich helfen? 2017)

## **7. Cooperation and Communication among the actors**

Networking and coordinating activities addressing the organization of support for refugees and asylum seekers are numerous. Some of the most important among them are the following:

- Pro Asyl is the most prominent NGO working for the rights of asylum seekers and refugees. At the same time, Pro Asyl serves as a network platform for the most relevant organizations in this field. Pro Asyl is active at the level of the central government, focusing on legislation and policies affecting refugees. At the local level, there are organizations cooperating with Pro Asyl under the name Refugees' Council („Der Flüchtlingsrat"). These councils have the goal of offering a networking framework at a local level.
- At the different administrative levels, there are several efforts to set up a coordinating platform for the activities on behalf of refugee women. There are some coordinating efforts in the context of the Commissioners for Women's Issues and Gender Equality. On such project is the very well-informed webpage "Vernetzungsstelle" within the web portal of the

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<sup>11</sup> On the issue of secondary traumatising of people working with traumatised people, see Schouler-Ocak and Kurmeyer 2017.

Commissioner for Equal Opportunities, Women and Equality of the Federal State Lower Saxony. It serves as a networking platform for organizations active in the field.<sup>12</sup>

- There are moves to develop a networking platform for activists and groups for the protection of the LGBTQI people, who are currently rather scattered. The network Rainbow Refugees/Action Alliance Against Homophobia is one such platform.<sup>13</sup> It brings together information about the activists' groups in the field.

#### **8. Good policy practice for the protection of refugee women victims of gender-based violence- and the possible limitations**

There is a variety of protection policies, projects and actions addressing gender-based violence against refugee women. These projects and actions are located at the different administrative levels. They focus in a few cases on experiences of gender-based violence previous to flight, but in most cases on such experiences upon arrival in Germany. Most of the protection measures at the level of the central government and the Federal States or the municipalities are related to combating gender-based violence and to treating its consequences for refugee women who are living in the collective accommodation centers. Some others, like the Humanitarian Admission Program of the Federal State of Baden-Württemberg, offer medical treatment to Yazidi women and girls who have experienced severe gender-based violence in Iraq. While bringing together these policy measures in the following, it became obvious that the suffering and the needs of refugee women are not only shaped by the experiences with gender-based violence, but also by experiences of general and structural violence to which almost all refugees are exposed. The concept of traumatization that becomes central when discussing gender-based violence reveals that gender-based violence experiences are interlinked with the general and structural violence threatening all refugees. Although there is a clear gender related traumatization deriving from the specific patriarchal structures and the responsibility of women for their children and family, refugee women are also exposed to experiences of violence and insecurity affecting male refugees also. The loss of family members while travelling, the manner of traveling, going frequently long distances on foot, the permanent insecurity and the fear for the safety of the family members who stayed behind or travel alone are widespread traumatizing experiences of refugees which damage their wellbeing, their physical and psychical health and cannot be captured alone under the gender-based violence lens. Thus, our interview partners have pointed to the diversity of traumatic experiences of the refugee women they are counseling, focusing at the same time on the gender specific aspects of these experiences. Some interviewees, for instance, said that almost all women who have travelled through the Sahara have been repeatedly raped. Some others pointed to the specific traumatization of mothers, saying that some women traveling from Syria to Turkey were forced to "sell" a child or to consent to the marriage of a female child in order to finance the flight for the rest of the family members with the money or "bride price" the family got for the girl. Some interviewees (NGO 4) have also pointed to the fact that victims realize their traumatization only in a later phase; therefore, this does not become obvious in the hearings associated with the asylum application.

Given the fragmentation and multiplicity of the field, the following overview of good practice in the field of protection of refugee women against gender-based violence is far from exhaustive and may be seen as an effort to bring together some of the most visible actions.

<sup>12</sup>See

[http://www.vernetzungsstelle.de/index.cfm?uid=8545DF67D152F5E20EEC1889519905D7&and\\_uid=10197D1994284E49E2B7E1F5FC8B0A1B](http://www.vernetzungsstelle.de/index.cfm?uid=8545DF67D152F5E20EEC1889519905D7&and_uid=10197D1994284E49E2B7E1F5FC8B0A1B)

<sup>13</sup>See <http://www.aktionsbündnis.org/ueber-uns.html>

### **a. Protection via information and guidance activities**

It is a result of the success of the new women's movement – from the 70s onwards – that there are a range of institutions in existence in Germany for the support of victims of gender-based violence. Most important in this context is the Law Against Violence that came into force in 2002 as well as the women's shelters and women's counseling centers. In women's shelters, women who are confronted with domestic violence may enjoy protection. However, not everybody - and not at any time - can reach the locally organized women's shelters and counseling centers. Therefore, efforts are made to make these institutions more accessible for migrant and refugee women also. The existing information flyers are now translated into English and the languages of refugees (BMFSFJ 2016c).

Moreover, in 2013, a support hotline "*Violence Against Women*" was established by the "Federal Office for Family and Civil Society", a department of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth. The help-line is available around the clock and is free of charge. Although it addresses women in general, there is special attention to the needs of migrant and refugee women; interpreters in 15 languages can be connected to a call. Female specialists offer support and guidance. Counselors provide appropriate local support options and information about specialized counseling centers, women's shelters, health care providers, the police or other support services. Similarly, the help-line "pregnant women in need" is also accessible in 15 languages (BMFSFJ 2016c).

The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth together with the organization Donum Vitae set up a project for the support of pregnant refugee women. The project has been established for the duration of 3 years with the aim of offering "conflict consultation" to pregnant refugee women about the possibilities of getting an abortion. In Germany, a so-called "conflict consultation" is a precondition for getting a legal abortion. The project has started in several federal states and aims at covering all of them. The project follows the principle of going to the client at home (Aufsuchende Beratung) (BMFSFJ 2016c). However, some of the interviewees assessed this support as ambivalent, as it might be seen also as a project aiming at regulating the number of births among the newcomers.

As more than 80% of the refugees are internet users via smart phones, new technologies are also utilized to reach refugee women and protect them in situations of gender-based violence. The Ministry for Health, Emancipation, Care and Aging of the Federal State of North Rhine-Westphalia developed the App "ReFuShe" which offers easy understandable information in five languages and with several videos. The App offers information about the German way of life and demonstrates central societal values like gender equality, self-determination and condemnation of violence. Moreover, help for women in situations of violence, like addresses and telephone numbers of support centers are offered through the App.

### **b. Concepts for the prevention of gender-based violence and for the protection of victims in collective accommodation centers**

The management of the collective accommodation centers is responsible for taking precautions to prevent gender-based violence<sup>14</sup>. The analysis of the responses to a questionnaire of the Ministry of the Interior for the year 2015, however, showed that in the collective accommodation centers there were no measures for the prevention and intervention in the case of gender-based violence, although the operating firms were aware of their obligation to ensure the security of the residents. With regard to the situation of the LGBTQI people, as a vulnerable group, as our interviewee from the NGO 2 said, there is no awareness of the gender-based violence problems confronting this category of people (see also Rabe 2015b). A central instrument for the prevention of gender-based violence against refugee women and other vulnerable groups and the protection of victims are concepts for

<sup>14</sup>Schriftliche Anfrage DIMR Januar 2015, Rabe 2015b, S. 11



the organization of the collective accommodation centers where the majority of the incidents have been reported. It is the offices and departments responsible for gender equality within the multilevel governance that have developed concepts to combat gender-based violence and to protect the victims in the collective accommodation centers and which take care for their implementation.

*i. A concept for the prevention of gender-based violence at the level of the central government*

After a UNICEF report showed that there were some documented incidents of violence, rape and sexual attacks in centers for new arrivals as well as suspected cases of sexual exploitation of children and women, the need to arrange protection in the accommodation centers became obvious. In July 2016, under the title “Protection of Women and Children in the Refugee Accommodation Centers”, a joint initiative of the Unicef and the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) presented a concept for the protection of vulnerable groups. In this initiative a broad network of organizations and institutions active in the fields of social policy for refugees and women were involved. Starting point of the concept with the title “Minimum Standards for the Protection of Children, Adolescents and Women in Refugee Accommodation Centers”<sup>15</sup> is that children, adolescents and women have not been given sufficient protection and they are at risk of becoming victims of violence, misuse and exploitation, especially in collective accommodation and reception centers. The “Minimum Standards” have to be a guide for setting up and implementing specialized concepts of protection in all forms of collective accommodation for refugees and they embrace issues of personnel, structural and building preconditions, risk management and monitoring of the effects (Bundesministerium für Familien, Senioren, Frauen und Jugend 2016a).

The “Minimum Standards” embrace six key elements:

- 1) Every refugee reception and accommodation center should have a protection plan that should be binding on all staff, i.e. management, social workers, counselors, medical care staff, interpreters, janitors and volunteers, as well as external service providers. The protection plan must be a component in the contracts for every organization or firm delivering a service. External service providers must be contractually obliged to cooperate and to abide by the guidelines. The plan should be based on a risk analysis that includes gender and age-specific risks and the plan should be openly accessible and transparent.
- 2) All staff members, volunteers and external service providers are required to sign a statement committing them to complying with the internal code of conduct for the protection of children, youth and women from violence. Another planned measure is to train people who work at refugee homes in issues of protection from gender-based violence and supply them with skills to identify incidents of sexual violence. All staff members, service providers and volunteers have to provide an extended criminal record certificate.
- 3) Concerning the internal organizational structure, House Rules should be set up and translated in the languages spoken by the asylum seekers in each facility. Residents, staff members, volunteers and service providers should sign them. An independent office of complaints and appropriate complaint management mechanisms should be established. Residents should be informed about their rights (flyers, posters, regular information) and the victims of violence should be informed about the option to seek refuge in a women’s shelter. The center must have a data base of suitable local contacts for further support such as women’s shelters, specialized counseling centers, legal assistance etc.
- 4) Every reasonable suspicion of violence must be investigated. Standardized operating procedures should be in place for the identification and referral of cases of sexual and

<sup>15</sup>See

<https://www.bmfsfj.de/blob/113620/90c9798c71d5e12918850c50fbc2f3cb/schutzkonzept-mindeststandards-unterkuenfte-engl-data.pdf> as well as

<http://uk.reuters.com/article/uk-europe-migrants-germany-children-idUKKBN0TX24J20151214>

gender-based violence. Staff members and volunteers must be informed about the steps to take. Women should be informed about the protection options under the German Protection Against Violence Act.

- 5) Refugee reception and accommodation centers should implement a minimum of infrastructures and construction measures to ensure the safety of children, youth and women. These include separate rooms and sleeping areas with lockable doors, as well as gender segregated and lockable sanitation and health facilities. Centers should have “women only” private spaces for the provision of psychosocial counseling, legal advice, and health care services.
- 6) Internal and external monitoring mechanisms should evaluate the program and enable improvement of the concept (See BMFSFJ 2016c and World Future Council, December 2016).

One of the anticipated measures of the BMFSFJ is to provide, in cooperation with the State Development Bank KfW (Kreditanstalt für Wiederaufbau), up to 200 million euros in investment loans to build new refugee accommodation and modify existing shelters so that women and children can be better protected. The municipalities are eligible for such loans as they are responsible for the accommodation of refugees beyond the first reception centers.

The first element of the “Minimum Standards” of the joint initiative of the BMFSFJ and Unicef referred to the objective to enable the establishment of coordination offices that will develop protection plans for the accommodation centers. In 2016, 25 such offices were set up and 75 further offices will be established in 2017. The tasks of these offices embrace the training of the personnel of the accommodation centers; they organize the cooperation with further social actors in the regions, and inform the asylum seekers about their rights and the offers for integration support. The ministry allocates for each office a financial support of 40,000 Euros per year <sup>16</sup>.

## *ii. Concepts for the prevention of gender-based violence and the protection of victims at the regional and local level*

The current plurality of concepts concerning the issue of gender-based violence in the refugee accommodation centers derives from the fragmentation of responsibilities for these accommodation centers. Ministries for Women and Equality in some few Federal States, like North-Rhine Westphalia, Brandenburg and Niedersachsen have set up their own concepts to combat gender-based violence in the collective accommodation centers, especially in the first reception centers for which the Federal States are responsible. Similarly, Representatives for Gender Equality in many city administrations have set up concepts against gender-based violence in the collective accommodation centers for which they are responsible.

According to our interview partners in the City of Frankfurt/Main Administration and NGOs, the anti-violence concept of the Federal Ministry presented above is rather too general, as it addresses both women and children; however, all anti-violence concepts are oriented towards this concept, taking into account the local specificities. Our interview partner pointed instead to the differentiated structure of the concept of the city of Giessen. The concept of the city of Frankfurt/Main has not been through the negotiations in the city council yet. We present in the following two concepts that have been praised, one from the City of Giessen and one from the City of Bremen.

### *The Anti-Violence Concept of the city of Giessen*

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<sup>16</sup>See

<http://www.vernetzungsstelle.de/index.cfm?uuid=8545DF67D152F5E20EEC1889519905D7&and uuid=69D05CDE0A60D371D9EF01C56295E625>

Within the Federal State of Hesse and even prior to the Concept of BMFSFJ, namely in the beginning of the year 2016, the well elaborated concept of the City of Giessen for the prevention of violence and the protection of vulnerable groups in refugee collective accommodation was issued. In this concept, the expertise of several organizations offering counseling for women as well as for migrants has been utilized. This concept embraces LGBTQI people (Lesbians, Homosexuals, Bi-, Trans-, and Intersexual as well as Queer people) among the vulnerable groups to be protected.

The concept foresees measures of primary<sup>17</sup> and secondary<sup>18</sup> prevention<sup>19</sup> of violence, so that violence should not emerge at all. It also foresees measures of tertiary prevention so that no further violent incidents take place. The concept aims at the reduction of risk factors and the strengthening of the protection factors. The perspective is “holistic, based on the systemic analysis of all risk factors, and taking into consideration the interwovenness of factors on the individual level, the level of the social context and the societal level” (BFG 2016, p.6). The risk factors are identified in relation to the situation of refugee women and children. This embraces, on the one hand, risk factors in relation to the structure of the buildings, the lack of privacy and their overcrowding. On the other hand, it takes into account the lack of a broader normative framework in society through which violence is condemned as well as the lack of knowledge on the side of the refugees about the legal situation in Germany concerning gender-based and sexualized violence. It is suggested that the number of residents in an accommodation should be reduced and the separation of sanitary spaces for men and women should be secured. Safety measures should foresee, among others, that safety personnel are not only men but also women. The management and all staff should sign a commitment against all forms of violence. This should be incorporated in the contracts that the administration makes with the external firms managing the accommodation. Further measures are the training of staff and volunteers about the situation of vulnerable groups and information for the refugees on the German legislation about gender rights. It is stressed that structures of empowerment of refugees have received so far little attention. With regard to interventions after an incident of violence there should be exact guidelines about the steps to follow and the actors to contact. Moreover, the prevention of violence should become an overall societal task. Violence should be socially condemned. The objective should be an inclusion of all actors in society in the prevention of gender-based violence and the achievement of structural change in this field. This means also effective horizontal and vertical networking and coordination among civil society and state institutions.

The concept includes suggestions for improving the practices of BAMF, the Federal State institutions, the Foreigners’ Offices and the Social Administration. These suggestions go far beyond the Minimum Standards. Among others:

- Through appropriate information, training and guidance in the implementation of the Asylum Law, gender-based violence should be recognized as a ground for asylum, irrespective of the country of origin having been classified as safe or not.
- BAMF should make public the statistical data about gender specific aspects of the refugees and the asylum procedure.
- In order to enable quick decisions for the protection of the victims of gender-based violence, the obligation for refugees to remain in a specific place should be canceled.
- There should be an autonomous asylum status for women who have an asylum status through their husband, so that they are not forced to endure any violence by the husband in order to avoid deportation.
- Pregnant refugee women should be accommodated on sites where privacy is secured.

<sup>17</sup> Primary prevention of violence creates appropriate conditions so that violent attitudes and behaviors do not come up.

<sup>18</sup> Secondary prevention of violence means the early detection of violent attitudes and behaviors and interventions towards changing them.

<sup>19</sup> Tertiary prevention of violence includes interventions by escalated violence. It serves to prevent relapse.

- Through subsidizing social housing, authorities should create more normal housing possibilities for the newcomers.

### *The Anti-Violence concept of the City-State Bremen*

Many cities and some Federal States (North Rhine-Westphalia, Brandenburg, Rheinland-Pfalz and Baden Württemberg) have set up anti-violence concepts and strategies, in cooperation with their women's departments. In October 2016, the City-State of Bremen adopted a well-developed anti-violence concept for the refugee collective accommodation centers in the context of a social integration strategy for migrants and refugees. The concept embraces vulnerable groups like women, girls, children and LGBTQI people. The accommodation managements have to implement the suggestions by the end of the year 2017. The Bremen concept refers to aspects concerning construction and structural changes for securing privacy for vulnerable groups, as well as training for the staff, putting emphasis on the security staff, the careful selection of the security officers, and the inclusion of females. Furthermore, an independent complaint office should be set up and police officers should be present in the collective accommodation centers. The latter is wish of the accommodation management according to the authors <sup>20</sup>.

Our interviewees have assessed the meaning of the anti-gender-based-violence- concepts pointing to the usefulness of such concepts. Such concepts increase awareness in the collective accommodation centers. However, some NGO interviewees stressed that some of the concepts are totally divorced from reality. Other interviewees pointed out that the crucial issue is the implementation and the control of their implementation. In cases of private firms running the collective accommodation center especially, it is doubtful that the rules set up in the concepts could become part of the contract.

### **c. Other protection measures at the level of the Federal States**

#### *i. The humanitarian Admission Program/Special Quota Project for Yazidi women from North Iraq (Baden-Württemberg)*

It was the initiative of the Premier Minister of the Federal State Baden-Württemberg that led in the year 2014 to the rescue program for 1100 women and girls of Yazidi religion from North Iraq. The women and girls were part of a larger group of Yazidi women and girls who experienced severe persecution, torture and gender specific violence from IS militiamen. Many of them had lost their male relatives through IS atrocities. This humanitarian operation was unusual, as Federal States are not involved in the field of foreign affairs. However, it became obvious that this operation could be realized, as the Residence Law would enable a visa to be granted on humanitarian grounds to these women and girls (FAZ, 5.11.2016).

Under strict security precautions, these women and girls were flown to Frankfurt and because of the fear that IS could try to take a revenge on the women, they are being looked after in secret shelters in 22 villages and cities in Baden-Württemberg (Heffner, 2014). Some of them are also hosted in the Federal States of Lower Saxony and Schleswig Holstein. With security measures in operation, they receive urgently needed medical treatment, support in orientation in society and culture and

<sup>20</sup>Bremische Zentralstelle für die Verwirklichung der Gleichberechtigung der Frau, der Senator für Inneres, die Senatorin für Soziales, Jugend, Frauen, Integration und Sport (2016) In Bremen zuhause. Frauen, Kinder und Personen, die aufgrund ihrer sexuellen oder geschlechtlichen Identität von Übergriffen und Gewalt bedroht sind, in Flüchtlingsunterkünften schützen, <http://senatspressestelle.bremen.de/sixcms/detail.php?gsid=bremen146.c.184414.de&asl=bremen02.c.732.de>

language learning. Only after they have stabilized can they begin psychotherapeutic treatment (Wie leben Jesidinnen, die in Freiburg Schutz gefunden haben? 2016). It is worth noting that the psychotherapeutic treatment is offered by medical institutions specialized in trauma treatment and ethno-medicine, such as the Ethno-Medical Center in Lower Saxony, ensuring that the services are culturally sensitive and linguistically appropriate. "Psychotherapists, social workers, doctors and other healthcare providers receive specialized advanced training on the subjects of trauma and violence in the context of forced migration and displacement. The additional focus on the qualification of interpreters is particularly innovative: the center has a team of highly qualified interpreters trained in dealing with severely traumatized refugee women" (World Future Council, 2016, p.18).

## ii. *The STEP BY STEP project in the 'Michaelis-Dorf' Darmstadt (Hessen)*

In January 2016, the project STEP BY STEP started in the City of Darmstadt aimed at accommodating traumatized migrants and especially migrant women, children and young asylum seekers in a first reception center. The project was initiated by the Ministry for Social Affairs and Integration of the Federal State of Hesse and is conducted by the Sigmund Freud Institute in cooperation with the Goethe University, both located in Frankfurt am Main. The project has been conceived at the political level as an answer to the many reports about gender based violence ("violence and rape") in the "first reception camps". This has been seen as a consequence of the fact that several hundred young men had been housed in tents or buildings together with only a few women or young families. This was the reason for the decision to separate young women and families who were then transferred in the context of the project to the 'Michaelis-Village'. Here, the women and other traumatized refugees could receive medical treatment and social support, a precondition for their social integration. The project is an innovative project, unique in Germany. It is based on the experienced team from the Sigmund Freud Institute, a highly specialized institution in trauma therapy, and it is scientifically evaluated in order to implement the concept in other first reception centers also in the Federal State of Hesse.<sup>21</sup>

Based in former military barracks, the 'Michaelis-Village' can accommodate 1000 refugees. It started with 456 refugees: 186 men, 111 women, 114 children and young people under 14 years. The majority come from Syria (155) and Afghanistan (166) (Echo online 28.1.2016).

The project is founded on the rich psychoanalytical knowledge of the Sigmund Freud Institute on trauma and its transgenerational transmission. "It aims to 'intercept' the traumatic experiences of refugees from the beginning. It hopes to first create an initial feeling of minimal security – both with their fellow human beings and with the environment....Those politically responsible seek to accommodate those particularly vulnerable groups of refugees (mothers with infants traveling alone, families, pregnant women and in particular traumatized refugees) allocated to Hesse..." (Leuzinger-Bohleber et al 2016, p.1079 f.)

An indicator for the effort to create minimal safety for refugees is that the institution is not called 'first reception center' but instead 'Michaelis-Dorf', i.e. 'Michaelis-Village', a metaphor for a social meeting place, a community that welcomes each one with his/her individual personality and own history, vulnerabilities but also gifts, talents and capacities. Daily structures are crucial for combating the feeling of uprootedness, loneliness and insecurity. To combat the passiveness in the situation of a refugee being in a first reception center that can reactivate the feelings of the traumatic experiences, and in order to strengthen interaction and cooperation, each resident receives active

<sup>21</sup> For the description of the Step-by-Step project see  
<http://www.sfi-frankfurt.de/de/forschung/forschungsfeld-1/pilotprojekt-michaelis-dorf.html>

support every day for about two hours. In turn, each resident is expected to develop his/her own activity for two hours by carrying out something on behalf of the village.

The concept is implemented with several activities that take place in cooperation with the local support team of professionals, psychoanalysts, educators, social workers and volunteers involved. The project's aims are formulated in relation to families and the wellbeing of the children:

- "Support of families' (psychosocial) integration as well as promotion of children's development and well-being
- Strengthening of children's and parents' resilience
- Prevention of families' or single person's social withdrawal from the village community by promoting participation in society and specific support of internal and external connections to the culture of origin
- Psychoanalytical and psychosocial support of traumatized families, the objective of which is to work on acute traumatization and to attenuate the transgenerational transmission of trauma
- Assistance in the networking of psychosocial and institutional support services for families 'at-risk' both in the village and after the transfer to long-term accommodation
- Promotion and optimization of the cooperation and communication structure of the professional teams and volunteers who work at the Michaelis-Dorf
- Designing of child-friendly spaces in the village where children and adolescents feel accepted and safe
- Diverse and stimulating provision for children and adolescents, and motivation for participation in educational as well as psychoanalytically oriented groups." (Leuzinger-Bohleber et al, 2016, p.1080-1081).

Specific provisions attempt to achieve these goals:

- a) "Supervision of the supporting staff
- b) Weekly psychoanalytical assessments and crisis interventions for traumatized refugees in cooperation with the medical care service and the social work team....
- c) Psychoanalytically oriented groups for pregnant women and women with babies/infants
- d) Psychoanalytic (painting) group for children....
- e) Psychoanalytically oriented groups for adolescent girls and boys
- f) Children's groups and the designing of 'child-friendly spaces
- g) (Educational) Evening programs for adults.....
- h) Scientific evaluation (Leuzinger-Bohleber et al, 2016, p. 1082-1087)

The project seems to be able to accommodate a large number of the female refugees in the state of Hesse, although not all of them by far. However, as mentioned above, in the 'village', the number of men is higher than the number of women. Moreover, the trauma concept underlying the psychoanalytic work with women and men in the village is comprehensive. It embraces all possible traumatic experiences of war and fleeing situations, from loss of family members to having been confronted with the death of others, having been tortured, as well as having been confronted with traumatic experiences in other situations like for instance in their family, prior to fleeing. Nevertheless, the issue of gender-based violence is visible in the reports about the progress in the 'Michaelis-Village'-project. For instance, in this context, refugee women who became pregnant after a rape could receive the possibility of having an abortion.

The project develops services that meet the needs of the traumatized victims of gender-based violence. Based on a differentiated psychoanalytic concept of trauma, the project acknowledges the difficulty of recognizing traumatization, as traumatized individuals might not speak about their

traumatizing experiences. Traumatization can be easily recognized in only a few cases. At the same time, the project's aim is to supply the victims of traumatization with long-term psychoanalytic support for the time after leaving the 'first reception center' and moving to an apartment. Nevertheless, it became obvious in the focus group with professionals in the project that incidents of gender-based violence may also happen in the Michaelis Village. Therefore, the professional teams have the authority to move young families or single young women to separate village buildings with special protection (see also Leutzinger-Bohleber 2016, S. 1081). In the focus group, it became also obvious that the issue of capacity of the BAMF officers to select residents for the Michaelis Dorf in the other first reception centers in Hesse does not really poses serious problems, as most of the refugee women are severely traumatized and would be eligible to be placed in the project. A problem for stabilizing the traumatized women and men appears to be their insecurity concerning their stay in Germany, namely the insecurity about the outcomes of the asylum application. This insecurity would hinder a therapeutic process and would reactivate the traumatic experiences. Even the news about the rejection of the asylum application of a co-ethnic would destabilize the other residents from this ethnic group, as they would fear that their own application might have the same fate. It is therefore clear that this kind of therapeutic intervention cannot be done without cooperation with professionals able to deliver competent advice on the legal issues that arise. The project cooperates with ethnic associations in the city, especially when the refugees are allowed to leave the collective accommodation and move to their own flat. Then it is important to have not only contact to the therapeutic staff responsible for the refugee after leaving the project, but also to a social context that receives the refugee as a member of the group. According to the professionals from the project, there have not been any incidents related to genital female mutilation or trafficking. These issues remained also in other project contexts rather in the background.

In the meantime, there are several smaller projects addressing traumatized women and their children. Such a project is the one run by the city of Troisdorf. In cooperation with the Social Services of the catholic women, the city of Troisdorf has set up an accommodation center for 14 refugee women and 21 children. The representative of the city said that the women had "terrible experiences during the flight ....prostitution, rape or genital mutilation were some examples" (Neue Unterkunft in Troisdorf für Flüchtlingsfrauen, 2017).

#### **d. The City of Frankfurt am Main activities**

According to the interview partner from the City of Frankfurt am Main, the situation of refugees in Frankfurt am Main differs from other big cities because there is no cheap available housing for the refugees when they are allowed to leave the collective accommodation. Because of this situation, refugees stay in the collective accommodation even if they are not legally obliged to do so.

The municipality in Frankfurt am Main set up in November 2015 a "Specialists' Team for the Management of the Refugees". This team has to coordinate all activities for the support and accommodation of all incoming refugees, but also for their integration, i.e. the organization of language and integration courses, the organization of apartments, their integration in the labour market, the prevention of violence, support in health issues and the gender mainstreaming of support activities. In order to fulfill the coordination task, the team is in contact with all departments<sup>22</sup> of the municipality, the organizations and the social welfare institutions. The team has prepared a concept to prevent gender-based violence in collective accommodation. For the time being, the debate in city council on the concept has not been finalized and the concept has not yet been adopted.

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<sup>22</sup> See [http://www.frankfurt.de/sixcms/detail.php?id=2717&\\_ffmpar\[\\_id\\_inhalt\]=6758322](http://www.frankfurt.de/sixcms/detail.php?id=2717&_ffmpar[_id_inhalt]=6758322)

Already in September 2015, the social department of the municipality in cooperation with ten foundations, most based in Frankfurt, set up the project “Frankfurt helps” in order to coordinate the voluntary engagement for refugees. The project foresees counseling, information and qualification courses for those willing to engage in voluntary work for refugees. The project takes into account the needs and resources of the volunteers and offers evening courses.<sup>23</sup>

#### **e. Activities of women’s organizations**

##### **Projects offering protection and safety through appropriate accommodation**

Some projects organize “appropriate” accommodation for refugee women “in need of protection”, i.e. women travelling alone with their children. Such a project is “Mirembe” set up by the organization IMMA e.V. who received a house in Munich for the accommodation of 12 women and their children from a welfare organization. Their stay in the house should be for no longer than one year. The idea is that the women find there protection, safety and advice to be strengthened and to develop a new perspective on life.

##### **Projects aiming at enabling communication among refugee women**

There are several projects aiming to offer language courses but most of all at offering safe places for communication among the refugee women and with women from the local society. They have mostly been set up by members of women’s organizations who have long experience with the work with migrant women. The financial support comes from diverse sources (public money and private foundations). The majority of these activists work on a voluntary basis. Many of them are members of established migrant groups.

Such a project is the “Café Milena” in Frankfurt/Main. Refugee women from collective accommodation or from decentralized housing frequent the Café and take part in the language courses. The project aims at contributing to the labour market integration of the refugee women. The concept underlying this project is that refugee women cannot be informed about their rights just by reading a brochure about women’s rights. To become familiar with the values of the society, they need the possibility to discuss in protected spaces about their own problems and situation; they need to learn about how to make their own way into society and to come into contact with examples of successful trajectories (Frauenrecht und Minztee, 2017). From this point of view, the project comments critically on the official limited strategy of distributing flyers with information to the refugee women about their rights.

Some other projects aim at creating awareness of rights among refugee women and at empowering them. This is the goal of the projects run by the Organization “Frauenrecht ist Menschenrecht” (FIM) in Frankfurt Main<sup>24</sup>. FIM is a counseling center for women’s rights specializing among other things on issues of gender-based violence. It has a long history of work in supporting victims of trafficking. FIM was asked by the organization managing the collective accommodation to offer courses to the refugee women, as the management could not find a way to communicate with them. Since 2016, FIM has run educational programs in several collective accommodation centers for refugee women in the language of the country of origin. The aim of the courses is to prepare the refugees for life in Germany, giving them information about the support structures, rights in German society, especially women’s rights and the legal framework for them. Courses are offered also to refugee men.

<sup>23</sup> See <http://frankfurt-hilft.de/>

<sup>24</sup> See <http://www.fim-frauenrecht.de/de/>



However, there are courses offered only for women, so that they can speak more easily about the problems they face. The courses for men are conceived as a supplement needed for improving the life of women and men. According to our interview partners, FIM has developed a series of methods for getting in contact and for gaining the trust of refugee women and for being able to communicate the issues needed in the situation. Moreover, FIM offers educational courses for the staff of the collective accommodation centers. FIM is active also in other cities in Hesse and is renowned beyond the Federal State for its profound expertise in the field of gender, migration and refugees.

#### **f. Activities of migrant women's organizations**

There are some well-organized and professionalized migrant women's organizations engaged in refugee work. These are self-organizations of migrant women living for longer in Germany engaging in supporting refugee women, especially against gender-based violence. Such an organization is SUANA/Kargah based in Hannover. In the 80s, exile Iranian women established the organization run today as a multi ethnic counseling center for migrant and refugee women. Since April 2016 SUANA/Kargah has offered "counseling and support for traumatized female refugees affected by violence". In cooperation with professional social workers, the multilingual staff members of the organization provide counseling in collective accommodation centers. The focus of the information and education sessions is on topics such as "domestic, sexual and psychological violence, trauma, forced marriage, as well as violence against children and children's rights. Advice is also offered on asylum law and on persecution based on gender" (World Future Council 2016, p. 44). The main goal of the project is "the formation of a sustainable women's group in collective accommodation centers in order to foster their self-organization and self-reliance to cope with everyday life" (ibid.).

#### **g. The voice of refugee women**

As mentioned above, associations of migrant women already established in Germany engage in support of new refugee women. There is, however, not much public visibility refugee women (or even men) concerning the housing conditions in collective accommodation centers and they lack a voice. An exception is the brochure to be found on the webpage of "Women in Exile" with the title "No camps for refugee women". This brochure from the year 2011 refers to the living conditions in a refugee camp for women and men in the Federal State Brandenburg. Not only the structure of the buildings that are old military barracks is the object of critique, but also the remote and isolated location that is far away from the next city, as well as the obligatory long stay in the camps. Severe psychical problems are the result <sup>25</sup>.

#### *Hearing the voice of refugee women*

In the context of the Central Office for the Realization of Gender Equality of the City of Bremen, there has been a first attempt to include refugee women in an advisory board, thus opening up a participation process concerning the regulations affecting their own lives. In March 2017 and in the framework of the project "Women and flight" a council of ten refugee women from different class and educational as well as familial backgrounds has been set up to follow the work of the Office of the City of Bremen for the Realization of gender equality. They have to speak as experts on their own situation about the needs of refugee women. Labour market integration, qualification, health and psychosocial counseling were <sup>26</sup>the main issues the women brought together. Regular meetings were foreseen within the year 2017.

<sup>25</sup> See <http://womeninexile.blogspot.de/images/broschreblog.pdf>

<sup>26</sup> See Freie Hansenstadt Bremen/Bremische Zentralstelle für die Verwirklichung der Gleichberechtigung der Frauen, <http://www.zgf.bremen.de/sixcms/detail.php?gsid=bremen94.c.13218.de>

#### **h. Other social integration projects for refugee women**

Social integration embraces access to social rights, participation in the provision of social services i.e. health, housing and information, realization of participation rights, and participation in schooling, language courses, employment and employment services. Social integration of asylum seekers appears as a policy goal embracing those “who will stay for longer” (Die Beauftragte der Bundesregierung für Migration, Flüchtlinge und Integration 2016, p. 1). This means that social integration policy is not targeting asylum seekers as a whole but only those who finally will be allowed to stay in the country. The selection preceding participation in social integration policies is embedded in the asylum procedures, their explicit criteria and criteria of extending permit of stay as well as the criteria deriving from the gaps between the legal frames that leave out specific groups (S. Chapter 5). Thus, the target of socially integrating asylum seekers refers to the category that is assumed to have prospects of staying in the country. These prospects are identified in relation to the capacity of the migrant to integrate into the labour market. It becomes obvious therefore, that asylum policy targets the recruitment of qualified workers among the refugees to meet the labour shortages that have appeared over the last few years in the German labour market.

##### *Mentoring programs*

The women’s organization “Terre des Femmes” started in June 2016 a mentoring program under the title: “Connect – “Buddy Program” for Female Refugees in Berlin”. This is an innovative project connecting newly arrived refugee women with female mentors living in Berlin within a mentoring program. The mentor offers support and navigation to integrate in the new society. The goal is for refugee women to be able to live free of violence in Germany. The mentors are in regular contact with the project team. Training is provided to the mentors regarding asylum law, including gender specific reasons for asylum, gender specific forms of violence, local support structures, as well as information about work opportunities, health care, children and social networking opportunities.

##### *Family aid programs*

In 2016, the Ministry for Family Affairs, Senior Citizens, Women and Youth set up a project with the title “Parents’ Chance II” in Berlin aimed at supporting refugees in their function as parents, for instance in finding a Kindergarten place, or school. The goal is to help the refugee families to meet parenting requirements in the new environment. The idea is to train volunteers to offer parental support, giving information and support to the families of refugees <sup>27</sup>.

##### *Labour market integration programs*

The BMFSFJ has also set up a project for the labour market integration of women asylum seekers who came to Germany alone or with their children, and <sup>28</sup>without their partner or relatives. The project under the name „POINT – Potentiale integrieren“ is part of the initiative „Protection of Women and Children in the Refugee Accommodation Centers“ (Schutz von Frauen und Kindern in Flüchtlingsunterkünften). Besides the BAMF and the Berlin Senate, cooperation partners in the project are labour market actors like the Labour Administration, the German Employers Organizations and the German Trade Union Confederation. The project coordinates the NGO Goldnetz GmbH in cooperation with the Labour Administration. The concept of the project is to

<sup>27</sup> See BMFSFJ: Bundesweite Workshop-Reihe: Elternbegleitung für geflüchtete Familien, 14.3.2016, <https://www.bmfsfj.de/bmfsfj/aktuelles/alle-meldungen/bundesweite-workshop-reihe--elternbegleitung-fuer-gefluechtete-familien/76030>

<sup>28</sup> See <http://www.vme-net.de/de/point-potentiale-integrieren>

supply the participating women with a coach who will support them in finding a job and at the same time, with the help of volunteers, to support them in finding care facilities for their children. The participants should have “a good perspective to stay” which means that they are already supplied with qualifications and can be expected to find their way into the labour market.

## 9. Discussion and policy recommendations

The analysis shows that the issue of gender-based violence in relation to the new refugee migrants has been discussed especially in relation to the housing conditions in the first reception centers and the collective accommodations. The official efforts to combat gender-based violence with a range of projects has been critically discussed, especially by those active in NGOs. The Refugees Council of Hamburg has stressed that the best policy against gender-based violence is to close the collective accommodation premises and to accommodate the refugees in decentralized flats. This would be the only solution to the problem. The recommendation to inform refugees about the legal norms in Germany and about the fact that gender-based violence is an offence in Germany, has been criticized by the Council, because, in the countries of origin of the refugees the same norms would be valid. The problem in Germany is the lack of social control and of a social environment which would hinder men from assaulting women (Spörrle 2016).

Summarizing the recommendations that our interviewees and the focus group participants explicitly or implicitly developed, the following aspects should be a target of policy if the situation of the asylum seekers and of the victims of gender-based violence among them is to be improved.

- As long as there are not enough apartments to appropriately accommodate asylum seekers and refugees, the collective accommodation premises should be organized in a way that secures and protects privacy. The concepts for the prevention of gender-based violence that have been set up offer a range of instruments and suggestions to secure the privacy of refugee women.
- The current system of processing asylum applications increases the insecurity of women refugees. Therefore, improving the situation of women asylum seekers means improving the asylum procedures, especially the hearing situation, to offer a secure status of stay and possibilities of family unification. Family reunification is needed either with family members who are still abroad or in the country of origin, or through the unification with members of the extended family who live within Germany but are subject to the obligation of residency in other places.
- For enabling protection in the case of domestic violence, the asylum regulations should be adapted to allow the refugee women to utilize the means offered by the Anti-Violence Act. This means the flexibilisation of the residence obligation, and the subsidizing of the refugees in cash and not in kind.
- Knowing about the impropriety of undue generalizations, the high rate of traumatization of refugee women should be taken into account. There is a need for offering communication spaces for the refugee women and to utilize methods of approaching the specific problems of traumatized women. Moreover, there is a need for sufficient numbers of trauma therapists. On the other hand, when devising measures for support and integration into the labour market, the specific consequences of traumatization should be taken into account.

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