

OBSTACLES FOR MIGRANT WOMEN TO OBTAIN REFUGEE STATUS

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ABSTRACT

Purpose: The text identifies the discriminated position of women as refugee seekers in the context of international law, which has for decades stereotypically recognized male refugee seekers who come from the areas of current armed conflicts. This has led to difficulties in recognizing women who find themselves in equally serious danger due to the existence of structural, gender-based violence.

Design/Methods/Approach: A desk analysis of international and domestic regulations which recognize gender-based violence as a basis for obtaining refugee status is to be applied. Data from the reports of the Commissariat for Refugees of Serbia, international organizations, non-governmental organizations and media reports on the situation of “women on the move” (migrant women and refugees) in Serbia are used. The European Union set standards in the directives from 2011 and 2013 so that gender-based violence, including rape, sexual violence, domestic violence, female genital mutilation, and forced marriage, can be recognized as a form of legally relevant persecution. Serbian policy and practice are presented.

Findings: It is pointed out how women victims of structural violence (do not) fit into the provisions of international public law when they have to prove that they are threatened with persecution of serious human rights violations or serious physical injuries in their country of origin. Apart from the difficulties in proving and accepting the existence of gender-based violence, the trend of introducing migration restrictions is becoming more and more intense globally, which makes the situation even worse for women.

Originality/Value: At a high international level, the paper connects the issue of the urgently needed demographic renewal of Europe with the issue of realizing the dignity of all migrants. The reception of migrants alleviates the problems associated with the accelerated aging of the population in the developed countries of the West. Employers recognize the value of diversity in the workforce, while the integration of immigrants into the education system and the labor market increases overall productivity and reduces social frictions.

Keywords: gender based violence, obtaining refugee status, women as asylum seekers, EU standards, Serbian policies and practices

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PURPOSE

The text identifies the discriminated position of women as refugee seekers in the context of international law, which has for decades stereotypically recognized male refugee seekers who come from the area of ongoing armed conflicts. This leads to difficulties in recognizing women who find themselves in equally serious danger due to the existence of structural, gender-based violence.

Wars, dictatorships, economic, political, and other insecurity created millions of refugees in the world. According to the United Nations, about 122 million people are displaced worldwide. (Martin, 2025, July 11) Migration and refugee waves occur due to conflicts, humanitarian crises, or economic insecurity. Political factors, conflicts, instability, persecutions, but also climatic factors, for example, are important causes, along with changes in the environment, floods, and droughts. (Mršević & Janković, 2023: 143) "The numbers are catastrophic and show us that some people know how to inflame conflicts quite quickly, but also that they are too slow when it comes to finding solutions." The result is the destruction, persecution, and suffering of millions of people who were forcibly expelled from their homeland. (Insider, 2024, April 4) Women often use the wave of refugees and migration to escape from persecution and violence, actually from patriarchal relations in the countries of their origin, and gender-based violence and discrimination based on them, most often from Afghanistan and Pakistan (Mršević, Janković, 2018: 55-67).

Women as refugee seekers in the context of international law are discriminated against, as male refugee seekers have been stereotypically recognized when coming from the area of current armed conflicts. This leads to difficulties in identifying women who are equally in danger due to the existence of structural, gender-based violence. (Mršević, 2024: 40)

Overview 1: The course of the asylum procedure with critical points

1. Arrival and entry into the host country - 1951 Convention, 1967 Protocol.

Critical point: Risk of violence during travel and at the border; women often do not report for fear of deportation. (United Nations, 1951, 1967).



2. Submitting a request for asylum - Directive 2011/95/EU, CEDAW

Critical point: Lack of gender-sensitive examination; insufficient training of officials. (European Parliament, & Council of the European Union, 2011); (United Nations, 1979).

3. Interview and assessment of requests - CEDAW, Istanbul Convention

Critical point: Hard to prove gender-based persecution; cultural barriers, and trauma. (United Nations, 1979); (Council of Europe, 2011).

4. Temporary accommodation - Istanbul Convention, UN Declaration on the Elimination of Violence against Women.

Critical point: Risk of sexual violence in camps; lack of safe spaces for women. (Council of Europe, 2011); (United Nations General Assembly, 1993).

5. Decision on asylum - Convention from 1951, Directive 2011/95/EU.

Critical point: Decisions based on a narrow interpretation of “persecution” without a gender perspective. (United Nations, 1951); (European Parliament, & Council of the European Union, 2011).

6. Complaint procedure – Convention against torture, CEDAW.

Critical point: Long deadlines; lack of free legal aid; re-traumatization. (United Nations, 1979, 1984).

7. Integration or deportation - CEDAW, Istanbul Convention.

Critical point: Discrimination in employment and access to services; risk when returning to the country of origin. (United Nations, 1979); (Council of Europe, 2011).

DESIGN/METHODS/APPROACH

A desk analysis of international and domestic regulations is to be applied, which recognizes gender-based violence as a basis for obtaining refugee status. Data from the reports of the Commissariat for Refugees of Serbia, international organizations, non-governmental organizations, and media reports on the situation of “women on the move” (migrant women and refugees) in Serbia are used. The International legal framework provides for gender-based violence that can seriously endanger the life and bodily integrity of women as one of the prerequisites for asylum granting, but many states do not recognize it in the practices of granting asylum. That is why the European Union set standards in directives from 2011 (Qualification Directive) and 2013 so that gender-based violence, including rape, sexual violence, domestic violence, female genital mutilation, and forced marriage, can be recognized as a form of legally relevant persecution. The Serbian Law on Asylum and Temporary Protection from 2018 also includes sexual and gender-based violence as acts of persecution, but in practice, not many women are beneficiaries of these legal provisions.

EUROPEAN UNION POLICIES AND PRACTICES

The procedure for obtaining asylum in the European Union is a complex legal process based on international, European, and national norms. The normative framework consists primarily of the Convention on the Status of Refugees from 1951 and its Protocol from 1967, which establish the basic



criteria for recognizing refugee status (UNHCR, 2010). At the level of the European Union, the key legal instrument is Directive 2011/95/EU (Qualification Directive), which establishes standards for the qualification of refugees and persons in need of subsidiary protection, as well as their rights (European Parliament & Council of the EU, 2011).

Table 1: *Categories of obstacles for migrant women in obtaining refugee status*

Barrier Category	Description	Practical Examples	Relevant Legal Instruments
Legal framework	Lack of clear recognition of gender-based persecution or gender-specific provisions in asylum laws.	National law recognizes persecution but is not explicitly based on gender; restrictive interpretation of “persecution” (e.g., Hungary, B&H).	Convention Relating to the Status of Refugees (1951), Directive 2011/95/EU, CEDAW
Procedural barriers	Lack of gender-sensitive approach during interviews and assessments; insufficiently trained staff.	Interviews conducted in the presence of male interpreters for survivors of sexual violence; no private space for discussions (e.g., Greece, Croatia).	CEDAW, Istanbul Convention, UNHCR Guidelines on Gender-Related Persecution
Proof of persecution	Difficulty in gathering evidence for gender-based violence, especially when it occurs in private spheres or during transit.	Lack of medical documentation; irreversible loss of evidence due to delayed reporting (e.g., Turkey, Malta).	CAT, Istanbul Convention, CEDAW
Access to legal aid	Insufficient availability of free legal assistance, particularly in remote or transit centers.	Dependence on NGOs and UN agencies (e.g., North Macedonia).	CEDAW, EU Procedure Directive, 1951 Convention
Accommodation and safety	Mixed reception centers without dedicated spaces for women and children; risk of violence in camps.	Placing female survivors of violence in the same spaces as perpetrators, poor hygiene conditions (e.g., B&H, Greece).	Istanbul Convention, UN Declaration on the Elimination of Violence Against Women
Health and psycho-social support	Lack of mental health services and healthcare adapted to women’s needs.	Lack of gynecological and psychological support in rural centers (e.g., Malta, Croatia).	CEDAW, Istanbul Convention, ICESCR
Socio-cultural barriers	Distrust of institutions, stigma, language, and cultural barriers.	Refusal of interviews due to the presence of a male interpreter; fear of community judgment (e.g., Turkey).	CEDAW, UNHCR Guidelines, Istanbul Convention

The applicant for asylum is obliged to prove the existence of persecution, serious violations of human rights, or other forms of serious damage in the country of origin. The grounds for granting international protection are defined through several categories of persecution. The most frequently mentioned are:

- political persecution, which includes the fear of repression due to political beliefs, actions or belonging to political organizations;
- religious persecution, which includes discrimination or repression based on religious beliefs and practices;



- persecution based on belonging to a national group;
- persecution due to belonging to a certain social group, which includes gender, sexual and other identities exposed to increased risk of violence and discrimination;
- racial and ethnic persecution (UNHCR, 2010).

Competent authorities of member states use additional criteria when making decisions, among which the credibility and consistency of the applicant's statement, as well as their compliance with available evidence and reports on the country of origin, are especially valued (European Asylum Support Office - EASO, 2021). The subjective assessment of the applicant is complemented by an objective analysis of the situation in the country of origin, including the existence of systemic violations of human rights, the state of gender equality, and the degree of protection of women from gender-based violence (Council of Europe, 2014).

Despite the formally established standards of protection, in practice, women face specific and multiple obstacles in exercising their right to international protection. These obstacles further complicate the recognition of refugee status and the exercise of the right to asylum. Therefore, the need for a more consistent application of a gender-sensitive approach in asylum procedures is emphasized, in accordance with the obligations from the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979) and the Istanbul Convention of the Council of Europe (2011), which particularly emphasize the obligation of states to ensure the protection of women from gender-based violence and discrimination.

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THE EUROPEAN UNION AND GENDER-BASED VIOLENCE

European Union countries recognize gender-based violence as a basis for granting asylum to women. This is based on a number of EU directives and guidelines which recognize that women exposed to gender-based violence may have valid reasons for seeking international protection.

One of the key documents is Directive 2011/95/EU (Qualifications Directive), which sets standards for qualifying third-country nationals or stateless persons as entitled to international protection. According to this directive, gender-based violence — including rape, sexual violence, domestic violence, female genital mutilation, and forced marriage — can be recognized and accepted as a form of persecution. Also, Directive 2013/32/EU (Asylum Procedures Directive) and Directive 2013/33/EU (Reception Directive) provide additional guidance on procedures and conditions for asylum seekers, including the special needs of women survivors of gender-based violence.

The recognition of gender-based violence as grounds for asylum depends on the specific circumstances of each case and on how laws and policies are implemented in each EU member state. Nevertheless, it is a widely accepted rule that women who are victims of such violence have the right to protection in accordance with international human rights law and EU standards.

Women on the move - the example of Germany

In 2015, the Federal Republic of Germany opened its borders to hundreds of thousands of people, many of whom were fleeing Syria and Afghanistan. In 2015 and 2016, the majority of the approximately 1.2 million asylum seekers in Germany came from Syria, Afghanistan, and Iraq, and men were disproportionately present. In contrast, the subsequent wave of refugees from Ukraine had a different gender composition, with women accounting for three-quarters of Ukrainian citizens seeking refuge. The problem that has been noticed is that many women who arrived in the last ten years do not work, which raises the question of what obstacles they face and how they are solved (Gregson, 2025, August 10). The example of Germany provides insight into those challenges and attempts to overcome them.

The employment level of refugee women is significantly lower than that of men - about two-thirds of women remain unemployed even after eight years of residence in Germany. Compared to the unemployment rate of about 15% among adult male refugees, this difference indicates the multiple disadvantaged position of women. Many men who come to Germany are single, while many women arrive with small children. This puts them at a disadvantage when it comes to attending German language courses or using the various services provided by the state.

Some refugee women have never worked in their home countries or have been employed in sectors such as education or health, which require high language competence and are strictly regulated in Germany. In contrast, men are more easily employed in sectors that do not require a good knowledge of the German language, such as construction work or delivery services, which allows them to find employment more quickly. Therefore, compared to men, women are more often faced with the situation of having to start from scratch.

In addition to institutional assistance, refugee women are also supported by projects of non-governmental organizations. The “Work for Refugees” project works according to the motto “find a job first”. The best and fastest way to learn a language and establish contacts is through employment. “Tent Germany” also organizes job fairs and helps refugees find work through a network of 80 companies. Numerous civic projects and organizations employ women who were themselves once refugees in Germany and their personal experiences allow a better understanding of the challenges other refugee women face.



Serbia: policies and practices

Gender-based discrimination is still one of the most dominant forms of discrimination in Serbia, which becomes even more pronounced for female migrants due to their intersectional situation, given that gender identity deeply shapes the migration experience (GIZ Serbia, 2024). Refugee women are marginalized multiple times, as a considerable number may face various forms of violence as there is often no adequate and effective system of protection and support.

The researchers of NGO Athens recorded many testimonies of refugee women in Serbia that show that migrant women are victims of physical violence, rape, forced marriages, labor exploitation, and forced prostitution, i.e., sex for survival in order to provide food or shelter. The perpetrators are usually members of the police, partners, and smugglers, and violence also occurs in places that should be safe, such as reception centers. Paradoxically, women traveling with a partner and children are much more likely to be victims of violence than women traveling alone. Women accompanied by a male family member are not necessarily more protected from abuse and may also become victims of the police, smugglers, or their own family members (M. R., 2017, December 12). Forced migrant women² may be victims of sexual violence, human trafficking, or other forms of abuse. Illegal migrant women³ may be exposed to exploitation, discrimination or violence because of their social position or lack of legal status.

In 2023, 2,614 people were staying in 14 centers for refugees and migrants active in Serbia and were given “help as people who, through no fault of their own, lost everything”, as stated by the Republic Commissariat for Refugees and Migration (Beta, 2023, Jun 20). Although their number is decreasing, intolerance towards migrants is growing, especially in places where reception centers are located. Groups of citizens of Šid, Pirot, Sombor, Kikinda, and Kanjiža organize “hunts directed against the migrant population” on social networks (Marinković, 2019).

Serbia really does not have a large number of refugees compared to neighboring countries; the number of refugees, migrants, and asylum seekers in 2025 is approximately 20,000 to 30,000, while the constant number of refugees in Serbia is between 5,000 and 6,000 people (Tanjug, 2022, Jun 20). In mid-2025, it is reported that women make up 7% of refugees in Serbia (UNHCR, 2025). A growing trend in the number of refugees, mostly from Asia and Africa, has been recorded. Forty percent of refugees in Serbia come from Afghanistan, but there are also migrants from Syria, Somalia, Bangladesh, Pakistan, and India.

Although daily more than 250 people enter Serbia from the south, there are also constant attempts to leave Serbia in the north. The Hungarian practice of forcibly returning people to Serbia and stopping them at our borders creates crowds and complicates the humanitarian situation for migrants and local communities (Tanjug, 2022, Jun 20). The UNHCR Age, Gender, and Diversity (AGD) policy measures will be adjusted to the Serbian context and implemented within the timeframe of this Strategy, ensuring that no one is left behind by providing information adapted and accessible to children, youth, older persons, and persons with specific needs. (UNHCR Serbia, 2025)

States that have signed the Convention on the Status of Refugees, including Serbia, have the responsibility to provide these persons with security from returning to their country of origin, respect for human rights, access to asylum procedures, and assistance in finding long-term solutions. Persons who

2 Forced migrants are people who are forced to leave their country or area for specific reasons, often due to coercion or force. This can include various situations, such as conflicts, wars, genocide, persecution, or other forms of violence and vulnerability. Forced migrants often suffer great hardships while looking for a safer place to live, and their situation is different from ordinary migrants who decide to leave their homelands on their own for better conditions or other reasons.

3 Illegal migrants are persons who cross the country's borders without authorization or a visa, or who remain in the country after the expiration of their residence permit. They often have no legal status or protection in the country they are in, making them vulnerable to a variety of problems, including exposure to violence, exploitation and deportation.



are in the process of obtaining asylum or have been granted asylum have the right to legal residence, work, education, health care, and several other rights.

The language barrier further complicates the situation for those who do not speak Serbian or English (most of them are women), which limits their employment opportunities. However, according to UNHCR data, slightly more than a third of refugees and asylum seekers in Serbia have higher education, and more than half of them have completed high school.

The Commissariat for Refugees has repeatedly called on employers to recognize the potential of refugees as a new workforce, because their engagement is not only a matter of social responsibility, but also an opportunity for innovation and company growth. In the period from 2019 to 2023, as many as 72% of refugees declared that they were employed (Djordjević, 2025, August 8). Forty-two percent of refugees and asylum seekers who applied to the UNHCR office in Serbia received work assignments. It was observed that they often look for work on their own and find their way on the labor market, while for support, they most often turn to UNHCR and competent institutions such as the Commissariat for Refugees.

UNICEF implements programs to combat gender-based violence in emergencies, including the establishment of safe spaces for women and girls, and documents examples of good practices to ensure that women and girls are at the center of prevention and interventions (UNICEF Serbia).

News in Serbian regulations that favor women on the move

1. *Law on Asylum and Temporary Protection (2018)* contains a number of gender-sensitive provisions:

Principle of non-discrimination (Article 7): Any discrimination is prohibited, especially on the basis of race, skin color, sex, gender, gender identity and sexual orientation.

Principle of gender equality and sensitivity (Article 16): Provisions of the law are interpreted in a gender-sensitive manner. The applicant, at his/hers request, is allowed to have his asylum application heard by a person of the same sex. Also, the presence of a translator or interpreter of the same gender may be mandatory. Women accompanied by men seeking asylum have the right to apply and make a statement separately from their companions.

The principle of providing special procedural and acceptance guarantees (Article 17): In the asylum procedure, account is taken of the specific situation of persons who need special guarantees, including minors (accompanied or unaccompanied), persons with disabilities, elderly persons, pregnant women, single parents with minor children, victims of human trafficking, seriously ill persons, persons with mental disorders, as well as persons who have been tortured, raped or exposed to other forms of severe psychological, physical or sexual violence, including female victims of genital mutilation.

Right to asylum (Article 24): Refugee status is granted to an applicant who is outside his or her country of origin or country of habitual residence and who justifiably fears persecution because of his or her race or gender.

Acts of persecution (Article 28): They include physical or psychological violence, including sexual and gender-based violence.

Perpetrators of persecution or serious injustice (Article 29, paragraph 1, point 3): They can also be non-state entities, i.e., private persons, if it is proven that state authorities or organizations that control a significant part of the state territory are unable or unwilling to protect from persecution or serious injustice.



2. Access to the labor market for refugees and asylum seekers

Refugees and asylum seekers do not need a work permit for employment in Serbia. With the amendments to the Law on the Employment of Foreigners, refugees can be legally employed with an identity card issued by the Asylum Office of the Ministry of Internal Affairs, while asylum seekers must submit a confirmation of their status to the employer. Between 2019 and 2023, 72% of refugees reported being employed (Djordjević, 2025, August 8).

3. Guide for career guidance of refugees

A guide has been prepared that provides information on the recognition of the degree of education acquired abroad, enrollment in school or college, learning the Serbian language, retraining, employment and counseling on these topics (Djordjević, 2025, August 8).

FINDINGS

International law recognizes gender-based violence, including various forms of gender-based discrimination and abuse, human trafficking, and other forms of violence against women, as valid grounds for seeking international protection or asylum. In such cases, women can prove that they are personally endangered and demand protection from competent institutions, but in practice, it is not easy to prove this. It is pointed out how women victims of structural violence (do not) fit into the provisions of international public law when they have to prove that they are threatened with persecution, serious human rights violations or serious physical injuries in their country of origin. Apart from the difficulties in proving and accepting the existence of gender-based violence, the trend of introducing migration restrictions is becoming more and more intense globally, which makes the situation even worse for women.

MORE AND MORE RESTRICTIONS

The already existing *de iure* and *de facto* obstacles are being followed up by the tightening of the reception of refugees in many destination states. Authorities around the world have tightened border controls, making it difficult for large parts of the global population to legally enter or stay in their states. Most European states are politically facing strong right-wing resistance regarding migration. Cuts in foreign aid by the US and European states are affecting refugee camps around the world, while the number of displaced people remains near record levels. According to the United Nations, about 122 million people are displaced worldwide (Martin, 2025, July 11). In response to high demand for public reception infrastructure, states continue to tighten asylum legislation. Some of the main destination states have also begun imposing restrictions on other legal migration pathways to curb immigration and ease pressure on the housing market and on public services. (OECD, 2024: 10-11)

Merciless immigration systems usually aim to mechanically differentiate refugees as people who have fled war violence from the so-called economic migrants who cannot count on asylum or other easier and more likely ways of legalizing their stay in Europe. In the case of women, this misunderstanding leads to not recognizing or ignoring the essential female migratory specificity, namely that they fled from gender-based violence, usually no less deadly than wartime violence which makes them refugees rather than economic migrants, as they are usually treated (Mršević & Janković, 2018). Restrictive regulation and such a process itself often lead women to even greater illegality, forcing them into an even more vulnerable position, increasing their need for “middlemen” who abuse them for the purpose of trafficking, e.g. sexual exploitation and forced labor (Mršević, 2016).



The EU's new hardline immigration policy could lead to cuts in development funding unless African states stop migrants from leaving. Under the Global Europe instrument, the distribution of aid can now depend on how well a country cooperates on return, readmission and border control. The pressure is particularly intense in states like Germany, Italy and Greece, where national governments face growing domestic opposition to asylum seekers. Policy experts and researchers across Africa have condemned the policy change, calling it coercive and neo-colonial. "Stop your people from migrating or you will lose aid", is the message of the governments of European states to the states of Africa emphasizing their determination to limit the reception of migrants. This reduces African states to the frontiersmen of Europe while ignoring the fact that poverty and political instability force many Africans to risk their lives in search of places where they can live. That is why closing doors or building (literal, physical, but also in the form of legal-political barriers) walls are not considered by many to be a just solution (Mefo Newuh, 2025, July 22).

The European Union is currently taking steps to regulate the reception of migrants, with a focus on balancing humanitarian access and managing migration pressures. New rules within the "Pact on Migration and Asylum"⁴ (Politika, 2024, April 4), include strengthened controls at external borders, accelerated procedures for asylum and return of migrants, as well as mechanisms for a more even distribution of responsibilities among member states. States such as Germany, France, and Denmark are reintroducing internal border controls due to the increased number of migrants passing through EU routes (Riegert, 2024).

Despite criticism from the High Commissioner for Refugees, the Greek Ombudsman, the Union of Administrative Judges and numerous non-governmental human rights organizations, a law was adopted in Greece (Politika, 2025, September 3) which provides for the forced return to the states of origin of rejected asylum seekers and criminalizes illegal stay in the country, which is now punishable by a prison sentence of two to five years.

Germany is suspending financial support for non-governmental organizations that rescue migrants in the Mediterranean Sea and elsewhere. The federal government no longer plans to subsidize NGOs that rescue migrants in the Mediterranean, which is one of the deadliest migration routes in the world, especially now because of Germany's tightening policy on migrants. Of the 21 non-governmental organizations that participate in the rescue fleet in the Mediterranean Sea, ten are German, and they claim that in the past ten years they have saved more than 175,000 migrants. This dramatic decision will certainly worsen the humanitarian crisis in the Mediterranean. Measures were also announced to limit the reception of asylum seekers and deport most of them from the land borders (Politika, 2025, June 25).

Local policy changes, such as state declarations that they will not process claims, threats of deportation, border controls, or public hostility toward refugees within a potential country of destination, can discourage people, especially those displaced by violence and persecution, from seeking asylum (Agius, 2025, April 10). The fight against illegal immigration remains an important issue in Germany in 2025, where the related issues of domestic security and extremism are dominant. How to fight against illegal immigration while encouraging skilled immigration is the current challenge for Germany. At the same time, the question arises as to how the country should deal with the apparent rise of populism and far-right extremism, especially in a situation where many local authorities in Germany claim to have reached their financial limits when it comes to receiving and caring for refugees, while facing tremendous pressure from the far-right (Thurau, 2024, December 30).

4 The Pact on Migration and Asylum is a comprehensive European response to migration that establishes new, fair and effective rules for managing migration flows within the EU. Adopted in April 2024, the pact introduces a permanent framework of solidarity among member states, easing pressure on the most affected countries and ensuring a fair sharing of responsibilities. The goal is to ensure faster procedures for granting asylum, strengthening external borders and cooperation with third countries, while guaranteeing the human rights of migrants.



In Poland, helping refugees is even treated as a criminal offense, as in the case of the so-called “Hajnovska five”, who in March 2022 provided emergency aid to an Iraqi-Kurdish family with seven children and thus, according to the prosecution, deliberately “resisted the current migration policy” and destabilized security on the eastern border of Poland (Wojcik, 2025).

In this context of ever-present restrictions, the opportunities for migrant women to be granted asylum in destination states are also decreasing.

Table 2: *Comparative table of state practices — migrant women and asylum*

Country	Recognition of Gender-Based Persecution in Practice	Gender-Sensitive Procedures (e.g., female interviewers, private consultations)	Safe/Special Reception Spaces and Services (GBV protection, health, and psycho-social support)	Access to Free Legal Aid & Procedure Duration	Main Implementation Barriers / Problems
Germany	Gender-based grounds formally recognized, but practice inconsistent across centers; some forms (e.g., FGM) recognized in judicial practice.	Guidelines exist, and some centers use female interviewers; practice varies by state.	GBV victim protection programs exist in reception centers, but the safety and reintegration of returnees remain problematic.	Legal representation and access to aid are available, but long durations and transfers (Dublin) hinder continuity.	Inconsistent implementation across centers; perpetrators sometimes returned to shared spaces; victims sometimes discouraged from reporting violence.
Sweden	Formally, high standards and guidelines recognizing gender aspects; legislation and practice strive to be gender-sensitive.	Migration agency implements private consultations and offers female officers/interpreters; access varies during emergency arrival waves.	Focus on safe spaces and specialized GBV services, though resource pressures and proposals to limit legal aid raise concerns.	Legal aid exists; some limitations have been discussed recently; appeal periods are standard but can be long.	Pressures on the system during large inflows; potential restrictions on legal aid and risk of reduced support quality.
United Kingdom	Guidelines exist (Home Office) on gender issues; recognition of GBV as a basis for asylum, but practice is often criticized.	Guidelines require support and information, but investigations/interviews are criticized as re-traumatizing; women often request female interviewers.	Services and NGO support exist; issues with mixed accommodation and safety in centers.	Legal aid is formally available (limitations depend on the case); a high number of appeals and claims slow down the process.	Reports indicate re-traumatization, lack of trust in the system, and legislative changes discouraging reporting of sexual violence.

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France	Recognizes gender aspects in asylum procedures; some cities have developed special reception spaces for female victims.	Separate protocols and training in larger centers; practice varies, and high rates of post-arrival sexual violence are noted.	Specialized capacities introduced (e.g., 300 places for victims in one initiative); health and psycho-social services available via state and NGO programs.	Legal aid and access to services exist, but victims often do not seek help due to shame or lack of awareness.	High rates of post-arrival sexual violence; reporting is hampered by culture, fear, and lack of trust.
Serbia	The national asylum system formally follows international standards; GBV cases are recognized, but practical challenges exist.	Protocols and initiatives for private interviews and protection exist, but training and resources are not always sufficient.	UN and NGO programs (safe rooms, psycho-social support) are active, especially via UNICEF/UNHCR projects, but coverage is incomplete.	Legal aid is available via UNHCR partners and legal services, but capacity is limited and procedures sometimes lengthy.	Lack of continuous state structure for GBV in reception centers; variable availability of safe spaces and psycho-social support.
Greece	Gender risk assessments conducted; UNHCR actively runs GBV programs; recognition of gender-based grounds often depends on individual cases and system capacity.	Private interviews and GBV training are implemented in larger centers; practice varies, especially at border and transit points.	UNHCR and NGO GBV programs (safe spaces, psycho-social support) exist, but coverage is limited in camps and during high influxes.	Legal aid via UNHCR/NGO partners; procedures can be slow due to high caseload and push-back practices at borders.	Main problems: limited camp resources, push-backs/restricted access to procedures at borders, re-traumatization during interviews.
Turkey	Large refugee population; system formally includes protection; UNHCR and partners work on capacity-building for GBV, but challenges due to the scale and the legal framework differing from that of EU states.	Training programs and projects for women's empowerment (education, interpreters, specialized services), but implementation and availability vary by region.	Specialized services (centers, psycho-social support) are available via state and international partners, but local coverage is uneven.	Legal aid and protection processes are partially available; high inflows strain capacity and may delay procedures.	Main problems: population size and logistical challenges, regional differences in service availability, and difficulties in identifying and monitoring GBV victims.

Country	Recognition of Gender-Based Persecution in Practice	Gender-Sensitive Procedures (e.g., female interviewers, private consultations)	Safe/Special Reception Spaces and Services (GBV protection, health, and psycho-social support)	Access to Free Legal Aid & Procedure Duration	Main Implementation Barriers / Problems
Malta	Efforts to integrate gender needs in asylum procedures (AIDA/EUAA reports), but small state size and migration management create practical challenges.	Protocols and some gender-sensitive interview programs exist; NGOs and IOM/UN projects (e.g., PROTECT) work on SGBV prevention and response.	State centers and NGO services provide health and psycho-social support, but concerns remain over treatment in detention and insufficient protection.	Legal aid formally exists, but limited capacity and detention complicate continuous support; procedures are sometimes slow.	Main problems: risk of degrading treatment in detention, limited service capacity during influxes, and insufficient victim awareness.
Hungary	Recognition of individual gender-based claims is hindered by a strict national migration policy; AIDA reports note the lack of clear SGBV mechanisms in centers.	Limited formal procedures for SGBV detection; practice depends on individual officers; closed transit regimes further restrict access.	Specialized assistance is limited in centers and transit zones; NGO access is hindered by legal restrictions.	Access to legal aid is formally restricted in practice (especially during restrictive measures); appeals and procedure access may be blocked outside the territory.	Main problems: strict state policies (closed transit zones), legal obstacles to submitting claims within the territory, and ECJ rulings on rights violations.
Croatia	Formal recognition of gender aspects exists; AIDA and other reports note GBV risks during transit and issues with police procedures (pushbacks, abuse).	Protocols and capacities in larger centers exist, but GBV victim identification and referral are often not systematically implemented.	UN/NGO programs (safe rooms, psycho-social support) are active, especially in border zones; the frequency of pushbacks and incidents compromises safety.	Legal aid is available via NGO/legal networks, but capacity and destruction of evidence (e.g., phones) hinder GBV cases and evidence in proceedings.	Main problems: reported pushbacks and border violence (destruction of evidence, trauma), lack of consistent identification of SGBV victims.
Bosnia and Herzegovina (B&H)	The system theoretically prioritizes vulnerable groups; however, the UN and partners report frequent GBV cases and limited response capacity.	Protocols for identifying vulnerable persons and projects for private interviews exist, but implementation varies and often depends on international organizations.	–	–	–

Country	Recognition of Gender-Based Persecution in Practice	Gender-Sensitive Procedures (e.g., female interviewers, private consultations)	Safe/Special Reception Spaces and Services (GBV protection, health, and psycho-social support)	Access to Free Legal Aid & Procedure Duration	Main Implementation Barriers / Problems
North Macedonia	Legal framework allows recognition of gender-based persecution, but such cases are rarely recognized in practice; the system often focuses on transit migration.	Protocols for identifying vulnerable persons and training for officials exist, but implementation depends on the availability of interpreters and trained interview teams.			

ORIGINALITY/VALUE

The paper focuses on the correlation between the issue of the urgently needed demographic renewal of Europe and the issue of realizing the dignity of all migrants at the international level. In order to optimize immigration policy, European countries should strengthen social integration measures in order to maximize the economic contribution of immigrants, while at the same time alleviating increased social frictions. Immigration and the health of migrants are becoming key elements of European economic growth. The reception of migrants alleviates the problems associated with the accelerated aging of the population in the developed countries of the West. In addition to fiscal benefits, immigration contributes to innovation and enrichment of the labor market. Employers recognize the value of diversity in the workforce, while the integration of immigrants into the education system and the labor market increases overall productivity and reduces social frictions.

The connection between migration and demography

The importance of reviewing demographic renewal strategies in Europe, as well as linking migration with sustainable economic development in regions that send migrants, as the best way to reduce migratory pressures, was the topic of this year's OSCE Summit on Demography and Migration, held on April 2, 2025 (IFIMES, 2025, April 2).

The population of the European Union reached a record 450.4 million people in 2024, only not because of birth rates but thanks to migration after the COVID-19 pandemic. In the course of 2024, the EU gained 1.07 million new inhabitants, with a positive migration balance of 2.3 million people offset by a natural depopulation of 1.3 million.

In order to alleviate labor shortages and respond to demographic challenges, Italy has decided to issue more than half a million work visas, which can only be obtained by non-EU workers (Forbes, 2025, July 1). Italy plans to legally receive almost half a million workers from outside the EU by 2028 (EUpravoZato, 2025, July 16). Spanish Prime Minister Pedro Sánchez often describes his country's migration policy as a means to combat low birth rates. Spain remains largely open to migrants, al-



though other European countries seek to tighten controls at their borders to prevent illegal crossings and deter asylum seekers. Spain requires approximately 250,000 registered foreign workers annually for its social protection system to remain sustainable. Accepting refugees also offers additional benefits, including cultural enrichment, a higher level of respect for human rights, and prosperity for all (Politika, 2024, November 20).

Europe offers better conditions for newcomers than any other rich region of the world, which explains why, despite the current slow economic growth, it will continue to be a major destination for migrants. The OECD study indicates that the effect of migration depends on the integration of immigrants into the labor market. In general, immigrants contribute more in taxes and contributions than governments spend on their social welfare, health, and education (Nikolić, 2025).

Angela Merkel's 2015 speech, known as "We Will Succeed"⁵ was a motivational and collective call to overcome the challenges posed by migration (Shelton & Ford, 2025). Key messages from the speech included a promise that the EU and Germany would together "succeed" in overcoming the migration problem and emphasizing the importance of cooperation and solidarity in Europe. More than a decade after Merkel's "We Will Succeed", trying to encourage the citizens to receive millions of refugees, their willingness to receive asylum seekers has significantly declined today. After incidents, including murders and terrorist attacks, and the emergence of misogyny, homophobia, and anti-Semitism among asylum seekers, German citizens are becoming increasingly skeptical. Nevertheless, Germany's politics and economy still believe that they will successfully respond to the challenges brought by new waves of refugees and the changing social climate (Ružević, 2025).

Taking into account demographic trends, economic challenges, and migration potential, it is clear that migration is a key element of Europe's sustainable development. In this context, the role of women is, among other things, to promote dialogue and build trust within these political and economic relations (Mršević & Janković, 2021: 36).

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⁵ "Wir Schaffen Das"



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