

**Recommendation no. 2022-A/18**  
**of the Institute for the Equality of Women and Men**  
**concerning the protection of Ukrainian refugees against sexual violence**



**INSTITUTE  
FOR THE EQUALITY  
OF WOMEN  
AND MEN**

## I. Introduction

The Institute for the Equality of Women and Men (hereafter referred to as the Institute) was set up by the Act of 16 December 2002. One of its tasks is to monitor compliance with the legislation concerning the equality of women and men and to combat any type of discrimination or inequality on grounds of sex or gender.

In that capacity, the Institute is authorised to issue recommendations and advice to the government for the purpose of improving legislation and regulations.

## II. Context

Refugees form an extremely vulnerable group in the context of sexual abuse

This has also been confirmed by the Belgian UN-MENAMAIS<sup>1</sup> study. Of the respondents who submitted a request for international protection, **84%** had experienced sexual violence at some time. If we look at the previous 12 months, that figure is **61%**. The majority of victims were already residing in Belgium at the time. In particular, **21.1%** of the total number of cases of rape reported by persons requesting international protection and **17.7%** of sexual assaults took place following their arrival in Belgium. Nevertheless, only two respondents who were victims of sexual violence sought formal assistance; no-one reported the violence to the police. It is therefore clear to see that the dark number of refugees falling victim to violence (or sexual violence) is high.

On 8 March, the Institute published **an opinion piece**, in which it and other human rights organisations pointed out **the specific vulnerability** of Ukrainian refugees (most of whom are women living on their own with children). The Institute also set out to draw **attention to the risk of abuse (or sexual abuse)**, including outside of the context of human trafficking and also pointed to the **responsibility of our government** to protect victims from such threats. A number of Belgian aid organisations have also already expressed their concerns in that regard<sup>2</sup> and their fear has partly become reality.

A number of initiatives have been taken in order to assist vulnerable refugees. Federal, regional and local government, along with aid organisations and private individuals, are making a contribution. Various coordination initiatives, *task forces* and working groups have already been set up. Various aid organisations and experts from the (Ukrainian) community expressly identified the need to ensure a uniform and coordinated policy. Initiatives have also been launched in order to detect and report uniform forms of abuse, such as human trafficking, people smuggling and rape. These initiatives are very encouraging.

But in view of the specific, vulnerable situation and the high dark number, there is also and most of all **a need for an accessible and confidential procedure**<sup>3</sup> that will encourage refugees to talk about their concerns. In consultations with the Institute, various Ukrainian

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<sup>1</sup> BRAIN-be. (2021). *UN-MENAMAIS: Understanding the mechanisms, nature, magnitude and impact of sexual violence in Belgium*.

<sup>2</sup> Klifman, M. (2022, 8 March). Aid organisations concerned about the abuse of refugees. *De Standaard*. Consulted via [https://www.standaard.be/cnt/dmf20220307\\_97920516](https://www.standaard.be/cnt/dmf20220307_97920516)

<sup>3</sup> the importance of avoiding polarisation. Other refugees will potentially also find their way to these organisations. If this procedure is found to be effective, it can be applied on an inter-sectional basis.

interlocutors confirmed that refugees resist seeking help and do so for a variety of reasons, such as:

- Refugees are enormously grateful for the hospitality they have received and “do not wish to be a burden on anyone”.
- They are convinced that their stay in Belgium “will only be temporary”.
- A lack of energy to request support from existing (support) centres or bodies.
- They do not identify themselves as a victim.

The procedure referred to above will also make it possible to identify any potential underlying problem involving violence, and victims (or potential victims) can, if they so wish, tell their story or be referred for further assistance.

### III. Proposed procedure<sup>4</sup>

#### a. Objective

The procedure endeavours to provide a listening ear to vulnerable refugees in an easily accessible and approachable way. Refugees are encouraged to talk about their concerns anonymously in their own language to trained experts from the community, after which it will be possible for violence or transgressive behaviour, if any, to be detected. The UN-MENAMAIS study has also shown that refugees do not immediately identify violence as such and are not quick to identify themselves as a victim (*see above*).

In this procedure, respect and a culturally sensitive use of language are paramount, in which terms such as 'reporting', '(sexual) violence' or 'victim' are avoided. Refugees are given an opportunity to tell their story anonymously. Throughout the entire procedure, the (potential) victim stays in control, as is the case in the Sexual Assault Centres (SAC's). The (potential) victim themselves will determine whether and what steps are taken, at their own speed<sup>5</sup>.

Furthermore, the approach being described here is a **uniform and coordinated procedure that is embedded within existing structures**, thereby ensuring clarity for (potential) victims and providing them with fixed point of reference in extremely uncertain times.

#### b. Method

The Institute got together with various migrants' organisations and refugee organisations (such as Vluchtelingenwerk Vlaanderen, CIRÉ asbl, Solentra vzw, Elles pour Elles asbl etc.) in order to work with them in drawing up this draft procedure that will make it possible to give Ukrainian refugees the confidence to speak about the difficult topic of transgressive behaviour in a very easily accessible, confidential and culturally sensitive way.

This procedure is based on the successful philosophy used in the Sexual Assault Centres: “enabling a victim to feel able to request support and/or be ready to report specific behaviours by offering them multi-disciplinary care that is tailored to their needs.”

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<sup>4</sup> This procedure was developed in the context of various policy initiatives being taken in connection with the war in Ukraine, but if effective, it can also be used in the case of all refugees who (may) have become victims of sexual violence.

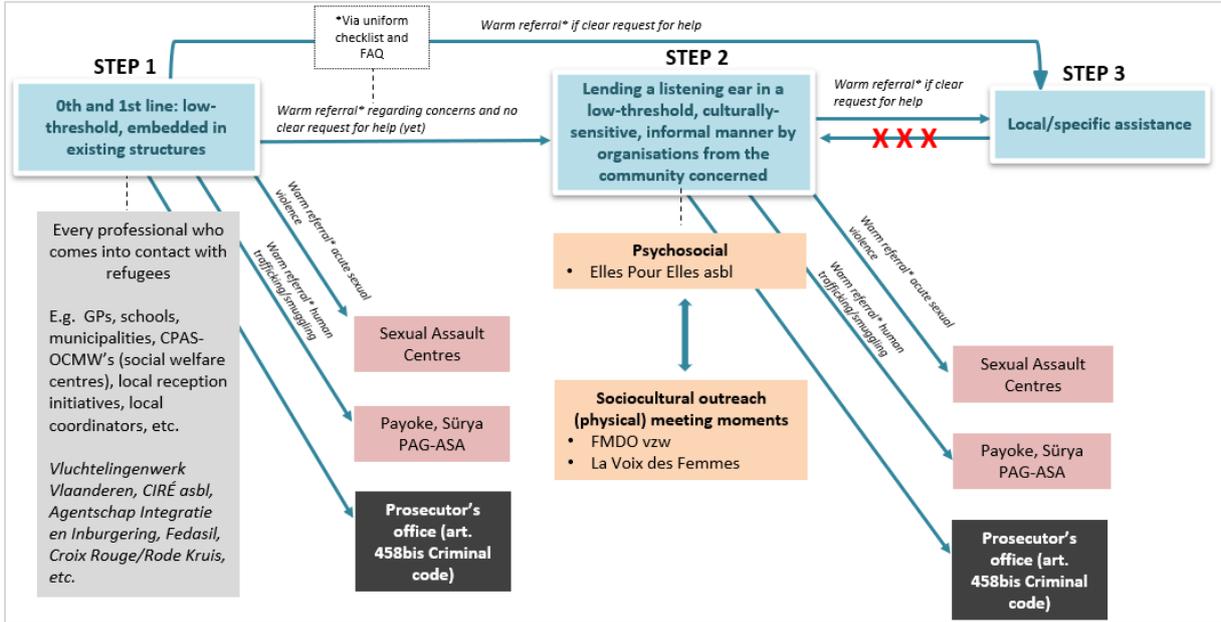
<sup>5</sup> Except in those cases in which Article 458bis of the Belgian Criminal Code is applicable.

In that regard, the precise needs of these refugees at that specific moment are taken into account and an effort is always made to determine how this can best be achieved.

The procedure has therefore been developed in such a way as to ensure it follows a *bottom-up* approach and makes use of a cascade system, taking into account the existing structures and their needs and requirements.

**c. Description**

The procedure operates on the basis of a referral system that makes use of a general checklist (see Section 2.4 of this document). The following simplified diagram illustrates the various steps:



Infographic providing a visual presentation of the possible referral routes for the purpose of protecting Ukrainian refugees.

**Cultural sensitivity, ease of access, confidentiality and assistance in a person's own language** must form a key part of all steps of the procedure.

**STEP 1**

The first step involves contact via all preliminary and first-line organisations that may be in a position to interact with refugees and asylum seekers. On the one hand, these may involve persons working within a public social welfare centre (PSWC), general practitioners, social workers, etc. On the other hand, they may also include specialist organisations working with refugees or asylum seekers (such as Vluchtelingenwerk Vlaanderen, Fedasil, CIRÉ asbl, Ulysse SSM, Solentra vzw, Croix Rouge de Belgique – Rode Kruis, Caritas International, ...) and/or specific initiatives for the target group concerned (such as the infoline operated by Vluchtelingenwerk Vlaanderen).

These are existing structures that are easy to access for refugees seeking help with their questions and concerns. Those questions may cover a broad range of topics, from legal or housing issues, to concerns regarding family members who have stayed behind in their country of origin, stress and so on. The important thing is that the contact person continually keeps an

eye out for **possible underlying signs of violence**. Victims of violence are reticent when it comes to discussing possible cases of violence, so the best way forward is to approach the discussion from a broader perspective.

If the assistance providers in Step 1 detect uniform forms of abuse (such as human trafficking, acute sexual violence and so on), the victim must be referred to organisations (such as Payoke, PAG-ASA and Sürya or the SACs) that specialise in such issues. If the assistance providers observe less obvious signs of transgressive behaviour, it is important that if requested by the victim, a warm referral is made to **a network of organisations from the relevant community** (see Step 2 in this document).

#### ***Conditio sine qua non***

- A clear and uniform checklist/FAQ must be drawn up that provides professionals with specific points of reference about how to initiate a conversation in order to detect any violence that may have occurred and to provide details about organisations to which the person may be referred. Existing initiatives can be used for that purpose, such as the INHeRE project operated by Ghent University or the manuals accompanying the notification codes for sexual violence and intimate partner violence published by the Institute or existing information brochures from organisations such as Payoke vzw.

## **STEP 2**

Step 2 consists of **a network of organisations conducting activities for and by people from the community involved**. If an assistance provider in Step 1 has a 'gut feeling that something isn't right' or detects less obvious signs of transgressive behaviour, the person must be referred to one of these organisations (whether or not by means of a warm referral).

As part of the process, victims (or potential victims) will be listened to and possible signs of violence will be explored further. This must also take place in a very accessible way, either by means of a telephone helpline or via specific (communal) events where contact can be made, (such as language courses, games afternoons, etc.). The best approach is to work together with organisations offering psychosocial support in Ukrainian, such as Solentra vzw, Elles Pour Elles asbl, ... Other than these, socio-cultural organisations for migrants such as FMDO vzw of La Voix des Femmes that possess expertise in the field of violence may also provide added value.

#### ***Conditio sine qua non***

- If collaborating with these organisations, they must obtain (formalised) financial support (*see below*).
- A clear and uniform checklist/FAQ must be drawn up that provides professionals with specific points of reference about how to initiate a conversation in order to detect any violence that may have occurred and to provide details about organisations to which the person may be referred (*see above*).

### **STEP 3**

If, in Step 2, it is established that a person is a victim of sexual violence and that the victim themselves wishes to receive additional support, a warm referral must be made to **the existing local and specialist organisations (and organisations that provide assistance)**.

#### ***Conditio sine qua non***

- Sufficient places must be available in the existing standard reception facilities in order to guarantee that a warm referral can be made. A specific social chart must be in place or must be developed for this type of assistance.

#### **IV. Conditio sine qua non<sup>6</sup>**

In order to implement the procedure and put into action as set out in Section III, the conditions set out above must be fulfilled:

- A clear FAQ and/or checklist must be drawn up incorporating all possible forms of abuse (human trafficking, child exploitation (and the sexual exploitation of children), gender-related violence, etc.).
  - Existing initiatives, such as the INHeRE project carried out by Ghent University or the manuals accompanying the notification codes for sexual violence and intimate partner violence published by the Institute, or existing information brochures from organisations such as Payoke vzw. may be used as a basis.
- Education/training for volunteers/staff members (including interpreters)
- Supervision/peer supervision for volunteers/staff members
- Financing for the organisations involved
- (Part-time) project coordinator(s) for each organisation
- Awareness raising concerning the procedure to be followed by all parties involved, set out in their language by experts from within the community.
- Offer = Culturally sensitive, clear, delivered in a person's native language, use of language must be appropriate (for example, avoiding words such as "reporting", "victims" and "violence")
- Warm referrals: organisations should get in touch with one another to determine who is able to provide suitable assistance or aftercare.

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<sup>6</sup> Avoiding polarisation and discrimination is very important. Other refugees will potentially also find their way to these organisations. If this procedure is found to be effective, it can be applied on an inter-sectional basis.

## **Annex: Glossary**

**Appropriate communication** to refugees is needed in order to increase the likelihood they will seek help:

- In their 'language', at their pace and on a 'scale' appropriate to them
- Very easy to access
- Anonymous
- Must be delivered in a uniform manner by all of the bodies involved
- And by and by means of expert organisations from within the refugees' community
- Making use of a system of warm referral.

**Inter-sectional** = The discussions must be conducted by women from the community involved.

**In their language** = In Ukrainian, with sufficient attention being paid to cultural sensitivity. Not trying to use a 'one solution fits all' approach. Taking care to avoid words such as 'victim', 'violence', 'sexual abuse'. Victims have not yet identified themselves as a victim and may not recognise or acknowledge the violence/transgressive behaviour.

**Very easy to access** = For example, speaking about issues such as stress, health, schools, financial problems, as opposed to violence/abuse.

**Their timing** = people may possibly (still) have no need for assistance of this type, due to the fact that at this moment in time, survival is their first consideration. What they need at the moment is stability. Abuse is one of the hard realities they are now living with. At a suitable moment, when stability has been achieved, they may perhaps have the 'energy' to discuss this and to seek assistance.

**Anonymous and tailor-made** = Let them take control – people have now lost their point of reference and have lost the life they led before. It is important that the request for assistance is in their hands and that they know what may happen afterwards (= the involvement of the SAC). If they tell their story and even if, when doing so, they report abuse, it is important to let them choose what they wish to do about that (apply Article 458bis).

For that reason, it is important to take care when using words such as 'reporting' or 'reporting points'. Words of that type cause the situation to come across as an official situation, in which they will subsequently lose control and everything will change all over again. Ukrainian refugees also see the reception facilities they are being given as temporary and they do not want to be an unnecessary burden, so they do not feel that 'reporting' situations of this type would be useful.

**Warm referral** = So that victims are not lost within the cascading system, a system of warm referral is offered. Victims are therefore given a name and the precise contact details of a person to whom they are being referred. With their permission, their name will also be notified to the organisation to which they are being referred, so that the organisation can contact them at a time that is suitable to them. This in turn dictates that there should be a clear reporting code (for referral, or to be used as a checklist) and that all organisations should be included within the network.