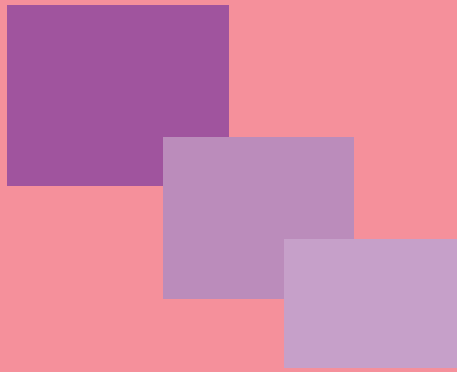




Why women flee: persecution against women

Report of a seminar held during
Refugee Week
on 23rd June 2005 in London





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Introduction

This is the report of a seminar entitled Why Women Flee: Persecution against women which was held during Refugee Week on Thursday 23rd June 2005 at the AMICUS office in central London.

The purpose of the seminar was to highlight the persecution specifically faced by women in their country of origin and the difficulties they experience in claiming asylum in the UK.

The seminar was run by a partnership of organisations:

Refugee Council
Refugee Women's Resource Project at Asylum Aid
Refugee Women's Association
Refugee Action
Action for Refugee Women.

The theme for Refugee Week in 2005 was persecution.

The traditional image of a refugee is that of a male activist, persecuted for his involvement in protests against the State. Women's political activities often take a different, more low-level form, including giving shelter or food to those in hiding. Women's persecution may involve gender-specific forms of harm or punishment. The harm they suffer is often not recognised as coming within the grounds of the 1951 Refugee Convention therefore.

Unfortunately, the result is that women who have suffered human rights abuses and abuses because of their gender may be denied the protection offered by refugee status.

In keeping with the spirit of Refugee Week, the programme for the day incorporated a range of media, including film, presentations, poetry and dance. The seminar was attended by about 70 people and was chaired by Simin Azimi, Director of the Refugee Women's Association.

The seminar closed with a lively dance performance by a Rwandan Women's Group who encouraged participants to join in.

The partnership were very pleased that, as a result of the seminar, Jeremy Oppenheim agreed to host two meetings at the Home Office, one regarding female genital mutilation (FGM) and asylum, the other regarding a wider range of asylum issues relevant to women, to take further the points raised at the seminar.

Women's rights are human rights

The seminar started with a film Women's rights are human rights & women's rights are universal introduced by Gona Saed on behalf of the Kurdistan Refugee Women's Organisation. This shocked the audience through its showing of the horrific domestic violence women experience (often in the form of being burnt) in Iraq.

The video is available from: krwo_org@yahoo.com



Why women flee ?

Claudia Hasanbegovic,
Domestic Violence Coordinator, Latin
American Women's Rights Service

Claudia Hasanbegovic spoke more broadly about the types of persecution which women face.



According to the United Nations High Commission for Refugees, UNHCR, women often flee from their country

of origin because of gender-based violence. Many

women experience domestic violence or are persecuted by their own families which often includes honour killings and burnings. The majority of asylum cases from Latin America are from Colombia from women who are fleeing domestic violence.

Alba fled from Colombia two years ago after 24 members of her family were killed for political reasons and her husband "disappeared". She and her children survived two machine-gun attacks in their home. After her husband "disappeared" she was still under attack for being his wife, and the opposition did not believe he was dead.

Maria was working for a political leader in Ecuador. She experienced threats and disappearances of her party colleagues. She was unlawfully arrested and tortured. With help she left the jail. She entered the UK with a false passport. She could not speak English, did not understand the immigration laws and did not know anyone in the UK. An Ecuadorian man who "helped her" at the station, told her not to apply for asylum and that he would help her. He became her "torturer". She applied for asylum 12 months after she arrived when she managed to escape from her torturer. She has a baby and they are destitute.

Caridad and her husband came to the UK. Her husband worked as a diplomat for their embassy. They went for a holiday back to their country during which he almost stabbed her. She did not receive any protection from the police and so fled to the UK, to escape from him and to seek asylum. The Home Office told her that she should return to her country and that she would be protected there by the women's organisations. Her husband is a minister, he is best friends with the president and judges obey him. In the UK she is not entitled to work or receive financial assistance.

She has two children. They are destitute.

In Latin America, many women suffer gender-based persecution for being women (i.e. wives, daughters, lesbians, and women who resist male violence). Cultural barriers such as homophobia and patriarchy contribute to the maltreatment of women. In addition to cultural barriers, there is corruption and a lack of access to justice. Consequently many women are treated as non-citizens by the state to the extent that some may be at risk of sexual violence by state officials.

The UK is a signatory to the UN 1951 Geneva Convention and has adopted Asylum Gender

Guidelines in an effort to assist the UK's asylum judiciary in ensuring that women are able to fully access protection under the Refugee Convention in the UK.

Asylum seekers will receive some support (NASS accommodation and food) while their cases are being assessed.

The UK has signed and ratified the UN Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) which is one of the most highly ratified international human rights conventions, having the support of 180 State parties.

Although the UK has adopted asylum gender guidelines, is it questionable as to whether they are being followed. It is often the case that even having written law does not protect women. It is also questionable if there is genuine interest in listening to women applicants. Do the decision-makers have sufficient knowledge of the UK laws and an awareness of different countries' positions in relation to culture, law and the treatment of women?

The Latin American Women's Rights Service (LAWRS) was set up in 1983 by women for women. 70% of the 100,000 Latin Americans in London are women. LAWRS assisted 1,400 women between 2003-2004 many of whom had experienced torture, domestic and state violence in their home countries. Due to restrictive immigration laws and access to jobs in the UK, many women are forced into destitution, or into illegal jobs in order to survive. They fear being deported and being further dehumanised by the asylum system. LAWRS has and continues to provide advice and assistance to women in such circumstances.

Caridad received assistance from LAWRS:

"In all this difficult process LAWRS was an oasis in the desert. Here, I felt understood, not accused. You know my country's context and our problems with corruption and violence. LAWRS provided me with interpreting services and advice and referred me to solicitors. You gave me directions, support and counselling when I felt so confused."

To conclude, asylum gender guidelines should be observed in all asylum applications to ensure a fair and thorough decision-making process. An understanding of gender-imbalance of power and specific reasons (domestic violence, homophobic, sexual violence) should also be considered as grounds for asylum. Appreciation for LAWRS' unique work should be shown by means of adequate grants to provide quality services to vulnerable women; there should also be access to public funds for all women asylum seekers.



Gloria Ajok read the following poem entitled "My Long Journey" written by a group from African Women's Care.

My Long Journey

By African Women's Care

I leave my people, my homeland, and my old life,
I find myself in a new environment,
I find myself among new faces,
I am having to start a new life.

I leave my people, my homeland, and my old life,
I am forced to flee because of war and violence,
I search for protection in a foreign land,
I look back to the past old life and ponder.

The sound of laughter being broken
A silence enveloping the homestead
My maternal bond is inbred
I cannot take sides in a war
Like a mother I protect all my children
For this stance, I face persecution.

Persecuted for providing shelter
Sneered at for I cannot deny another human being food

Forced to flee my homeland
I was caught in a dilemma to make my decision
I was surrounded by the misery of isolation
I longed to be free from my plight of abuse, torture and oppression
All this, for being a mother, a wife and a sister.

As a woman, I am a mother, a wife and a sister,
Like a lioness in a pride,
The last line of defence,
Shielding cubs from danger,
I am not afraid to offer protection,
I react to my maternal instinct,
Forced to flee my homeland,
Uprooted from my ancestral land to a future of uncertainty,
In search of survival in the hope of stability.

I am a woman of the World, a prisoner of conscience,

Though my torture is not scarring,
I am deeply battered and bruised inside,
But who can I tell? Who will believe me?
I am a woman of the World, a prisoner of conscience,



Gloria Ajok

Searching for protection in a foreign land,
Afraid of persecution,
Driven into the unknown,
I keep hope in my heart,
I see what is right and wrong,
I see what is bad and good,
I see what others do not see
I react to my maternal instinct.

I am a woman of the World, a prisoner of conscience,

I was grimly herded away like an animal into a centre,

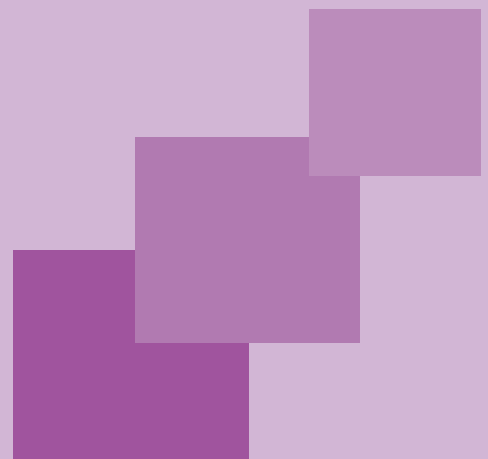
I have to wake, attend to my children,

Uncertainty whether the day will pass,
People come, people go, people laugh,
people cry;
Nostalgia grips as I reminisce about home,
I was alone and anxious.

My power of reason and thoughts were weakening,
My physical and mental abilities waning,
Unable to perform maternal duties,
Unable to build our long dream shelter together with my love,
For my love is now a dream,
I learned to fear for life and the need for long survival.

But in this new land now, I yearn for prosperity and protection,
In this exotic world, I now see a glint of hope and joy,
In this unusual place, I now need to cope with a different type of life,
Of the way I look, of the way I dress, of the way I speak, of what I eat,
I long to survive in the face of instability,
I wish to protect that which I have bred.

I curse poverty to its doom,
I despise war to its roots; I am the best, but only a long, long way away,
This is my idea of a new life. Long gone is my old way of life,
I cherish and love my newfound life,
Only time will tell. There is so much time in space,
I need to occupy that space if I can,
I leave my people, my homeland, and my old life,
This is my long journey of hope.

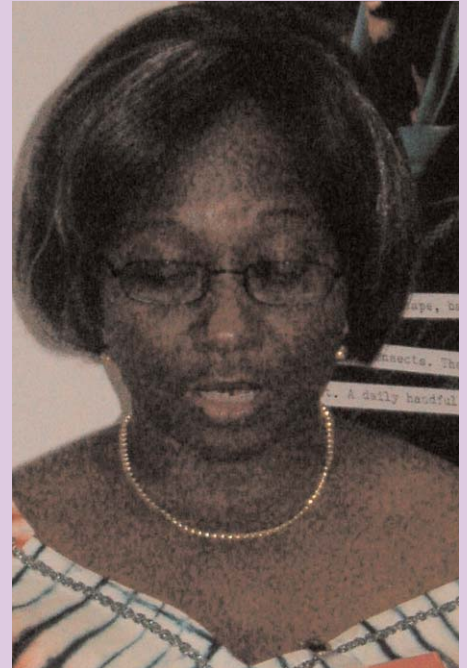


The international context

Bemma Donkoh, UNHCR representative in the UK

Bemma Donkoh began by thanking all the women's organisations which had contributed to the event, whether as organisers or as participants.

Bemma went on to say that at the end of 2004, there were an estimated 19.2 million people worldwide of concern to the UNHCR, including refugees, asylum seekers and internally displaced persons - and that 50% of these were women. However, the percentage of actual asylum-seeking women in any given region or country tends to be much lower than 50%, because the practicalities of escape mean that it is usually the fastest and fittest (men) who manage to get out first. Most asylum claims in the UK are by men.



Women, like men, are fleeing persecution and war. But for women, the original persecution they experienced is often only the beginning of their problem. During flight they are particularly vulnerable, especially if fleeing with children. They face rape and the threat of abduction from almost everyone they encounter on the way: soldiers, border guards and police agents.

Why do women flee? For many of the same reasons as men, and which are set out and defined in Article 1 of the Refugee Convention. But it is crucial also to recognise that many societies continue to be male-dominated or structured, and that very often the attributes of men, political or otherwise, will be imputed to their wives, sisters etc. by both state and non-state agents.

Women also face gender-specific forms of persecution: sexual violence, marital rape, domestic violence, Female Genital Mutilation (FGM), forced abortion or sterilisation, punishment for transgression of social mores.

What instruments of protection are there for women fleeing persecution? The Refugee Convention, of course; but this is problematic for women because of definitions of what constitutes the public and private spheres, and because very often the perpetrators of violence against women are non-state agents (e.g. spouses) or are perceived as being so (e.g. members of the security forces acting without authority: the 'rogue element' argument). It is crucial in these cases to address the issue of no effective state protection.

It is important also to remember other policies and legal instruments that can be used to protect women: gender guidelines; CEDAW (the Convention on the Elimination of all Forms of Discrimination Against Women); the Special Rapporteur on Violence Against Women.

Bemma concluded that so long as the causes of persecution remain, women would continue to have to flee.

Gender issues in the asylum claim

Jeremy Oppenheim

Acting Senior Director, Asylum Support Caseworker and Appeals, Home Office

Jeremy Oppenheim started by stating that anti-discrimination issues are very important to the Home Office, as is showing sensitivity in the treatment of asylum seekers. Women go through complex and painful circumstances, exacerbated by gender discrimination. How people fleeing such circumstances are received is very important, as well as how we treat people once their claim is established.



The Home Office aims to treat all asylum seekers the same way. The assessment is based on individual merits as prescribed under the 1951 Refugee Convention. Gender may inform our assessment to see how one of five convention grounds is relevant. It is wrong for us to equate low level political activity with low risks.

The Home Office Asylum Policy Instruction on gender issues in the asylum claim (gender guidelines) was adopted in March 2004 but there is still a gap between what is published and what is done. We are committed to ensuring that the system is sensitive to women's needs. We make an effort to fulfil requests for female interpreters and female interviewers. We recognise that victims of sexual abuse won't be comfortable recounting their experience in front of relatives, especially children. We need to take this into account within the asylum system. Therefore we need to interview asylum seekers alone.

In terms of support, there is a range of policies to ensure that women's needs are handled fairly and non-discriminately, for instance by limiting travel expectations for pregnant women and providing extra cash.

We currently have a new 5-year strategy based on a new asylum model which provides, for instance, for one person only to deal with an asylum seeker throughout the process.

None of this suggests that we have everything right - we are not complacent; in particular we need to ensure that staff remain sensitive to these issues. We also need to build a feedback system. Although we have introduced lots of changes, that still doesn't mean that we have done enough. A lot can be done to improve our day-to-day interaction with women claiming asylum to ensure sound and fair decisions are taken. In addition, we can improve our sensibility to country information. We need to ensure our policies and procedures are fully implemented.

We can learn a great deal from you and other stakeholders. We need to listen to you.

You can look forward to a Home Office led by a woman, the new director, and to something more transparent and less opaque to caseworkers.

Debora Singer

Coordinator, Refugee
Women's Resource
Project at Asylum Aid



Women fleeing persecution - their experience in the UK

Debora Singer continued the theme of women's experience once they reached the UK by talking about the difficulties they face when they claim asylum. Even before they claim asylum they can be charged with destroying their travel documents under section 2 of the Asylum and Immigration Act 2004. There are women currently in Holloway and Bronzefield Prisons who have pleaded guilty to destroying their documents. She even heard of one woman who was seven months pregnant and was detained for over a week in Croydon police station under section 2.

On entering the asylum determination process women are not told they can claim asylum independently and yet they may have a stronger case than their husband has. Bemma and Jeremy had already covered the types of gender issues which are relevant in asylum claims such as imputed political opinion and discriminatory cultural norms. Debora focused on other gender issues faced by women. One is that the Home Office may suggest the internal flight option without recognising that in some countries women cannot relocate on their own, without their family. Another issue is that under section 8 of the new Act, credibility is taken into account in the asylum determination so that if you disclosed information late, this can count against you. Yet we know that women do not immediately offer up information about very personal matters such as rape or sexual violence that they have experienced without being given the time to gain the trust of the interviewer.

Debora welcomed the introduction of the Home Office Asylum Policy Instruction on gender issues in the asylum claim which includes procedural issues such as the need for female interviewing officers and interpreters. Yet when the Legal Services Commission (LSC) contracted with legal practitioners to work at Yarl's Wood, now an immigration removal centre for women and children, the LSC did not know about the gender guidelines. The Home Office has said that no woman at Yarl's Wood has asked for a woman legal representative or interpreter but we understand they have not been offered this facility. We still worry about women being interviewed in front of their children because there is no help provided with childcare.

Debora listed a number of other areas where women were disadvantaged in the asylum determination process. There was insufficient country information relating to the types of human rights abuses which women experienced - Anna would take this up in more detail.

The Refugee Women's Resource Project at Asylum Aid (RWRP) had set up a country information library to overcome this gap and had many paper and electronic resources, available to legal representatives, and which were also being used by refugee women themselves.

Justice Denied, a recent report by Asylum Aid and Bail for Immigration Detainees (BID), showed how women were disproportionately affected by the shortage of legal advice, partly because getting country information for women takes longer and also because their cases are more complex the Refugee Convention is biased towards men. Another report produced by RWRP and BID, They took me away, described the experiences of women in detention - they were shocked and traumatized, and faced a lack of legal advice, exacerbated health problems and continuing fear even on release.

The New Asylum Model, which the government revealed in February of this year, includes a fast track for manifestly founded cases which is to be welcomed. However, it also puts women through fast track procedures even if they come from countries which RWRP's report, Safe for Whom?" shows do not provide protection from domestic violence, trafficking and homophobic crime. Making a decision on a woman's claim in four to five days does not allow her to gain the trust to disclose traumatic abuses and calling some claims 'late and opportunistic' is pejorative, and again does not allow for the women who do not claim unless their husband's claim has been turned down.

There are many other issues women face whilst the decision on their asylum claim is being made including healthcare, safety, maternity needs, labour and sexual exploitation, and problems of destitution after a final negative decision.

Debora ended her presentation with three recommendations:

Home Office gender guidelines, based on the UNHCR ones, should be fully implemented and made EU-wide

Country of origin information that covers women's human rights abuses should be made available

Gender-based persecution should be recognized as a basis for asylum.



Country of origin information

Anna Reisenberger,
Director of Development &
Policy, Refugee Council



Anna Reisenberger spoke of the need for country of origin information to reflect women's experiences. She welcomed the introduction of the Home Office Asylum Policy Instructions on gender and the setting up of an independent Country of Origin Advisory Panel. She noted that, although the panel appointed researchers to research, verify and query the country of origin information published by the Home Office, it had no power to comment on Home Office policy issued in light of that information.

The Home Office has recently agreed to split its country of origin unit so that research will now operate separately from policy. This is an improvement - but ideally there should still be an entirely independent country of origin information unit.

The Country Information Policy Unit at the Home Office (CIPU) is now beginning to take on some gender-related issues. For example, in February 2005 they published a 22-page report specifically on the situation for women in India, covering gender-specific forms of persecution such as rape, domestic violence, dowry-related violence and bride burning, and commenting that perpetrators of violence against women in India are rarely, if ever, prosecuted.

This kind of information and documentation is crucial if decision-making on women's claims is to be improved. Meanwhile, in 2004 there were 1500 applicants from India. Of these 15 were granted discretionary leave and less than 1% granted asylum. India has been added to the Home Office list of 'safe' countries and forms the second largest group of asylum seekers at Oakington.

In September this year the Country of Origin Information Advisory Panel will be working on China, the Democratic Republic of Congo (DRC), Iran and Turkey. Anyone can feed in information and documentation, and it is crucial in relation to gender issues that as many as possible do. The minutes and contact details of the panel's meetings are published on the website: www.apci.co.uk.

Discussion

Q: How does the Home Office claim that extra cash is available for pregnant women marry up with the fact of obvious destitution in so many cases?

A: Jeremy Oppenheim: NASS/Social Services support does and will continue beyond refusal of claim where there are child dependants.

A: Claudia Hasanbegovic: Part of the problem is the confusion about whether it is NASS or Social Services who are responsible for support in a particular case - particularly in s55 and s4 cases.

Q: On whose evidence do you rely when producing country reports, especially where there is conflicting evidence from different sources?

A: Anna Reisenberger: the country panel gives different weight to different sources. If discrepancies are brought to our attention, we may send field researchers to check the facts on the ground.

Q: How do the Home Office gender guidelines apply in a case like the recent FGM case dismissed by the Court of Appeal?

A: Jeremy Oppenheim: This issue is open for discussion. It is the view of Home Office that FGM is a crime. But I cannot say whether fear of FGM should be viewed by the Home Office as a valid basis for asylum in all cases. However, I would welcome further discussion on this issue.

Q: You say that low-level political activities will be recognised as political opinion in women's cases, but most cases are refused. In fact, many reasons for refusal letters actually refer to the fact that the political activities were low level. Can you explain that?

A: Jeremy Oppenheim: I need to hear about such cases - and I need you to bring them to my attention.

Q: Most NASS accommodation for women is woefully inadequate, especially with regard to available childcare. What can you do about this?

A: Jeremy Oppenheim: I agree, and I need your support to help me deal with this. Email me about specific cases and I will respond personally.

Q: We've all watched the film about the situation for Kurdish women in Kurdistan this morning, but the Home Office's approach and the country information doesn't reflect the real situation for women in Iraq. What can you do about this?

A: Jeremy Oppenheim: The Home Office acknowledges that many Iraqi Kurds cannot safely be returned and is currently accommodating 6000 in the UK because of this.

Refugee Council
www.refugeecouncil.org.uk

**Refugee Women's Resource Project
at Asylum Aid**
www.asylumaid.org.uk

Refugee Women's' Association
www.refugeewomen.org

**Action for Refugee Women
c/o Refugee Action**

Refugee Action
www.refugee-action.org.uk

**Kurdistan Refugee Women's
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