



# Refugee Women's Resource Project (RWRP) @ Asylum Aid

## Executive summary

### 'Lip service' or implementation?

## The Home Office Gender Guidance and women's asylum claims in the UK March 2006

This research set out to obtain the views of professionals working in the field of asylum determination as to the quality of the Home Office Gender Guidance (issued in 2004), along with any examples from their professional experience of good or poor practice on the part of the Home Office in decision-making on women's claims. A review was also undertaken of cases involving gender issues from Asylum Aid's caseload, where decisions were made since the Guidance was issued, to assess whether gender issues in the cases were dealt with according to the Guidance. Some examples were used as case studies to amplify the evidence of professionals on various issues. The research aimed to make recommendations on how to improve implementation of the guidance if necessary.

### Main findings

A few examples of good practice were identified but the overwhelming impression was one of a lack of awareness of gender issues and of the Guidance not being followed by decision-makers.

***'The reality of the situation is women don't leave their homes and travel halfway across the world, possibly dragging children, to total insecurity, when they often come from patriarchal societies and they've not really been out there on their own ... unless they have no choice, but that is not recognised in decision-making. ...I think that's really the problem.'***

In the view of respondents, there was generally a poor understanding by decision-makers of the Refugee Convention, particularly in relation to women's experiences. There was also a lack of knowledge of women's situation and status in countries of origin, which was exacerbated by the generally poor quality of country information provided to decision-makers on women's issues. Many problems were identified with interviewing procedures including lack of provision of female interviewers and interpreters. This had a serious impact on the ability of women to tell their stories in full, especially when they had experienced sexual violence.



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***'If it's a family unit it's always the man who will speak about his persecution .. but no-one will try to speak to the woman to see whether she is experiencing any difficulties, or whether there are any issues for her or her children which would actually amount to her being persecuted if she were to be returned ... The woman has been too frightened to disclose what she's going through because she's not allowed to speak, she's not allowed to express what she's going through and it's only the husband that is saying what is going to happen to him.'***

Respondents identified a culture of disbelief at the Home Office, which, when combined with ignorance or bias against women, had a particularly severe impact on fair decision-making. The effects of trauma on recounting events were often not taken into account and in fact was occasionally used against claimants.

Many women's claims in the fast-track system were dealt with inappropriately, as it is not designed for complex claims. There was not sufficient time therefore to investigate their claims in-depth.

Respondents also described general problems with poor-quality decision-making and recommended changes in management and training of caseworkers.

***'P is very vocal and she's been fighting her case, they're saying that she's a very assertive woman so if they see a woman who is independent, a woman who is assertive they think that she can survive in her country because she can stand for her rights. But what they don't realise is that the political ... environment in their countries doesn't allow women to speak in the way that they would like or the way they can actually speak in the UK, because if P went out and spoke as she does and actually demanded her rights nobody would listen to her because she is a woman, and that applies to the majority of the women.'***

The many examples mentioned where the Guidance was clearly not followed, are backed up by evidence from Asylum Aid's own recent cases. The Home Office has recently agreed to various changes in its decision-making procedures, mainly in response to consultations with UNHCR. These are welcome but the evidence we have collected suggests that wider and deeper changes are needed.

This study therefore goes on to suggest additional actions to be considered by the Home Office in order to facilitate fairer treatment of women's asylum claims in the UK, and ensure that the UK Government meets its obligations regarding the protection needs of women fleeing persecution.

***'It is important that the gender guidelines be stronger and have more of a status because the Geneva Convention... is so biased towards men and is so steeped in that context where it was written to do with the political active male.'***



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### Case study - Reality of situation for vulnerable woman not recognised

*A woman had witnessed an assault by police or army officers, and was abducted and raped repeatedly. She was helped to leave the country but then forced into prostitution abroad before eventually being helped to flee to the UK where she claimed asylum. The Home Office refused her, claiming among other things that internal flight was available, because:*

*'There is a part of [your country] in which you do not have a well-founded fear of persecution, and to which it would be reasonable to expect you to go. In a country which covers an area of [x] square kilometres and has a population of [y] it is considered that you could have moved to other areas, where you did not feel at risk.'*

*This woman was a vulnerable victim of trafficking, with mental health problems, a widow with a daughter. She would have had to return to a country with a poor security situation where she feared police, army and her traffickers. The many factors in her case which would have had a bearing on whether internal flight was 'reasonable' were not taken into account by the Home Office.*

### Conclusion

The accounts and evidence gathered for this study point overwhelmingly to the conclusion that the Home Office Gender Guidance is far from being systematically implemented when processing and assessing women's asylum claims in the UK or dealing with women asylum seekers. Whilst by no means claiming to be representative of all practitioners in this field, the fact that many of these views concur with that of UNHCR as the agency continues its Quality Initiative Project can only strengthen their validity.

Based on a review of internal procedures and working practices at the Home Office, the UNHCR's findings and recommendations – most of which the Home Office says it has in principle or practice accepted - constitute a benchmark for future evaluation of decision-making on asylum claims. This includes women's asylum claims or any asylum claims raising gender issues which, it is hoped, will greatly benefit from the improvements suggested by UNHCR.

We are not arguing that all women presenting an asylum claim should be granted refugee status or international protection. However, as our research in 2003 showed and this research now reiterates, there cannot be a fair

determination of women's asylum claims in the UK without an understanding of gender issues, and without adopting appropriate measures as rightly outlined in the Gender Guidance. Until then, the impact of the Guidance not being followed will continue to include unnecessary distress caused to claimants, late or lack of disclosure leading to poor quality decision-making, poor quality decision-making overall, and when women's experiences are not recognised, bias against women's claims. All of this leads to recourse to appeal more often than necessary, and at the cost of taxpayers' money.

It is now time for the Home Office to demonstrate that it is not just paying 'lip service' to the government's commitment to gender issues and to live up to its implicit commitment – with the publication of the Gender Guidance two years ago - that gender issues be systematically taken into consideration when assessing women's claims or asylum claims with gender issues at stake.



## **RWRP Key Recommendations**

### **Use of the Gender Guidance**

- Use of Gender Guidance by caseworkers should be compulsory for all women's or gender-related cases
- Content of the Gender Guidance should be improved to the standard of other official gender guidelines
- Gender issues should be mainstreamed throughout all asylum guidance

### **Training of Home Office caseworkers**

- Initial training should be extended to include in-depth training on the understanding of gender issues in asylum claims and should also cover the impact of the negative portrayal of asylum seekers in the media
- Interviewing skills training should include how to interview people who have suffered torture and trauma, including women survivors of sexual violence
- Gender awareness and an understanding of the Gender Guidance should be an essential element of any future accreditation system for asylum caseworkers

### **Home Office Country Reports**

- Home Office Country Reports should include thorough information on women's rights and position in society, as described in the UNHCR guidelines.
- This information should be mainstreamed throughout reports as well as a section on issues specific to women
- The Government should consider setting up an independent documentation centre for country specific reports with special sections on women

### **Interviewing of women asylum seekers**

- All women arriving as dependents should be informed that they have a right to make a separate claim and to be interviewed separately, without family members / friends present
- Interviews should be automatically postponed if no childcare provision can be found

### **Screening and decision-making**

- Women should be screened so that those who have suffered gender-specific or gender-related persecution are not put into the fast-track
- Any new procedures for processing asylum applications, should be assessed for any impact on the implementation of the Gender Guidance

### **Legal advisers**

- The Legal Services Commission (LSC) and the Office of the Immigration Services Commissioner (OISC) should make greater efforts to publicise the Gender Guidance to their stakeholders and accreditation/regulation requirements should include an understanding of gender issues and an awareness of the Gender Guidance

**A full list of recommendations is available from our report online at [www.asylumaid.org.uk](http://www.asylumaid.org.uk) Alternatively to obtain a copy please email your details to [info@asylumaid.org.uk](mailto:info@asylumaid.org.uk) or phone 020 7377 5123**