



Strengthening **Asylum**



The dimension of gender in refugee related issues

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Future Worlds Center

FWC implements projects whose aim is to bring about positive social change in the Cypriot society. The organisation was founded in 1991 as Cyprus Neuroscience and Technology Institute.

In the late 90's, CNTI expanded its operations and started pioneering in a number of humanitarian, inter-cultural, and peace related projects.

Evolved into a larger umbrella organization, and it is now one of the biggest NGOs in the country.

Humanitarian Affairs Unit

Our Unit responds directly to the needs of vulnerable populations by addressing issues of rights' violations, marginalization and social injustice, with a focus on asylum seekers, refugees, victims of torture, victims of trafficking and undocumented migrants.

Our work includes:

- Legal advice & representation
- Social & psychological support
- Advocacy
- Community work
- Raising awareness

SGBV

Sexual and Gender based violence

- SGBV= any act that is perpetrated against a person's will and is based on gender norms and unequal power relationships
- A form of torture and/or physical, sexual, emotional, psychological abuse and violence, and also the threat of these
- Grave violation of human rights

- **SGBV** is perhaps the **most widespread** and yet **socially tolerated** of human rights violations (UNHCR)



- Where can it occur?
- Home, community, state, host community, during the flight/journey. Some types of SGBV occur more frequently in some cultures or regions of the world
- When can it occur?
- In times of crisis and forced displacement, during the migratory route, but also during circumstances more stabilized such as during their stay in their country of origin or in camps in host countries.
- By whom can it occur?
- The perpetrator of SGBV can be an individual, a group or an institution that directly inflicts, supports or condones acts of SGBV. E.g. family members, close relatives and friends, influential community members who are in positions of authority, state authorities, security forces and soldiers including peacekeepers, humanitarian workers etc
- Whom does it affect?
- Women, girls, but also boys, men, LGBTI persons

Violence against women refugees

- Women and girls make up around **50 per cent** of any refugee, internally displaced or stateless population (UNHCR)
- Refugee women and girls face an increased risk of physical, sexual and mental abuse and exploitation.
- SGBV can be traced in several stages and phases throughout an asylum seeker's/refugee's **life cycle and displacement** so that it is not always easily detectable and addressed.

How is it relevant to the Refugee Status Determination (RSD)?

- Art.1.A.(2) of the **1951 Geneva Convention Relating to the Status of Refugees and the 1967 Protocol**
- – “...owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”
- Historically, the refugee definition has been interpreted through a framework of male experiences, which has meant that many claims of women/girls and LGBTI, have gone unrecognized.

- In the last 20 years, the interpretation given to the particular term in the refugee definition (i.e. *membership of a social group*) as well as the advancement in the understanding of gender and sexual orientation in the refugee context via case-law, state practices and academic writing has expanded the meaning and scope of refugee law and has introduced in the RSD themes such as:
 - Rape / acts of physical and sexual violence
 - Female genital mutilation (FGM)
 - Forced marriage
 - Domestic abuse
 - Sexual exploitation and prostitution (trafficking)
 - Sexual harassment, non-consensual sexual acts
 - Gender-based discrimination etc

- Acts as these can amount to persecution under the Geneva Convention and act as a ground for international protection.
- As such, when applying the 1951 Geneva Convention refugee criteria, proper consideration must be given to women's issues and to the range of gender-related issues.

Special Reception needs and Procedural Guarantees

- Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (EU Reception Conditions Directive)
- The Reception Conditions Directive aims at ensuring better and more harmonized standards of reception conditions for asylum seekers throughout the EU.
- It ensures that applicants have access to housing, food, clothing, health care, education for minors and access to employment under certain conditions.
- In addition to the above, the Directive also provides particular attention to vulnerable persons, especially unaccompanied minors and victims of torture. Member States must, *inter alia*, conduct an individual assessment in order to identify the special reception needs of vulnerable persons and to ensure that vulnerable asylum seekers can access medical and psychological support.

Special Reception needs and Procedural Guarantees

- **Cyprus Refugee Law 2000-2016**
- **Art.9ΚΓ.** “..... competent authorities must take into consideration the **special situation of vulnerable persons**, such as, unaccompanied minors, persons with special needs, elderly, pregnant women, single parent families with minor children, trafficking victims, persons with serious diseases, persons with mental instabilities and persons who have been subjected to torture, rape, or other serious forms of psychological, physical or sexual violence, such as women victims of female genital mutilation”

- **9ΚΔ.-(1)** “For the effective implementation of article 9ΚΓ, an individual assessment is required to determine whether a particular person is an applicant with special reception needs and, if so, to identify these special reception needs.
- In carrying out the above assessment, individual consideration is required to determine whether the same person is an applicant who needs specific procedural guarantees and, if so, to identify his procedural needs and to receive the necessary support and specific procedural guarantees. These assessments shall be carried out without prejudice to the assessment of international protection needs pursuant to the provisions of this Law.”

- Relevant governmental authorities at any stage of the asylum procedure, including the asylum registration, as well as the social workers/psychologists of reception camps and/or other service providers are obliged to identify such special needs.
- So now there are important procedural guarantees, legal tools and rights which can be invoked for vulnerable claimants, including women and girls, victims of SGBV.

Challenges

- Asylum process - “*embedded patriarchy*”:
- Example 1 - Application procedure: usually the head of the family unit is the male and the main applicant => no identification of women’s protection needs and possible separate claims.
- Example 2 - Usually only main applicants are called for an interview.

Challenges

- Example 3 – officers lacking in appropriate training, country of origin knowledge and cultural sensitivity.
- Stereotyping and lack of empathy– pervades all ethnicities and is an example of universal embedded patriarchy.

Challenges

- Women and girls in camps and reception centers.
- Need for awareness raising on their rights and services they are entitled to and community education about SGBV issues as well as the national host legislation
- Women must be given comprehensive information about the status determination process/ access to legal advice
- Need for strengthening their coping skills and for assisting them to build support networks among themselves and with professionals.
- Need to establish stronger means of access to protection measures inside and outside the camps.
- New policies must be set up that will be inclusive of the position of civil society organizations, women's rights advocates and the affected population itself.

Challenges

- Adoption of gender-sensitive procedures during the asylum examination
- Assurance that their claim will be treated in the strictest confidence
- Need for effective coordination of different service providers and authorities
- Need for effective access to social support, housing, health, education and employment opportunities
- Need for effective implementation of relevant legal provisions and procedural guarantees
- Ultimate **aim** is the **prevention** of SGBV

Men and boys:

- The majority of the data currently available on SGBV refers to women and girls, who represent the largest group affected.
- Men and boys can also be victims of gendered forms of violence/torture e.g. rape, sex work and harassment, sex trafficking etc
- **Issues** (also linked to scarcity of data):
 - Trauma
 - Fear of personal safety or security risk
 - Inability to express and disclose their experiences
 - Cultural taboos / stigmatization of survivors
 - Lack of early identification of such survivors and their needs / lack of support or reporting outlets
 - Inadequate reception facilities and procedures
 - Lack of training and narrow-mindedness of officers
 - Lack of knowledge that some experiences can amount to persecution / experiences upon which a claim for asylum can be based.

Thank you!

For more information:

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Websites:

<http://www.futureworldscenter.org/>

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