

Women refugees

This page looks at the special circumstances of women refugees and their experience with the Refugee Convention.

Around 50 per cent of the world's refugees at any one time are women. However, in 2007, only 30 percent of UK asylum applications were made by women. Numbers of women seeking asylum in their own right in other developed countries also tend to be small. There are no official asylum statistics on sex or age of dependents. However, it is thought that most women seeking protection in the UK do so as a dependent of their husband. As a result, women's individual reasons for seeking protection often go unheard. This reinforces the typical image of a refugee as a young male and marginalises a large proportion of the women seeking protection in the UK.

Women might not apply for asylum in their own right for the following reasons:

- They are often unaware that they could make an asylum claim in their own right or may not realise that their experiences give grounds for a claim
- They may be discouraged by family members, legal representatives and others from making a claim
- There are a number of procedural issues that can make it more difficult for women to make their case in full
- Some of the ways in which industrialised countries (including the UK) interpret Refugee Convention discriminates against women going through the asylum process.

Women and the Refugee Convention

The nature of women's asylum applications and the issues that they raise in court show that women's experiences of persecution tend to differ a great deal from that of men. However, experts argue that the ways in which developed countries (including the UK) interpret the Refugee Convention can discriminate against them through the asylum process.

Asylum applications based on state tolerated abuse, repression or rape have long been dismissed as private matters. The curtailment of women's rights through practices such as domestic violence, forced marriage and female genital mutilation have traditionally been thought of as non-political issues and therefore not within the scope of the Refugee Convention.

Even if the fact of serious harm is not in dispute, the following examples might not be recognised as persecution for a Convention reason:

- A woman who is not a member of a political party, but is persecuted for passing messages, hiding others, or providing food or medical care
- A woman who is persecuted because of the activities or status of her brother, husband, or other relative (imputed political opinion)
- A woman who is persecuted because she refuses an arranged marriage, or does not conform to cultural expectations of dress or behaviour
- Women who are subjected to female genital mutilation. See Female genital mutilation, forced sterilisation or forced abortion, and rape.

Membership of a social group

In the past, applications were commonly rejected because women were not considered to constitute a 'social group'. While there was no doubt that a woman had been subjected to ill treatment or violence, the Home Office did not accept that her treatment amounted to persecution for one of the five Convention reasons of race, religion, nationality, membership of a particular social group or political opinion.

However, a House of Lords judgment in 1999 (Shah and Islam) ruled that women could in some cases be considered 'a social group' under the terms of the Convention. In this case, women subjected to domestic violence were held to be members of a particular social group, due to the failure of the state to protect them against such treatment.

Later cases have shown that rape or sexual violence can be a form of serious harm and persecution according to the Convention.

Persecution by non-state agents

Non-state agents are people or groups that have no connection with the state and who inflict harm with impunity. They are increasingly being recognised as perpetrators of human rights violations. This is very significant for women whose asylum applications are based on a fear whose asylum applications are based on a fear of state or community endorsed domestic violence, genital mutilation carried out by non-state agents, or social or cultural repression. However, in such instances, they have to prove that they were unable to relocate to another area in their own country.

Imputed political opinion

In the past, women punished for the political activities of their male relations have struggled to prove that the treatment they suffered was for political reasons. This was due to the assumption that a politically motivated attack could only satisfy the 'social and political nexus' requirement if the political beliefs in question were held by the victim (in this case, the woman).

Equally, the activities of women at time of conflict or political upheaval, such as providing food or medical care to members of a political party, were not considered significant enough to amount to 'political activity'. However, case law provides that mistreatment amounting to 'serious harm' either motivated or not protected against for an imputed political opinion is sufficient to meet the 'social or political nexus' requirement. In other words, political opinion or any other social or political characteristic need not be actual but can be imputed.

Credibility

The Home Office questions the credibility of any asylum applicant who delays in giving details relevant to their case. This particularly affects women who have suffered sexual violence. A woman may not want to discuss matters in front of a relative, male official or interpreter. She may not know that she can ask for a female interviewer or interpreter. Even then, there is no guarantee that one will be available. Alternatively, it may be too painful for her to discuss her experiences with anyone at that point. Nonetheless, the Home Office continues to consider non-disclosure of information at the interview as a sign of an unfounded claim.

Gender guidelines

In March 2004, the Home Office introduced gender guidelines for female asylum seekers with the aim of recognising the specific issues which women face. This guidance highlights:

- Additional considerations case owners should have in mind when assessing claims for asylum that could include gender related issues
- How to take gender issues into account when looking at the persecution experienced and whether there has been a failure of state protection

You can view the Home Office gender guidance in the Asylum Policy Instructions on the [UKBA website](#).

However, it is likely to be several years before case owners fully understand women's experiences of violence and human rights abuses. The Refugee Women's Resource Project (RWRP), based at Asylum Aid, has released new research which shows that these guidelines are not being adhered to and as a result some women's claims for protection may have been wrongly dismissed. For more information, visit the RWRP page on [Asylum Aid's website](#). RWRP also produces leaflets providing advice to individual women in a range of languages.

Women's charter

The Refugee Women's Resource Project has been campaigning for the UK Border Agency to adopt the Charter of Rights of Women Asylum Seekers. The Charter seeks to create a gender-sensitive culture within the UKBA promoting a holistic approach to the treatment of women asylum seekers. It does this by covering all aspects of the end-to-end asylum process; the asylum determination system, accommodation, welfare, detention and removal. The Charter can be viewed on the [Asylum Aid website](#).

[Built on OneStopCMS](#)

©2012 The British Refugee Council

British Refugee Council, (commonly called the Refugee Council), is a company limited by guarantee registered in England and Wales, [No 2727514] and a registered charity, [No 1014576] Registered office: 240-250 Ferndale Road, London SW9 8BB, United Kingdom. VAT registration no: 936 519 988.