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Gender and Asylum

EU asylum process is failing women

During 2010, over 257,000 asylum applications were made across the EU, 35 per cent of which were made by women or girls. For thousands of these women, the experience of attempting to claim asylum was one hallmarked by crippling shame, anxiety and confusion.

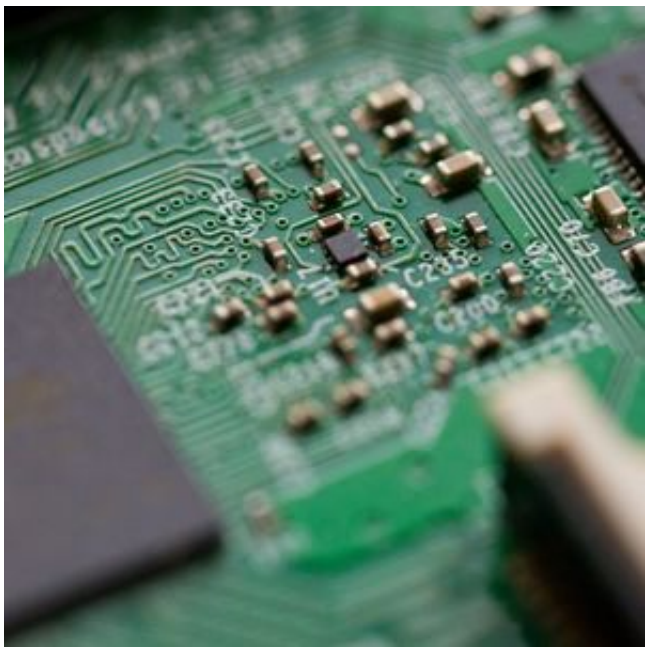
For this is a process where even vulnerable women with complex asylum claims, based on family violence, rape or trafficking, are often shunted from police station to holding centres and subjected to humiliating body searches and medical examinations. A process where women who have suffered from Female Genital Mutilation (FGM), forced abortion or rape can be forced to relive painful memories as they are

asked probing and personal questions by a male police officer, whilst their children mill around their feet. A process which can leave women destitute, unable to work yet unable to claim benefits to provide for themselves and their children, and one which is failing women across Europe. This week, I hosted a special reception in the European Parliament to launch a new body of research with Asylum Aid which has raised grave concerns about the inconsistent and poor standards in the treatment of women asylum seekers in Europe. The Gensen report, based on the interviews of 60 women who have claimed asylum in the EU since 2008, found vast and worrying inconsistencies in the way nine different EU states handle asylum applications by women. For example, fewer than half of the nine EU Member States have gender guidelines to help make asylum decisions on gender-related cases. Only a handful of Member States publish gender-disaggregated asylum statistics, despite legally binding obligations, and even where positive policy is in place, it is often overlooked in practice. This authoritative and timely paper only goes to prove what many of us have suspected for so long; that national asylum systems across Europe are continuing to let women down. Despite the obvious need for high-quality harmonisation between Member States on questions of asylum, national policies continue to be a patchwork of dramatically varying standards and approaches which all too often lack gender expertise and sensitivity. The Gensen Project research shows that some forms of harm unique to women asylum seekers are overlooked in national practice. Authorities in France, Malta and Romania do not always accept that FGM – a cruel and degrading practice carried out on thousands of girls and women around the world on a daily basis – amounts to persecution. As a further example, Spain doesn't recognise trafficking as a form of persecution. The accounts of the brave women interviewed for the Gensen project also prove that the services provided for those seeking asylum are worryingly disparate. While all EU states provide female asylum interviewers on request, only Belgium, Sweden and the UK systematically ask women for their preference. Childcare during interviews is only provided in Belgium and the UK – elsewhere women must choose between withholding important information and disclosing traumatic details before their children. These examples go to prove that whilst gender equality continues to be one of common founding principles of the EU, there remains a lack of recognition that women may be persecuted for reasons different to men and specific to their gender. As a result, women are not guaranteed anything close to a consistent, gender-sensitive treatment when seeking protection in Europe. Asylum seekers forced to flee gender-related persecution must have access to a fair and dignified asylum system wherever they make their claim. Amongst the recommendations in the Gensen report, it urges EU Member States to put in place gender guidelines for initial decision makers and judges, based on the UNCHR framework, and ensure that national procedures are gender sensitive. The European Commission, Parliament and Council are also asked to ensure that gender issues are taken into account as further steps are taken towards a Common European Asylum System. We made important changes in the revised "Qualifications Directive" but these cannot simply stay on paper. Ensuring that female asylum seekers fleeing from persecution are protected is not just a role for Member State governments – all European institutions and asylum authorities must also commit to the proper implementation of EU legislation and to develop good practice and gender sensitive systems. It would be wrong to deny that some progress has been made towards the recognition of gender in asylum policies and legislation, yet the challenge now lies in these commitments being implemented through the adoption of concrete and strong measures which incorporate an understanding of the unique experience of women. With this in mind, the recommendations in the Gensen report must be read and read again before being used to push for far reaching change in Europe's asylum system. To fail is to repeat the denial of fundamental human rights – the very reason these women seek international protection in the first place.

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