

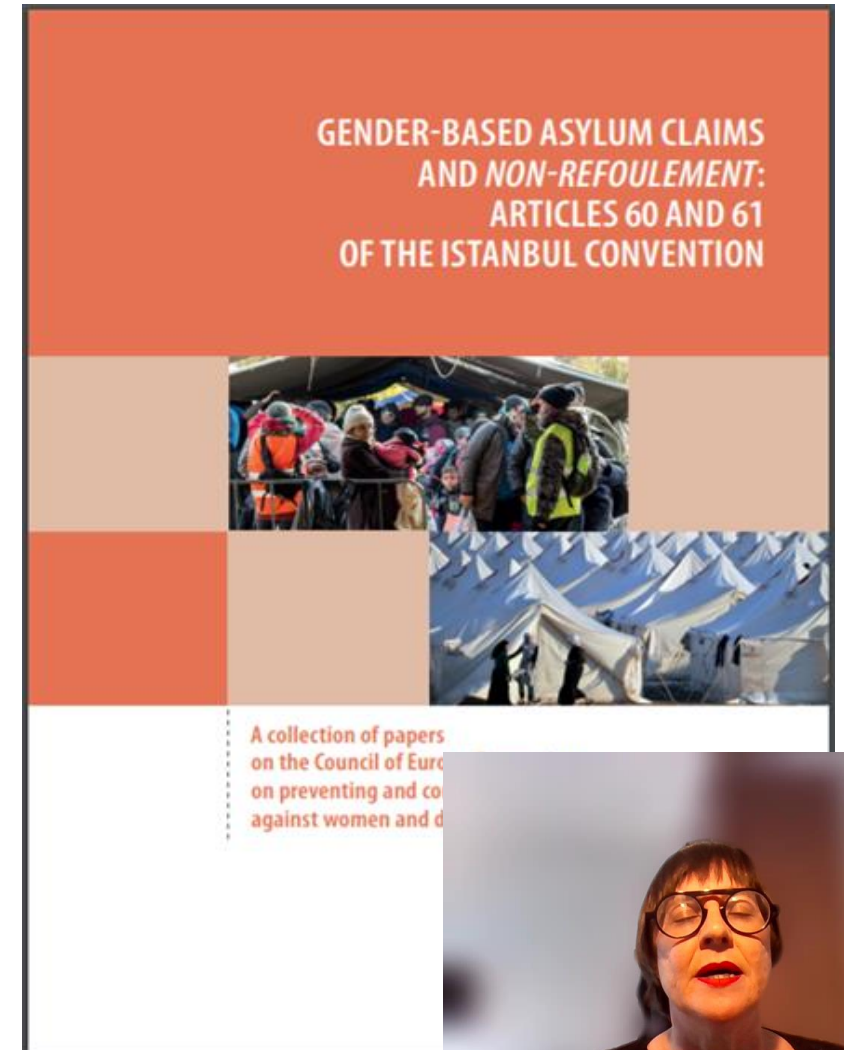
Gender-based asylum claims and non-refoulement: Articles 60 and 61 of the Istanbul Convention and the checklist with regard to women's safety in transit and reception facilities

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# Guide to a gender sensitive approach to the refugee determination process

- Article 60(3) requires states to develop gender-sensitive reception procedures and support services for asylum-seekers as well as gender guidelines and gender-sensitive asylum procedures, including refugee/international protection status determination





*No one leaves home unless home  
is the mouth of a shark,  
Warsan Shire*



# Gender

- ‘the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for men and women’ (Art 3(c) Istanbul Convention).



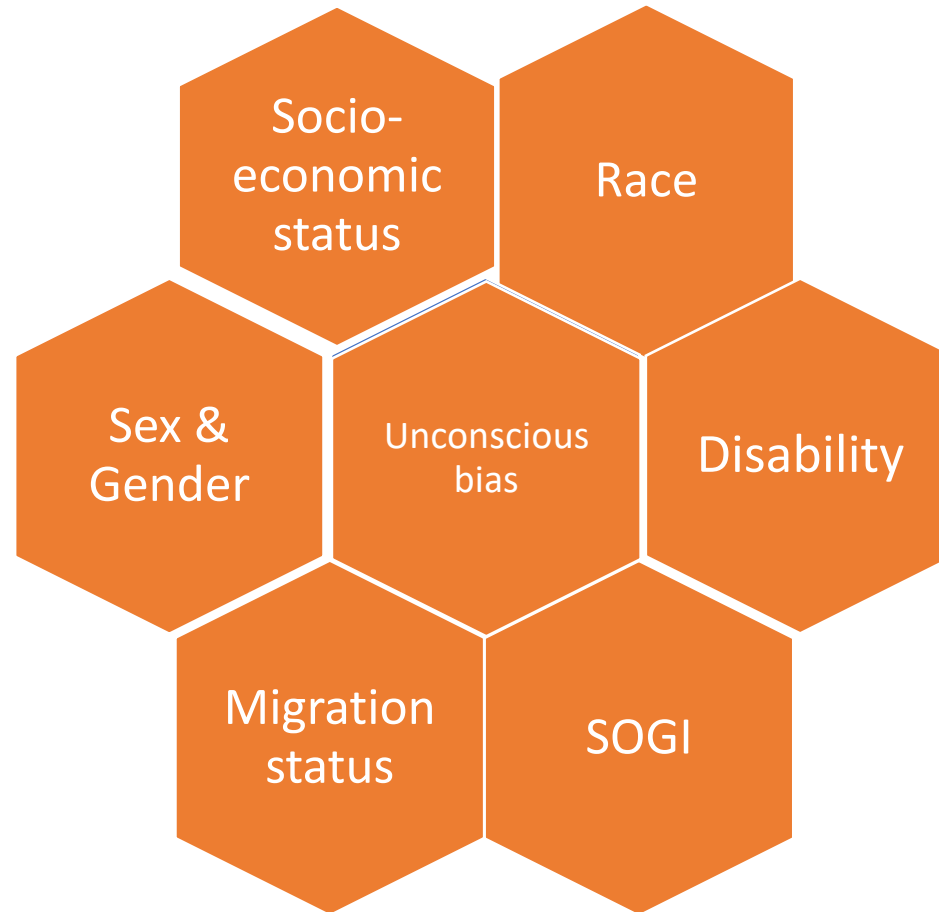
# ‘Gender Sensitive’

‘Policies and programmes that take into account the particularities pertaining to the lives of both women and men, while aiming to **eliminate inequalities** and **promote gender equality**, including an **equal distribution of resources**, therefore addressing and taking into account the gender dimension.’

*(European Commission (1998). 100 Words for Equality: A Glossary of Terms on Equality between Women and Men.)*



# Multiple Discrimination



Combating  
discrimination  
against  
refugees and  
asylum seekers,  
including  
women:

- Launch **awareness-raising campaigns** on the positive contribution of refugees and asylum seekers to society;
- **Strongly condemn and punish** any form of **discrimination and violence** against refugees and asylum seekers, including women.
- **Be conscious of our own discrimination** and bias on grounds of race, religion, nationality, sexuality, gender or other grounds and take steps to ensure it does not affect decision making



# At the border

- Ensure **access to asylum procedures** at the borders and elsewhere;
- Ensure **asylum laws, practices and procedures are gender sensitive:**
- Ensure the **presence of female asylum officers and trained, competent female interpreters**
- Ensure the **opportunity to have separate/private interviews and guarantee confidentiality**





# Screening

- Guarantee that in all screening and assessment situations, migrant women and girls are able to present their circumstances and claims in a safe, culturally-appropriate and gender-responsive environment.
- Ensure that childcare is also available during interviews.
- Ensure that women's reports of human rights abuses are not viewed through lens of male experiences



# Screening for vulnerability

- Torture
- Sexual abuse
- Domestic violence
- Trauma
- Vulnerability to trafficking
- Presence of children
- Minority groups- Roma, lesbian, gay and trans women
- Disability
- Other special needs



# Transit and Reception Centres

- Ensure there are **sufficient and adequate reception and screening arrangements** designed to take into account the gender aspects of women's claims and needs throughout the process;
- Ensure reception and accommodation centres are **located in areas where women are safe and can access relevant services** including health, social and legal assistance, schools and shopping facilities;
- **Take into account any relevant special needs** when determining the placement of an applicant and any of her relevant family members. For example, consider any relevant mobility or access needs and mental and physical health provision.



# Transit and Reception Centres

- Ensure the possibility of alternative housing, if necessary, owing to safety considerations for victims of sexual and gender-based violence, domestic violence, human trafficking, torture or other forms of physical and psychological violence;
- Ensure the presence of female social workers, interpreters, police officers and guards in these facilities;



# Inside the centres

- Provide **separate sleeping areas** for single women with or without children (up to age 18), and separate, well-lit bathrooms for women;
- Create **'safe spaces'** that are culturally appropriate in every transit and reception facility where women can rest and receive information
- Provide **women only mother/baby areas**
- When needed, **ensure access** for refugee and asylum-seeking women **to mainstream shelters for women victims of gender-based violence**;
- Provide **information in languages of the countries of origin** on assistance services for victims of gender-based violence, including reporting and complaint mechanisms



# Access to justice

- In accordance with the United Nations High Commissioner for Refugees' Comprehensive Protection Framework on Access to Justice for Sexual and Gender-Based Violence Victims and Survivors, provide for regular **visits by mobile courts or court officers** to these facilities and document such visits, in order to ensure that sexual assaults are investigated and prosecuted



# Access to health

- Provide counselling, psychological support and health care, including sexual and reproductive health care and specific post-rape care in these facilities, for victims of gender-based violence in their countries of origin and in transit or destination countries;
- Ensure the same access to affordable and adequate health services for all women and girls as for the general population,
- Ensure that girls are free to decide for themselves, that their voluntary and informed consent is always obtained, and that they do not require authorisation from a spouse, parent or guardian or hospital authority to access sexual and reproductive health services;



# Staff training

- Organise **training programmes** on identifying and assisting victims of gender-based violence for social workers, police officers and guards working in the facilities;
- Ensure that asylum officers and interpreters receive training on:
  - how to **detect cases** of gender-based violence and
  - use **gender-specific information** about countries of origin
  - guidance and training on how to **recognise and understand** gender violence against women





## Broader policies to ensure safety

- Participate in **resettlement and relocation programmes**, which represent the safest way for asylum seekers and refugees to come to Europe and
- Implement new, **safe legal pathways** to ensure safer transit for women and girls;
- **Encourage other states** to participate in such programmes
- Set up **cross-border protection mechanisms** for victims of gender-based violence

