

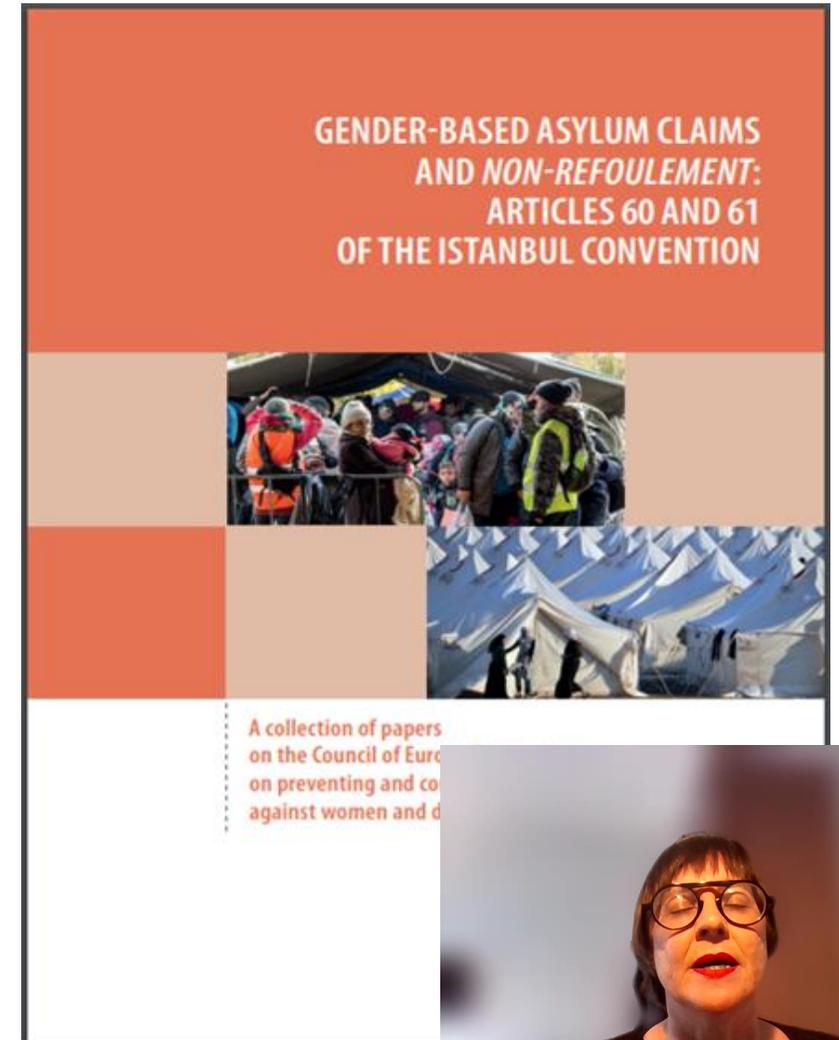
Gender-based asylum claims and non-refoulement: Articles 60 and 61 of the Istanbul Convention and the checklist with regard to women's safety in transit and reception facilities

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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



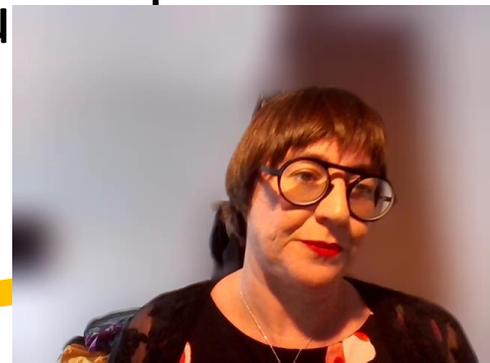
Combating
discrimination
against
refugees and
asylum seekers,
including
women:

- 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

