

# Gender sensitive asylum procedure

---

Prof. dr Marko Davinić

# Gender-sensitive asylum procedure

---

- Meaning:
- Procedure that ensures that women are able to access in full their own right to protection and assists women to disclose and explain their fears of gender-based violence.
- Reason:
- In many communities, rape and sexual assault or abuse carry stigma and shame. This can be a major barrier to disclosing asylum claims. Where women are treated simply as part of the 'family group' or dependant on their male family members, the opportunity to explore their fear is lost and the individual basis for seeking protection can be missed.



# Elements of the procedure (1)

- it is important to ensure that women have the possibility of being interviewed separately from their family
- the possibility for the applicant to express a preference for the sex of their interviewer and interpreter
- respect confidentiality of the information gathered through interviews

## Elements of the procedure (2)

- care is taken to avoid secondary victimisation or re-traumatisation of the woman
- sufficient time is provided to enable the applicant to build a relationship of trust, allowing her to disclose the full circumstances of her claim.
- breaks are given if needed, especially when women testify about the violence

# Late disclosure of information relevant to the case

- It is common practice for asylum decision-makers and courts to treat facts disclosed at a later stage in the asylum process as less credible
- This negatively impacts women who are often initially unable to disclose the nature and extent of gender-based harm they have experienced



What can  
cause this  
later  
disclosure?

---

the intimate nature of many types of gender-based violence against women

---

fear of the consequences of such a disclosure

---

feelings of shame and stigma

---

the effect of post-traumatic stress disorder or another mental health difficulty

---

being tired or traumatised as a result of the journey, difficult and unsafe reception conditions

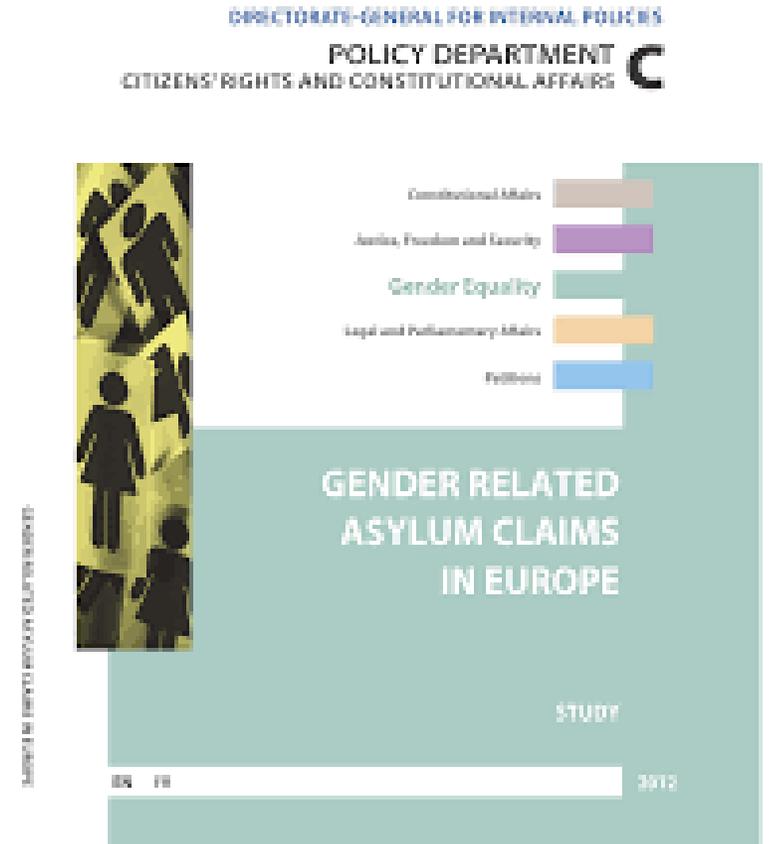
## Accelerated procedures?

Gender-based claims are complex and women face difficulties in disclosing and properly presenting their claims.

There is a real danger that women subjected to such procedures will be denied protection.

# Special training of asylum officers

- They should have available training manuals on gender-sensitive asylum procedure
- It is important that the entire asylum process is gender-sensitive



Gender  
guidelines  
should cover,  
among others

identification of possible victims and those at risk of gender-based violence

list of relevant national and international standards for the protection of women

the gender-sensitive interview process

the impact of gender on the ability to disclose and present an asylum claim

to consider cultural and religious sensitivities or personal factors

# Canadian case

- The claimant from Ghana alleged that she had been abused and threatened with death by her husband and police protection was not available to women who were victims of domestic violence in that country. The Canadian asylum office gave considerable weight to a medical and psychiatric report, both of which stated that the claimant was suffering from depression and post-traumatic stress syndrome. Even though wife battering was a criminal offence in Ghana, adequate state protection was not available to the claimant. She was awarded international protection.

Thank you! :)

