

INTERNATIONAL WOMEN'S DAY & THE REFUGEE CONVENTION, by
Julian Norman on 8th March 2023

The pink-glazed maze of companies' self-congratulatory posts on social media, often entertainingly pursued by the PayGapApp bot, signals the arrival of International Women's Day. And while it is absolutely true that in 2023 there is much to celebrate in terms of the strides in women's progress over the last century, it is also worth considering the particular challenges that face women refugees.

When the Refugee Convention was set up in 1951, it was in the wake of the atrocities of the Second World War, and with a sincere dedication to preventing anything like the Holocaust ever happening again. Many states reflected on their own policies in the 30s and 40s with a degree of shame - Britain, for example, had refused to take Jewish refugees unless they came through what we would now call "safe and legal routes", and most refugees had to find a guarantee of £50 (equivalent to about £2,800 in today's money, impossible for many in the aftermath of Germany's economic freefall), or an employer, in order to gain a visa.

Countries pledged to take in any refugee who was outside their country of origin, if they feared persecution for reasons of race, religion, nationality, political opinion or membership of a "particular social group," as long as they had no alternative of internal relocation or seeking the protection of their own authorities.

This poses a number of obstacles to women who are at risk of persecution from actually seeking asylum abroad:

- Women tend to have less economic freedom than men in asylum-producing countries, and so are less likely to have the independent funds to facilitate a move abroad - particularly when this involves paying an 'agent' or people smuggler.
- Women tend to have less social freedom than men in asylum-producing countries, and so are less likely to have the ability to leave.
- Women often have caring responsibilities for children or older family members, and may be reluctant to leave.

If refugee women are able to overcome those challenges and get to the UK, there may be further difficulties in establishing their claim, because women often have atypical claims. The conventional understanding of 'persecution' relates to genocide or state torture, but may also cover what we call non-state torture: at the hands of a non-state actor, in respect of which the state is either unable to protect or indifferent to the plight of the victim.

This is often the type of persecution which women refugees fear, and it encompasses forms of violence such as FGM, forced marriage, so-called honour killings, or 'corrective rape,' sexual violence targeted at lesbians, as well as violence and coercive control against non-conforming women. It is not controversial that such treatment would amount to persecution but it can be very hard to evidence that the applicant fits within a "particular social group", one of the Refugee Convention grounds for protection, and / or that the state is unwilling or unable to protect the individual against the ill-treatment. Shame can prevent an applicant giving a full history of her experiences, and trauma can very effectively scramble an account when questioned, while Anglo- and often male-centric attitudes from decision-makers ("why didn't she just leave? Just get a job in another city? Just tell them she didn't want to marry? Move to another area?") further complicate things.

This is just a snapshot of the particular issues which affect women refugees. It is as crucial as ever that all of us who represent women seeking international protection are as ever alert to the challenges which may arise.



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