

AKIDWA BRIEFING PAPER

Gender Guidelines in Asylum Processes in Ireland

AkiDwA calls for the introduction of gender guidelines in asylum processes in Ireland.

Ireland must provide fair and equal treatment to women seeking asylum. The state has signed up and ratified to human rights instruments that require a gender equal asylum system. There needs to be an increase of understanding and awareness of how gender-related persecution fits into the 1951 Convention Relating to the Status of Refugees criteria in the Irish asylum system. From women's reports, AkiDwA has seen that refugee application and interview procedures in the state often do not recognise gender-specific barriers a woman can face in lodging an independent claim and in providing substantive country of origin information for her claim, in particular if persecution was gender-related. That gender can influence and even determine the type of persecution or harm a woman may suffer can be central to the reasons for a woman's persecution.

AkiDwA's work with women seeking asylum and service providers, such as women's support services and rape crisis centres, have shown us that the current system does not support disclosure of gender related violence and persecution early in the asylum process, and that there are limited counseling opportunities given to women who have escaped torture, rape and other sexual violence. Opportunities that have been afforded have come from women's support services and rape crisis centres, historically underfunded, and from SPIRASI (for victims of torture). On a positive note, in order to clear up a backlog the Health Services Executive has pledged to expand their counseling services nationwide. Overall, though, in the current situation there is a lack of gender sensitivity in Ireland's reception and asylum system, which can expose women who have fled gender based violence to further risk of abuse or may delay her recovery from traumatic experiences.

AkiDwA has held discussions with female asylum seekers and refugees in Ireland over the years and has heard from women of decision making processes which have not consistently included country of origin information with accurate and up-to-date gender-specific information on the circumstances of women. Women in the Irish asylum system

have reported a lack of awareness on the part of many officials as to what defines gender-specific persecution. Women have tried to progress gender related claims in the culture of disbelief that can result from this ignorance. Additional difficulties for women in the Irish asylum system can include a lack of assessment of the risk posed to vulnerable female applicants in a system where women have reported an overwhelming fear of lodging a complaint against officials, including for harassment or abuse. Women have related to AkiDwA they believe their cases will be negatively affected by a complaint and they are unaware or not trusting of complaints procedures that exist in public and private bodiesⁱ. With such cases appearing to be either not dealt with or abandoned after delays, it is not unusual that women lack trust in the system, as well some officials and staff dealing with asylum seekers have threatened deportation if a woman makes a complaintⁱⁱ, even when it is not within their remit to influence a woman's case in any way.

The discretionary nature of some Irish immigration decisions is part of the problem. For example, "good character" figures into citizenship applications and there are no set criteria as to what constitutes "good character". The Garda Síochána furnishes a background check for citizenship applications and the Department of Justice's Irish Naturalisation and Immigration Service website states that "any criminal record or ongoing proceedings will be taken into consideration by the Minister in deciding whether to grant naturalisation or not." This includes any criminal or civil proceedings. There is no permanent long term residence in place in Ireland for all immigrants other than citizenship ('long term residency' in Ireland is for five years, is renewable, but is primarily open to migrant workers who have had five years of continuous employment). Minor road offences occurring years before have been cited in a refusal of citizenship and even a false allegation resulting in an individual coming to the attention of Garda has led to a refusal of a citizenship application. At present there is no transparent, objective and published guidelines upon which immigration decisions are made, including for application criteria and refusal grounds. Clear guidelines should govern the exercise of ministerial discretion to ensure it is in compliance with the relevant human rights standards and it is in accordance with the principles of legitimacy and proportionality.

In the case of direct provision an independent remedy mechanism for asylum seekers does not exist, and AkiDwA has heard from women they fear they will be labelled troublemakers and suffer consequences such as a worsening of living conditions, negative effect on their case or forced accommodation transferⁱⁱⁱ.

A woman's entry into Ireland's asylum system

Upon arrival, women can ask for a female immigration officer but the state is not required to tell them of this choice, thus many women enter Ireland's asylum system without knowing they can speak to a female immigration officer, caseworker or lawyer. Women have reported to AkiDwA that gendered cultural differences do not always appear to be understood during the assessment of their character and in regard to the believability of their cases. Some have expressed fears post-interview of cultural differences in their demeanor which may have been assessed as suspicious or untrustworthy; i.e., a lack of eye contact or lack of elaboration on an answer being read incorrectly as dishonest, in short an assessment based in part on a European and western perspective. Women from particular regions in some African countries report that in their society women have traditionally had lower status and have behaved accordingly, in a manner highly deferential to men. For example, in some cultures looking a man in the eye is a sign of disrespect. A woman might speak to authorities in a more formal, shortened speech or may offer only brief explanations to events as is customary in their culture. Some women report less literacy and education amongst women in their country of origin and this can have an impact in her country knowledge she may possess for her interview.

Women from such patriarchal societies might also lack confidence during the highly pressurised interview and women have said upon reflection they worry this could be read as dishonesty. In an AkiDwA focus group on entry procedures^{iv}, one participant related that a woman with limited English might repeat what she is saying to make sure she understands an interviewer's question, but that she fears officials may misinterpret this action and think that the woman is trying to make something up.

In discussing sexual violations upon arrival or at the initial interview, a woman may feel "shamed by" these violations or may not speak of such matters because they have been raised in a culture where discussion of matters of a sexual nature are not discussed with

male strangers/authorities or in front of male relatives. Reported sexually based crimes such as rape face high attrition rates in Ireland as well as many other European and western countries and such claims are often treated with suspicion or can be handled less rigorously in criminal proceedings. Women with gender based violence claims of persecution may face this same culture of disbelief within Ireland's asylum system.

As previously discussed, support for traumatised women is often in short supply in Ireland, one woman in this group related being raped in her country of origin and having to wait a year for counseling in Ireland. Women in AkiDwA focus groups^v have asked why there isn't a women's only accommodation centre available for women who have suffered gender based violence. This is despite the need for gender based violence victims to be protected from any possible further trauma that might arise as a result of being placed in the general population of accommodation centres, including alongside single male accommodation structures.

Women's multiple caring roles are not usually taken into consideration in the Irish asylum system. A woman in an AkiDwA focus group spoke about her arrival at Dublin airport, with her son, battling exhaustion and trying to mind her child during her interview with an Immigration Officer^{vi}. Women's interviews in Dublin oftentimes require them to bring their child in same day as children are usually put on a women's claim. There are no childcare supports provided to mothers seeking asylum to assist them with their interviews.

Gender-related persecution

There is an absence of sex or gender as a specific ground of persecution in the 1951 Refugee Convention Relating to the Status of Refugees. Despite this lack of specificity, women should be fully protected by the Convention to make gender related persecution refugee claims but in practice this has remained difficult internationally. Interpretation of the Convention has historically been through the prism of a male migrant perspective and attendant framework. International refugee mechanisms are to a certain extent gender neutral, but a State's interpretation of them can reinforce gender biases.^{vii} For example, despite international monitoring bodies defining sexual violence as a war tactic and the U.N. Security Council's adoption of a resolution on sexual violence as a security issue

(June 2008), aside from a few cases of rape, the Convention definition of a refugee is not widely applied to female-specific experiences.

The 1951 Convention Relating to the Status of Refugees states a refugee is a person who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his/her nationality and is unable or, owing to such fear, is unwilling to avail himself/herself of the protection of that country. Decision makers can and often fail to incorporate gender-related claims of women into their interpretation of the existing enumerated grounds. What also may escape recognition is the political nature of private acts of serious harm against women, which can be perpetrated in the 'domestic sphere' by non-State actors.

Gender-related persecution refers to experiences of women who are persecuted because of their identity and status as women. The motivation and the form persecution may take for women can differ considerably from men. Power structures and the civil, political, social, and economic position of a woman in her country of origin can be integral to her claim. Practices such as female genital mutilation, suttee, bride burnings, forced marriages, rape and domestic violence are premised on assumptions of inferiority or traditional gender stereotypes. Women's role in the biological and social reproduction of a group places them in a position of particular vulnerability during war, civil war, and civil unrest and contributes to their political and at times symbolic significance in a conflict.

'Freedom of choice' can be relative term, in view of many women's circumstances in their country of origin. Economic, social, cultural and political options of women in a society can be severely restricted by inequality due to her female status. Some women or specific groups of women may be particularly vulnerable to violence, such as women in situations of armed conflict, refugee and migrant women, women in custody, women living under fundamentalism, women with disabilities, older women, indigenous women, lesbian and women from ethnic minorities. A globalised market has meant the sex industry has developed into one of the most profitable businesses in the world, controlled by international organised criminal networks that take advantage of poverty, lack of opportunities and violence experienced by women.

Women's experiences of persecution can include acts of gender-related violence resulting in, or likely to result in, physical, sexual, or psychological harm or suffering of women, including threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or in private life. Violence against women includes, but is not limited to, physical, sexual, and psychological violence occurring within the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, genital mutilation and other traditional practices harmful to women, non-spousal violence, and violence related to exploitation. Physical, sexual and psychological violence can occur in the general community and can include rape, sexual abuse, sexual harassment, and intimidation at work, in educational institutions and elsewhere, trafficking in women, forced abortion, forced sterilisation and forced prostitution. Physical, sexual, and psychological violence against women can be perpetrated by State actors or condoned or tolerated by the State, or can be due to a lack of adequate state protection.

Private issues associated with women can be political, such as conflicts concerning the demarcation of privacy: rejecting genital mutilation, the freedom to have an education, exercising reproductive rights, undertaking particular employment, wearing a veil, being sexually active, choosing a partner, advocating for certain rights and/or maintaining certain political opinions, or wanting to be free of a man's domination or control. In theocracies a woman failing to abide by behavioural codes or to conform to a model/role prescribed by an official religion can be seen as a threat to the state, even if she is a member of that faith. The current instability of world economies should not be used as a justification for the erosion of women's rights or as a reason to remove recent gains in gender equality in societies.

Gender related persecution case example: sexual violence as a weapon of war

An attack on a woman can represent to opposing forces an attack on her national or ethnic group and against the survival of her group or community. Conflict and displacement usually worsen gender inequalities and, as stated previously, sexual attacks on women can be a military tactic, such as in Somalia, Sudan, the Democratic Republic of Congo (DRC), Liberia, Rwanda and Bosnia. In the DRC, UNICEF and V-DAY estimate hundreds of thousands of women and girls have been raped since the conflict began in 1996.

Rape is a war crime under international law and recent years have seen an astounding amount of cases of war or conflict-related rape. In Rwanda, where rape was seen as a war policy during the genocide, up to half a million women and girls were raped during the 1994 genocide. At least 60,000 women and girls were raped in the war in Croatia and Bosnia-Herzegovina and in Sierra Leone there were 64, 000 war-related acts of sexual violence amongst internally displaced women from 1991 to 2001. The perpetrators of sexual violence weren't always combatants. In 2006 there were accusations of widespread sexual exploitation and abuse by United Nations peacekeeping personnel in the Congo were reported and in May 2008 a UK report^{viii} claimed sexual violence perpetrated against children by United Nations peacekeepers was largely under-reported.

In addition to psychological, mental and emotional trauma, many survivors of sexual violence have been left with genital lesions, traumatic fistulae, severed and broken limbs, unwanted pregnancies, sexually transmitted infections including HIV. Survivors of sexual violence are often ostracized or abandoned by their families and communities.

That gender-related violence against women is universal should not be used as a justification in determining whether rape and other gender-specific crimes constitute forms of persecution. Gender related violence, experienced or feared, is a serious violation of a woman's fundamental human rights to safety and bodily integrity. The distinction between the "public and private spheres" has a substantial bearing on meeting asylum criteria for international refugee protection in gender related claims. International human rights law clearly recognises sexual violence as falling within the Convention definition of persecution^{ix} and jurisprudence is broadening the definition in international refugee law to include non-state agent persecution as a possible ground for an asylum claim if a State is 'unable or unwilling' to provide protection. The Rome Statute of the International Criminal Court^x recognised sexual violence as able to constitute a crime against humanity and as a war crime and also included in its definition of genocide 'imposing measures intended to prevent births within a group'.

A woman's access to internal protection

For internal protection to be meaningful for a woman, the proposed site must be safely and practicably accessible to her and must be a place where she is not at risk of persecution for a Convention reason or at risk for other forms of Convention or non-Convention-related serious harm. The proposed site must provide basic norms of civil, political, and socio-economic rights to women and children. Internationally a woman's

access and realisation of these rights can differ vastly to male migrants. In some sending countries of refugees, a male relative is required for women's travel, accommodation or accessing of basic necessities. While women are increasingly migrating on their own or as heads of households, they may suffer discrimination in other regions which can make relocation difficult, due to customs, religion, or socially constructed gender roles. Gender inequalities may be also be exacerbated in a society after civil unrest or armed conflict. As women are the main primary carers of children, the risk of serious harm to children or a child's lack of access to basic human rights must also be considered when a woman is looking to access protection internally within her country.

Women seeking asylum in Ireland

The United Nations High Commissioner for Refugees (UNHCR) estimates women and their dependent children constitute up to 90% of the world's refugee population but that men constitute the majority of the world's asylum seekers (i.e., people who seek protection through legal means). This reflects the previously mentioned difficulties women may face in fleeing their countries and also includes not having financial means or access to networking resources or not having had access to education and/or low literacy rates (female rates of literacy are lower internationally than that of males) or debilitating physical trauma limiting mobility, such as obstetric fistula from sexual violence, limited/no access to obstetrical care, early marriage/childbirth or harmful traditional practices.

If an asylum applicant enters at an official point of entry, an immigration officer will conduct a preliminary interview. The applicant will fill out an application with the Office of the Refugee Applications Commissioner's office (ORAC) which forms the basis of his/her asylum claim. While the Refugee Legal Service's remit is to offer legal advice and representation at all stages of the asylum determination procedure, capacity issues have meant advice has usually been confined to later stages of the asylum process, although a reform to front load the asylum legal aid process may be introduced in Ireland, which could potentially deliver a more gender equal system. Unlike most other EU States officers, officers examining asylum applicant claims in Ireland are not required to have a legal background or relevant university degree and there are no specific statutory or administrative provisions for a minimum requirement of training.

A woman may not have awareness upon arrival in Ireland of the weight of importance of sexual violence can have to her claim, or to a particular violation against her or

understand the relevant detail required. In her country of origin, there may have been cultural or traditional customs influencing not only the handling of a case of sexual violence but also the status accorded to women in legal matters. A woman should not have her status be seen solely as derivative; she should be given the opportunity to submit a refugee application that is independent of an accompanying male relative's claim. Arrangements should be made to facilitate child minding during the interview process so as to not disadvantage the access and quality of a woman's interview.

For reasons of culture or tradition, a woman making a refugee claim may have been isolated away from her society in her country of origin and be less articulate in her presentation of necessary facts and details. If state authorities in her country of origin view women as being of lesser status, accessing state protection for persecution may have been difficult. This has serious consequences in providing the kind of evidentiary information necessary to establish a well-founded claim for asylum.

Immigration officials may lack country of origin documentation of female-specific persecution and/or lack awareness that women can be persecuted and experience persecution differently from men. This failure to source gender-specific information is one of the major difficulties women face in making refugee claims. It has been found that in some cases a negative decision has been supported by country of origin information referencing the existence of legislation or constitutional guarantees that in practice are not observed. On 16 January 2009 an Irish High Court granted a Nigerian woman from Lagos leave to challenge a 2006 Refugee Appeals Tribunal decision refusing her refugee status based on female genital mutilation. Mr Justice McMahon's decision noted that while there were some northern states in Nigeria where mutilation was denounced^{xi}, police enforcement was unreliable, with many police considering FGM a family matter, and that information relied on by the tribunal did not inspire confidence and seemed to support the woman's evidence that recourse to the police would have been futile.

Few refugee documentation centres internationally have information on the position of women in a given country, the incidence of sexual violence in that country, or the consequences of returning to the country for a woman in the claimant's alleged position.^{xii} The Australian Department of Immigration and Multi-Cultural Affairs's (ADIMA) Guidelines^{xiii} note that violence against women, particularly sexual or domestic violence, is largely under-reported or ignored in many countries. In the absence of

reliable information on these matters, the woman's story may not appear credible. Additionally, many countries do not consider violence against women a serious problem or consider it a private family/domestic matter, as seen in the aforementioned Nigerian case, and may not provide proper legislation or support to women to combat against it. As a result it may go unreported to police and within the court system. Customary law can be as important as state legislation and case law in some African countries and utilised in order to perpetuate the discriminatory or persecutory treatment of women.

Political activities women are involved in can be less visible and direct. They can be underground messengers, community organisers and carers or food providers and state authorities can view these activities as political threats, thus putting themselves at risk of the same or greater persecution than their visibly involved male counterparts. Women with similar asylum claims as men of persecution based on political activities can encounter difficulties in supplying evidence and proof since many times they would not have had access to full information of the political actions despite having contributed to their realisation. Like men, women might also be direct participants, as soldiers or fighters, or they may gather intelligence which also can put them at risk of persecution for a Convention reason. They can be targeted for persecution because of their race, nationality, or tribal membership or association.

An Irish Refugee Council report reviewing asylum case work from 2000^{xiv} related that in the casework reviewed a major emphasis was on credibility. The report related that in the casework reviewed there was a lack of consistency in country analyses of political and social conditions and incorrect applications of country of origin information that resulted in a reliance on generalities. The examiners in these cases appeared to concentrate almost exclusively on the applicant's past experiences of persecution and rarely examined the possible implications of the applicant's return to his/her country of origin. Minor inconsistencies were often used to reject a claim rather than looking at the broader view of the person's claim. If a claim for asylum is refused the applicant can appeal to the Refugee Appeals Tribunal. There is no interview requirement for 'manifestly unfounded' applications and an appeal of a 'manifestly unfounded' decision consists of an examination of written documentation alone as no oral hearing will take place.

Human Rights Framework for Gender-related Persecution

Persecution can arise when a State fails to provide continuous and adequate protection with regard to a core human right recognised by the international community. Human

rights instruments providing a framework of international standards for recognising protection needs of female asylum seekers include the following:

Universal Declaration of Human Rights

International Covenant on Civil and Political Rights

International Covenant on Economic, Social and Cultural Rights

Convention on the Elimination of All Forms of Discrimination Against Women

Convention on the Political Rights of Women

Convention on the Nationality of Married Women

Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment

Declaration on the Elimination of Violence Against Women

Traditional, historical, religious, or cultural attitudes cannot justify violations of women's human rights to equality before the law and to equal enjoyment of all rights.

Gender guidelines for asylum in other countries

In 1993 Canada provided a groundbreaking publication of *Guidelines on Women Refugee Claimants Fearing Gender-Related Persecution*. That same year the UNHCR Executive Committee adopted *Conclusion No 73 on Refugee Women and Sexual Violence*, which recognised the sensitive treatment of female asylum seekers who have experienced gender related violence requires that officials tasked with decision making and determination of asylum claims should be trained in issues of gender and culture. In 1995 the United States became the second country to publish guidelines recognising gender-based persecution as a potential ground for asylum, in the U.S. Department of Justice's *Considerations for Asylum Officers Adjudicating Asylum Claims From Women*. On 5 December 2000 the United Kingdom's Immigration Appellate Authority launched *Asylum Gender Guidelines* for use in the determination of asylum appeals in the UK and to assist judiciary at the Immigration Appellate Authority in considering all aspects of an asylum seeker's claim for international refugee protection and to address the role of gender in the asylum determination process.

Asylum/protection officials need objective and current information on the legal and cultural situations of women in their country of origin, the incidence of violence, sexual and domestic, and the adequacy of state protections available to them. Country reports produced by various State departments do not explicitly address gender issues, thus

asylum/protection officials working with female asylum applicants should, in accordance with the *UNHCR's Guidelines on the Protection of Refugee Women (1991)*, make themselves familiar with the status and experiences of women in the applicant's country of origin.

The oft-stated "flood of claims" argument that might follow the introduction and implementation of gender guidelines has not been borne out in international experience; both United States and Canadian authorities have stated this has not transpired. After Canada began recognising gender-based asylum claims after 1993, including those related to domestic violence, and numbers of asylum seekers granted asylum only increased by two percent.^{xv} The Immigration and Refugee Board of Canada has reported that gender-related claims have actually dropped steadily since a peak of 315 claims in 1995. A United States Department of Justice memo^{xvi} stated that after the 1996 precedent decision *Matter of Kasinga*, in which the Board of Immigration Appeals (BIA) recognised FGM as a basis for asylum, that "although genital mutilation is practiced on many women around the world, INS has not seen an appreciable increase in the number of claims based on FGM." Many factors influence a woman's need to seek refuge, debilitating trauma, state of physical and emotional health, caring roles and access to finances could all potentially make difficult a woman's ability to flee a country. Women at risk who have suffered brutal violence and humiliation on a sometimes daily basis may be in the most need of asylum but these women may also never have the opportunity or resource to seek it.

Gender equality reform of Irish legislation, policy and practice

AkiDwA is calling for the immediate introduction of gender guidelines as an amendment to the pending Immigration, Residence and Protection Bill 2008. The following is an amendment to the IRP Bill 2008 which was proposed in 2008 but not included thus far in amendments for the Immigration, Residence and Protection Bill 2008. Gender considerations do not currently significantly feature in the proposed immigration legislation.

AkiDwA and signatory organisations Avondhu Integration Project, Cairde, Immigrant Council of Ireland, Integrating Ireland, Irish Family Planning Association, Mayo Intercultural Action and Migrant Rights Centre Ireland, National Women's Council of Ireland and Women's Aid submit that gender guidelines should be a requirement in the Immigration, Residence and Protection legislation and such guidelines shall be adhered to

by all asylum/protection officials and Immigration Officers adjudicating asylum/protection claims. Gender-sensitive considerations should be incorporated into both substantive and procedural aspects of the asylum/protection determination process.

Suggested Amendment:

(1) As soon as practicable after the passing of this Act and, after consulting with the Minister for Justice, Equality and Law Reform, the Minister shall develop and establish gender guidelines for the purposes of all processes relating to the adjudication of female asylum/protection claims.

(2) Gender guidelines issued will include provision for—

(a) the establishment of an expert committee to draw up terms of reference and procedures for such guidelines and

(b) the membership of the committee shall include the appointment to it of—

(i) members of the Department of Justice, Equality and Law Reform concerned nominated by it for such appointment,

(ii) members of the Department of Foreign Affairs concerned nominated by it for such an appointment

(iii) members of the Garda Síochána nominated by the Garda Commissioner

(iv) members of the Oireachtas,

(v) persons nominated by other public authorities, and

(vi) such other persons (including representatives of expert NGOs and international experts in the area of migration and international women's studies) as may be provided for in the guidelines,

(c) the establishment of a departmental unit within the Refugee Documentation Centre (RDC) of the Legal Aid Board, which will act as the central country of origin resource for INIS,^{xvii} to develop and distribute, to all immigration officials and service providers, and be included in the RDC's Country of Origin Document and Library Management System alerts and country profiles to include developments in law of gender related persecution internationally and nationally, current country of origin information on the legal and cultural situations of women, reporting on the incidence of violence, sexual and domestic, and an analysis of the adequacy of state protections available to women, and

- (d) through progressive realisation, training of staff as implementation of such gender guidelines would require.
- (3) The Minister shall cause a copy of gender guidelines issued and of any revisions to them to be laid before each House of the Oireachtas as soon as practicable after the guidelines are issued or revised.
- (4) Gender guidelines, as implemented, will be required reading for all officials in the asylum/protection decision making processes. Upon receipt of these guidelines, training on such guidelines shall be given to all supervising and interviewing Immigration Officers/Officials and shall be included with required in service training. Trainers will be provided by the UNHCR^{xviii}, Department of Justice, Equality and Law Reform and relevant expert NGOs in the areas of gender and asylum.
- (5) Monitoring of adherence to gender guidelines by immigration officials involved in the interviewing and decision making of cases of female asylum seekers will be the remit of Principal Officers and supervising executives in the asylum/protection processes. These Principal Officers and Executives will be accountable for assuring the implementation of these guidelines.
- (6) Procedures will be established for the collection of various aspects of gender related claims adjudicated by immigration officials. Such statistics shall be publicly available on an annual basis.

iAm *Only Saying It Now: Experiences of Women Seeking Asylum in Ireland*, AkiDwA March 2010

ii18 June 2009 International Covenant of Economic, Social and Cultural Rights AkiDwA consultation for the Women's Human Rights Alliance shadow report on the right to health.

iiiAm *Only Saying It Now: Experiences of Women Seeking Asylum in Ireland*, AkiDwA March 2010

iv6 November 2009 AkiDwA consultation on entry procedures

v *Am Only Saying It Now: Experiences of Women Seeking Asylum in Ireland*, AkiDwA March 2010

vi6 November 2009 AkiDwA consultation on entry procedures

vii Crawley, H *Refugees and Gender: Law and Process* Jordan Publishing: UK; 2001

viii Save the Children (UK) "No One to Turn To: The under-reporting of child sexual exploitation and abuse by aid workers and peacekeepers" Corinna Csáky (2008)

ix 1993 UN Declaration on the Elimination of All Forms of Violence Against Women prohibits gender based violence in the family, community, workplace and at the hands of the State and includes psychological, physical and sexual and cultural, traditional and religious appeals cannot be used to compromise international obligations.

x Rome Statute of the International Criminal Court, UN doc. A/CONF.183/9, 17 July 1998, Arts. 7 and 8. Art. 6

xi In Nigeria there is no national FGM legislation, it is left up to the states to enact and implement.

xii Sexual Violence as "Persecution" Within the 1951 Refugee Convention, Caroline O'Connor (Irish Student Law Review 2004, in association with Honorable Society of King's Inns)

xiii ADIMA, "Refugee and Humanitarian Visa Applications; Guidelines on Gender Issues for Decision Makers" (Australian Department of Immigration and Multi-Cultural Affairs, 1996).

xiv "Asylum in Ireland: A Summary of the Report on the Fairness and Sustainability of Asylum Determinations at First Instance" Almirall & Lawton, Irish Refugee Council (2000)

xv J. Podkul, Domestic Violence and its Effect on Asylum Law Human Rights Brief, Volume 12 Issue 2/Winter 2005, Center for Human Rights and Humanitarian Law at Washington College of Law

xvi 7 December 2000, memo The R-A- Rule.

xvii Proposed in current pending legislation to take over the current role of ORAC's case processing and presenting unit.

xviii The UNHCR offers gender guideline training based on the UNHCR Guidelines on Gender-Related Persecution issued in 2002