

GENDER EQUALITY and Work with Refugees

1. Introduction

Gender Mainstreaming

'Gender mainstreaming' can be defined as the process of incorporating gender equality issues into every stage of the development, implementation and evaluation of mainstream policies. The Irish government has adopted gender mainstreaming as a strategy to promote equal opportunities between women and men in the National Development Plan 2000-2006.

Why is it important to consider gender equality issues in mainstream policies? There is a dominant ethos in Western societies that opportunities should be equally open to all people, which is a fair and positive aspiration. However, it can be difficult for all people to access opportunities equally, as this cartoon shows.



Clearly some of the animals will find it much easier than others to climb the tree! A recognition of this inequality forms the underlying principle of gender mainstreaming: the process of gender mainstreaming begins with acknowledging the fact that women and men are not able to access opportunities with the same ease. In the past, other approaches - such as the introduction of legislation, and positive action programmes - have been adopted to redress gender inequality. However, gender mainstreaming is more extensive in scope, aiming to take gender-related issues into account at every stage of policy development

and implementation. In order for men and women to be equally able to avail of all services and facilities, policy makers need to take account of the different situations and lifestyles of men and women, and plan for this. Gender mainstreaming has therefore been adopted to promote equality between women and men in the National Development Plan 2000-2006.

The National Development Plan

This Plan is for the investment of over €51 billion over seven years in Irish regional development. Funding is provided for a range of policy fields, including infrastructure, education, training, industry, agriculture, forestry, fishing, tourism, and social inclusion. Over 130 measures are being funded, and these are organised into six 'Operational Programmes'. These Programmes are Employment and Human Resources; Productive Investment; Economic and Social Infrastructure; Peace (to promote peace and reconciliation in the border region); and two regional programmes - one for the Border, Midland and West region, and the other for the Southern and Eastern region. Gender mainstreaming is required for all but six of the NDP measures (these are water, waste water, waste management, energy, coastal protection, and roads).

The NDP Gender Equality Unit has been established in the Department of Justice, Equality and Law Reform to provide advice and support to all bodies working on the NDP to meet the requirement to mainstream gender equality issues. The Unit is producing a number of factsheets which outline the main gender equality issues in different policy sectors, as well as mechanisms which have been used to redress inequalities between women and men in the relevant field.

This factsheet covers gender issues relating to refugees in Ireland. It begins by sketching the context regarding refugees and asylum seekers

in Ireland, and includes current statistics. It then considers a range of areas/issues where gender concerns have been identified and looks at these in some detail. Following this, possible actions for government agencies and others working with refugees and asylum seekers on a number of issues are suggested. Models of good practice and case studies relating to work with refugees are also supplied.

As part of researching this factsheet a focus group with representatives of agencies and groups working with refugees and asylum seekers on related issues, was held. This enabled a number of gender related issues to be identified and explored in some depth. These, along with data from other sources, are presented in the following pages.

2. Background

Measures aimed at Refugees in the NDP

Refugees are specifically targeted in the NDP through a measure under the Employment and Human Resources Operational Programme in the Employability Sub-Programme/Priority. This measure funds the Refugee Language Support Unit, now called Integrate Ireland, established under the auspices of Trinity College Dublin. According to the NDP, the Unit will assess each refugee's language needs, using a set of benchmarks developed for the purpose, and then identify a suitable English-language training programme. Each person's progress will be monitored through the system. Expenditure will amount to €4.4million.¹

The objectives of the Unit are to:

- Advise on the language needs of pupils at first and second level who are not native speakers of English;
- Ensure the provision of adequate responses so that there is sufficient competency among those refugees not of school-going age to enable them to participate in training programmes, take up employment and to live independently.

The Department of Education and Science is the body responsible for the implementation of this measure.

Apart from this there are no other specific references to refugees and/or asylum-seekers in the NDP. However, given the increased focus on matters relating to refugees and asylumseekers, this factsheet explores gender issues pertaining to a wider range of concerns than solely language support. Moreover, because the issues facing asylumseekers and refugees (as provided for in the 1951 UN Convention – both refugees in the literal sense of the word) are similar, the issues examined and actions suggested in this factsheet are pertinent to both.

¹ National Development Plan 2000 – 2006.

Refugees in Ireland

Who are asylum-seekers and refugees?

Asylum Seekers

People trying to seek protection in a country other than the country of their origin are called asylum-seekers. Some enter with a visitors', student or other temporary visa, while many arrive with no documents or with false documents. There is a provision in the United Nations Refugee Convention (Article 31)² which takes into account the particular situation of persons who are forced to flee their countries for reasons related to persecution, and who therefore may not be in a position to seek the necessary documentation from their own government or embassy.

In Ireland people may seek asylum at any stage of their stay. Normally, asylum is asked for at the first available opportunity, such as at a port or airport. Sometimes, a person will make an in-country claim for asylum during his or her stay, as, for example, a visitor.

People falling within these categories are known as 'asylum-seekers', and remain as such until the Department of Justice, Equality and Law Reform assess their case. At the end of the asylum determination procedure, they are either recognised as 'refugees' or they become 'rejected', 'failed' or 'unsuccessful' asylum seekers. Under Irish law and the Geneva Convention, everyone in the asylum procedure is a legal resident of Ireland. None are in Ireland illegally until the Department of Justice, Equality and Law Reform have decided upon their case and then only if their application is 'rejected' and they remain in the country.

Refugees

A refugee in Irish law is a person who

*...owing to a 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 or her nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country; or who, not having a nationality and being outside the country of his or her former habitual residence, is unable or, owing to such fear, is unwilling to return to it.*³

In Ireland the definition includes those who have a well-founded fear of persecution for reasons related to their sexual orientation, gender or membership of a trade union. Those who have committed war crimes or serious non-political crimes are ineligible on those bases. Refugees are legally entitled to remain in the country and have similar rights as Irish citizens regarding employment, social welfare, education and health care.

The Government invites certain groups of refugees to the State from time to time. These are known as 'programme refugees'. Examples are the Hungarian refugees who

² 1951 UN Convention Relating to the Status of Refugees.

³ Section 2 of the Refugee Act, 1996 (as amended).

came to Ireland in 1956, Chileans in the 1970s and people from the former Yugoslavia in the 1990s. Programme refugees are also accorded the rights of refugees, as noted above.

The Current Legal System in Ireland

Like all signatory states, Ireland is obliged under the 1951 UN Convention Relating to the Status of Refugees never to return anyone directly or indirectly to the borders of a country where there is a possibility that his or her life will be threatened on account of his or her race, religion, nationality, membership of a particular social group or political opinion.

After the World War II, international protection for refugees came into existence with the signing of the Geneva Convention Relating to the Status of Refugees in 1951. In 1967, a Protocol,⁴ which extended the ambit of its protection, was added to the Refugee Convention. Ireland has ratified both the Refugee Convention and the 1967 Protocol. The Irish government enacted domestic legislation, the Refugee Act, to incorporate these principles, which was signed into law in 1996. However due to an increase in the numbers seeking asylum, the provisions of the Refugee Act became unworkable. As a result only five sections of the Act were implemented in 1997. Following a review of the Act, a number of amendments were made to facilitate its implementation and the Act was implemented in full, in November 2000. The Refugee Act included the establishment of an independent Refugee Appeals Tribunal (RAT) and the appointment of an independent Refugee Applications Commissioner along with provisions allowing for the detention of asylum seekers.

In addition, the Irish Refugee Act offers additional protection to the 1951 Geneva Convention in that it specifically provides that gender can be considered to be a distinct 'social group'. Thus, claims of gender-based prosecution may be assessed on this specific ground, in addition to the other grounds contained in the refugee definition.

Asylum Seekers and Refugees in Ireland

There are approximately 30 million people displaced throughout the world. Ninety percent of the world's refugees live outside Europe and North America. Of the world's millions of refugees, 85% stay in countries near their own – usually developing countries, like Pakistan or Tanzania – and only 10% ever make their way to Western Europe and North America. The UNHCR estimates that women and children make up between 75% and 90% of the world's refugee population.⁵ However, of the individual asylum-seekers who actually make it to Europe, women constitute the minority. Of the 390,000 people who sought asylum in the EU in 2000, 10,923 of these were in Ireland.⁶ Although Ireland has seen significant

⁴ Protocol relating to the Status of Refugees.

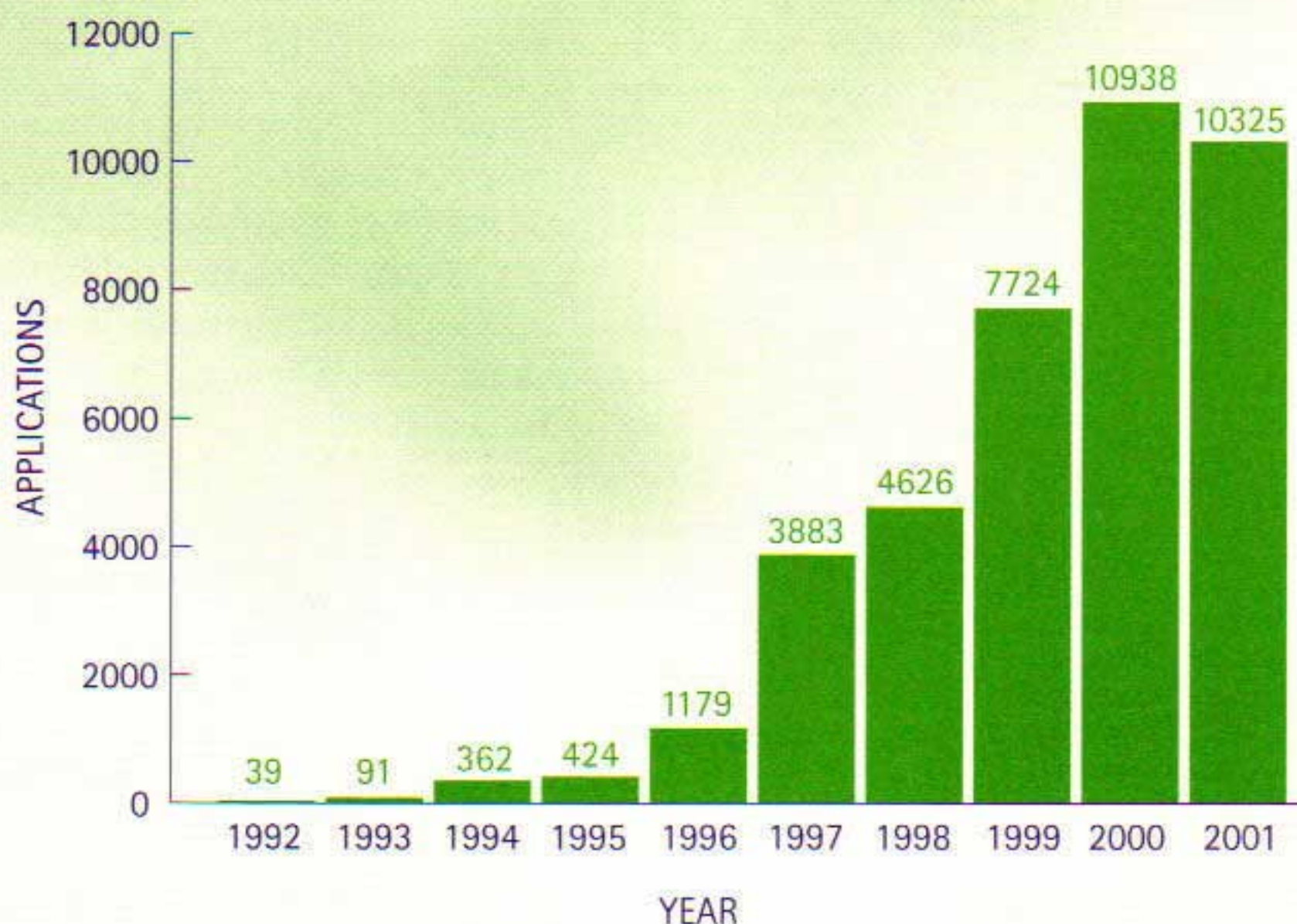
⁵ Quoted in *Women and the Refugee Experience: Towards a Statement of Best Practice*, ICCL Women's Committee.

⁶ Social Science Research Centre SSRC, UCD Belfield, Dublin 4.

⁷ Information supplied by Department of Justice Equality & Law Reform (Reply by Minister for Justice Equality & Law Reform in Dail Eireann February 2002).

numbers of asylum-seekers in the past few years, between 1994 and February 2002 only 1,252 persons were granted refugee status. This number of asylum seekers and refugees is a very small fraction of the total number of immigrants who come to Ireland from the EU or on student or work visas.

Table (1) Numbers of Applications for Asylum in Ireland



The number of asylum-seekers in Ireland has been increasing consistently since the mid 1990s. While numbers seeking asylum continued to increase between 1998 and 2000, the rate of increase slowed between 1998 and 1999 and between 1999 and 2000.⁸ Figures for 2001 show a slight decline in numbers.

During the period 1994 to 2001, approximately 5% of all who applied were granted refugee status at first stage. When the results of appeals lodged during the period are taken into account, this figure rises to approximately 8%.⁹ Numbers granted official refugee status in 2000 were 605 (7%) and 934 (9%) in 2001.

Provision for Refugees and Asylum-Seekers in Ireland

In April 2000 a new policy for asylum-seekers comprising *Dispersal* and *Direct Provision* was initiated in Ireland.

Owing to the shortage of accommodation in Dublin, the introduction of a policy to disperse asylum-seekers throughout the country. Upon initial arrival in Ireland, asylum-seekers are accommodated in reception centres in Dublin on a full-board

⁸ Figures from the Department of Justice Equality and Law Reform.

⁹ *Ibid.*

basis for a maximum period of 10 to 14 days. These centres facilitate orientation, information provision, needs assessment and initial processing of asylum claims. Asylum seekers are then allocated accommodation at centres outside Dublin while awaiting determination of their claims for refugee status.

Direct provision involves assistance to asylum-seekers in the form of full-board accommodation (often hostel-type) and three meals a day. The Reception and Integration Agency (RIA) is the cross-departmental agency which co-ordinates the provision of services for asylum-seekers in direct provision accommodation. In these cases asylum-seekers cannot cook for themselves, although the RIA makes a number of 'step-down facilities' for people who have been granted status available. These include the provision of full social welfare payments and the facilities to cook for themselves.

Since the accommodation requirements of asylum-seekers are met by the direct provision arrangements outlined above, health boards, generally speaking, do not provide financial assistance towards the cost of rent in the private rented sector. However, where there are exceptional social or medical reasons for so doing, local Health Boards may at their discretion pay full basic Supplementary Welfare Allowance (SWA) and subsidise rent costs for this group.

Refugees who have been granted refugee status are entitled to social welfare and other benefits in line with Irish citizens. Refugees are eligible for local authority housing on the same basis and through the same procedure as Irish nationals. Asylum-seekers in direct provision accommodation receive €19.10 per adult per week and €9.50 per child. These rates represent reduced allowances under the SWA, because the allowances payable are reduced to take account of the value of free board and lodging, heat, light, laundry and household maintenance. Asylum-seekers can also apply for Exceptional Needs Payments under the SWA scheme. Those with children are eligible for Child Benefit, and if the children are of school-going age, payments under the Back to School Clothing and Footwear Scheme. Asylum-seekers who meet the qualifying conditions are entitled to One-Parent Family Payment, Disability Allowance and Non-Contributory Old Age Pension whether or not they are in direct provision. Asylum-seekers also qualify for medical cards on income grounds.

Refugees receive language support from the State through Integrate Ireland Language and Training (IILT), funded under the NDP, and asylum-seeker and refugee children, like Irish children, are entitled to primary and post-primary education. The Government White Paper on Adult Education committed itself to providing mother language supports to asylum seeking adults. Such provision is normally resourced through the Adult Literacy and Community Education Scheme and is usually administered at local level by VECs, with provision varying from area to area. Asylum-seekers are not entitled to English language classes (from IILT) or to maintenance or tuition fees in third-level institutions (similar to 'foreign' applicants). Refugees are not entitled to maintenance grants or third level tuition fees until they have been resident in Ireland for three full years.

3. Gender Issues in Work with Refugees

It is estimated that approximately 65% of asylum-seekers in Ireland since 1992 have been men, and 35% women.¹⁰ In 2001, there were 10,325 applications for asylum in Ireland. These comprised 4,880 (47%) from women and 5,445 (53%) from men. Of these, 53% were aged between 18 and 35 years, 22% were aged 18 years or under, and less than 1% were over 55 years of age.

Refugee Numbers – A Gender Dimension

The reasons for women and men seeking asylum and their experience in the countries from which they have fled can vary considerably. Many are singled out for persecution because they are political activists, community organisers, or through the persistence of demanding that their rights or the rights of their relatives are respected. Others are pursued because of their religious identities, their nationalities or ethnic backgrounds. Often several grounds of persecution occur in a cumulative fashion so that it is difficult in the case of an individual asylum-seeker to classify the grounds under which a claim is made. In many countries, gender identity is central to the national identity, and women who refuse (or are unable) to conform to social mores and norms regarding their behaviour can be viewed as a threat to the structure of the regime itself and can be persecuted on that basis.

As outlined above, the United Nations High Commission for Refugees estimates that between 75% and 90% of displaced people in the world are women and children. However, men constitute the majority of the world's refugee population – that is, people who seek protection through legal means. In Ireland in the 1990s women have formed approximately one-third of all refugees who apply for asylum.¹¹ There are a number of reasons for this under representation of women as asylum seekers. Women are more likely than men not to have the financial resources to enable them to take flight from their country of origin. Many are not in positions to access paid employment and it is usually men rather than women who have ownership of property. Women rarely hold positions of power in societies. As a result women will often find it difficult to secure the finance required. Women also may not be in possession of a passport and/or may be debarred from applying for one in their own right. Often women will have the responsibility and expense of being the primary carer of children and elderly relatives. Fleeing, therefore, may involve attempting to take dependants with her. Men are more likely to be prosecuted / imprisoned as a result of war and this can result in women being left to care for dependants on their own. In addition women are more likely to suffer from a lack of education, with literacy levels in most countries being lower for women than for men.

Those women who do manage to flee are often a companion to a male refugee and do not seek asylum in their own right. It is likely that many are not aware that, under

¹⁰ Department Justice Equality & Law Reform figures quoted in *Asylum-Seekers and the Right to Work in Ireland (2000)*.

¹¹ ICCL *Towards a Statement of Best Practice...*

the Geneva Convention, the treatment they have experienced may be a basis for protection. While clearly women *can be* asylum-seekers in their own right, many women report that their case is often based on that of their husband.

In Ireland the situation is to inform all adult dependants of their entitlement to make an individual application. If the male asylum-seeker wants to make an application for himself and his female adult dependant, the woman must give consent. In these circumstances, the female is still required to fill in an application form and is also offered the opportunity for a personal interview.

Gender Specific Forms of Harm

Certain forms of harm are more frequently or only used against women or affect women in a manner that is different from men. These include, for example, sexual violence, societal and legal gender discrimination, forced prostitution, trafficking, refusal of access to contraception, forced marriage, forced sterilisation, forced abortion and female genital mutilation.

Women may have been targeted because they are more vulnerable; for example, women who can easily be sexually abused or mothers who are seeking to protect their children. In some countries women are subject to human rights abuses because State or non-State protagonists relate them to men or other women who are targeted or because they themselves are in opposition to the existing governments or have transgressed social mores. Often women's sex will be used against them – it is widely accepted that rape and sexual violence are commonly used as weapons of war.¹² Women in such cases have often had difficulty in proving they are the victims of persecution, rather than targets of random violence. This can be further compounded by trauma resulting from such experiences and the cultural factors that may inhibit women from speaking freely about their experiences.

*Depression and other post traumatic stress disorders are relatively common among female refugees. Many face psychological difficulties resulting from physical abuse, loss of family and community support.*¹³

It is generally believed that women who come from cultures where discussion relating to sex and sexuality – including female genital mutilation – is taboo, will often be too embarrassed to recount their experiences in the process of filing a claim for asylum, and/or during initial interviews. Women may be unable to describe their experiences as a result of posttraumatic stress disorder, depression or shame, and often will not do so in front of male relatives and/or their children.¹⁴

¹² *The Beijing Declaration and Platform for Action describes the 'systematic practice of rape and other forms of inhuman and degrading treatment of women [are] a deliberate instrument of war and ethnic cleansing'*
<http://www.un.org/womenwatch/daw/beijing/platform/index.html>

¹³ *Women and the Refugee Experience: Towards a Statement of Best Practice*

¹⁴ *Gender and Refugees – Focus Group Discussion, March 2002, Dublin*

Accelerated procedures such as 'manifestly unfounded' (whereby applications for refugee status may be considered initially to be unfounded and not worthy of further investigation) may have a more serious impact on women than men asylum-seekers. Women may not find it easy to recount experiences that have been traumatic – such as rape or other sexual abuse – during the initial interview process. Often such experiences emerge after a significant amount of counselling and other support has been made available.

Economic Dependence

In July 1999 the Government permitted asylum-seekers to work, who had made their applications for asylum in Ireland 12 months prior to 27 July 1999. It also extended this to those who had applied for asylum in Ireland on or before the 27 July 1999 and who would have subsequently been in the state for twelve months. Apart from these, asylum-seekers do not have the right to work.

Many asylum-seeking men suffer depression and feelings of low self-esteem as a result of not being allowed to work while waiting their cases to be heard.¹⁵ Apart from not being able to afford financially to participate in various social and cultural activities, it also undermines the role that many men typically play – i.e. that of primary bread-winner and provider for his family.

Similarly, women play a dominant caring role, which has implications for their capacity to be economically independent. Culturally, women may be particularly disadvantaged in, or denied access to, the labour market in many of the countries from which asylum-seekers come. This may result in them having less confidence, skills and qualifications with which to seek employment opportunities in Ireland. Female asylum seekers suffer a double disadvantage as women, and as members of minority groups.

Female refugees are more restricted in accessing employment than their male counterparts and also are usually channeled towards specific forms of employment in a similar manner to indigenous Irish women. Characteristics of the gender dimension to the labour market include the overrepresentation of women in part-time, low-paid jobs, and the continuing differences in pay between men and women.

One key barrier to women generally having access to employment opportunities which has been extensively researched in that of the lack of childcare. It is arguably more important for refugee women because of additional cultural dimensions:

Lack of childcare facilities present a major obstacle to women who wish to avail of education and training opportunities, as many refugee women do not have recourse to assistance from an extended family.¹⁶

Specific groups of women such as refugee and asylum-seeking women and Traveller women require particular types of childcare which is reflective of their cultural

¹⁵ *Gender and Refugees – Focus Discussion Group, March 2002, Dublin*

¹⁶ *Women and the Refugee Experience: Towards a Statement of Best Practice*

*background and provides a welcoming, inclusive, intercultural and non-threatening environment for their children. Childcare initiatives developed at local and national level should therefore acknowledge and address the specific needs of women and children for ethnic minority groups.*¹⁷

Health

Women and men have different health needs associated with their sex. Women have specific needs related to their reproductive cycle and tend to access health services to a greater degree than men. In addition, they take primary responsibility for the health of their children, further increasing their use of health services.

*Due to our position in society today women are the main carers of children, the sick and old people. Because of this role we have cause to meet more people in the health services. We have, on the whole, found this to be a traumatic and terrifying experience. This is mainly due to lack of understanding and covert racism.*¹⁸

The sensitivity of health care provision is therefore more of an issue for women than for men. Evidence suggests that health services as they currently operate may not in some cases serve the diverse needs of a multicultural population. Differing cultural experiences determine the way in which many services can be delivered and accessed. Anecdotal evidence suggests that some medical services are unlikely to have sufficient knowledge of particular issues specific to non-Irish cultures, such as female genital mutilation. This can make it difficult for women to seek help on such issues. Awareness-raising on culturally specific health issues is required if female refugees/asylum-seekers are to have their medical needs met.

Cultural differences need to be taken into account when considering wider health service provision. The absence of female doctors in many rural areas may be a barrier to refugee and asylum seeking women having access to adequate/appropriate health care. Women from certain cultures would find it difficult or impossible to see a male doctor to discuss certain health issues. Similarly, it may be difficult for men coming from societies where it is uncommon to have women doctors to visit a female doctor in Ireland with particular medical complaints.

Women refugees and asylum-seekers, as child bearers, can be subject to particular hostility regarding pregnancy. Problems stem from Irish nationals making assumptions and/or imputing disingenuous reasons for the pregnancy. One woman reported that she is always stopped at immigration, and a prevalent attitude displayed towards her is one of 'now she's got the Irish baby, so she gets to stay'.

Responses to Gender Issues

To date, much of the debate about asylum and racism has failed to focus on the

¹⁷ National Consultative Committee on Racism and Interculturalism (NCCRI), *Input to the National Action Plan for Women*

¹⁸ Submission from AkiDWA and the Catherine McAuley Women's Group to the National Plan for Women (2001 – 2005) February 2002.

different experiences of women and men. This has implications for the effectiveness of responses to the needs of refugees and asylum seekers, including gender specific responses. The UNHCR has however produced *Guidelines on the Protection of Refugee Women* (1991) and gender guidelines have been introduced into asylum procedures in the UK, Australia, Canada and the United States. In Ireland a number of similar publications have been produced more recently by NGOs, most notably, a publication of the Irish Council of Civil Liberties (ICCL), *Women and the Refugee Experience: Towards a Statement of Best Practice* and the Irish Refugee Council's (IRC) *Guiding Principles on Asylum Seeking and Refugee Women*. These are considered as case studies in this factsheet.

4. Case Studies

Case Study 1:

Access Ireland Refugee Integration Project

Access Ireland was funded initially under a special European Union budget line dedicated to the integration of refugees. The project now receives funding from a variety of sources, including the European Refugee Fund and the Department of Justice, Equality and Law Reform, Equality for Women Measure. The project's mission statement is to *promote the integration of people seeking refuge in Ireland, with a focus on their health and well-being, using community development principles.*

The work of the project is currently working on a variety of areas ranging from: training people from ethnic backgrounds as cultural mediators or lay health workers, supporting community initiatives, providing training to service providers on intercultural and anti-racism and involving the target group in doing so. They also implement a training and integration programme for refugee women.

This programme is run in partnership with a local women's community centre situated in a Dublin inner city community. The objectives of this programme are to provide a range of learning opportunities for refugee women which will facilitate and enhance their ability to participate in Irish society and to access services, further training and career opportunities, while at the same time, through a range of joint activities, improving the knowledge of local Irish women of the causes of forced migration and of the value of multiculturalism and to promote interculturalism and anti-racism at local level.

The women's programme arose out of an acknowledgement that refugee women's and men's needs are sometimes different and that refugee women's needs are not necessarily met by general provisions. The women's programme is still young, but even at this early stage the response from both women in the target group and from local Irish women has been positive. The women from new communities have been vocal in their appreciation of a training programme which is based in a local centre and positively promotes them mixing with Irish women and also provides on-site child care - lack of affordable and appropriate child care being 'one of most pervasive barriers to

refugee women accessing training and employment'. Local women seem equally positive and enthusiastic about the initiative, with project staff reporting that they have been 'remarkably open in their explorations of interculturalism and its implications'.

For more information, see <http://www.ewm.ie/projects/sae/rsip.html>

Case Study 2:

Guidelines

There is a range of guidelines available which gives practical advice to organisations and individuals working with refugees and asylum-seekers. Below, an amended synopsis of UNHCR *Guidelines on the Protection of Refugee Women* is provided, along with an abridged version of *Protecting the Refugee Community: A Field Worker's Checklist for Program Effectiveness*. A list of other guidelines, both Irish and international, is also given, along with contact details.

A) Synopsis of the UNHCR Guidelines on the Protection of Refugee Women

The United Nations High Commissioner for Refugees Guidelines on the Protection of Refugee Women are intended to help workers identify the specific protection issues refugee women face and suggest solutions. They encourage the participation of refugee women in all aspects of programming and planning and are summarised below.

Introduction

The international community recognises that refugee women are equal partners in their communities. It further recognises that refugee participation is a key factor to the success of any project. Therefore, an essential component to ensuring the protection and well-being of refugees in general and of refugee women in particular is their active participation in planning and developing programmes and decisions affecting them. The following actions are recommended:

- Involve refugee women in all aspects of planning and programming.
- Involve refugee women in all decisions affecting their security.
- Involve women in the mainstreaming of gender perspectives in all protection and programming activities.
- Recognise the change of roles among men and women when people become refugees.
- Avoid making assumptions based on perceptions and stereotypes of roles, responsibilities or inherent capabilities.

Physical Protection

Refugee women and girls are at risk of threats and physical and sexual harassment, including rape. They may be obliged to grant sexual favours in return for documentation and/or assistance.

The protection problems facing refugee women are often hidden within the refugee community and are not easily uncovered. It is necessary to seek relevant information. Physical sexual abuse is a highly sensitive issue, and it cannot be assumed that women will readily want to discuss it. Nonetheless, it may be necessary to seek

information so that appropriate responses to rape and sexual violence can be provided. The following questions are recommended:

- Is there evidence that refugee women have suffered physical or sexual attacks, or abduction during flight? Do refugee women continue to face these problems?
- Have officials received training on responsibilities towards the protection of refugee women and the rights of refugee women?
- Have refugee women been informed of their rights under international and national law? Have efforts been made to ensure that they understand their rights?
- Is agency staff trained to identify signs and symptoms of abuse, e.g. medical conditions, behavioural indicators or social isolation of individuals by the community?
- Do refugee women have opportunities to report confidentially on physical or sexual abuse?

Legal Rights

Determination of legal status is fundamental for the provision of assistance and protection to refugees. The following issues can be considered:

- Do refugee women receive documents in their own name attesting to their refugee status, and their own registration cards for assistance?
- Are refugee women provided with information on the determination of their refugee status and their options?
- Do refugee women have the same access as refugee men to procedures for voluntary repatriation and protection against refoulement?
- Do refugee women have the opportunity to make their own case for refugee status independent of that of their husbands or male heads of household? Are female interviewers and female interpreters available?
- Are procedures available to women to claim refugee status on the basis of gender-related persecution or discrimination?

Hostel Layout

A well laid-out site or hostel can prevent many protection problems that refugee women and girls encounter:

- Have the refugee women been consulted as to the preferred physical and social organisation of the hostel?
- Is the housing safe? Particularly for single women and unaccompanied children?

Health Care

Refugee health services can overlook female-specific needs. The following issues can be considered:

- Are female health workers being trained and made available? Are existing networks of female refugee health practitioners employed?
- Is mental health and counselling services available, especially for victims of physical and sexual abuse?
- Are health care workers trained to identify protection problems?

- Is priority given to maternal and child health care services, access to contraceptives and emergency obstetrical care, and all other aspects of reproductive health?
- Is health care available in a location that is convenient and accessible for women? Is privacy provided for patients?

Education and Skills Training

The following questions can be considered:

- Are refugee women able to pursue skills training and education? Is childcare provided, and are classes held at convenient times and in easily accessible locations?
- Are there prerequisites, such as literacy, which automatically bar women from taking advantage of skills training?

Economic Opportunities

Refugee women often lack opportunities to earn money. The following issues can be considered to redress this:

- Do refugee women have equal access with men to programmes designed to increase economic self-sufficiency, such as skills training and income-generating programmes?
- Do women and men have equal access to employment in programmes operated by non-governmental organisations? Are only men chosen for certain jobs, e.g. construction and sanitation, when women could be equal participants?
- Are women involved only in less financially rewarding economic activities, such as part-time and low-paid work? Do they have access to economic opportunities that will provide sufficient income to support themselves and their families?

Problem-Solving – Some Practical Solutions

The question is often raised: "How do I identify problems for women refugees; and if I do, how do I solve them?" Below are some suggestions:

- Meet with groups of refugee women and listen to their concerns.
- Ask local staff (women if possible) to undertake "listening" surveys throughout the community to identify problems.
- Identify respected women in the community and engage them in finding solutions.
- Make the Guidelines on the Protection of Refugee Women available to as many people as possible – agency staff, government officials and refugees.

For more information, see www.unhcr.ch/women/

B) Protecting The Refugee Community – A Field Worker's Checklist for Programme Effectiveness

- ✓ What are the demographics of the refugee community? How many men? Women? Boys? Girls? How many women heads of household? Men heads of household? Child heads of household?

- ✓ How many women are consulted on the physical and social organisation of hostel accommodation?
- ✓ How many refugee women serve on programme planning and implementation committees? Do women community leaders comprise 50% of all programme committees?
- ✓ How many refugee women monitor programme's effectiveness? Do the refugee women involved represent a cross-section of the community? How many refugee women are in decision-making and leadership positions?
- ✓ How many programmes, especially skills-building and income-generating, are targeted specifically for women and offered at times and places readily accessible to all women? Is outreach to women being conducted to increase their participation? Are refugee women being issued with their own registration cards to ensure their independent access to assistance?
- ✓ Is the nutritional status of women and children being monitored?
- ✓ Are refugee women being informed directly of their international human rights and being given information on the determination of their refugee status and their options?
- ✓ Are mechanisms in place by which women can report physical or sexual abuse confidentially?
- ✓ How many female interviewers and interpreters are available?
- ✓ How many single heads of household, widows and unaccompanied children are quartered in safe areas of hostels?
- ✓ How many female health workers are recruited, trained and employed?
- ✓ Is reproductive health care being provided to females of all ages?
- ✓ Are health services realistically accessible to women and their families?
- ✓ How many refugee girls are in school? How many female teachers are employed?
- ✓ Are copies of the UNHCR Guidelines on the Protection of Refugee Women available to your staff? What efforts have been made to familiarise your staff with them? Is your staff aware of gender sensitivity, gender equity and human rights?

Adapted from a Women's Commission for Refugee Women and Children version based on the UNHCR Guidelines on the Protection of Refugee Women

C) Other Guidelines related to Gender and Refugees

Irish Council of Civil Liberties Women's Committee, Women and the Refugee Experience: Towards a Statement of Best Practice June 2000

<http://www.iccl.ie/women/refasyl/guidelines00.html>

Irish Refugee Council, Guiding Principles on Asylum-Seeking and Refugee Women

<http://www.irishrefugeecouncil.ie/>

Asylum Gender Guidelines (Immigration Appellate Authority, UK, November 2000)

<http://www.iaa.gov.uk/GenInfo/IAA-Gender.htm>

Guidelines on the Protection of Refugee Women - A Synopsis of the UNHCR Guidelines

http://www.womenscommission.org/wc_guidelineswomen.html

Gender Guidelines for Asylum Determination, researched for the National Consortium on Refugee Affairs, South Africa

<http://www.web.net/~ccr/safr.PDF>

Women Refugee Claimants fleeing Gender-Related Persecution: Guidelines, Canadian Immigration and Refugee Board

http://www.cisr.gc.ca/legal/guidline/women/index_e.stm

Right of Asylum, Deportations and Risks of Female Genital Mutilation, Presentation given by Anna Büllsbach, UNHCR, Nuremberg, Strasbourg, December 1999

<http://www.web.net/~ccr/excision.htm>

Consultation on Refugee Women Claimants, 25 March 1993, Montreal

<http://www.web.net/~ccr/march25rep.htm>

UNHCR Policy on Refugee Women and Guidelines on Their Protection: An Assessment of Ten Years of Implementation.

<http://www.womenscommission.org/reports/pdf/unhcr2002.pdf>

Work with Young Refugees to Ensure Their Reproductive Health and Well-being: It's Their Right and Our Duty (UNHCR, 2002). A Field Resource for Programming with and for Refugee Adolescents and Youth.

http://www.womenscommission.org/wc_adol_hiv_aids.pdf

Gender-based Persecution: Immigration and Refugee Board Decisions, Summaries taken from Reflex - July 1999

<http://www.web.net/~ccr/genderpers.htm>

Case Study 3:

Integrate Ireland

Integrate Ireland Language and Training (IILT) is a statutory initiative, which provides refugees with language support and is funded under the NDP. The objectives of IILT are:

- to establish and maintain a database of the language experience of all non-national pupils and adult refugees and to track their English language training progress
- to develop suitable English language programmes for non-nationals
- to develop new English language training materials and identify sources of suitable existing materials
- to provide training for English-language support teachers and their principals at primary and post-primary level
- to develop benchmarks of English competence at various levels; and
- to advise the Department of Education and Science on matters relating to the English language provision for non-nationals, as requested.

In the first 6 months of 2000, the number of male refugees registered in language training provision with Integrate Ireland was 363 (70% of total), compared with 155 females (30% of total). In the latter half of 2000, the number of male refugees

registered in language training provision during this period was 410 (59% of total), as opposed to 280 females (41% of total). The increase of eleven percentage points in the numbers of women accessing classes was achieved through a number of measures. Morning classes were organised to allow access for women who had children attending school at that time. A system was introduced whereby married couples could share one place in a class. This enabled each partner to attend alternate classes and to assist each other in the evenings. Finally, when women first interact with the organisation to establish their needs, their participation in language training is actively encouraged.

5. Possible Actions

It is likely that the key elements of an effective approach to meeting the needs of both women and men refugees and asylum-seekers will involve a two-pronged approach. The first will be to develop gender specific strategies, which take account of the different needs of men and women. The second will be to include a gender dimension to all relevant mainstream actions by checking that they are equally beneficial to both women and men.

To this end, agencies could consider the following actions, some of which are already being put in place in a number of organisations, as both the Office of the Refugee Applications Commissioner and the Office of the Refugee Appeals Tribunal (RAT) work within the parameters of the relevant UNHCR guidelines related to gender issues.

State Agencies

- Female interviewers, Refugee Appeals Tribunal members and interpreters should continue to be utilised, and appropriate training – to include gender sensitive cultural awareness – given to both male and female interviewers.¹⁹
- It is important that officials dealing with asylum-seekers and refugees are familiar with women's role, status and position in their countries of origin. Relevant training and knowledge of multi-cultural issues could be included as a requirement in staff training.
- State agencies need to be particularly vigilant when assessing claims involving sexual violence against women. Evasiveness must not be considered as a sign of lack of credibility, and decision-makers should be aware that a woman might actively seek to avoid talking about a particularly hurtful or shameful incident that is relevant to her claim. Interviews should not be undertaken in the presence of members of a woman's family unless she specifically requests this. This allows women who have experienced sexual or other violence the freedom to disclose this information in confidence and to spare children (if present) the details if they so choose.
- Violence of a sexual nature should not be assessed by state agencies differently from other forms of violence, which are defined as persecution.

¹⁹ Information on agencies and organisations which provide training in this and related areas can be found in the Refworld Ireland Directory, SPIRASI, 2002. See also the following case studies for other leads.

- Women have the option of being represented by a woman within the refugee legal service. It is important to ensure that women are made aware that this option is available to them at the earliest stage in the application process.
- Ensure that membership of the Refugee Appeals Tribunal is gender-proofed since it currently does not meet EU²⁰ or Irish Government 60/40 Gender Guidelines.²¹ There are currently 31 members of the Refugee Appeals Tribunal, of whom 21 are male and 10 are female.

Refugee/minority groups

- Gender awareness-raising can be encouraged in the resourcing of refugee/minority groups, through making provision for it as part of good practice.
- Many voluntary organisations have developed a wide range of educational opportunities for asylum-seekers. Such organisations therefore need to be aware of, and take action on, the barriers to involvement which asylum-seeking women and/or men face.

Service Provision and Providers

- Asylum seeking and refugee men and women should be fully consulted at all stages of policy and planning in relation to provision of services by the State, and their views should be taken into account. Such consultation needs to be undertaken with cultural and gender sensitivity, such as holding meetings in venues in which refugees feel comfortable, supplying interpreters as needed, providing childcare support, and using a wide range of appropriate media through which refugees can make their opinions known.
- State provision – in accommodation, health and education – needs to be sensitive to the different experiences and needs of refugee and asylum-seeking women and men. Refugees are not a homogenous group and their needs will vary widely. For example some women will be uncomfortable living in mixed accommodation, while at the same time large numbers of young men living together may lead to difficulties. A range of provision providing options, which take account of these differing needs, would be particularly helpful.
- Creative and proactive action regarding the promotion of health services – outlining what services are available and when and how they are best accessed – targeting women as primary health carers needs to be put in place. Where written materials are used, these should be multilingual and use multicultural images. Distribution of such materials could be through maternity hospitals, hostels and buses servicing these, schools, refugee and ethnic minority women's groups and other places where women refugees and asylum-seekers meet.
- Gender-sensitive anti-racism training for those working with refugees can be very helpful. The ICCL (Irish Council of Civil Liberties) Women's Committee recommends

²⁰ Council Regulation (EC) No 1260/1999 states that Monitoring Committees 'shall promote the balanced participation of women and men'. The EU Commission has stated that 40% of women in all committees and panels represents a reasonable balance.

²¹ Section 2.23 Gender Balance on Boards of State-sponsored Bodies of the Cabinet Handbook states: 'In making or recommending appointments to boards of State-sponsored Bodies, Ministers should have regard to the objective of achieving a minimum representation of 40 per cent for both men and women on such boards'

that State officials should receive ongoing and comprehensive training from groups such as UNHCR and the Irish Refugee Council,²² staff in Irish state agencies have received such training. Ancillary support materials such as lists of "Do's and Don'ts" (for example the Checklist given in the Case Study Section) could also be produced to augment training and awareness-raising.

- A range of training and awareness-raising would be particularly useful in the field of health – few doctors and nurses are likely to have sufficient experience/knowledge of issues such as female genital mutilation and post-traumatic stress disorders which many refugees and asylum-seekers can suffer from.

General

- Gather gender-disaggregated statistics relating to refugees and asylum seekers. Without such data it is difficult to identify specific needs and develop policies and practices in response. Furthermore, such data is a core part of monitoring and evaluating existing services with a view to making changes as required to ensure that services are both effective and efficient.
- Two key documents, which outline good practice in relation to a wide range of work with refugees and asylum-seekers, can be usefully consulted by agencies with a remit to work with refugees. There are the Irish Council of Civil Liberties' (ICCL) *Women and the Refugee Experience: Towards a Statement of Best Practice*, and Irish Refugee Council's (IRC) *Guiding Principles on Asylum-Seeking and Refugee Women*.



²² *Women and the Refugee Experience: Towards a Statement of Best Practice*, ICCL Women's Committee.

References

- AkiDWA and the Catherine McAuley Women's Group (2002)**
Submission from AkiDWA and the Catherine McAuley Women's Group to the National Plan for Women (2001 – 2005) (unpublished)
- Begley, M & Baxter, R. (2002)**
Refworld Ireland Directory 2002. Dublin, SPIRASI
- Fanning B., Loyal S., and Staunton, C. (2000)**
Asylum Seekers and the Right to Work in Ireland. Dublin, The Irish Refugee Council
- Harris, P and Byrne, N. (2001)**
Arson, abuse, stone-throwing: Ireland's welcome for refugees in Asylum: Myths and Reality - Observer Special. London, The Observer Newspaper Sunday August 19, 2001
- ICCL Women's Committee (1999)**
Women and the Refugee Experience: Towards a Statement of Best Practice, Dublin, ICCL Women's Committee
- Ireland, Oireachtas (1999)**
Ireland: National Development Plan 2000 – 2006. Dublin: The Stationery Office.
- National Consultative Committee on Racism and Interculturalism (2002)**
Input to the National Action Plan for Women (unpublished)
- Ireland (1996)**
United Nations *4th World Conference on Women: First Report on Implementation of the Platform for Action*. Dublin: Government Publications.
- United Nations High Commissioner for Refugees (1991)**
Guidelines on the Protection of Refugee Women Geneva, UNHCR
- United Nations High Commissioner for Refugees (1951)**
1951 Convention Relating to the Status of Refugees. Geneva, UNHCR Public Information Section
- United Nations High Commissioner for Refugees (1967)**
1967 Protocol Relating to the Status of Refugees, Geneva, UNHCR Public Information Section



NDP Gender Equality Unit

Department of Justice, Equality and Law Reform,
Bishop's Square, Redmond's Hill, Dublin 2.

Tel: (01) 479 0267; Lo-call: 1890 555 509; Fax: (01) 479 0293;

Email: equalityinfo@justice.ie

Website: www.ndpgenderequality.ie

Funded by the Irish Government and part-financed by the European Union
Structural Funds under the National Development Plan, 2000-2006