Notes

1 A gendered approach to refugee and asylum studies

1 For a fuller discussion and critique of the refugee-aid worker relationship and its “victimisation” of refugees see Chapter 5.
2 Boltanski describes the way in which a politics of pity is based on the notion of suffering at a distance (Boltanski, 1993).
3 For an analysis of the relationship between humanitarian and military interventions see, for example, Agier (2003).
4 These figures provided by the UNHCR are disputed by other agencies and researchers whose estimates range widely. Harris, for example, argued in 1996 that there were seventy million refugees and seventy million internally displaced persons in the world (Harris, 1995). Although these figures are clearly at the top end of the scale, it is agreed by many that the UNHCR figures are an underestimate.
5 For a more detailed discussion of the 1951 Convention and particularly its gendered impacts, see Chapter 4.
6 This figure includes only those Afghan refugees living in official UNHCR camps, at least as many are probably living in Pakistan outside of these official structures.
7 Office français de protection de réfugiés et apatrides, the official body which processes and decides on initial claims for asylum.
8 Journal Officiel 6 June 2002.
9 This is the point of view expressed by many NGOs working with asylum seekers, and by asylum seekers themselves, expressed in interviews with the author during 2005 and 2006. The same judgement on the arbitrary nature of decision-making on asylum seekers was also put forward by former judges at the French Commission de Recours de Refugiés (Refugee Appeals Commission) in interviews with the author.
10 This figure is seen as a conservative estimate by many as it does not include the many undocumented migrants. Others have suggested that if all undocumented migrants were accounted for, the figure would rise to about 7 per cent.

2 Who are the “refugee women”?

1 Email correspondence with author, 2006.
2 Email correspondence with author, 2006.
3 Interview with author, December 2006.
4 Email response to questions, January 2006.
5 The Ofpra which is the official body that judges initial asylum claims was given the powers to grant subsidiary protection as well as convention refugee status under a new immigration and asylum law of 2003, the “loi Sarkozy”.

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6 Interviews with author, 2005 and 2006.
7 Figures provided by the CGRA, personal communication.
8 Kreitzer points, for example, to the fact that there is no facility for childcare to enable women to participate in planning meetings within the camp (Kreitzer, 2002).

3 Gender related persecutions: why do women flee?

1 For a discussion of why women are under-represented amongst those seeking asylum in industrialised countries, see Chapter 2.
2 CEDAW, General Recommendation 19, Violence against Women (Eleventh session, 1992), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, UN Doc. HRI\GEN\1\Rev.1 at 84 (1994).
3 A report for the European Parliament suggests that up to sixty thousand women have been victims of FGM in Europe, the United States, Canada, Australia and New Zealand, and that another twenty thousand women are at risk of this practice (European Parliament (2001), Report on female genital mutilation, 2001/2035 (INJ)).
4 Although this does not mean that male circumcision may not also be criticised as a harmful practice as it is for example by Carpenter (2004).
5 Although the Department of Homeland Security did finally grant her leave to remain in the United States.
6 This was notably the case during the conflict in Algeria during the 1990s when women, and particularly single women or women labelled as lesbians were targeted by Islamic groups. France created a specific form of “territorial asylum” to deal with these cases of civilians escaping from persecution by Islamic groups in Algeria, and although almost all claims for this form of asylum were rejected, three Algerian lesbians did benefit from this status.
7 For a discussion of the issues involved in the definition of a “particular social group” under the terms of the Geneva Convention, see Chapter 4.

4 Gender and asylum in international law – the geneva convention revisited

1 The OAU Convention on the Specific Aspects of Refugee Problems in Africa (Addis Ababa, September 1969) and the Cartagena Declaration on Refugees (Cartagena, 1984) provide some elements of regional refugee definition which are applicable to situations in Africa and South America respectively.
2 Interview with author September 2005.
3 Interviews, 2005 and 2006.
4 Interview, March 2006.
6 UNHCR Executive Committee, 1985, Refugee Women and International Protection Report, 36th Session, UN A/A96/673.
8 United States Immigration ad Nationality Service, Memorandum: Considerations for Asylum Officers Adjudicating Asylum Claims from Women, 1995.
12 Interview with author, January 2007.
13 The RWRP was established by Asylum Aid in 2000 and is now one of the NGO’s major foci of action.
14 Interview with author, January 2007.
17 Interview with author, December 2006.
18 Interview with author, November 2006.
19 It is apparently common knowledge that the French-speaking section of the CGRA is much more likely to make positive judgements in asylum cases than their Flemish-speaking counterparts, leading to very similar cases receiving different judgements from the two different sections. This knowledge apparently leads asylum claimants “in the know” to swap tickets in the waiting room in order to ensure their case is taken by an officer from the French-speaking section.
20 Interview with author, December 2006.

5 Supporting women refugees and asylum seekers

1 The ten largest donors are in order the United States, the European Commission, Japan, Sweden, the United Kingdom, the Netherlands, Germany, Norway, Denmark and Canada.
2 See for example Agier and Valluy’s critiques of the UNHCR’s role in European policies for the “externalisation” of asylum (Agier and Valluy, 2007).
3 For a more detailed discussion of the “externalisation” of asylum and its consequences see Chapter 6.
4 By the mid-1990s UNHCR employed over five thousand staff worldwide.
7 This view was expressed relatively frequently in interviews with NGO employees in France and the United Kingdom.
8 Interview, January 2007.
9 Interviews with author, 2005 and 2006.
10 Evidence gained from interviews with NGOs and observation of meetings between NGOs and asylum seekers, 2005 and 2006.
6 Asylum regimes and their impacts


4 Statement by Mr Ruud Lubbers, United Nations High Commissioner for Refugees at an informal meeting of the European Justice and Home Affairs Council, Copenhagen, 13 September 2002.

5 “Shifting a Problem Back to its Source: Would-be Refugees May be Sent to Protected Zones near Homeland” and “Safe Havens Plan to Slash Asylum Numbers” (The Guardian, 5 February 2003).

6 There was also some opposition from Germany but the German government was in fact divided on the issue.


8 Interviews with author, 2005 and 2006.


10 From 2001 onwards, those who have attempted to reach Australia by boat have been detained in either Nauru or Papua New Guinea whilst their claims are processed.

11 Evidence to the House of Lords Select Committee, 1 February 2006.


13 Interview with author, November 2005.

14 Interview with author, February 2007.

15 Interviews with author, 2005 and 2006, for more details see Chapter 7.

7 Women asylum seekers and refugees: experiences from France

1 The interviews for this study were carried out during 2005 and 2006 with asylum seekers from Algeria, Chechnya, Cote d’Ivoire, DR Congo, Guineau,
Mali, Sierra Leone, Sri Lanka and Turkey. The women interviewed were contacted first through the means of NGOs and agencies which help asylum seekers, and then through “word of mouth” with introductions to various friends and acquaintances of those already interviewed. Interviews were also conducted with NGOs including Amnesty International (French Section), CIMADE, FASTI, Femmes de la Terre, France Terre d’Asile, GRAF, RAJFIRE. Some of these associations provide specific support for women asylum seekers, including special women only consultation sessions, others make no special provision for women asylum seekers. Finally, officials and other actors in the asylum determination process were interviewed including officers working at the Ofpra (Office de protection de réfugiés et apatrides), assessors and judges at the CRR (Commission de recours de réfugiés), lawyers involved in representing asylum seekers at hearings at the CRR and representatives of the UNHCR in France. All of the interviews were carried out in French or in English, and were all tape recorded, transcribed and analysed. All translations into English are my own. To respect the privacy of respondents, all of the interview material is used anonymously.

2 The judges who represent the UNHCR are not always permanent employees of the organisation but are often drawn from a circle of academics or researchers and are appointed on a temporary basis to represent the UNHCR at the CRR. One former judge believes that the UNHCR office in Paris is likely to appoint people who know very little about asylum and immigration, so that they will not have any preformed views on the issues involved in judging asylum claims, and will be more readily adaptable to the institutional norms of the CRR.

3 Source: UNHCR.

4 For a discussion of the problems of definition of what is “political”, see chapter four.

5 Ellerman makes a similar point concerning the need to have a more nuanced account of “public opinion” on immigration and asylum based on her study of public opposition to deportation policies (Ellerman, 2006).

6 Fédération des Associations de Soutien aux Travailleurs Immigrés.

7 Including Femmes de la Terre, GAS (Groupe Accueil Solidarité) and GAMS (Groupe pour l’abolition des mutilations sexuelles).

8 Meeting of the CFDA, 21 September 2005.

9 Interview, January 2006.

10 Interview, February 2006.

11 Several sittings are held concurrently every day and are open to the public, except if the asylum seeker being heard asks for a private session.


Bibliography


Bibliography


Luoparjarvi, K. (2003), Gender-Related Persecution as Basis for Refugee Status: Comparative Perspectives, Abo Akademi University: Institute for Human Rights.


Medical Foundation for the Care of Victims of Torture (2000a), *Response of the Medical Foundation for the Care of Victims of Torture to the National Asylum Support Service Vouchers Review*, London: Medical Foundation for the Care of Victims of Torture.

Medical Foundation for the Care of Victims of Torture (2000b), *Asylum Detention is Not Fair (Policy Statement)*, London: Medical Foundation for the Care of Victims of Torture.


UNHCR (1990), Policy on Refugee Women, Geneva: UNHCR.


UNHCR (2003), Sexual and Gender-Based Violence Against Refugees, Returnees and Internally Displaced People: Guidelines for Prevention and Response, Geneva: UNHCR.

UNHCR (2005), 2004 Global Refugee Trends, Geneva: UNHCR.


UNHCR (2006b), Measuring Protection by Numbers, Geneva: UNHCR.


USRC (2005), World Refugee Survey 2004, New York: USRC.


Whitworth, S. (1997), Feminism and International Relations: Towards a Political Economy of Gender in Interstate and Non-Governmental Institutions, Basingstoke: Palgrave Macmillan.
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