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United Nations High Commissioner for Refugees

Haut Commissariat des Nations Unies pour les réfugiés

LEGAL AND PROTECTION POLICY

RESEARCH SERIES

Female Asylum-Seekers and Refugees in France

Jane Freedman

External Consultant

DIVISION OF INTERNATIONAL PROTECTION SERVICES

PPLAS/2009/01

June 2009

**PROTECTION POLICY AND LEGAL ADVICE SECTION (PPLAS)
DIVISION OF INTERNATIONAL PROTECTION SERVICES
UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES
CP 2500, 1211 Geneva 2
Switzerland**

E-mail: hqpr02@unhcr.org
Website: <http://www.unhcr.org>

This report was prepared on behalf of UNHCR Paris by Jane Freedman, external consultant.

This research was made during 2007 and 2008. Some names may have been modified afterwards.

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Abbreviations

ACAT	Action of Christians for the Abolition of Torture
ADOMA	“Ad domus”, formerly called the Sonacotra (Organisation which manages housing in hostels for immigrant workers and now asylum seekers and refugees)
AFTAM	Association pour la formation des travailleurs africains et malgaches (Association which organises housing, medical care, insertion for migrant workers and asylum seekers)
AGDM	Age, gender and diversity mainstreaming
ALC	Accompagnement lieux d’accueil
ANAEM	Agence Nationale de l’Accueil des Etrangers et des Migrations
Anafé	Association nationale d’assistance aux frontières pour les étrangers
API	Asylum Policy Instruction (United Kingdom)
APIAF	Association promotion initiatives autonomes des femmes
CADA	Centre d’accueil pour demandeurs d’asile
CAFDA	Centre d’accueil pour les familles demandeurs d’asile
CASAS	Collectif pour l’accueil des solliciteurs d’asile à Strasbourg
CASP	Centre d’action sociale protestant
CEDRE	Centre d’entraide pour les demandeurs d’asile et les réfugiés
CEDREF	Centre d’études, de documentation et des recherches pour les études féministes
CESEDA	Code de l’entrée et du séjour des étrangers et du droit d’asile
CFDA	Coordination Française pour le Droit d’Asile
CGRA	Commissariat Général aux Réfugiés et aux Apatrides
CHRS	Centre d’Hébergement et de Réadaptation Sociale
CIMADE	Centre Oecuménique d’Entraide

CNDA	Cour Nationale du Droit d'Asile
CPH	Centre Provisoire d'Hébergement
CUDA	Centre d'hébergement d'urgence pour demandeurs d'asile
EU	European Union
FASTI	Fédération des associations de solidarité avec les travailleurs immigrés
FGM	Female genital mutilation
FTDA	France Terre d'Asile
GAMS	Groupe femmes pour l'abolition des mutilations sexuelles
GAS	Groupe Accueil Solidarité
GRAF	Groupe Asile Femmes
IGAS	Inspection générale des affaires sociales
LRA	Local retention sites
MIPES	Mission d'information sur la pauvreté et l'exclusion sociale
NGO	Non-governmental organisation
OFPRA	L'Office Français de Protection des Réfugiés et Apatrides
OP	Officier de protection
RAJFIRE	Réseau pour l'autonomie des femmes immigrées et réfugiées
RWRP	Refugee Women's Resource Project
UNHCR	United Nations High Commissioner for Refugees
ZAPI	Zone d'Attente (Airport Roissy-Charles de Gaulle)

Introduction

1. Aim of the Study

The aim of this study is to provide a comprehensive review of the situation of female asylum-seekers and refugees in France, in order to furnish a base of information which might guide future UNHCR policies and actions in this area, and which may serve to make recommendations to French government and institutions. The study provides both statistical data (where available¹) – on the numbers, national origin, age, personal and familial situation of women coming to France to seek asylum, of those granted protection and of those finally rejected – and qualitative data concerning the implications and impacts of gender at all stages of the asylum determination process, and in the integration of women recognised as refugees.

The research carried out and the collection of both quantitative and qualitative data has permitted an analysis of gendered inequalities and discriminations which may arise during the refugee status determination process and for women recognized as refugees. The report will also highlight areas of ‘best practice’ in France’s reception of female asylum-seekers and refugees. In carrying out this analysis the report will make reference to UNHCR guidelines and recommendations on gender in the asylum process and on assuring international protection for women refugees, examining whether practices and processes in France comply with these guidelines and recommendations or not. Asylum and refugee policies and practices in France will also be examined in the light of European Union Directives on asylum to analyse to what extent French policy and practice is in line with these Directives. These analyses will allow the elaboration of recommendations for improvements in policies and procedures in order to reduce or eliminate gender based inequalities or discriminations at all stages.

The privileging of the experience of female asylum-seekers and refugees links the research presented in this report to the UNHCR’s participatory evaluation exercise and ensures that gender is one of the factors which is fully considered in this assessment.

2. Research Methodology

Data presented in this report is drawn from a variety of sources including official reports and institutional documents, academic literature, NGO reports and grey literature, semi-structured interviews with key informants (see Appendix 2) and semi-structured interviews with asylum-seekers and refugees² (see Appendix 3).

¹ The limits of the statistical data available will be discussed at greater length further in the report.

² Focus group discussions with asylum-seekers and refugees were originally planned, but as the research advanced it became clear that the personal and sometimes highly sensitive nature of the data to be collected did not lend itself to this type of methodological approach, and that individual interviews would be both more ethically justified (in that they did not place the interviewee in an uncomfortable situation, and guaranteed confidentiality and anonymity) and more suitable for this study.

The first stage of the research involved a literature review of all academic articles and books, official reports, NGO reports and research reports which concerned women asylum-seekers and refugees in France. This search revealed that there have been very few studies relating specifically to women asylum-seekers and refugees in France, a scarcity which can be highlighted in comparison with a much richer literature on this issue in other countries of the European Union. Some articles were found relating to the history of women asylum-seekers and refugees arriving in France (Lesselier, 2007), as well as some more recent articles by members of NGOs and associations working to support asylum-seekers (particularly the GRAF – see below). But in general there is less analysis of gender issues in asylum and refugee protection in France than there is in some other EU countries, or in Australia, Canada and the United States.³

Statistical data were gathered principally from OFPRA which is the main provider of statistics relating to asylum-seekers in France. As noted these statistics are relatively limited in nature. Attempts were made to gather statistics relating to the social situation of female asylum-seekers and refugees, but here a relative lack of official data was noted, and so statistics were sought from various associations and NGOs in the field, leading to only a very partial picture of many elements relating for example to the accommodation of women asylum-seekers, or the labour market integration of women refugees.

Key informants for interview were selected from within administrative bodies dealing with asylum-seekers and refugees and NGOs and associations which help asylum-seekers and refugees.⁴ Interviews were also carried out during visits to CADA and CHRS, including interviews with managers of these establishments and social workers and psychologists working within CADA. These visits to CADA also enabled the gathering of data relating to the physical and material conditions of accommodation for asylum-seekers and refugees. Interviews were carried out following a semi-structured format, and all interviews were tape recorded with the consent of the interviewee, and then transcribed for analysis.

Women asylum-seekers and refugees were contacted for interviews mainly through intermediaries in NGOs dealing directly with these asylum-seekers and refugees, a ‘snowball’ sampling process whereby those asylum-seekers and refugees interviewed enabled contacts with others allowed a widening of the research. An obstacle to a fully representative sampling of asylum-seekers and refugees was posed by the difficulties involved in contacting respondents who were not in contact with any association or NGO. This difficulty was partly overcome by the snowball method described above which led to some contacts with respondents who were not currently followed by any association or NGO, but the interviews were still biased towards those in contact with an association or NGO. Semi-structured interviews were carried out during which these women were invited to discuss their experiences of the asylum

³ For a full bibliography on these issues in an international context see Freedman, J. (2007), *Gendering the International Asylum and Refugee Debate*, Basingstoke: Palgrave Macmillan.

⁴ An obstacle to the realisation of these interviews was encountered in the reluctance of some of the key informants identified (both within the administration and within the NGO sector) to talk about women or gender in the asylum process in France – some of those contacted said that they could not see the purpose of such a research whilst others said that while they thought the topic was of interest they had nothing to say.

determination process in France, their experiences with relation to access to legal and social support, accommodation, medical services, and for those who had been recognised as refugees or had been granted subsidiary protection, their experiences of access to accommodation, the labour market, social and medical support and general integration following the recognition of their status. The interviews were carried out under conditions of confidentiality and anonymity, and with the fully informed consent of the respondent. Interviews were recorded (with the agreement of the respondent) and then transcribed for analysis. The research was carried out in parallel with the UNHCR's own Age, Gender, Diversity and Mainstreaming Exercise (AGDM), and in particular with the work of the sub-group on women and vulnerable people. The AGDM utilised participatory evaluation, in other words analysis through interviews with key informants and asylum-seekers and refugees, in order to produce recommendations concerning the better treatment of the groups concerned. The research for this report fed into the participatory evaluation being carried out at the same time, and in a reciprocal relationship, the analysis and interviews carried out by the UNHCR's working group helped to enrich the data and analysis of this report.

A survey by questionnaire was also used to gather data relating to accommodation centres for asylum-seekers (CADA). The questionnaire was sent to the managers of all CADA within metropolitan France in order to gather data relating to the conditions of accommodation and reception of female asylum-seekers, and to assess whether any special measures were in place aimed at women with the CADA.

It is important to note that there are significant differences between different women asylum-seekers and refugees, and that not all women can be placed in the same category. Women's experiences will vary depending on whether they arrive alone or as part of a couple or family, whether they bring children with them, and depending also on their age, their national or ethnic origins, their religion etc. For example, it appeared during the course of the research that women from some national or ethnic origins were far more reluctant to speak about their experiences than others. Several social workers also underlined the problem of communicating with women from some national origins, a problem which went far deeper than that of a language barrier, and which related to the status of women within society and within couples in some countries. It was noted that women from the Caucasus region, and women from Roma communities, often arrived with their husbands and remained totally dependent on and submissive to their husbands, which meant that they did not feel able to speak for themselves. This poses a particular problem for social workers who thus have little access to these women, unless it is through their husbands or possibly their children.

All of these varying situations will lead to specific types of problem. Women who arrive with children, whether alone or as part of a couple, will be a priority on the lists for attributing places in accommodation centres, for example, and thus may be favourably treated in the attribution of housing. But several respondents pointed to the many difficulties facing women alone with their children, who have to manage the needs of these children at the same time as undertaking all the procedures necessary to make an asylum claim. Similarly, women refugees who are alone with children were noted as having more difficulties in finding a job, because of the constraints imposed by having to spend a lot of their time looking after their children.

All of these different situations mean that it is impossible to generalise about the experiences of women asylum-seekers and refugees in France. However, it is clear from the research carried out for this report that some inequalities and discriminations based on gender still exist for asylum-seekers and refugees in France. We have attempted to highlight these in order to make recommendations about how best to overcome them.

3. The Situation in France

Research and analysis regarding issues of gender in asylum and refugee policies have been very scarce in France up until this point.⁵ Official statistics regarding the proportion of men and women amongst asylum claimants and refugees of different national origins are limited, which has posed obstacles to a comprehensive quantitative analysis. OFPRA only started to provide statistics on asylum claims disaggregated by gender from 2001 onwards which means that any type of comprehensive historical or longitudinal study of the development of women's asylum claims is not possible. Further, OFPRA provides only very general statistics concerning the number of asylum applications made by women of different national origins, with no further breakdown of data according to the motivation of the asylum claim, or the personal situation of the claimant. The non-provision of these types of statistical data makes it impossible to assess the numerical importance of claims by women according to different motives of the 1951 Convention, and to analyse, for example, any possible increases or decreases in claims motivated by gender-related forms of persecution such as female genital mutilation, forced marriage etc. Any claims relating to the increases in claims motivated by such type of persecution thus rely on the experiences of those working within institutions involved in the refugee status determination process. OFPRA's 2006 annual activity report, for example, claims that there have been a rise in claims from women of African origin linked to gender-related forms of persecution such as female genital mutilation (FGM) and forced marriage, but no figures are provided to back up such claims. In an interview, a representative of the Africa division of OFPRA pointed out that internal data does exist within the division on the number of claims related to FGM and forced marriage from certain countries of origin, but that this data is internal and specific to the Africa division, and cannot be made public.⁶ More recently, the high number of women claiming asylum on the basis of the threat of female genital mutilation to their young daughters born in France has led OFPRA to revise their policies in this area and to introduce a more restrictive protection policy as will be discussed below.

Statistics concerning the proportion of men and women amongst those granted refugee status or subsidiary protection have been published by OFPRA since 2005, and thus there are only two years of gender-disaggregated data on the outcomes of asylum claims. These figures are not provided in relation to sex and nationality so it is impossible to undertake any kind of comparative analysis with regard to the proportion of women from different countries of origin who are granted refugee status or subsidiary protection.

⁵ The various reports and articles which have been written are listed in the bibliography to this report (Appendix 1).

⁶ Interview 26 November 2007.

OFPRA did indicate that it would be modifying its statistical data collection and output in order to comply with requests from Eurostat in this area⁷, and it is to be hoped that this will lead to more comprehensive statistical data being published in coming years.

The CNDA does not collect any significant statistical data on the judgements made on appeal hearings according to the sex of the claimant. Some data on the results of appeals by women may be collected by researchers through a systematic search of individual decisions published by the CNDA, but this would be a huge task which is beyond the resources or scope of this study.

Further *lacunae* emerge in relation to data concerning the social and welfare services provided to asylum-seekers. In an interview with the former DPM⁸ (the government department responsible for overseeing the accommodation of asylum-seekers) it was revealed by the respondent that there were no available statistics concerning the number of male and female asylum-seekers within accommodation centres (CADA) at a national level. All statistics within this study concerning the numbers of male and female asylum-seekers housed within CADA were thus provided by individual associations which manage these structures. Some data was also gathered from the ANAEM, the government agency which manages the integration and welfare of migrants in France.

The limited availability of statistical data has been partially overcome by an in-depth qualitative analysis carried out for this study. However, it is important to signal that the very limited quantitative and statistical data available creates a major barrier to the understanding of the situation of women asylum-seekers and refugees. In failing to provide such statistics moreover, France does not comply with UNHCR recommendations in this area.⁹

The statistics that do exist show that the percentage of women amongst asylum-seekers arriving in France has increased gradually over the past six years from 29.6 per cent in 2001 to 35.8 per cent in 2006 (see table 1). This growth in the proportion of women has continued despite a considerable fall in the overall numbers of asylum-seekers arriving in France in 2006. In this respect the situation in France is similar to that in other European countries where women make up around one third of asylum claimants. The increase in the proportion of women asylum-seekers to 35.8 per cent in 2006 and 36.5 per cent in 2007 supports the claims made by those working within OFPRA and the CNDA, that they are dealing with growing numbers of asylum claims by women. This feminisation of asylum claims is also explicitly recognised in OFPRA's most recent activity reports.¹⁰

In its 2005 report, for example, OFPRA states that:

In sum, the year 2005 has seen, in parallel to the classic political problems coming under the terms of the Geneva Convention, the emergence of a new

⁷ Interview 26 November 2007.

⁸ Interview 21 September 2007.

⁹ The need for better statistical and demographic data concerning refugee populations has been a constant theme of UNHCR recommendations. Most recently the Agenda for Protection (2003, goal 2 objective 3) emphasises the need for better data collection to be undertaken by States.

¹⁰ OFPRA, rapport d'activité, 2005, 2006 and 2007.

feminine type of asylum claim relating to practices of female genital mutilation, forced marriage, prostitution, and the constitution of new social groups (e.g. albinos, homosexuals). This evolution follows the new possibility for OFPRA of offering subsidiary protection in application of the law of 10 December 2003.¹¹

Although OFPRA has explicitly recognised the emergence of a new type of asylum claim, and the importance of considering gender-related claims, this linking of the rise in the number of asylum claims by women explicitly to the introduction of subsidiary protection might be seen as problematic. In effect, the types of persecution referred to by OFPRA such as FGM, forced marriage or prostitution, could be considered as coming under the terms of the Geneva Convention, and so the direct linking of these types of persecution to the introduction of subsidiary protection might be seen as a step backward for their full recognition in France (the problem of the lack of clear jurisprudence on the border between refugee status under the Geneva Convention and subsidiary protection will be discussed further below).

Table 1: Proportion of Men and Women amongst Asylum Claimants in France

Year	Total Number of Asylum Claimants	Number of Men	Number of Women	% Men	% Women
2001	47,291	33,274	14,017	70.4	29.6
2002	51,087	35,412	15,675	69.3	30.7
2003	52,204	36,128	16,076	69.2	30.8
2004	50,547	33,935	16,612	67.1	32.9
2005	42,578	27,837	14,741	65.4	34.6
2006	26,269	16,862	9,407	64.2	35.8
2007	23,804	15,122	8,682	63.5	36.5

Source: OFPRA, rapports d'activité.

The demographic data presented concerning male and female asylum-seekers show that the average age for women is very slightly higher than that for men (32.9 years and 31.4 years respectively in 2007, and that women are more likely to be married than men (although this does not mean that they have arrived in France with their husband¹²). Women are also much more likely to be widowed than men, a difference which might be attributed to the differing circumstances which might make women flee, particularly following violent conflicts and civil wars where men are more likely to be combatants (see below and Freedman, 2007; Spijkerboer, 2000). The data for 2001 – 2007 shows a fairly consistent percentage of around 5 per cent of women asylum-seekers who are widowed, compared to less than 1 per cent for male asylum-seekers. No data is available about the number of children who arrive with asylum-seekers, so it is not possible to give any figures concerning the proportion of women who arrive with dependent children, nor the numbers of children arriving with each asylum-seeker. Tables 2a and 2b, below show the marital situation of male and female asylum-seekers arriving in France between 2001 and 2007

¹¹ OFPRA, rapport d'activité 2005, p. 14.

¹² Many of the women interviewed for this research were married in their country of origin, but for various reasons had arrived in France without their husband. A large proportion of women had also left children behind in their countries of origin, although statistics on this question are impossible to find.

Table 2a: Marital status of women asylum-seekers in France 2001–2007

	Marital Status of Female Asylum-seekers (%)					
	Single	Married	Living in couple	Widowed	Divorced	Separated
2001	48.5 %	38.3 %	5.0 %	5.2 %	2.7 %	0.4 %
2002	45.3 %	37.4 %	6.9 %	5.9 %	3.1 %	0.5 %
2003	41.0 %	40.6 %	6.7 %	5.9 %	3.7 %	0.5 %
2004	40.8 %	41.5 %	7.3 %	5.3 %	3.5 %	0.7 %
2005	42.0 %	38.0 %	9.1 %	5.4 %	3.3 %	1.0 %
2006	43.9 %	33.5 %	11.8 %	5.7 %	3.2 %	0.9 %
2007	40.0 %	36.0 %	12.8 %	6.2 %	3.4 %	1.2 %

Table 2b: Marital status of male asylum-seekers in France 2001-2007

	Marital Status of Male Asylum-seekers (%)					
	Single	Married	Living in couple	Widowed	Divorced	Separated
2001	62.3 %	31.6 %	4.1 %	0.5 %	1.2 %	0.2 %
2002	57.7 %	33.6 %	5.3 %	0.6 %	1.7 %	0.1 %
2003	55.7 %	35.4 %	4.8 %	0.6 %	1.8 %	0.2 %
2004	58.2 %	32.5 %	5.6 %	0.6 %	1.6 %	0.3 %
2005	55.7 %	32.0 %	8.4 %	0.6 %	1.5 %	0.5 %
2006	57.2 %	28.8 %	10.2 %	0.7 %	1.6 %	0.5 %
2007	56.3 %	28.4 %	11.6 %	0.7 %	1.6 %	0.5 %

There are also important variations between male and female asylum-seekers in terms of country of origin. It is interesting to note that although the overall proportion of female asylum claimants is roughly one third, there are significant differences if national origin is taken into consideration. In 2007, for example, 60 per cent of claimants from Azerbaijan, 59 per cent of claimants from China, 52 per cent of claimants from Nigeria and 51 per cent of claimants from the Democratic Republic of the Congo were women, but only 22 per cent of claimants from Turkey, 16 per cent of claimants from Algeria and 6 per cent of claimants from Bangladesh were women. Table 3 shows the percentage of women amongst the top fifteen nationalities of asylum claimants in France in 2007.

Table 3: Percentage of women amongst asylum-seekers of different national origins in France, 2007

Country of Origin	Total number of asylum applications in France 2007	Percentage of female applicants
Serbia	2250	29 %
Turkey	2039	22 %
Russia	2001	48 %
Sri Lanka	1845	30 %
DR Congo	1802	51 %
Armenia	1495	47 %
China	1262	59 %
Bangladesh	923	6 %
Algeria	865	16 %
Congo	827	44 %
Guinea (Conakry)	787	37 %
Haiti	588	35 %
Côte d'Ivoire	560	29 %
Nigeria	404	52 %
Azerbaijan	388	60 %
Angola	376	45 %
Sudan	374	10 %

Source: OFPRA, rapport d'activité 2007.

These differences in the proportions of women arriving in France to claim asylum from various different countries of origin point to the necessity of avoiding over-generalisation about women's motives for arriving in France, or about the conditions

under which they are forced to migrate. Gendered relations of power in different countries will affect women in varying ways, and will either encourage them to flee and/or hamper them in their flight. In countries where gendered inequalities are very severe and where discrimination and persecution against women are widespread, women may have more incentive to migrate, but at the same time this migration may become extremely difficult because of these same gendered inequalities in power and resources. The statistics for France seem to confirm the tendencies noted in other countries, that the proportion of female asylum-seekers is higher from countries of origin where there is a civil war or high levels of civil unrest. For example, a study by the Refugee Women's Resource Project in the UK found that: 'the proportion of women asylum-seekers is higher for countries where civil unrest and/or war are widespread. It is lower in countries where the primary focus on human rights violations is political and civil rights abuses and where women's rights are repressed' (Refugee Women's Resource Project, 2003: 35). Variations such as these underline the importance of considering gender-specific country of origin information during the asylum determination process, and in providing suitable reception conditions for women asylum-seekers and refugees.

A recent development regarding the national origin of female asylum claimants, is the noted rise in the number of female claimants originating from Mali. In its 2007 activity report, OFPRA notes that Mali is one of the 'safe countries of origin' from which there have been an increased number of asylum claimants, and explains that: 'The fears expressed by Malian asylum-seekers relate to the risk of female genital mutilation for their young daughters born in France.'¹³ The report goes on to note that this type of asylum claim is the object of a consistent jurisprudence emanating from the CNDA¹⁴ and the Conseil d'Etat which considers that young girls at risk of female genital mutilation and their parents who attempt to save their daughters from this risk and are thus themselves persecuted should form a social group under article 1 of the Geneva Convention. Discussions with various officers working at the OFPRA, CNDA and in associations supporting asylum-seekers and refugees, revealed, however some worries about the possibility of a continuing rise in demand from this group of Malian asylum-seekers, the majority of whom are women with young daughters born in France. In 2007 there were 282 initial claims from asylum claimants originating from Mali, 76 per cent of which came from women.¹⁵ Some respondents felt that as the knowledge of the increasing number of positive decisions in these cases spread amongst communities living in France there would be an increasing number of 'opportunistic' asylum claims as a result, and that it would be thus difficult to distinguish those who 'genuinely' feared that their daughters were at risk of female genital mutilation. Other respondents pointed to the impossibility of controlling whether or not these girls would really be protected from female genital mutilation once their parents had received refugee status, and advocated some kind of medical 'follow-up'. More recently the OFPRA has changed its policy regarding asylum claims founded on the fear of female genital mutilation of a daughter born in France. The existing jurisprudence will in future apply only to women or couples who have recently arrived in France with a young daughter whom they wish to protect from female genital mutilation. Women or couples who have been in France for a longer time, or who have already made an initial asylum claim will no longer be granted

¹³ OFPRA, rapport d'activité 2007, p. 12.

¹⁴ CRR, SR, 7 décembre 2001, 373077, Mme Konaté ép. Sissoko.

¹⁵ OFPRA rapport d'activité, 2007.

refugee status on the grounds of protecting their daughter from female genital mutilation. Instead the child only will be granted subsidiary protection. This change in policy has been taken in order to try and stem the flow of what OFPRA believes were 'abusive' asylum claims. However, it may seem unduly comprehensive in limiting protection for those genuinely trying to protect their children from female genital mutilation. OFPRA's policy in these cases of FGM has been upheld by the CNDA who have returned judgements in several cases which grant only subsidiary protection to women seeking to protect their daughters from the threat of FGM and to their daughters, when these are born in France. The judges in these cases ruled that neither women seeking to protect their daughters nor these daughters could be considered as part of a particular social group. Therefore neither were eligible for refugee status.¹⁶

In these decisions, the judges also recognized that the 1951 Convention, and the criteria of belonging to a particular social group would continue to be applicable to asylum seekers fearing FGM for themselves or their daughters (jurisprudence Sissoko aforementioned), when they have left their countries specifically to seek asylum in France because of their opposition to FGM¹⁷.

A meeting of representatives of various NGOs and associations concerned by this problem was held in Paris in May 2008. Those present at this meeting argued that it would be wrong to see the increase in women making asylum claims on the basis of a fear of female genital mutilation for their young daughters as a process of instrumentalisation of the asylum process, but that these claims stemmed from a genuine desire by women to protect their daughters from a form of violence which they themselves had experienced. It was argued that it is sometimes the case that women do not become conscious of the violence they have suffered in the practice of female genital mutilation until they are resident in France and have the chance to talk about their experiences with other women. This process of consciousness raising is inevitably accompanied by a desire to protect their daughters from the same type of violence as they have suffered. Moreover, women who make an asylum claim on this basis should be made aware of the serious nature of this procedure which will amongst other consequences entail a restriction on them returning to their country of origin for a ten year period. One example was given of a woman who renounced her claim once she became aware of this consequence.

Statistics concerning the outcomes of asylum claims seem to demonstrate that women are not quantitatively discriminated against in the asylum determination process in France. In fact, statistics for the past three years¹⁸ might appear to show that women are favourably treated in that they seem to have higher rates of success in their asylum claims than men, as shown in table 4 below.

¹⁶ See the decisions of the joint sessions of the CNDA, 11 February 2009 : n° 638891, Mrs. Mariam DIARRA, sp. KOUYATE and her daughters, H el ene Awa & Ir ene Adama; and decision n° 637717, Mrs. Fatim FOFANA and her daughter, Khadidja Leila DARBO.

¹⁷ *Ibid.*

¹⁸ As explained above these are the only data available.

Table 4: Women and men granted refugee status or subsidiary protection in France, 2005–2007

	Total number of persons granted refugee status (Geneva Convention)	% of whom were women	Total number of persons granted subsidiary protection	% of whom were women
2005	13,134	40 %	557	55 %
2006	6,725	41 %	554	55 %
2007	8,024	42 %	706	56 %

Source: OFPRA, rapports d'activité.

The fact that women made up respectively 40 per cent, 41 per cent and 42 per cent of those granted refugee status, when they represented only 34.6 per cent, 35.8 per cent and 36.5 per cent of the total of asylum-seekers in 2005, 2006 and 2007, seems to show that they may be slightly favoured within the asylum determination process. There is a clear difference between women and men in those granted subsidiary protection, with women making up the majority of recipients of this form of protection. OFPRA's 2006 activity report indicates that with respect to asylum claimants originating from Sub-Saharan Africa, women composed 63 per cent of those who benefited from subsidiary protection, and in 2007, 56 per cent of the total of those granted subsidiary protection were women.¹⁹

However, these statistics should not lead to a simple assumption that gender-discrimination does not exist within the asylum determination process. Spijkerboer (2000) who carried out an analysis of the asylum determination process in the Netherlands points to the way in which his research revealed a great discrepancy between the 'quantitative data indicating no discrimination of women and the qualitative data indicating clearly negative treatment as a result of gendered assumptions' (Spijkerboer, 2000: 6). Research carried out for this study also supports the idea that statistics suggesting that women are favourably treated in the asylum decision making process in France give a false picture of a system which still produces gender-based inequalities and discriminations. Thus although progress has been made, the French authorities could still improve their policies and practices regarding gender in the refugee status determination process.

The relatively high proportion of women who are afforded subsidiary protection may also be a matter for concern, as subsidiary protection may in some cases be granted where previously the woman concerned would have received Convention refugee status. Several of the interviewees working for NGOs or associations expressed the view that subsidiary protection might substitute for Convention status for several types of gender-related persecution such as forced marriage which under UNHCR's 2002 Guidelines on International Protection²⁰ could in fact qualify them for refugee

¹⁹ OFPRA, rapports d'activité 2006 and 2007.

²⁰ UNHCR (2002), *Guidelines on International Protection: Gender-related persecution within the context of Article 1(A)2 of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees*, HCR/GIP/02/01, Geneva. The Guidelines state:

What amounts to a well-founded fear of persecution will depend on the particular circumstances of each individual case. While female and male applicants may be subjected to

status. A representative of the legal service of the CNDA also pointed to the fact that there was a great degree of confusion about which types of claim should qualify for subsidiary protection rather than refugee status, and that there was need of a much clearer jurisprudence in this area.²¹ (See below for a more detailed discussion of jurisprudence in the area of gender-related asylum claims).

4. Institutional and Associational Support for Women Asylum-Seekers and Refugees

UNHCR has produced a series of guidelines concerning the protection of female asylum-seekers and refugees, and the treatment of gender-related asylum claims.²² Following these guidelines, several countries have introduced gender guidelines in their own national refugee status determination systems, including Canada, the USA, Australia, South Africa, Sweden and the UK. Other European Union member states including Belgium, Germany, the Netherlands and Italy who have not introduced comprehensive gender guidelines have nevertheless taken steps to introduce directives or guidelines at some stages of the refugee status determination process in order to guide immigration officials in gender-sensitive decision making. Although France has made progress in greater recognition of gender-related issues in asylum claims and in introducing more gender-sensitive procedures in its refugee status determination system, there are as yet no official guidelines or directives at a national level on the treatment of women asylum-seekers or refugees. Government and administrative officials interviewed for this research acknowledged the importance of gender-sensitivity in the refugee status determination process but in some cases did not see the need for the introduction of official guidelines. For many of those interviewed the fact of introducing specific guidelines to be applied to women asylum-seekers or gender-based cases would be in contravention of the French principal of universalism which should treat all individuals as equal before the law. Others argued that the problems relating to women asylum-seekers and gender-related claims would be better solved by trusting to the 'common sense' of individuals to ensure that any gender inequality would be dealt with effectively, without going to the lengths of introducing official guidelines. However it can be argued that although some individuals working within these administrations are clearly sensitive to gender issues, and expressed a willingness to consider gender-related questions in their work with asylum-seekers and refugees, this sensitivity is not sufficient to ensure that gender is systematically taken into consideration throughout the refugee status

the same forms of harm, they may also face forms of persecution specific to their sex. International human rights law and international criminal law clearly identify certain acts as violations of these laws, such as sexual violence, and support their characterisation as serious abuses, amounting to persecution. In this sense, international law can assist decision-makers to determine the persecutory nature of a particular act. There is no doubt that rape and other forms of gender-related violence, such as dowry-related violence, are acts which inflict severe pain and suffering – both mental and physical – and which have been used as forms of persecution, whether perpetrated by State or private actors.

²¹ Interview 19 September 2007.

²² The most relevant to the protection of female asylum-seekers and refugees within industrialised countries such as France are probably UNHCR (1991), *Guidelines on the Protection of Refugee Women*, Geneva: UNHCR; UNHCR (2002), *Guidelines on International Protection: Gender-related persecution within the context of Article 1(A)2 of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees*, HCR/GIP/02/01, Geneva.

determination process. The introduction of guidelines would be useful in this respect in ensuring a framework for common good practice within the system.

In general, associational and NGO support specific to women asylum-seekers and refugees has been relatively limited in France in comparison to that available in other countries. C. Lesselier (Lesselier, 2007) has traced the history of women coming to claim asylum in France, and shows the ways in which women from Latin America and Iran began to organise themselves during the 1970s to talk about their experiences of exile and their relationships to their countries of origin. She points to the way in which this organising was facilitated by the women's socio-economic and political background which gave them particular cultural resources. This was not the case for women refugees from South East Asia. She also traces the various actions undertaken French NGOs in support of women asylum-seekers and refugees from the 1980s to the present, showing that there have been several initiatives to try and organise women's groups and actions to support women asylum-seekers and refugees.

Despite these various examples of activities by and in favour of women asylum-seekers and refugees, it can be argued that until very recently at least, action in this area in France has been relatively sporadic and piecemeal.²³ This can be partly attributed to the fact that until very recently there was a relative lack of recognition for the need for gender specific support amongst many of the larger NGOs involved in supporting asylum-seekers and refugees. This meant that many of these larger NGOs devoted to asylum and refugee issues had made no specific provision for supporting women, and gender was not one of the issues which was discussed in the strategies of these associations at national level (even if individual members of these NGOs had in some cases organised smaller initiatives relating to gender at local levels). The director of one NGO argued in an interview for this research that he did not believe any gender perspective was necessary in his association's work as women asylum-seekers were privileged in terms of priority access to housing, and did not need any 'special treatment'.²⁴

More recently the situation seems to be changing with an increasing awareness of the need for specific actions and policies on women asylum-seekers and refugees. It should be noted that successful initiatives to provide specific support to women asylum-seekers and refugees have been envisaged within some of the major NGOs dealing with the issues. These include the Cimade, which has set up a specific reception for immigrant women victims of violence.²⁵ The '*permanence femmes*' was established in the context of a perceived lack of associative action in the domain, and after the realisation that Cimade's more 'classic' reception centres for asylum-seekers and migrants could not always respond adequately to the needs of women, particularly those who had been victims of violence (Goubin, 2005). This '*permanence femmes*' is located in the Cimade's Paris branch, but has not been replicated in any of the other cities in which Cimade has offices. In fact, it seems that there Some local groups of the FASTI also started to discuss the need of giving

²³ Compared for example to an initiative like the Refugee Women's Resource Project in the UK, a research and lobbying organisation created by the NGO Asylum Aid, which has become a leading authority on the issues of gender and asylum both at national and European levels.

²⁴ Interview, 24 September 2007.

²⁵ For a more lengthy discussion of the functioning of Cimade's '*permanence femmes*', see Goubin (2005) and Gueguen (2007).

specific support to women asylum-seekers, especially those who have been victims of gender-specific persecution, but again this type of initiative has taken place on a small-scale and local level, rather than as a national initiative. Amnesty has also been involved in support for women asylum-seekers, particularly through its office in Toulouse. The Toulouse branch of Amnesty has been particularly successful in its work in supporting women victims of trafficking in their asylum claims.²⁶ More generally Amnesty in France has undertaken various actions and published reports concerning violence against women, but it these actions on violence against women have not been specifically targeted at women asylum-seekers or refugees.

An inter-associational group to lobby for the rights of women asylum-seekers has also been created in recent years. The Groupe Asile Femmes (or GRAF) emerged from a public meeting held at the Bourse de Travail in Paris in June 2005 at which the issue of women asylum-seekers and refugees was discussed. The GRAF produced a position statement highlighting the gendered obstacles to gaining refugee status in France²⁷, followed by a guide aimed at NGOs and associations working with asylum-seekers and refugees in order to alert them to the particular issues involved in the reception of female asylum-seekers.²⁸ The positive value of this initiative is evident, with the GRAF guide filling a particular gap in information sources concerning gender issues in the asylum claim. However, the initiative remains relatively small and would benefit from greater institutional and associational support.

Although these positive initiatives to provide specific support to women asylum-seekers and refugees must be welcomed, it should still be noted that many NGOs and associations could do more to recognise the specific needs of women asylum-seekers and provide more support for them. In fact, the role of providing support for women asylum-seekers and refugees has for a long time been left to smaller and more specialised associations such as RAJFIRE and Femmes de la Terre. These are both very small NGOs with few or no salaried staff which provide support to immigrant women in the Paris region. The work they do in supporting women is thus naturally limited by their small numbers of staff, and the associations describe themselves sometimes as ‘overwhelmed’ by the volume of the demand.

An observation can be made that the initiatives to specifically support women asylum-seekers and refugees are in general the result of initiatives taken at local level by individuals. If these individuals move on then the initiative may well disappear. Structures are not in place to promote such initiatives at national level or to ensure that they are permanent and long-term. Support for women asylum-seekers and refugees is therefore provided on a piecemeal and rather random basis. Those women who are not lucky enough to have access to support which recognises their particular needs are often helped with by people who have no real training in the area of gender and do not fully understand the issues that may be involved in assisting women asylum-seekers or refugees. This includes both those working within NGOs and associations supporting asylum-seekers, and those working in hostels or

²⁶ See the interview with Natalys Martin of Amnesty in Toulouse in the *Human Security Journal*, vol. 6, spring 2008.

²⁷ GRAF (2005), *Droit d'asile pour les femmes persecutes*, Paris : GRAF.

²⁸ GRAF (2007), *Droit d'asile et femmes: Guide pratique*, Paris : GRAF.

accommodation centres for asylum-seekers (CADA). As one interviewee explained, support for women asylum-seekers and refugees is thus ‘improvised’ and ‘random’.²⁹

²⁹ Interview 5 October 2007.

Part I – The Refugee Status Determination Process

Although there are a series of international guidelines and directives related to gender issues in the refugee determination process, emanating both from the UNHCR and from European Union institutions³⁰, French authorities have not officially adopted any of these into their own policies or procedures. Officials at OFPRA and the CNDA argued when questioned about this that they believed they were sensitive to the fact that women who had suffered gender-related persecution should be interviewed in a certain way, but that there were no formal or systematic procedures in place concerning the way in which women's asylum claims should be examined and assessed. It would be wrong to assert that no progress has been made in France in relation to taking a gender-sensitive approach to processing and judging asylum claims. However the advances that have been made are themselves open to revision as is evidenced by OFPRA's recently introduced policy on women seeking asylum to protect their daughters from female genital mutilation (see above). More generally, the lack of any official guidelines or directives, or of any systematic procedures for taking gender issues seriously during the refugee status determination process means that what progress there has been is undermined by its rather random nature. Judgements from different 'formations' of the CNDA may for example provide very different interpretations of what constitutes persecution in gender-related cases and how this may or may not be considered as grounds for refugee status under the 1951 convention.

It is clear from evidence gathered for this report that there are instances in which the refugee determination process in France may not fully meet the 2002 UNHCR guidelines. Practices which might diverge from these guidelines can be highlighted in several different areas throughout the refugee status determination process. These types of practice may in some cases prejudice the outcomes of women's asylum claims. In particular, it is important to highlight a lack of generalised information provided to women concerning their rights and a lack of systematic consideration of gender-related issues by those involved in assessing asylum claims.

One of the major problems noted was lack of sufficient information regarding women's rights during their asylum claims. Women are not sufficiently informed of their rights, and in some cases may be misinformed. This lack of information is clear

³⁰ UNHCR guidelines have been mentioned above and are listed in the bibliography to this report. The most relevant guidance from the EU has come through some of the new Directives relating to the reception of asylum-seekers and the management of the refugee status determination process. In particular questions relating to the treatment of gender-related cases are treated in the Qualification Directive (Council Directive 2004/83/EC on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted), in the Procedures Directive (Council Directive 2005/85/EC on minimum standards on procedures in Member States for granting and withdrawing refugee status) and in the Reception Directive (Council Directive 2003/9/EC laying down minimum standards for the reception of asylum-seekers in Member States). The content of these Directives will be mentioned further in the following sections of this report. For a fuller discussion of the relevance of these Directives in the EU context see in particular European Women's Lobby (2007), *Asylum is not gender neutral*, Brussels: EWL.

at all stages of the process, from when a woman goes to the prefecture to register her claim, right through to appeal hearings at the CNDA. Although a guide for asylum-seekers was produced by the Ministry of the Interior in 2005 to be distributed to all asylum-seekers through the police prefectures, it seems that this guide is no longer widely available or widely distributed. Asylum-seekers may thus have little access to information about the way that the refugee status determination procedure operates. As mentioned above the GRAF has recently produced a guide for women asylum-seekers and for those accompanying and supporting them. This guide is a very valuable information source, but it is only available in French which might limit its value to some women asylum-seekers.

Many respondents highlighted problems that exist at police prefectures where asylum-seekers have to register their claim and receive their dossier to be submitted to the OFPRA. Not only is there little information provided for asylum-seekers at the prefecture, but in addition they may be discouraged or misinformed about their rights. Respondents noted that officers working in the prefecture were sometimes reluctant to allow asylum-seekers to register their claim, and in some cases provided misinformation, for example, telling asylum-seekers who come from a country on the safe country list that they were not allowed to make a claim. This type of treatment is not specific to women asylum-seekers, but gendered issues may arise for example when a woman wants to re-open a case because of new evidence. Several respondents highlighted problems that had arisen for example in relation to women who wished to re-open their cases because of daughters who had been born in France and whom they wished to protect from FGM in their country of origin. Some prefectures were reluctant to accept this type of situation as providing new elements to support the woman's claim.

The lack of information provided to women at this early stage of the refugee status determination process means that they are not aware of issues relating to the status of their claim as independent from that of their husband if they arrive as part of a couple, even though they have to fill in individual dossiers; nor are they aware that they may request to be interviewed by female *officiers de protection* at OFPRA, or request a closed hearing at the CNDA.

A lack of information was sometimes noted even amongst women whose cases had been followed by official organisations and NGOs. One woman, for example, explained that although she had been provided with housing, the social workers in the services that she had accessed there had not given her sufficient information about the process of claiming asylum, the interview at OFPRA or the hearing at the CNDA. She had not had sufficient help to prepare her dossier for the interview. She said that she did not know that she could have requested an interview by a female OP at OFPRA, or a closed hearing at the CNDA.³¹ This highlights the problems inherent in assuming that social workers within accommodation centres (CADA) or working within organisations such as the CAFDA (Centre d'accueil pour les familles demandeurs d'asile – reception centre for asylum seeking families), which provides housing and social support for asylum seeking families, will be adequately prepared to deal with all aspects of the claim, including legal and judicial aspects. Although they are highly motivated to help asylum-seekers with whom they work, these social workers may not

³¹ Interview 24 October 2007.

have a specific training or background in issues relating to asylum-seekers or refugees, and may remain unaware of some elements of the refugee status determination process, and so unable to inform their clients sufficiently. Moreover, they may also be unaware of some of the gender-related issues that arise during an asylum claim. Some associations such as the Cimade do provide training to social workers who will be dealing with asylum-seekers, but this training does not seem to be as generalised as could be hoped for. Similarly the GRAF has as previously mentioned written a guide concerning women asylum-seekers and gender issues in the refugee status determination process. This guide is destined to help associations and other structures helping women asylum-seekers with their claims, but it seems too early to measure the practical impact of the guide.

Remedies for this lack of information could make the refugee status determination process smoother, in that applicants would be able to present their case under better conditions, and so the first instance decision making would in many cases be made more straightforward. Inequalities between different claimants, based on their understanding of French, or their access to help and support from associations and NGOs would be evened out if better information was available to all.

1. Interviews and Hearings

With specific regard to the interviewing of asylum claimants, there are both EU and UNHCR's guidelines concerning gender-sensitivity.³² The EU Procedures Directive reinforces the guidance that a woman should not be interviewed in front of her family members, requiring that 'a personal interview should normally take place without the presence of family members unless the determining authority considers it necessary for an appropriate examination to have other family members present'. The Directive also states that 'a personal interview should take place under conditions which ensure appropriate confidentiality.'³³

In its 2002 *Guidelines*,³⁴ UNHCR recommends that in order to ensure that gender-related claims, of women in particular, are properly considered in the refugee status determination process, the following measures should be considered. The current research has highlighted some *lacunae* in the French process with specific regard to these recommendations. In the following paragraphs we point out some of the evidence gathered from women asylum-seekers and refugees, and from NGOs accompanying and representing these women, which show areas where the French administrative authorities do not meet UNHCR recommendations.

- i. Women asylum-seekers should be interviewed separately, without the presence of male family members, in order to ensure that they have an

³² See note 17 above and bibliography for full details of various UNHCR guidelines on gender and refugee protection. The 1999 UNHCR Executive Committee Conclusion, *Refugee Women and a Gender Perspective Approach* (UNHCR, 1999) is a good example of the 'soft law' on this issue.

³³ Proposal for a Council Directive on the minimum standards on procedures in the Member States for granting and withdrawing refugee status, December 2005, articles 11.1 and 11.2.

³⁴ UNHCR, *Guidelines on International Protection: Gender-Related Persecution within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees*, HCR/GIP/02/01, Geneva.

opportunity to present their case. It should be explained to them that they may have a valid claim in their own right.

French authorities seem to be in line with the guidelines in this situation, as women are interviewed separately from their husbands or partners both if they arrive at the border, and in an interview at the OFPRA. However, at the Cour Nationale du Droit d'Asile (CNDA) women and men from the same family are usually heard together. A representative of the CNDA explained that they organise hearings in this way to facilitate the procedure for families who arrive in France together.³⁵ However, there seems to be little consideration of the problems that may arise for a woman who does not want to explain certain details of her claim with her husband or another male relative present, or in the presence of her children. This is particularly the case for women who do not wish their husbands to know that they have been raped for fear of being rejected or disowned, a frequent occurrence in some societies and cultures. One respondent working for an NGO helping asylum-seekers explained the difficulties she had encountered in a case where a woman had been the victim of rape, but her husband was unaware of this. The couple received a joint convocation for a hearing at the CNDA, and thus the problem arose of how the woman could explain her story – the details of which would substantially aid her claim for asylum – without alerting her husband to the fact that she had been raped. This type of situation is not considered when convoking families for joint hearings at the CNDA. Further consideration may thus need to be given to the way in which couples are convoked for joint hearings as a request by a woman to be heard in a closed hearing may itself be problematic, alerting her husband to the fact that there are elements of her story which she does not want to evoke in public.

Moreover, the linking of a couple or of a family's claim in this way by the CNDA may mean that a woman's claim is not treated independently and thus she will not receive an independent refugee status, with her legal status being linked to that of her husband. Several respondents pointed to the problems involved for women who received their refugee status through the procedures of 'family unity' rather than as an independent status depending on their own asylum claim. This may reinforce women's dependency on a male partner, a dependency which might be harmful in cases of conjugal violence, for example. However, the problem of a woman's dependent legal status in cases of conjugal violence may be ameliorated by provisions included in the Code de l'entrée et du séjour des étrangers et du droit d'asile (CESEDA) of 2003 and modified and complemented by a more recent law of November 2007³⁶ which provides the possibility for migrant women victims of violence to access a residence permit in their own right if they leave their violent husband, even in the case where this violence occurs before the initial granting of a residence permit to the couple.

- ii. It is essential that women are given information about the status determination process, access to it, as well as legal advice, in a manner and language that she understands.

³⁵ Interview, 19 September 2007.

³⁶ Loi no. 2007-1631 relative à la maîtrise de l'immigration, à l'intégration et à l'asile. Given the relatively recent introduction of this law it is hard to evaluate its effectiveness or impact at this stage.

One of the major problems encountered by the women claimants interviewed for this research was a lack of information concerning all stages of the status determination process. This lack of information from official sources meant that often women were dependent on their own community networks for information and advice, and that sometimes they received either no information or erroneous advice and information. One woman thus explained, 'I didn't know what to do or where to go, then I met another woman from Guinea, who told me how to go the prefecture and OFPRA.'³⁷ The lack of information also meant that many women were not aware of the support that they could get from associations in preparing their dossier for OFPRA, or in translating it into French. Several of the women interviewed had paid members of their community living in France to translate their dossier, and had sometimes later realised that the quality of the translation was not good enough, and that there were many errors in their dossiers. This lack of official information is also confirmed by the interviews with NGOs and associations who report that a large majority of the asylum-seekers who they help come to them through 'word of mouth', and through community links. Often asylum-seekers only contact these associations when they have already received a letter of rejection from OFPRA, and are thus trying to prepare an appeal to the CNDA.

The situation of women who are living in CADA may be somewhat better in this respect as the staff of the CADA should help them to understand the procedure better. However, as mentioned above, the social workers within CADA may not in all cases be familiar with particular issues concerning gender-related claims. And perhaps more importantly, the wait for places in CADA may be long, and some asylum-seekers never receive a place (see below) which means that they do not benefit from this source of information.

Women are also unaware that they can ask for female interviewers and interpreters, and request a closed hearing at the CNDA. Officials at the CNDA expressed the opinion that it should be up to a claimant's lawyer to ask for a closed hearing, and therefore that this information did not need to be provided by them.³⁸ However, sometimes it seems that lawyers are not fully aware of this possibility or of its importance for some women, and in some cases women are not represented by a lawyer. One respondent from an NGO suggested that to remedy this problem, the 'rapporteurs' working at the CNDA should be trained to recognise cases where a closed hearing would benefit the claimant, and should signal this to the president of the sitting.³⁹ An even clearer method of informing women of their right to a closed hearing would be to mention this possibility in the letter of convocation to a hearing at the CNDA. This would ensure that all claimants were equally informed of this right.

Officials within OFPRA and the CNDA sometimes also fail to provide sufficient information to claimants during the interview or hearing. Protection officers (officiers de protection) at the OFPRA should in theory start the interview with an asylum-seeker by explaining the procedure, how the interview will be conducted, and what will happen following the interview. It seems; however, that in some instances this is not the case. For example, one of the women interviewed had not been informed by the protection officer who interviewed her at OFPRA of how or when the decision on

³⁷ Interview 4 November 2007.

³⁸ Interview 19 September 2007.

³⁹ Interview 27 October 2007.

her claim would be taken, and of how she would be informed of it. She recounts: ‘He just said ‘au revoir’ and showed me to the door. I didn’t know how I could find out about the decision.’⁴⁰

- iii. Claimants should be informed of the choice to have interviews and interpreters of the same sex as themselves, and they should be provided automatically for women claimants. Interviewers and interpreters should also be aware of and responsive to any cultural or religious sensitivities or personal factors such as age and level of education.

In its annual activity report for 2006, OFPRA claims that ‘the profiles of certain women lead the Office to make sure that they are interviewed by female protection officers and female interpreters.’⁴¹ However, there is no system in place for ensuring that women claimants are interviewed by women protection officers, and at no stage of the procedure are women informed of their right to ask to be interviewed by a woman, or with a woman interpreter. None of the women interviewed responded that they knew that they could ask for a woman protection officer to interview them at the OFPRA.

When questioned about this aspect of the procedure, officers at OFPRA argued that they were sensitive to the needs of women who were claiming asylum on the basis of gender-related forms of persecution and that they would do their best to ensure that these women were interviewed by female protection officers but that this could not be guaranteed because of the way in which the institution was organised. They argue that because only a certain number of protection officers are specialised in hearing claims from one country or region, then the assignation of a protection officer to a particular case will depend on the availability of someone specialised in that country. From the point of view of OFPRA, it is therefore more important to have an interviewer specialised in one country or region, than to have an interviewer of the same sex as the asylum claimant. They argued that male protection officers could be as sensitive to the needs of women asylum-seekers as female protection officers. It is clear that male protection officers who are suitably trained and well informed may well be sensitive to the issues involved in hearing claims from women who have undergone gender-related persecution. This may be particularly the case for the Africa division of OFPRA who have undertaken extensive discussions over issues such as female genital mutilation, and who have worked closely with associations (particularly the GAMS) which are active in the area of prevention of FGM. However, although undoubtedly many of the male protection officers working at OFPRA are sensitive to gender-related issues, and to the difficulties of women asylum-seekers who have suffered gender-related persecution, this does not overcome the impossibility of some women talking about their experiences in front of a male officer. One woman interviewed, who had suffered severe sexual assault and rape in Côte d’Ivoire explained that she would never have been able to talk about her experiences to a male officer.⁴² Officers working at the OFPRA also explained that if they started an interview and then realised that the asylum claimant was ill at ease or having difficulties in talking to them, they would stop the interview and ask whether the

⁴⁰ Interview 6 December 2007. The woman in question telephoned the researcher following her interview at the OFPRA to ask for information about how she would know the outcome of her claim.

⁴¹ OFPRA, rapport d’activité 2006, p. 9.

⁴² Interview 10 December 2007.

claimant would like to start again with a different interviewing officer. Under this type of circumstance, however, it may be very difficult for a claimant to ask to change OP, as they might perceive this as being in some way prejudicial to the treatment of their claim.⁴³

In order to avoid circumstances where a claimant feels unable to express him or herself freely because of the sex of the protection officer conducting the interview, and to ensure that all women and men claimants have the opportunity to express themselves as freely as possible in their interview at OFPRA it is recommended that all asylum claimants should be informed of their right to be interviewed by a protection officer of the same sex as themselves, and that this criteria should be a priority when assigning each protection officer to certain cases.

The problem with interpreters is even more difficult, as there are few female interpreters available, and for some languages there are no female interpreters at all. Because OFPRA does not employ its own interpreters, but uses an outside agency for its interpretation services, this aspect is seen as somewhat outside of the institution's control, and this situation is similar for the CNDA. However, the fact of having a male interpreter may be a real barrier to a woman fully explaining her claim, and it is recommended that OFPRA should make more efforts to request that its interpretation services find more female interpreters who will be available to work. It could also be recommended that both the OFPRA and the CNDA take greater control of the interpreters used and provide better training and guidelines for these interpreters.

- iv. An open and reassuring environment is often crucial to establishing trust between the interviewer and the claimant, and should help the full disclosure of sometimes sensitive and personal information. The interview room should be arranged in such a way as to encourage discussion, promote confidentiality and to lessen any possibility of perceived power imbalances.

Several respondents described the OFPRA offices as 'frightening' or 'daunting', and others said that the physical environment reminded them of a police station. There were also worries about a lack of confidentiality as some women said that they believed that they could overhear interviews going on in the adjacent interview booth. One woman described her interviewing protection officer as 'hiding behind his computer' as he listened to her.

- v. The interviewer should take the time to introduce himself and the interpreter to the claimant, explain clearly the roles of each person, and the exact purpose of the interview. The claimant should be assured that his/her claim will be treated in the strictest confidence, and information provided by the claimant will not be provided to members of his/her family. Importantly, the interviewer should explain that he/she is not a trauma counsellor.

⁴³ The results of the UNHCR's participative evaluation exercise were fairly mixed on this point, with only about half of the women interviewed expressing the opinion that they would have preferred a female protection officer to interview them. What seemed even more important than the sex of the protection officer for many women, was their attitude and disposition, in other words their friendliness, openness and perceived ability to listen and understand the claimant's story. In this respect it is clear that additional training in good interview techniques in asylum cases could be a real benefit to the operations of the OFPRA.

- vi. The interviewer should remain neutral, compassionate and objective during the interview and should avoid body language or gestures that may be perceived as intimidating or culturally insensitive or inappropriate. The interviewer should allow the claimant to present his/her claim with minimal interruption.

The responses from the women interviewed for this research were mixed with regard to their opinion of how their interview at OFPRA had been conducted. Whilst some were very unhappy with the way they had been treated, others did not raise any specific criticisms with regard to the interview. These differences in response seem to highlight once again a lack of systematisation or uniformity in the way that different protection officers receive claimants and conduct interviews and differences both between and within different sections of OFPRA.

Some women recounted that they had no particular criticisms with regard to the manner in which the protection officer had behaved during the interview, and indeed some had come away with a more or less favourable impression, explaining that the protection officer had remained neutral and had not shown any inappropriate emotions. There were other women though who had specific negative impressions relating to the way in which they felt the protection officer had conducted the interview. One woman explained that before even commencing the interview, the protection officer had told her that he knew she was lying.⁴⁴ Another woman claimant explained that she had had the impression that the protection officer was 'bored' and 'fed up' with listening to her story, and so had cut her recounting short.⁴⁵ Although these may be isolated incidents, a problem noted was the lack of any effective system of checks at OFPRA which would control this type of occurrence. A more thorough guide and training for protection officers into how to conduct interviews, together with a system which allowed an asylum-seeker to be accompanied to their interview at OFPRA would in some measure help to overcome this type of problem and to reduce inconsistencies.

- vii. Both 'open-ended' and specific questions which may help to reveal gender issues relevant to a refugee claim should be incorporated into all asylum interviews. Women who have been involved in indirect political activity or to whom political opinion has been attributed, for example, often do not provide relevant information in interviews due to the male-oriented nature of the questioning. Female claimants may also fail to related questions that are about 'torture' to the types of harm which they fear (such as rape, sexual abuse, female genital mutilation, 'honour killings', forced marriage, etc.)

Whilst some of the women interviewed felt that the questions asked by the protection officer during the interview had been helpful in allowing them to develop their story, others felt that questions had been asked to 'trick' them or to 'catch them out'. In some of the situations, it would seem that more open questions might help women to express more clearly the types of persecution which they feared. Again, better training

⁴⁴ Interview, 25 October 2007.

⁴⁵ Interview, 4 December 2007.

programmes for protection officers which briefed them about the need for this type of questioning could help to solve this problem.

- viii. Particularly for victims of sexual violence or other forms of trauma, second and subsequent interviews may be needed in order to establish trust and to obtain all necessary information. In this regard, interviewers should be responsive to the trauma and emotion of claimants and should stop an interview when the claimant is becoming emotionally distressed.

It is very rare that an asylum claimant will be called back for a second or subsequent interview at OFPRA. Only one of the women asylum-seekers or refugees interviewed for this study had been summoned for a second or subsequent interview by OFPRA, and in this case the woman concerned was not sure about why she was recalled for a second interview, which was held nearly a year after her first interview. She did not feel that there had been any significant differences between the first and second interviews in terms of the way they were conducted, or what she was able to say. Other women expressed some disappointment about the way in which their interview at the OFPRA had taken place and argued that they did not feel that they had had a fair chance to explain their stories. In many cases the interviews had lasted for only one hour or less, and several respondents said that they felt they had not felt comfortable in recounting their story. For example, one of the women interviewed had undergone sexual assault whilst in prison, but had not felt sufficiently comfortable with the protection officer interviewing her to be able to explain the particular details of this assault.⁴⁶ Another woman, from the DRC recounted that she had broken down and cried several times during her interview at the OFPRA, but that at no time had she been offered the possibility of pausing or stopping the interview.⁴⁷

- ix. Where it is envisaged that a particular case may give rise to a gender-related claim, adequate preparation is needed, which will also allow a relationship of confidence and trust with the claimant to be developed, as well as allowing the interviewer to ask the right questions and deal with any problems that may arise during an interview.

It appears that there is no general procedure for preparing specifically for claims which are gender-related, although in some geographical divisions within OFPRA, and particularly the Africa division, there has been much more mutual reflection concerning these types of claims and the ways to deal with them. Unfortunately this type of reflection and discussion does not take place uniformly across all geographical divisions, which means that some protection officers may be better prepared than others in cases concerning gender-related claims.

- x. Country of origin information should be collected that has relevance in women's claims, such as the position of women before the law, the political rights of women, the social and economic rights of women, the cultural and social mores of the country and consequences for non-adherence, the prevalence of such harmful traditional practices, the incidence and forms of reported violence against women, the protection available to them, any

⁴⁶ Interview 28 November 2007.

⁴⁷ Interview 6 December 2007.

penalties imposed on those who perpetrate the violence, and the risks that a women might face on her return to her country of origin after making a claim for refugee status.

OFPRO argues that it is beginning to build up a greater body of gender-related country of origin information in its documentation service and it seems that there is a concern within this service that gender-related information should be provided. Some respondents from NGOs expressed the belief, however, that there are still some gaps in this information, particularly in that the information provided may not always be relevant to all areas of a country, and that more resources need to be dedicated to providing up to date information regarding gender. Further, the way in which the protection officers use this documentation service may also be inconsistent, with cases where some protection officers are seemingly ill informed about gender-related questions in some countries. One woman asylum claimant from Mauritania, for example, explained that the protection officer who had interviewed her told her that she did not believe her story of forced marriage because of a detail relating to the customs surrounding dowries in this country, a detail which could be corroborated by further research on the situation of women in the country and the customs surrounding marriage.⁴⁸

Lack of particular information relating to the situation of women in a country of origin, and the incidences of gender-related persecution in that country may also be lacking in the geographical information services both at the CNDA. One respondent working within the CNDA claimed that the information service is quite limited, and that the officers working within this department are hard pressed to update the country of origin information that they provide, let alone to carry out added research into gender-related issues within these countries. It might thus be suspected that in some cases, relevant information relating to violence against women and gendered forms of persecution are not available to those making decisions on gender-related asylum claims. 'Country information sheets' (fiche pays) are available to all those involved in the refugee status decision making process and these always contain a section on gendered-discrimination and persecution. However, some respondents also criticised these for being too general, and not giving enough relevant detail, and in some cases for providing information that is somewhat out of date.

- xi. The type and level of emotion displayed during the recounting of her experiences should not affect a woman's credibility. Interviewers and decision-makers should understand that cultural differences and trauma play an important and complex role in determining behaviour. For some cases, it may be appropriate to seek objective psychological or medical evidence. It is unnecessary to establish the precise details of the act of rape or sexual assault itself, but events leading up to, and after, the act, the surrounding circumstances and details (such as, use of guns, any words or phrases spoken by the perpetrators, type of assault, where it occurred and how, details of the perpetrators (e.g. soldiers, civilians) etc.) as well as the motivation of the perpetrator may be required. In some circumstances it should be noted that a woman may not be aware of the reasons for her abuse.

⁴⁸ Interview 28 September 2007.

Failure to consider cultural differences in behaviour can have a serious impact on refugee status determination. One particular factor noted in relation to women asylum claimants was the fact that women from certain countries of origin and cultures may find it difficult to look interviewers in the eye when they speak to them. This difficulty is particularly noted when the interviewer is a man which underlines the necessity of female protection officers to carry out interviews with women claimants. This avoidance of eye contact will occur whatever the subject of conversation is, in other words, even when a woman is not talking about any sexual or very personal issues. Several respondents working with NGOs which support asylum-seekers noted this difficulty for the women that they helped, and pointed out the fact that the avoidance of eye contact was sometimes interpreted as a lack of honesty by the interviewer. It was thus sometimes assumed that women claimants were not telling the truth because of their physical behaviour while recounting their story.

Another cultural misunderstanding which was noted was the fact that it may be very hard for those dealing with female asylum claimants to understand the circumstances that forced them to leave their children behind in their country of origin, and the way that in some cases they express this fact without much emotion. The fact that women have left children behind in their countries of origin might thus weigh against them in a judgement on their claim, because of cultural misunderstandings about the systems of family relationships in different countries.

- xii. Mechanisms for referral to psycho-social counselling and other support services should be made available when necessary. Best practice recommends that trained psycho-social counsellors be available to assist the claimant before and after the interview.

No psycho-social counselling or support is provided for asylum claimants directly before or after their interviews with OFPRA. Perhaps more importantly, asylum claimants are not allowed to bring a third person with them to their interview at OFPRA to offer them moral support. Many of those interviewed said that they would have like to have a friend or member of an association present at the OFPRA interview, to reassure them. This may be part of the reason why women seem to find it easier to recount their stories at the CNDA. Those women interviewed who had been heard at the OFPRA and the CNDA argued that they felt reassured at the CNDA by the presence of supporters or friends, or by their lawyer, and that this had helped them to recount their story and to respond to questions more easily. The presence of a third person at OFPRA interviews has been requested by various French NGOs working in the area of asylum and should now be enforced if France conforms to the EU Procedures Directive.⁴⁹ It appears that this could in fact help to resolve many of the difficulties facing claimants as they try to recount their experiences at the OFPRA.

Overall, what emerges from this research is an impression of a great diversity of approaches between different protection officers at OFPRA, which means that there is a certain element of 'luck' involved for asylum claimants, depending on which protection officer treats their case. Many protection officers may well be sensitive to

⁴⁹ Council Directive 2005/85/EC on minimum standards on procedures in Member States for granting and withdrawing refugee status.

gender issues in the refugee status determination process, but it is clear that there are also some who are not. In order to systematise this process and to take away the more random elements, it would be useful if OFPRA could produce some written guidance for all protection officers concerning gender issues in the refugee status determination process, and to provide systematic training in this area. It would also be useful if there was greater coherence between the different geographical divisions concerning issues of gender. One suggestion to promote this would be the appointment of ‘focal points’ within each division to ensure that gender issues are fully discussed and taken into consideration within their own division, and to provide a vertical and horizontal link between management and different divisions in order to share information and good practice regarding gender sensitivity.

2. Childcare at OFPRA and the CNDA

An important observation arising from this research was the fact that a complete lack of childcare facilities, or provision for children (e.g. a room with a few toys in which children could play), is a real handicap for women who attend interviews or hearings with their children. For these women there is no alternative but to bring their children with them into the room, but in the case of very young children or babies who are likely to cry or make a lot of noise, this can completely disturb the course of the interview or the hearing. In one case a protection officer cut short an interview with a woman claimant at OFPRA after ten minutes because her young child was crying and disturbing the interview. The woman expected to be recalled for another interview, but instead just received a letter of rejection.⁵⁰ In the case of older children, a woman may be reluctant to reveal certain details regarding her persecution in front of her children. The problem of children making a noise and disturbing hearings at the CNDA has already been noted by the CFDA in its report on observations of the CNDA in 2004 (CFDA, 2005). They recommend that a room should be provided especially for children in order to prevent the noise they make from disturbing hearings. Research gathered for this report suggests that OFPRA and the CNDA should go further and provide some type of childcare facility where a woman could leave her children for the time necessary to respond to an interview or to appear before a hearing of the CNDA without any disturbance. This type of facility is provided in some other EU States, for example, in Belgium, where a crèche is provided at the CGRA and where women are encouraged to leave their children in this crèche whilst they are interviewed concerning their asylum claim. An official of the CGRA suggests that this is a vital element in ensuring that claimants with young children are able to be heard under suitable conditions.⁵¹

3. Border Procedures and Interviews

Many of the concerns outlined above concerning the conduct of interviews at OFPRA also apply to the interview procedures at the border, usually in the context of the Zone d’Attente at Roissy airport (ZAPI 3⁵²). These interviews to determine whether an

⁵⁰ This incident was recounted to a member of the AGDM’s team conducting research for the participative evaluation AGDM report during 2007-2008.

⁵¹ Interview 29 November 2006.

⁵² Zone d’Attente pour Personnes en Instance. In 2006, 96.5 per cent of asylum claims at the border were made at Roissy airport, 3 % at Orly airport, and 0.5 % at other airports and ports in France.

asylum claim made at the border is ‘manifestly unfounded’ or not are undertaken by OFPRA officials working in an office within the Zone d’Attente. Interpreters are not present in the Zone d’attente but are used through telephone links during the interview.

Statistics relative to the number of women who make an asylum claim at the border are not available. However the chief of the border section at OFPRA estimates that there are about one third of the claimants at the border are women, a figure in line with the overall proportion of women asylum claimants. Of these women, the majority currently arrive from Sri Lanka and Chechnya, and often arrive with their husbands or partners. Single women more frequently arrive from African countries such as DRC.⁵³

Until very recently, a major problem with regard to gender-sensitive procedures at the border has been the lack of female protection officers working in the Zone d’Attente. The lack of female protection officers at the border was a problem which had already been noted by the Chief of the Section dealing with asylum at the border, and he has made particular efforts to recruit more women to these posts..Recently the number of women protection officers working in the Zone d’Attente has increased to four, which is a positive development that should be recognised. The Chief of the section also admitted though that despite attempts to be sensitive to gender-related asylum claims at the border, it was still very difficult for women to talk about an incidence of rape or sexual assault so soon after their arrival in France, and without any form of psychological support in making their claim.⁵⁴ Observations and interviews carried out in the Zone d’Attente seemed to support this idea of the difficulties for women arriving to explain their claim to an OFPRA official and of the lack of adequate support in this process.⁵⁵

Another issue which seems to present problems in border interviews is that of suspected cases of trafficking of women or young girls for forced prostitution. The Chief of Section invoked the problem of identification of victims of trafficking at the border, explaining that sometimes young women or girls arrive with older male companions who are not members of their family, but that even where a case of trafficking is suspected the protection officers are not sure of what measures to take. In some cases young girls who were suspected victims of trafficking (young women who arrived on their own) have been placed in hostels in France, and have subsequently disappeared, presumably with their traffickers.⁵⁶

Reports by NGOs working within the Zone d’Attente (principally Anafé the federation of associations which is allowed by the French government to have a representation within the Zone d’Attente) have in the past highlighted incidences of violence against detainees. This violence is not directed specifically at women, but in some cases women have been targeted for specific gendered forms of violent treatment or abuse, such as sexist insults by police. Concerns were also expressed

Permanent OFPRA representation is only present in the *zone d’attente* at Roissy, for claims made in any other airport or port the interview usually takes place by telephone.

⁵³ Interview 18 September 2007.

⁵⁴ Interview 18 September 2007.

⁵⁵ Interviews 27 May 2008.

⁵⁶ Interview 18 September 2007.

about the possibility of violence against women in the Zone d'Attente by other detainees (there are not any separate sections for women and men). The police officer in charge of the Zone d'Attente argued, however that there were very rare cases of violent incidents between detainees, and that this did not pose any real problem.⁵⁷ Anafé also recognize that there have been less of these types of incident in 2006 and 2007.

There is also concern about the lack of adequate medical facilities and treatment for those held within the Zone d'Attente. Whilst there is a medical centre present within the Zone d'Attente, which is supposedly open access for detainees during daytime hours, on a research visit it was found that this centre was constantly closed. This may particularly affect pregnant women and those with young children who are particularly in need of care. At a meeting between administration and NGOs concerning the functioning of the Zone d'Attente, the Red Cross also pointed out the lack of specific medical attention for pregnant women, and highlighted several cases where pregnant women had been placed in the Zone d'Attente and had not been admitted to hospital or allowed access to any medical treatment. These women subsequently gave birth within the Zone d'Attente.⁵⁸

Interviews with women held in the Zone d'Attente highlighted various problems relating to the conditions of their detention. The interviewees complained about the length of time that they had been detained at the airport before being transferred to the Zone d'Attente, during which time they were not provided with any food or water and were not informed sufficiently about the reasons for the wait. One woman who had arrived from Rwanda spent twenty four hours at the airport without food or drink, sitting in the cold on a hard bench, before finally being transferred into the Zone d'Attente. The women interviewed all seemed badly informed about the procedures for claiming asylum within the Zone d'Attente and had not fully understood the role of the OFPRA protection officers or the function of their interview with them. Women also complained that there was inadequate medical and psychological help. A police officer in charge of the persons detained in the Zone d'Attente claimed, as mentioned above, that the medical centre was open all day, and that in the evenings when the medical centre was closed, anyone who was suffering from illness would be immediately be transferred to a local hospital. However, interviewees said that the medical post was frequently closed and that the employees of the Red Cross could⁵⁹ not always help in case of illness.⁶⁰

4. Jurisprudence

There have been clear advances in the jurisprudence in France regarding gender-related forms of persecution, resulting in a far more ready acceptance of some types of persecution (particularly female genital mutilation) as grounds for granting of refugee status. However, are still areas where jurisprudence is lacking or else unclear, and many of those interviewed pointed to the problem of the unclear division between Convention refugee status and subsidiary protection.

⁵⁷ Interview 27 May 2008.

⁵⁸ Anafé, *Compte-rendu de la réunion entre l'administration et les organisations sur le fonctionnement des zones d'attente*, 16 April 2007.

⁵⁹ It is not part of the Red Cross's official mandate to provide any medical aid to detainees.

⁶⁰ Interviews 27 May 2008.

The UNHCR's Guidelines state that

there is no doubt that rape and other forms of gender-related violence such as dowry-related violence, female genital mutilation, domestic violence, and trafficking are acts which inflict severe pain and suffering – both mental and physical – and which have been used as forms of persecution, whether perpetrated by State or private actors.⁶¹

The Guidelines go on to state that assessing a law to be persecutory in and of itself may be material to determining some gender-related claims, and that even where a state may have prohibited a persecutory practice this practice may nevertheless continue to be condoned or tolerated, in which case the practice would still amount to persecution. They underline the fact that persecution by both State and non-State actors can be recognized within the refugee definition, and that ensuring a gender-sensitive interpretation of each of the Convention grounds is important in determining whether a claimant has fulfilled the criteria of the refugee definition.

Further guidance on the consideration of gender issues in the asylum claim is provided by the EU Qualification Directive. Specifically, the Qualification Directive recognises that:

- i. Sexual violence and gender-specific abuse should be considered as persecution under the terms of the 1951 Convention (Article 9-2(a) and (f)).
- ii. Actions of non-state agents should be considered as persecution if the state is unable or unwilling to offer protection (Article 6).
- iii. Gender is a circumstance which is relevant to an asylum claim and should be taken into account by decision-makers (Article 4-3(c))
- iv. Gender-related aspects should be considered in determining whether a particular social group exists (Article 10-1(d)).
- v. The situation of pregnant women and women who have experienced rape and sexual violence should be taken into account when considering subsidiary protection (Article 20).
- vi. Discriminatory police or legal measures or punishment or their implementation in a discriminatory manner should be considered as persecution (Article 9-2 (b), (c), (d)).

One of the fundamental issues at stake in determining gender-related asylum claims is that of the definition of a particular social group under the 1951 Refugee Convention. The Conseil d'Etat in France has established two criteria for defining a particular social group under the terms of the Convention⁶², which are:

- the existence of characteristics common to all members of the group and which define the group in the eyes of the authorities in the country and of society in general;
- the fact that the members of this group are exposed to persecution.

Following this ruling by the Conseil d'Etat, the CNDA has recognised the existence of a particular social group in the following gender-related cases:

⁶¹ UNHCR, *Guidelines on International Protection: Gender-Related Persecution within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees*, HCR/GIP/02/01, Geneva, p. 3.

⁶² See the Conseil d'Etat's ruling concerning the Ourbih case, 23 June 1997, no. 28-29.

1. people persecuted because of their sexual orientation
2. women who fear genital mutilation for themselves or their daughters
3. women escaping from a forced marriage
4. women escaping from a crime of honour
5. women who have given birth to an albino child and who fear persecutions for this reason
6. women escaping from humiliating or dangerous rites related to widowhood
7. women victims of ill-treatment and sexual violence.

In all of these cases, the limits of the particular social group involved have been narrowly defined, depending on the origin of the claimant and the specific conditions existing in her country or region. The guide published by the Groupe Asile Femmes (GRAF, 2007) argues that the definition of a particular social group established in French jurisprudence is more limited than that defined by the UNHCR⁶³, or under the EU Qualification Directive (GRAF, 2007). These guidelines and directive establish that a woman may be considered as part of a particular social group if she is persecuted as a woman, without necessarily having to prove that all members of this particular social group are exposed to the same risk of persecution, nor that the group is fully conscious of its existence as a group (GRAF, 2007: 26). The UNHCR guidelines state that:

a particular social group is a group of persons who share a common characteristic other than their risk of being persecuted, or who are perceived as a group by society. The characteristic will often be one which is innate, unchangeable, or which is otherwise fundamental to identity, conscience or the exercise of one's human rights.'⁶⁴

A member of the legal service of the CNDA argued in an interview that French jurisprudence concerning the establishment of a particular social group in the sense of the 1951 Refugee Convention, is voluntarily limited, for fear of creating an '*appel d'air*' (a 'pull factor') which would encourage many more women to come to France to seek asylum.

Another issue which emerged clearly from several interviews was the fact that there is no clear jurisprudence which establishes the boundaries between refugee status under the terms of the Geneva Convention and subsidiary protection. The introduction of subsidiary protection under the law of December 2003⁶⁵ has meant that OFPRA and the CNDA are now able to grant this status to those whose claim is not judged to come within the terms of the Geneva Convention, and who do not qualify for refugee status under this Convention. However, many of those interviews expressed concern about the way in which subsidiary protection might be used as a 'substitute' for refugee status for claims which could actually be interpreted as coming under the terms of the Geneva Convention. As remarked above, OFPRA's 2005 activity report specifically linked the introduction of subsidiary protection with a

⁶³ See UNHCR (2002), *Guidelines on International Protection : 'Membership of a particular social group' within the context of Article 1(A)2 of the 1951 Convention and /or its 1967 Protocol relating to the Status of Refugees*, Geneva.

⁶⁴ UNHCR (2002), p.3, see note 60 above for full reference.

⁶⁵ The law (loi no. 2003-1176 of 10 December 2003) came into force on 1 January 2004 since which date the French authorities have been able to grant subsidiary protection to asylum claimants whose claim is not deemed to come within the remit of the Geneva Convention, but for whom some type of protection is still recognised as necessary.

subsequent rise in gender-related asylum claims. However, it would seem more likely that the rise in gender-related claims would have taken place in with or without the introduction of subsidiary protection. This link was also made explicitly by some interviewees working within OFPRA who talked about the rise in gender-related claims as a function of the introduction of the new status. In an interview, a member of the CNDA's legal service expressed concern that the boundary between convention refugee status and subsidiary protection was extremely confused, and argued that the CNDA was waiting for direction from the Conseil d'Etat in this area. The interviewee pointed out several cases in which claims with almost identical circumstances had led to differing outcomes, with some claimants being granted subsidiary protection and others refugee status.⁶⁶ This problem seems particularly acute with relation to claims based on forced marriage, where the difference between a decision granting refugee status and one granting subsidiary protection may appear almost random.

Another problematic issue which emerged was that of the recognition of domestic violence as persecution relevant to the refugee definition. Several interviewees argued that they had received an increasing number of claims based on domestic violence, but that it was almost impossible to have this recognized as coming within the remit of the Convention refugee definition, unless it was linked to forced marriage, although forced marriage itself is not always recognized as qualifying a claimant for refugee status, and may lead only to the granting of subsidiary protection, as described above.

A further barrier is that to the recognition of trafficking as a form of persecution which might lead to refugee status under the terms of the Convention (as discussed more fully below).

Thus although jurisprudence has advanced in France in recognizing different forms of gender-related persecution, there is a risk that this progress may be undermined by the lack of clear direction with relation to the use of subsidiary protection. It would be desirable to produce clear guidelines or directives in this area, and to provide comprehensive information and training to those involved in refugee status determination procedures regarding this issue.

5. Trafficking and Sexual Exploitation

One of the elements which emerged from this research was a concern with the numbers of women who come to France through trafficking networks and who are forced to engage in prostitution. Although some of these women could have a case for refugee status under the terms of the 1951 Convention, very few actually receive any form of protection. There have been a few cases in recent years where women have received subsidiary protection when they have been victims of trafficking and when they have well-founded fears of persecution if returned to their country of origin. However, the authorities concerned with refugee status determination seem in many cases to lack sufficient information to engage effectively with the problem of trafficking and to make greater efforts to ensure that women who are victims and who qualify for refugee status receive the necessary protection. A member of the legal service of the CNDA argues, for example, that in cases of trafficking the judges are likely to try to attach the protection afforded to one of the other Convention grounds,

⁶⁶ Interview 19 September 2007.

rather than admitting that trafficked women might form a particular social group, for fear of creating a precedent which would lead to the granting of refugee status to many more women.⁶⁷

According to the UNHCR guidelines, some trafficked women may have valid claims to refugee status under the 1951 Convention. The 2002 guidelines states that:

The forcible or deceptive recruitment of women or minors for the purposes of forced prostitution or sexual exploitation is a form of gender-related violence or abuse that can even lead to death. It can be considered a form of torture and cruel, inhuman or degrading treatment. It can also impose serious restrictions on a women's freedom of movement, caused by abduction, incarceration, and/or confiscation of passports or other identity documents. In addition, trafficked women and minors may face serious repercussions after their escape and/or upon return, such as reprisals or retaliation from trafficking rings or individuals, real possibilities of being re-trafficked, sever community or family ostracism, or severe discrimination. In individual cases, being trafficked for the purposes of forced prostitution or sexual exploitation could therefore be the basis for a refugee claim where the State has been unable or unwilling to provide protection against such harm or threats.⁶⁸

In 2006 UNHCR issued further specific guidance on the application of Article 1(A)2 of the 1951 Convention to the victims of trafficking and persons at risk of being trafficked.⁶⁹ These guidelines provide detailed interpretative legal guidance regarding the possibilities of granting refugee status to victims of trafficking or those at risk of being trafficked. They also deal with procedural issues relating to the identification and reception of victims of trafficking pointing out that it is important that 'mechanisms be put in place at the national level to provide for the physical, psychological and social recovery of victims of trafficking'.⁷⁰

A major barrier to meeting the needs of trafficked women in relation to their asylum claim is a failure to identify such women. Although many respondents interviewed within the refugee status determination authorities explained that they often felt a 'suspicion' of trafficking when interviewing women, they were unable to define any way in which to positively identify victims of trafficking. Recommendations from the EU justice and home affairs directorate's expert group on trafficking argue that:

Early identification requires training on a regular basis of all actors likely to come into contact with trafficked persons, especially the front-line police and other relevant officials such as immigration officials, health care officials or labour inspectors. A multi-agency approach to identification and referral also requires a confidence-building process involving all the above mentioned

⁶⁷ Interview 19 September 2007.

⁶⁸ UNHCR, *Guidelines on International Protection: Gender-Related Persecution within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees*, HCR/GIP/02/01, Geneva.

⁶⁹ UNHCR (2006), *Guidelines on International Protection: The application of Article 1(A)2 of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to victims of trafficking and persons at risk of being trafficked*, HCR/GIP/06/07, Geneva.

⁷⁰ UNHCR (2006), p. 16, for full reference see note 66 above.

actors, trade unions, NGOs or other specialised service providers, including through joint meetings and joint training sessions.⁷¹

France seems to be taking some steps towards trying to deal better with the problem of trafficking. There are now some such training and cooperation programmes which are beginning to be put into place in France specifically through the AcSé initiative,⁷² but as yet their impact seems relatively limited. Officials involved in the refugee status determination process interviewed for this study suggested that they sometimes suspected trafficking when they were faced with situations of young women who had obviously filled in a completely false story in their dossier for OFPRA, and who did not want to reveal any genuine details about how they had arrived in France. The officials were at a loss, however, as to how to attempt to uncover any more genuine story behind the false account provided in the dossier.

NGOs working with prostitutes are those who seem to have the most information about the scale of trafficking for the purposes of forced prostitution and about the types of exploitation encountered and the ways in which women are constrained to work and to repay debts. These NGOs recount that they meet a large number of women who have arrived in France through trafficking networks, and who are still under the control of their traffickers, to whom they owe large 'debts'. The traffickers control the women through threats both against them and against their families in their country of origin, which means that these women are terrified of breaking the 'contract' and of telling anyone about their exploitation, or revealing the identity of their trafficker.

The Amicale du Nid, in Toulouse is an association working with prostitutes which encounters a large number of women from Nigeria and Ghana who have arrived in France through trafficking networks. Social workers at the association recount that many of the women trafficked in this way have been victims of violence and persecution in their country of origin.⁷³ They may have been victims of forced marriage or threatened with FGM for example, and thus been forced to flee. Other women who are later trafficked may have been persecuted on account of their ethnic or religious identity and have suffered violence which has forced them to move to another part of the country, where they are then prey to traffickers. These women may well therefore have good grounds for claiming asylum, but as they are still under the control of the trafficker, if they do make an asylum claim then this will be written for them by the trafficker and will not contain their real story. Traffickers encourage women to make asylum claims as this is a way of keeping them in France 'legally', but all aspects of this claim are tightly controlled.

A key problem in gaining protection for trafficked women is therefore that those trafficked women who make an asylum claim will for the huge majority submit a

⁷¹ Draft report on Recommendations on National Mechanisms for Victim's Identification and Assistance, European Commission DG Justice and Home Affairs, October 2007.

⁷² The AcSé initiative is a national service to provide secure shelters and protection for victims of trafficking. The initiative is based on a national network of associations specialised in the support of persons involved in prostitution, and has a number of devoted places in reception centres and shelters which can be used to house and protect victims of trafficking. The initiative also organises information programmes and courses destined for the various actors involved in identifying and supporting victims of trafficking.

⁷³ Interview 4 October 2007.

dossier to OFPRA with a false story written for them by the trafficker (or a similar person). As this story bears no relation to the reality of their situation it is very likely to be rejected both by OFPRA and the CNDA. It is vital that the women tell their real story in order to have a chance of gaining protection, but they are so scared of their traffickers and of the reprisals that they or their family might endure if they tell the real story, that it is very difficult indeed to persuade them to do so. Associations working with trafficked women recount that it often takes years to persuade a woman to tell her real story, as this requires time to build up a real relationship of confidence. And even when women do tell their real story, there may be barriers that exist to their gaining protection, as the refugee status determination authorities may be reluctant to re-open their case, or to believe their new story. One woman, for example, who was supported by the Bus des Femmes association in Paris, had submitted a false dossier to OFPRA, written for her by her trafficker, but was then persuaded to tell her real story during her hearing at the CNDA. The CNDA, however, refused to believe her, arguing that if she had lied once, then she could easily be lying again.⁷⁴

These types of problems mean that it is very difficult for trafficked women to get protection from the refugee status determination authorities. However, greater awareness of this problem would certainly help in encouraging women to tell their real stories by providing them with secure and reassuring conditions in which they might be able to talk about their situation. Moreover, more training and awareness of these issues would help to sensitise officers at OFPRA and the CNDA to the difficulties encountered by trafficked women, so that, for example, if a woman did change her story in the middle of her asylum claim, she would not be necessarily disbelieved. Greater awareness of this issue does seem to be having some impact on the outcomes for victims as may be seen in two recent decisions by the CNDA which accorded subsidiary protection to women who had been victims of trafficking and had made a first 'false' asylum claim under the control of their traffickers, but had then been helped by an association to produce an appeal to the CNDA which explained their true stories.⁷⁵ These decisions may signal a gradual change in jurisprudence and practice in this area.

⁷⁴ Interview 28 November 2007.

⁷⁵ For more details see interview with Natalys Martin, *Human Security Journal*, vol.6, 2008, pp.130-132.

Part II – Accommodation of Asylum-Seekers

Finding suitable accommodation is still a problem for asylum-seekers who arrive in France. Although more places have been created within reception centres or CADA (Centre d'Accueil pour Demandeurs d'Asile) there are still insufficient places for all asylum-seekers who arrive in the country. Families and single parents are officially priority cases on the lists for admission into the CADA, and so women who arrive with children should usually be given a place. However, this does not apply to those who are treated within priority procedures who do not qualify for any benefits or housing.

1. Centre d'Accueil pour Demandeurs d'Asile (CADA)

A ministerial circular of 2007⁷⁶ listed the criteria for choosing which groups of people should be a priority for admission into a CADA. These groups are as follows:

1. Newly arrived asylum-seekers
2. Families with children
3. Single women
4. Persons joining an asylum-seeker who is already accommodated in a CADA (husband/wife, dependent parents or children).
5. Single young adults
6. Young people who are declared adult following the results of a bone scan
7. Following medical advice, asylum-seekers who have health problems, but whose condition does not necessitate hospitalisation
8. Asylum-seekers who have been identified by the Ministry of Foreign Affairs as a priority
9. Asylum-seekers who have been lodged in emergency accommodation or in transit centres.

Research for this report found, however, that although families with children did in general receive accommodation in a CADA, there were still significant problems for single men and women, and for those treated under priority procedures.

Despite a fall in the overall number of asylum-seekers arriving in France, and despite the opening of new places in accommodation centres, there is still a gap between the number of asylum-seekers and the number of places available in CADA. In 2007 there were 28,209 initial asylum claims registered in France. The total number of places in CADA at the end of 2007 was 20,398.⁷⁷ Of these 20,398 places, some will be occupied by asylum-seekers who registered their claim before 2007 but are still within the refugee status determination process, those whose claims have been rejected but have not yet left the CADA, and those who have been recognised as refugees but are still housed in the CADA whilst they wait for a suitable place in

⁷⁶ Circulaire interministérielle No. DPM/AC13/2007/184 du 3 mai 2007 relative aux modalités d'admission dans les centres d'accueil pour demandeurs d'asile et de sortie de ces centres.

⁷⁷ ANAEM (2008), *Etat du dispositif national d'accueil des demandeurs d'asile et des réfugiés en 2007*, Paris : ANAEM.

another type of accommodation. This means that the actual number of places available to new arrivals is far less than the total number of places available would suggest. The ANAEM's figures indicate that only 38 per cent of new asylum claimants received a place in a CADA in 2007.⁷⁸ As there are still insufficient places in CADA for all asylum-seekers, this means that although families who are not being treated under priority procedures are generally given a place in a CADA, those who arrive alone are much less likely to be given accommodation. The ANAEM's 2006 report stated that: 'The characteristics of the offer of accommodation within CADA are above all favourable to asylum-seekers arriving in families with dependent children.'⁷⁹ In 2007, it was reported that the predominance of European asylum-seekers (from Russia, Armenia and Serbia) in CADA could be explained by the familial nature of the asylum flows from these countries, which was 'more suited to the offer of places in CADA'.⁸⁰ Single men and women represented only 5 per cent of those being allocated places in CADA in 2007.⁸¹ Single men and women are often thus forced to rely on emergency accommodation, or may not have any accommodation provided and thus rely on support from friends or community. This situation seems particularly bad in some regions where the pressures on places in CADA remains high despite an overall drop in the number of asylum claims in 2007. In the Ile de France region, for example, only 19.3 per cent of new asylum-seekers received a place in a CADA in 2007. Interviews in Lyon and Strasbourg also reinforced the point that a lack of accommodation means that single asylum-seekers without children are often forced into emergency accommodation, or at worst, end up sleeping in the street. Although this situation is clearly unacceptable both for men and women asylum-seekers, for women, the problems created by lack of accommodation are aggravated by the risks of violence or assault that they face if they do not have a safe place to sleep.

Respondents in Strasbourg described the particularities of many of the asylum-seekers who arrive in the region from Chechnya. These Chechen asylum-seekers have often passed through Poland before arriving in France and are thus subject to procedures of re-admission to Poland under the Dublin Convention. This means that they do not receive an APS from the prefecture, and are thus pushed into emergency accommodation. However, the local 115 service has often been saturated, meaning that it is almost impossible to find accommodation. In 2006 twenty-one families of asylum-seekers camped in the Place de la République in Strasbourg to protest against this lack of accommodation. The reception conditions for these families, often including women who have arrived alone with their children following the death of their husband during the conflict in Chechnya, are thus very poor.

Forum Réfugiés plateforme d'accueil in Lyon note that they are almost always able to place families within suitable accommodation, normally in CADA, but that there are serious problems in accommodating single people – both men and women. These single asylum-seekers are placed on a waiting list for a place in a CADA, but may in

⁷⁸ ANAEM (2008), op cit.

⁷⁹ ANAEM (2007), *Etat du dispositif national d'accueil des demandeurs d'asile et des réfugiés en 2006*, Paris : ANAEM, p. 3.

⁸⁰ ANAEM (2008), op cit., p. 11.

⁸¹ ANAEM (2007), op cit.

fact have to wait until after their status determination process is complete, and will thus never benefit from a place.⁸²

This lack of places in CADAs is confirmed by a study carried out by the Drass (Direction régionale des affaires sanitaires et sociales) Rhone-Alpes⁸³ which found that the number of asylum-seekers housed in emergency accommodation in the region remained constant at around 4400 throughout 2004. Of those housed in such emergency accommodation, 50.5 per cent were men and 49.5 per cent women, demonstrating that contrary to what might be stated by some associations (see above), women asylum-seekers are just as likely as men to find themselves without a place in a CADA and thus forced to rely on emergency accommodation. Moreover, in the population studied i.e. those living in emergency accommodation, the women were younger than the men, with 20 per cent of women being below 25 years of age, compared to 13 per cent of men. Although the decline in the overall numbers of asylum-seekers arriving in France may have reduced the numbers of asylum-seekers without a place in CADA, as the statistics from the ANAEM show (see above) accommodation is still a real problem for single asylum-seekers. The report by the Drass is a statistical one, and thus does not examine the qualitative problems that might be experienced by asylum-seekers living in emergency accommodation. However, many respondents for this study pointed to the insecurities faced by women asylum-seekers who find themselves in this situation, including a greater vulnerability to violence and sexual assault and a lack of access to support and counselling services. Some respondents also commented that women who find themselves in this situation may be vulnerable to exploitation by networks engaged in finding women for forced prostitution.

Neither the DPM, nor the ANAEM have statistics relating to the overall percentage of men and women, single people and families living in CADA, so the statistics presented here are provided by two associations who manage CADA, France Terre D'Asile and Forum Réfugiés. Statistics provided by FTDA show that in the years 2003 to 2007, the number of women accommodated within CADA was very slightly higher than the number of men, probably due to the fact that more women arrive alone with children, and are thus priorities for housing. Figures seem to indicate that the proportion of single parent families housed in CADA is gradually increasing as a proportion of the populations housed. Forum Réfugiés housed roughly equal numbers of men and women in their CADA in 2007.

⁸² Interview, 3 October 2007.

⁸³ L'enquête statistique auprès des personnes hébergées dans les dispositifs d'accueil d'urgence des demandeurs d'asile en Rhône-Alpes : les principaux enseignements, Drass Rhône-Alpes, January 2005.

Table 5: Asylum-seekers accommodated within France Terre D'Asile's CADA, January 2003 to September 2007.

Year	Men	Women	Children 0 to 6 years old	Children 6 to 16 years old	Children 16 to 18 years old	Total
2003*	210	225	222	238	30	925
2004	255	286	246	240	39	1066
2005	330	378	343	298	39	1388
2006	374	373	326	238	50	1361
2007 <i>to 30/09/07</i>	311	330	232	172	33	1078
Total	1480	1592	1369	1186	191	5818

* The figures for the year 2003, the year of the installation of the new application *Asylweb* by FTDA, are an estimate.

Persons housed by type of household

Year	Number of families	Single- parent families	Single people	Minors	Couples	Total
2003*	142	48	58	8	9	265
2004	171	49	98	16	17	351
2005	218	72	132	8	24	454
2006	196	76	231	24	7	534
2007 <i>to the 30/09/07</i>	119	75	269	13	22	498
Total	846	320**	788***	69***	79	2102

**Figures for the year 2003, the year of the implementation of the new Asylweb, are an estimate.*

***heads of single parent families are generally women.*

****single people (including minors) were not catalogued by gender.*

Table 6: Populations entering accommodation in CADA managed by Forum Réfugiés, January to July 2007

	Men	Women
Carried over from December 2006	120	146
January 2007	16	16
February 2007	11	7
March 2007	21	11
April 2007	5	2
May 2007	15	6
June 2007	8	6
July 2007	10	6
Total	206	200

Source: Forum Réfugiés

2. Difficulties Encountered with CADA

In many respects those asylum-seekers who are assigned a place within a CADA are in a privileged position. They do not have to worry about where they will sleep or eat, and they have access to the support of social workers, and medical and psychological services. They will also receive help in preparing their dossiers for OFPRA and for the CNDA. However, this does not mean that difficulties do not remain for those housed in CADA, and in particular it may be true that gendered forms of inequality and discrimination persist.

In its position paper on asylum seeking and refugee women, the ECRE (European Council on Refugees and Exiles) highlights the specific needs of women in accommodation centres, and lays out recommendations for providing safe and private accommodation for these women:

Collective accommodation may create conditions that are particularly lacking in safety and privacy for women. ECRE emphasises that where collective accommodation is used to receive asylum-seekers, it should have the following characteristics:

- Proportional participation of women in whatever systems of consultation with residents may be used in the management of the centre;
- Personnel trained to be sensitive to the needs of refugee women and familiar with gender issues that may arise;
- Mechanisms to facilitate the reporting of physical and sexual violence, appropriate support and means of redress in such cases;
- Availability, upon request, of separate living quarters for women;
- Availability, upon request, of general and legal counselling services for women in conditions of privacy;
- Private toilets and bathing facilities that are not too distant from living quarters;

- Non-discriminatory systems for the distribution of assistance and information (i.e. – not solely via male heads of families).⁸⁴

Both the UNHCR and the EU have also provided guidance on the reception conditions for asylum-seekers. In its Ex Com Conclusion No. 93 on the reception of asylum-seekers, the UNHCR highlights that: ‘gender and age-sensitivity should be reflected in reception arrangements They should also take into account the specific needs of victims of sexual abuse and exploitation, of trauma and torture, as well as of other vulnerable groups.’⁸⁵ Whilst the EU’s reception Directive states that: ‘Member States shall take into account the specific situation of vulnerable persons such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence’,⁸⁶ when they implement national legislation concerning the reception conditions for asylum-seekers.

Although CADA are specifically designed to accommodate asylum-seekers and should therefore provide appropriate space, and appropriate support services for asylum-seekers, problems still remain. Whilst those asylum-seekers housed in CADAs may count themselves fortunate to have a stable and guaranteed place to live, and to be able to access support in making their claim, difficulties persist. In some cases gendered forms of discrimination or violence may persist within the CADA, and those working there are not always aware of these discriminations, or of how to deal with them. Personnel working in the CADA are in most cases not trained specifically in issues relating to gender, and do not receive any official or systematic instructions on the needs of female asylum-seekers.

A basic problem is posed by the physical layout of CADA. Although each asylum-seeker is provided with his or her own room, or a joint room in the case of couples or families, these rooms are located on mixed floors, and thus single women may be living in close proximity to single men or men in families. None of the CADAs surveyed or visited provided separate floors for women asylum-seekers. Asylum-seekers of different national origins are also mixed together on accommodation floors. This may pose problems for women who may feel vulnerable to physical attack or harassment from male asylum-seekers, particularly as they are forced to share bathroom and toilet facilities with these men. Women are not given any choice in their accommodation, nor any option of living on ‘women only’ floors.

In addition to the possible physical vulnerability, mixed sex accommodation can cause emotional difficulties for women, especially those who are not used to living in close proximity to men who are not in their own family. Cultural norms may mean that it is particularly difficult for women from some origins to share bathrooms or toilets with men who are not part of their own family.

⁸⁴ ECRE Position on asylum seeking and refugee women, December 1997.

⁸⁵ UNHCR Executive Committee (2002), *Conclusion on reception of asylum-seekers in the context of individual asylum systems*, Ex Com conclusion no. 93, UNHCR: Geneva.

⁸⁶ Council Directive 2003/9/EC laying down the minimum standards for the reception of asylum-seekers in Member States.

A recent ministerial circular⁸⁷ seems to point to an increased awareness of these issues, stating that: ‘As far as possible, collective structures (for the accommodation of asylum-seekers) should provide bathrooms and toilets which are reserved for women, and should accommodate single women in a separate area.’ This is only a recommendation, and it remains to be seen how far it will be implemented. However, the fact that this issue has been raised at all points to an increased awareness of the problems faced by some women.

Further, as some respondents pointed out, mixed accommodation may prove difficult for women who have left their own children behind in their country of origin: ‘Single women who are housed here have often left one or more children behind in their country of origin. This separation is obviously very difficult for these women, and can be a source of extreme unhappiness when they are housed in CADA which also house families.’⁸⁸

Those working in CADA also pointed to problems that women face due to the fact that they have major responsibilities for looking after the children in a family. This means that they have less time to get involved in other types of activities, such as French lessons for example. One respondent explained that: ‘Women have to manage alone, even when they are part of a couple. They have to bring up their children, and deal with education and health concerns ... they are the pillar of the family and have to give psychological support to all of the family.’⁸⁹

Other respondents also noted that women are often expected to take on all of the responsibility for managing the life of a couple or a family in a CADA. One respondent explained that this may be because women are more easily able to adapt to life in the CADA, whereas men have more difficulty adapting to a life where they feel that they have lost their major role as breadwinners, and may be reluctant to swap this role for domestic tasks which are thus left entirely to the female partner.⁹⁰

In the CADA women who are in a couple often relegate their own asylum claim behind that of their husband’s or partner’s. They are self-effacing, sometimes to the detriment of their own claim. They forget about themselves to benefit their husband and their children and their own suffering is not always recognised.⁹¹

One respondent managing a CADA, also pointed to the particular problems faced by women in learning French or in facing administrative tasks, because women often have a lower level of education due to gender inequalities in their countries of origin.⁹²

Several respondents working within CADA pointed to the frequency of incidences of conjugal violence amongst families housed there. As one CADA director explained, the pressures of living for a long time in relatively restricted accommodation,

⁸⁷ Circulaire No. NOR IMIA0800035C du 24 juillet 2008 relative aux missions de centres d’accueil pour demandeurs d’asile (CADA) et aux modalités de pilotage du dispositif national d’accueil (DNA).

⁸⁸ Response to questionnaire, CADA hotel-social 93.

⁸⁹ Response to questionnaire, CADA AFTAM Livry-Gargan.

⁹⁰ Interview 30 October 2007.

⁹¹ Response to questionnaire, CADA AFTAM Livry-Gargan.

⁹² Response to questionnaire CADA COS-ISARD.

combined with the pressures of making an asylum claim, can push some couples into situations of conflict. Although these incidences of domestic violence are not unexpected findings, an important point revealed by the research was the relative inability of those working within CADA to deal effectively with such situations. Some of the social workers within CADA explained that they found these situations of domestic violence difficult because they felt that they had a responsibility to both of the partners, and that they believed the men involved had a right to spend time with their children. This type of reaction may mean that there is a delay in expelling the violent partner from the CADA.

Within CADAs, very few specific initiatives targeting women asylum-seekers were noted. Most respondents argued that it was not necessary to provide specific services for women because the treatment of asylum-seekers on an individual case-by-case basis allowed for any particularities of their situations to be heard. They also pointed to the use of partnerships with associations outside of the CADA in order to try and meet the needs of each individual asylum-seeker. However, one director of a CADA did point to an experimental initiative organised by a trainee psychologist which had encouraged women to take part in women only group activities and discussions. He realised that this experience had been very beneficial for some women who were able to express themselves more freely in a woman-only space, and had been able to listen to each others' problems and concerns and offer mutual support.⁹³ Other directors of CADAs pointed to the fact that as their team was composed primarily or entirely of women social workers, this made contacts with women asylum-seekers easier, and avoided the need for any specific initiatives. One CADA had nominated a social worker to target particularly work with women and children, and this was argued to lead to privileged relations with women.⁹⁴ It thus appears that there may be some individual or local initiatives which target women asylum-seekers and which may be successful in providing a more supportive context in which these women may express their particular difficulties or needs. However, these initiatives depend on the willingness of each director of a CADA, and are not systematically recommended or put in place by any of the major associations which manage CADA on a national level. Moreover, there is no framework for sharing positive experiences in this domain. In view of the positive outcomes of the very few women-specific initiative that do exist it might be recommended that national managers of CADA put in place a specific strategy with respect to women asylum-seekers, or that at least a forum is put in place for discussion of issues specific to women, and sharing of good practice and the results of initiatives aimed at women.

3. Reception of Asylum-Seeking Families – The CAFDA

The CAFDA is a reception 'platform' created to deal with the accommodation and social needs of asylum-seekers arriving in families. Any family (meaning one or two adults with children under the age of sixteen) which arrives to seek asylum within the Paris region should be directed to the CAFDA who will help them find suitable accommodation.

⁹³ Interview 30 October 2007.

⁹⁴ Response to questionnaire, CADA AFTAM Livry-Gargan.

However, although families should be priorities for entry into CADA, not all families will qualify for accommodation in CADA – notably those who are being treated under priority procedures. In this case they will be housed by the CAFDA in hotel accommodation. The standard of this hotel accommodation is variable, but in general, as even the social workers working for the CAFDA explain, it is not really suitable for long-term accommodation for families. Despite this, some families may end up staying in hotel accommodation for several years.⁹⁵

Hotel accommodation may pose particular problems for women who are often left with the major responsibilities for looking after children, cooking and cleaning for the family. Many hotels have no cooking facilities at all, and therefore families are forced to live on cold food. The alternative of eating in restaurants is prohibitively expensive for nearly all asylum-seekers. In addition, there are usually no facilities for washing clothes, and bathroom and toilet facilities will be shared with other residents of the hotel. Bringing up children in these conditions is very difficult, and occasionally dangerous or a threat to their health. One woman living in a hotel room with her three children explained, for example, that she was not able to put away any of her family's clothes in the wardrobes in the hotel room, because these wardrobes were so damp that the clothes stored in there had become mouldy.⁹⁶ Another woman complained about the cockroaches that were rife in her hotel room.⁹⁷

Social workers working for the CAFDA highlighted the problem of the lack of space for intimacy when a couple was living in one room with all of their children, and noted that this situation, especially for a prolonged period was likely to trigger incidences of domestic violence. As in the CADA, they had no particular strategy for dealing with these incidences of domestic violence, rather relying on the hope that these situations would resolve themselves when the couple moved on to better accommodation. This lack of a strategy may mean, however, that women are trapped in situations where they are unable to separate from a violent partner.

Women housed in hotels with their families also complained about lack of basic necessities including food, and the lack of resources to feed and clothe their family. This claim seems to be corroborated by a research report carried out in 2005 which states: 'It seems that families who are in particularly insecure situations, housed in temporary accommodations such as hotels or hostels by the CAFDA or the 115, have serious difficulties in accessing regular food supplies. This is in a large part due to the absence of free transport to be able to travel to places where free food is distributed, and inability to pay for tickets on public transport.' (Chretien and Delannoy, 2005: 26).

4. Emergency Accommodation

Although increases in the number of places in CADA should mean that accommodation is available to all asylum-seekers, this research seems to indicate that there are still many who are dependent on emergency hostels. According to a report published by the MIPES, 'The length of time taken to process an asylum claim, the conditions of reception before and even after refugee status is granted, as well as the fact that asylum-seekers are not permitted to work, means that many asylum-seekers

⁹⁵ Interview 18 October 2007.

⁹⁶ Interview 18 October 2007.

⁹⁷ Interview 18 October 2007.

find themselves in the circuits of emergency accommodation.⁹⁸ Although a fall in the overall number of asylum-seekers should have reduced this problem, NGOs still report long waiting times for single asylum-seekers to find a place in CADA, and those who are treated under priority procedures (an increasing proportion of asylum-seekers) do not qualify for access.

Thus, single asylum-seekers, and those who are treated under priority procedures, who do not get a place in a CADA, often have to rely on emergency accommodation, using the 115 service to find a place for the night. Women's experience of the 115 service was often very negative. A major concern was the fact that these women were forced to move from one emergency hostel to another, and so had no permanent or semi-permanent place to stay. This meant that a lot of their time was spent phoning the 115 to try and find a place to stay for that night, and they had little time to concentrate on other aspects such as filling in their OFPRA dossiers or preparing their appeals to the CNDA. One Ukrainian woman, who was dealt with under priority procedures and did not therefore get a place in a CADA, explained that for a year she was reliant on accommodation provided by the 115, and that the longest period she was allowed to stay in any one hostel was one week, with frequent shorter stays of one or two nights. This constant moving put a real strain on her, and meant that her major concern was finding a place to stay for the night.⁹⁹ Often the wait to get through to the 115 is long, and so asylum-seekers are forced to spend valuable time hanging on the phone, or to renew their call several times. During the winter, especially the 115 service may be overloaded, and so there may eventually be no places left for asylum-seekers. The Ukrainian woman described above explained that on three occasions she had not been given a place by the 115. One of these occasions was when she had just left hospital after surgery, and she was told by the operator of the 115 service just to sit in a chair in the hospital casualty department and spend the night there. She recounts that 'at 5am I just got up and left the hospital as everyone was looking at me and I felt so ashamed.'¹⁰⁰

Dourlens underlines the problems posed by the accommodation of asylum-seekers in emergency housing, which is not specialised to meet their demands (Dourlens, 2005). Women who live in such emergency accommodation will not have such easy access to specialised help in the preparation of their asylum claim, nor to specialised medical or psychological services. Moreover, the physical conditions provided by emergency accommodation can be very difficult. Several women complained about the dirtiness of the emergency hostels they stayed in, and the fact that they were forced to get up early to leave the building and were not allowed to spend the day there. One woman described her time staying in emergency accommodation where she was forced to wake at 6 am in order to leave the hostel at 7 am. She was not allowed to return to her accommodation until 7 pm in the evening.¹⁰¹

⁹⁸ *Regards croisés*, septembre 2003. This citation reflects the commonly held belief that asylum-seekers are not allowed to work. In fact they may be allowed to work under specific conditions, but this is not widely known either by asylum-seekers themselves or by those involved in their support, as evidenced by this quote.

⁹⁹ Interview 17 December 2007.

¹⁰⁰ Interview 17 December 2007.

¹⁰¹ Interview 6 December 2007.

Emergency accommodation may pose specific problems for women who are vulnerable to violence and sexual assault. Several respondents talked about the difficulties of women forced to seek emergency accommodation, and the non-suitability of such accommodation which mixes different categories of homeless people. Several women recounted their fear of other inmates of the emergency hostels who were 'mad' or 'violent' and threatened and verbally abused them. Thus one woman described having to share a room with a drug-addict and alcoholic who shouted at her and threatened her. When she asked the manager of the hostel to move her to another room, she was told that there was no other space for her, and that she should just put up with these conditions. She ended up sitting up all night in the reception of the hostel rather than return to her bedroom.¹⁰²

For some of the women interviewed there had not even been access to emergency accommodation for some or all of the time during which their asylum claims were treated, and they had ended up sleeping rough in the street or in stations or metros. An African woman had spent several nights sleeping in the Gare du Nord, even while she was pregnant at the time.¹⁰³ Cases such as these also highlight a lack of coordination between medical and social services. A member of the FASTI's women's commission highlighted a similar case where a Rwandan woman who had suffered severe sexual assault and had been operated on by a gynaecologist in France in order to try and repair the damage she had suffered, was discharged from hospital only to find that there was no accommodation available for her, and so ended up sleeping in the streets in Nantes.¹⁰⁴

The lack of accommodation in CADA, and also lack of sufficient information about available accommodation (several respondents said that they did not know that they could have been allocated a place in a CADA, even though the prefecture is meant to inform all asylum claimants of this right), means that many women also rely on finding accommodation with friends, relatives, or community members. Several of the women interviewed had been moving around from one place to another trying to find someone who would let them sleep in their flat or room. In addition to the obvious instability of this type of situation, the type of dependency that it creates raises some problems for women, including risks of exploitation. Two of the women interviewed had been forced to leave their lodgings when the men that they were staying with tried to force them into prostitution in order to pay for their accommodation. Another admitted that she had been forced into prostitution by the man she was living with – a fellow African whom she had met whilst in Paris – who had threatened to leave her for another woman if she did not start to bring some money into the household. Other types of exploitation also exist, for example, some women recounted having to clean houses and cook for the families with whom they were living in order to ensure that they would have a place to sleep.

This type of exploitation, as well as the vulnerability and insecurity engendered by the need to resort to emergency shelters, could be avoided if there were sufficient places in CADA for all asylum-seekers, and if better information was provided about how to access accommodation in CADA. In addition, if the restrictions on access to accommodation for asylum-seekers being treated under priority procedures were

¹⁰² Interview 18 December 2007.

¹⁰³ Interview 18 December 2007.

¹⁰⁴ Interview 27 October 2007.

lifted, this would help to ensure that women would not live in such precarious and insecure situations.

5. Access to Medical and Psychological Treatment

All of the interviewees who work closely with asylum-seekers and refugees highlighted the particular needs of women for psychological and medical support. This need is gender specific in that it is linked to gender-related forms of persecution, in particular rape and sexual violence, or female genital mutilation and other forms of genital mutilation for which specialised reparative surgery may be required.

Although both men and women may be victims of sexual violence, many respondents highlighted the high levels of prevalence of this type of violence experienced by women asylum-seekers and refugees, and its particular impacts on women. Sexual violence is not only a problem encountered by women in their country of origin, but also frequently during their journey to France.

In terms of specific medical care, several respondents highlighted women's needs for access to gynaecological and obstetric services. Women asylum-seekers may have many questions and needs relating to sexual and reproductive health. More specifically it was noted that there is a particular demand for medical treatment for reconstruction following female genital mutilation. Respondents working with women asylum-seekers pointed to the fact that even when their asylum claim is not motivated by FGM, women arriving in France may enter a process of discovery where they realise that FGM is not the norm for all women, and that they might wish to reverse the mutilation they have suffered through reconstructive surgery.

Forum Réfugiés' annual reports for the years 2003-2006 included, show that women were the majority of patients seen by the psychologists, either alone or in a family unit. The 2006 report points to a particularly high demand for consultations with psychologists from women originating from Bosnia, Armenia, Serbia, Albania and the DRC. These countries of origin are clearly linked to the country of origin profile of asylum claimants in the Rhone region more generally, but may also be seen as indicative of particular situations of women asylum claimants from these countries. The 2006 report indicates that of a total of 1377 consultations with Forum Réfugiés' psychologists, 683 were by women alone, and 335 by families, whereas only 336 consultations were by men alone.¹⁰⁵

Research carried out for the Comède (see Aidan and Djordjevic, 2007) showed that between July 2006 and July 2007, 142 women who had suffered from gender specific violence were treated, representing 11 per cent of the total number of women treated and 3 per cent of the total number of patients having consulted during this period. A large majority (76 per cent) of these women had been raped and/or sexually assaulted. The study demonstrates the prevalence of rape and sexual violence used as a weapon of persecution against women, and highlights the heavy psychological consequences for women who have been victims of this type of violence. The psychological trauma suffered by these women indicates the need for psycho-therapy, and the report notes the over-representation of women amongst the patients at Comède who receive

¹⁰⁵ Forum Réfugiés, Rapport d'activité 2006, p. 36.

psychological treatment – 42 per cent of the consultations with a psycho-therapist are by women, whereas women make up only 27 per cent of the total number of patients seen by the Comède.

The Comède's annual report for 2006 (Comède, 2007) also reported a higher incidence of HIV/AIDS for women consulting the service than for men. Women patients were 4.5 times more likely than men patients to be infected with HIV/AIDS. This higher prevalence can again be linked to the use of rape and sexual violence against women in conflict situations, particularly in Africa from where the majority of these patients originated (42 per cent of the Comède's female patients in 2006 originated from Central Africa and 22 per cent from West Africa).

Women interviewed for this report who had been able to have access to the services provided by the Comède, Primo Levi or other similar associations such as Parcours d'exil, explained the importance of these consultations for them. One woman who had been a victim of rape and sexual assault felt that she would never have been able to testify and to narrate her story at the CNDA if she had not had the support of a psychologist at the Comède to help her to overcome some of the more devastating effects of her trauma.¹⁰⁶

Despite the clear needs of women in terms of access to medical and psychological treatment, this is not always readily available. Many of the interviewees highlighted the severe lack of provision of medical and psychological services. One social worker working in a CADA in Paris, for example, explained that the average waiting time for a consultation with a psychiatrist at the Primo Levi Centre was about six months.¹⁰⁷

The situation in many towns outside of Paris is much worse, because in most cases there are no specialised medical or psychological services for asylum-seekers or refugees, or for victims of torture. In this case, women will be referred to the local medical service but these services are not specialised in dealing with the types of trauma suffered by many asylum-seekers. It seems therefore, that women's access to specialised medical and psychological treatment will depend very much on where they are living, with a severe lack of services outside of Paris.

Women who are living within CADA may also have access to psychological treatment within the CADA, but again this treatment may not be sufficiently specialised to deal with the effects of gender-related forms of persecution. As one interviewee argued, 'the psychiatrists and psychologists working in CADA are not at all equipped or trained to deal with specific problems emanating from gender-related persecutions.'¹⁰⁸

¹⁰⁶ Interview 10 December 2007.

¹⁰⁷ Interview 16 October 2007.

¹⁰⁸ Interview 25 October 2007.

Part III – Women Refugees

Although women who have been recognised as refugees have a secure legal status and are thus no longer in the position of waiting and anxiety that typifies the situation of asylum-seekers, other problems present themselves relating to their long-term projects and their opportunities for integration and finding a place in French society. As is the case for asylum claimants, these problems are common to both men and women, but there are specific issues which may be more difficult for women due to their social, cultural and economic position, and due to gender-based forms of discrimination within the host society. As one refugee interviewed explained: 'I now have my papers, but I am still living in misery. I have nowhere to live and no job or no money.'¹⁰⁹ Another woman who had recently been granted refugee status expressed her feelings of abandonment, with no one to help her in her search for a job and somewhere to live.¹¹⁰ All of the women interviewed who had been granted refugee status argued that they would like to see a specific agency set up to deal with the problems of refugees and help them in the process of integration.

One of the major problems in analysing these issues is again the lack of data. Once women have been recognised as refugees, there is a tendency to assimilate their situation to that of all other women immigrants, and to overlook any specificity relating to their status as refugees. This means that most of the data that are available relate only to a more general category of women immigrants. Further, as is the case for women asylum-seekers, a general gender-blindness on the part of both the French authorities, and NGOs and associations working with refugees, there are very few data which are gender disaggregated. Most of the information available has thus been gathered through qualitative methods and in particular interviews with key informants and with women refugees.

1. Housing

Access to permanent and adequate housing represents an important step in the integration of refugees into society. However, this access remains one of the major problems for many. A study carried out by France Terre d'Asile found that 64 per cent of those surveyed found that housing was their major daily problem (FTDA, 2005). Members of FTDA's Observatoire de l'Intégration agreed that they believe finding adequate housing is the primary concern for most refugees.¹¹¹ Problems in access to housing were underlined by the GAS (Groupe Accueil Solidarité) which is primarily concerned with helping refugees to find suitable accommodation.¹¹² This problem is linked to the lack of social housing and subsidised housing, and also to the recent law on the right to housing which has meant that some places in CHRS (Centre d'Hébergement et de Réadaptation Sociale) which were formerly open to refugees, have now been earmarked for the reinsertion of the homeless.¹¹³ Finding suitable

¹⁰⁹ Interview 16 October 2007.

¹¹⁰ Interview 10 December 2007.

¹¹¹ Interview 24 July 2007.

¹¹² Interview 12 October 2007.

¹¹³ Interview 16 October 2007.

housing is also linked to finding a job, which is also problematic for many refugees as will be discussed below.

As outlined above in relation to asylum-seekers, gender differences in access to housing may occur through the fact that women might be more often placed in a category of 'vulnerable' refugees (and in particular this applies to those women who are alone with children). Thus these women may have greater access to collective forms of housing including CPH (Centre Provisoire d'Hébergement) and CHRS. However, as with asylum-seekers the lack of places in both CPH and CHRS means that by no means all women refugees, even those with children will find a place. For these refugees, the only options may be to return to emergency housing (through the 115 service) or to find a place with friends or acquaintances within their community. This may again raise the types of issues concerning insecurity and dependency which were discussed above in relation to women asylum-seekers.

A study by France Terre d'Asile found that women refugees may be found more frequently in emergency housing than men. In a study of 610 statutory refugees, FTDA reports that 16.13 per cent of women were in emergency housing as opposed to 5.42 per cent of men. Male refugees were more frequently housed with a friend or acquaintance, 35.38 per cent of men were housed with a third person, whilst this was the case for only 23.66 per cent of women (FTDA, 2006).

Several of the women interviewed were living in the same type of temporary accommodation that they had lived in during their asylum claim. For example, one woman interviewed was still living in a hotel room with her three children. She complained about the dirtiness of the hotel, particularly the numerous cockroaches in her room, and said that it was impossible for her and her children to get a good night's sleep because of the noise. The accommodation was particularly unsuitable for small children. The cooking facilities were very limited, one small room with one cooker which was shared by all the families living in the hotel. The safety of these facilities was also questioned, as two children had already suffered burns due to the dangerous cooking facilities.¹¹⁴

2. Labour Market Access

A problem that has been highlighted with regard to all refugees (male and female) is that their access to the labour market may be restricted because their qualifications are not recognised, or because their skills and professional experience are not adequately valued, even when they have a good command of the French language (FTDA, 2005). Discrimination in employment is a problem which has been noted, but which is very difficult to quantify or to describe systematically. Thus most evidence is anecdotal. These problems may be particularly acute for women refugees in that they face a 'double-discrimination'¹¹⁵ both on grounds of nationality/ethnicity and gender. Many respondents noted an absence of sufficient support for refugees to help them with labour market insertion. Once they have received their refugee status, they have to depend on the same services as other job seekers, and do not receive specific aid.

¹¹⁴ Interview 24 October 2007.

¹¹⁵ Interview FTDA, 24 July 2007.

All of the refugees interviewed highlighted the problems that they had faced in finding suitable employment, and this point was also stressed by respondents working in associations supporting refugees. The issue of insertion into the labour market is clearly one which is difficult for both men and women but gendered inequalities may mean that these difficulties will be experienced differently by men and women.

A difference may be noted in the process of labour market insertion between women who arrive as part of a couple or family, and women who are alone or with only their children. A study of women refugees from the Caucasus region found that those who arrived as part of a couple were rarely in a situation of looking for work and did not use the services of agencies or associations who would help their labour market integration. The study explains that this was because of cultural norms¹¹⁶ which 'limit their role to daily tasks concerned with bringing up children and looking after the household' (Pellin and Soddu, 2007: 23) and thus only the husband would be involved in looking for work in France. The fact that these women do not want to find paid employment and have little or no contact with agencies or associations which help with integration and labour market insertion can pose problems in itself, as they may remain without contact with social workers or other people who can help them, and may thus find themselves isolated within French society. One interviewee also pointed to the very low take up rates for French lessons by women in these situations¹¹⁷, which reinforces the idea that they may remain isolated and find it hard to integrate.

Other respondents also pointed to difficulties that women may have in learning French, both because of gendered inequalities in education in their countries of origin which make their prior knowledge of the language less developed, and because of problems in attending lessons because of childcare issues. Lack of effective childcare may also mean that women cannot access employment related training where this is available.

The majority of women refugees who do find work seem to be confined to jobs within the domestic services sector, in other words, child care, care for the elderly, household cleaning. This sectorisation seems to affect women refugees more strongly than men, who find a wider range of jobs available.¹¹⁸ A study by France Terre d'Asile indicates that of 50 women surveyed, 26 found their first employment in France within the domestic services sector.

A social worker within a CHRS confirmed this orientation of women towards the domestic service sector and explained that whilst this meant that it may in fact be easier for women to find jobs because there was always a demand for cleaners, nannies or helpers for the elderly, in fact she felt that most of the women refugees who were employed in these type of jobs were employed at a level below their qualifications and skills should have permitted. She pointed to the pressures of time which meant that social workers and others who help refugee integration are forced to push these refugees to accept job offers as quickly as possible and therefore they may

¹¹⁶ Other interviewees criticised the use of 'cultural norms' or 'cultural differences' to explain women's low labour market integration, and pointed instead to structural inequalities of refugee women's situation in France which pose obstacles to their access to the labour market.

¹¹⁷ Interview 1 October 2007.

¹¹⁸ Interview 24 July 2007.

be forced to take jobs which are not as suited to their level of qualification as might be hoped.¹¹⁹ The manager of FTDA's centre for asylum-seekers and refugees in Creteil also highlighted the problem of downward mobility within the labour market for refugees. She provided the example of one Chechen woman who had been a doctor before her exile, and who was not even able to hope to achieve a nurses' job in France because of the lack of recognition of her qualifications, and lack of access to re-training.¹²⁰

Another constraint on women's choices with regard the job market is the fact that they may well have debts to pay to the smugglers who helped them to reach France. In this case they will feel obliged to find work quickly in order to repay their debt and may not have time to engage in language classes or training. Again this point is hard to quantify or describe accurately as many women are reluctant to admit to such constraints, however, as one respondent working within a CHRS explained, refugees often seem under great pressure to find work quickly, and need to obtain funds to send to a third person in their country of origin.

Problems in accessing the labour market may be even more acute for women who are single parents. These women may feel the need to find work even more urgently than others because they have to support their families, but at the same time, the constraints of child care may hamper their efforts to find a job. France Terre d'Asile carried out a study of refugees who were heads of single-parent families, and found that 90 per cent of their sample were women who were single-mothers. One of the major problems facing these women was lack of access to the labour market, or lack of access at a level suiting their qualifications. Whilst 89 per cent of the women surveyed had been professionally active in their countries of origin, many were unemployed in France even once their refugee status had been recognised and they had the legal right to work (FTDA, 2005).

The manager of one CADA highlighted the difficulties faced by single mothers in finding work in France. He argued that these women did not have sufficient time or resources to search for work due to their commitments to the family, and were not sufficiently aided in their search for employment by the relevant social workers. He noted that in his experience women refugees who were equally qualified as male refugees had had much less success in finding suitable employment and often remained at home with their children which could lead to problems both in terms of lack of financial resources, and of depression and other health problems linked to isolation and lack of integration¹²¹

3. Language Barriers

A major barrier to integration and to finding a suitable job is a lack of language skills. In effect, women refugees often do not speak French and have difficulties in finding suitable language classes. Several sources indicate that the language teaching integrated into the Contrat d'Accueil et d'Intégration is not sufficient to enable refugees to find jobs. In particular problems arise for women due to the timing of the language classes and the unavailability of childcare to allow them to attend. Some

¹¹⁹ Interview 16 October 2007.

¹²⁰ Interview 7 November 2007.

¹²¹ Interview 30 October 2007.

women pointed out that they had not been able to attend French classes because they had no one to look after their children for them. Places in crèches or halt-garderies are very difficult to obtain, and as priority access for these places is given to parents who are in employment, this penalises women who are unemployed or who are looking for work.

4. Family Reunification

Once a woman has been granted refugee status in France she has the right to bring her family into the country under a process of family reunification.¹²² However, many respondents highlighted the very long delays in the process, particularly with regard to women refugees from African countries. The problem seems to be particularly acute with regard to refugees from the Democratic Republic of Congo, with waiting times reported of four to six years before children were allowed to join their mothers in France. Although this problem of long-waiting times for family reunification affects both male and female refugees, several respondents highlighted the fact that women seem to suffer more from prolonged separation from their children. This means that the long waiting times can be particularly traumatic for them.

¹²² The importance of the right to family unity is highlighted by the UNHCR as a fundamental human right, see UNHCR (1992), *Handbook on Procedures and Criteria for Defining Refugee Status*, Geneva : UNHCR, chapter VI.

Part IV – Rejected Asylum-Seekers

Although there are a large number of asylum-seekers whose claims have been rejected both by the OFPRA and by the CNDA who are still in France, there is little data about this particular population as they become part of a larger population of ‘illegal’ residents or sans-papiers. A study carried out at the request of the DPM highlighted the way in which the refusal of an asylum claim was very often accompanied by a move into a state of insecurity where these ‘failed’ asylum-seekers were highly dependent on support from community networks. This dependence can provoke situations of exploitation (Brun and Laacher, 2001).

Following concerns about the fate of rejected asylum-seekers, particularly those families with small children, a platform was created, which is run by the Ordre de Malte. However, as with other types of accommodation, this only has a limited number of places in the Paris region, so that there are many ‘*déboutées*’ who are forced to find places in emergency accommodation, or live with friends and acquaintances.

Part V – Detention

France is detaining increasing numbers of asylum-seekers, Cimade's report on detention centres in France for 2005 notes that: 'Contrary to common belief, numerous people have their first access to asylum procedures from within a detention centre, and thus in the worst conditions' (Cimade, 2006: 36). Interviews with key informants from Cimade working within detention centres confirmed this claim that more and more first time asylum claims are made from within these centres and that contrary to what some authorities seem to believe, these claims are not just made as a way of avoiding deportation, but may have a serious foundation.¹²³ Asylum-seekers may be detained when they have been in France for only a short time and whilst they are still collecting the documents and evidence in support of their claim or even when they go to the prefecture to try and get a dossier to make an asylum claim (if they have entered France 'illegally'). In this case their asylum claim will be treated under priority procedures, with a refusal of an admission permit, and an obligation to submit an asylum claim within five days. The decision is then delivered by OFPRA within ninety-six hours of the claim being made.

The years 2002 to 2005 saw an increase in the number of women asylum-seekers in detention, and although the number of women in administrative detention has now stabilised¹²⁴ there are still some issues which may cause concern (see table 7 below for an idea of increasing number of women in administrative detention¹²⁵). In particular there may be concerns that conditions within detention centres are often not suitable for women. In 2005 Cimade reported increasing problems due to the lack of separate facilities within such centres for women who are detained. 'The phenomenon of prostitution was noted within certain centres, particularly where there was no effective separation between the detention areas for women and for men. Some women complained of sexual harassment, and even of death threats from certain men' (Cimade, 2006: 8). A representative of the Cimade working in detention centres confirmed that prostitution had been a problem in some of the big centres like that at Mesnil Amelot. Here there are separate sleeping blocks for men and women, which are closed at night time, but accessible during the day, meaning that men and women can circulate in each others' sleeping areas. When the phenomenon of prostitution was noticed, the security around the women's block was reinforced and access was denied to men at all times. However, the phenomenon continued, with women going to men's bedrooms instead.¹²⁶ It seems that some progress has since been made in providing more suitable accommodation for women and in protecting them from violence and discrimination within detention centres. Cimade's reports for 2006 and

¹²³ Interviews 22 November 2007 and 28 November 2007.

¹²⁴ Cimade explain that there are still far fewer women than men in detention as women are less likely to be arrested. Also the fact that some detention centres do not have places for women may limit the number of women who are detained (Cimade, 2007).

¹²⁵ These figures include all women placed in administrative detention with a view to expulsion from French territory, exact figures for women asylum-seekers within this population are not available due again to the limited statistical data collected by official bodies. However, it can be expected that following the general trend outlined above, a greater and greater proportion of asylum claims from women are made from within a detention centre.

¹²⁶ Interview 22 November 2007.

2007 identify improvements in the material conditions within some detention centres, although there are clearly still areas where further improvements could be made. The reports also highlight the worrying trend of the increasing detention of young children with their parents (Cimade, 2008).

Table 7: Women in administrative detention 2002–2007

	2002	2003	2004	2005	2006	2007
Total number of detainees		22,304	20,573	30,474	29,298	34,235
Number of women detainees		1,524	1,824	3,236	2,730	2,511
% Women detainees	5.8	6.83	8.87	10.62	9.32	7.33

Source: Cimade (2006 and 2008).

The increasing use of detention means that some detention centres (CRA) have become overcrowded, and alternative sites of detention may be used locally. These local retention sites (LRA) provide even less suitable living conditions. The Cimade report describes, for example, the room for the detention of women at the LRA in Choisy Le Roi: ‘A space of 2 metres by 2.5 metres, closed off from the exterior by a glass door, and comprising two bunk beds, this room has no window and is lit from the outside by a neon light’ (Cimade, 2005: 12).

A representative of the Cimade working in detention centres noted a concern over the treatment of women and families who arrive in detention centres with their children. No special facilities are provided for children, and in one centre they were not even allowed to have coloured pencils to draw with, as the chief of the centre argued that these could be used as weapons.¹²⁷

Two of the women interviewed for this study had made asylum claims from retention centres. One of these women had been rejected straight away by the OFPRA without any interview. She was then released from the detention centre (in Calais), with no money or food, and no idea of where she should go for help. The police at the centre merely told her to leave the country.¹²⁸

¹²⁷ Interview 22 November 2007.

¹²⁸ Interview 17 December 2007.

Part VI – Comparisons with Other EU Countries

Within the European Union, only Sweden and the UK have adopted their own comprehensive gender guidelines. Other countries have however taken steps to ensure a gender-sensitive approach to interviewing women asylum-seekers, and have produced some kind of handbook or training on gender-related persecution for asylum adjudicators.

The UK Home Office adopted its own guidelines *Gender Issues in the Asylum Claim* which were incorporated into the UK's Asylum Policy Instructions (APIs) in March 2004. These guidelines cover the issues that caseworkers should take into account in relation to gender when assessing asylum claims including gender-related persecution and the absence of state protection. They also highlight the need for female interviewers and interpreters, and insist that gender-relevant country of origin information must be considered when assessing women's asylum claims.

The Swedish Migration Board produced its own guidelines in March 2001. This document, *Gender-based persecution: Guidelines for the investigation and evaluation of the needs of women for protection*, provides a guide to immigration officials and adjudicators. In November 2005 the Swedish Parliament voted in favour of a reform of the Swedish Aliens Act which would include gender-related persecution within the remit of the definition provided in the 1951 Refugee Convention and transposed into Swedish law. The new law thus defines a refugee as someone who is outside of their country of nationality because he or she feels a 'well-founded fear of persecution on grounds of race, nationality, religious or political belief, or on grounds of gender, sexual orientation or other membership of a particular social group.'¹²⁹

Whilst other countries in Europe have not adopted comprehensive guidelines such as those in place in the UK and Sweden, there are some countries which have taken steps to ensure that they have integrated a gender-sensitive approach into their refugee determination processes. The Netherlands and Germany both have advice on interviewing female asylum-seekers within their asylum guidelines, and in Germany a handbook has been produced on the definition of gender-related persecution, whilst in the Netherlands a gender-inclusive approach is incorporated into immigration officers' training (Refugee Women's Resource Project, 2005). Germany has also introduced a procedural framework for nominating and training special adjudicators to deal with victims of gender-related persecution (Crawley and Lester, 2004). In Belgium, the Commissariat Général aux Réfugiés et aux Apatrides (CGRA) has recently appointed an officer to coordinate actions with regard to gender-related persecution. Recent reforms introduced to facilitate women's access to the asylum process include a guarantee that in any cases where a claim contains reference to persecution linked to sexual violence or rape the asylum interview will be carried out by a woman official. In addition women will always be heard separately from their husbands or any other male members of their family, and crèche facilities will be provided to ensure that women can be heard without their young children being

¹²⁹ Swedish Aliens Act (Code of Statutes no. 2005: 716), chapter 4, section 1.

present. Further, an internal directive has been circulated within the CGRA suggesting that officers examining asylum claims should adopt the UNCHR's guidance on definition of a particular social group with respect to gender-related asylum claims.¹³⁰ Most recently, the Italian eligibility commissions for determining refugee claims have introduced internal guidelines which provide officials with advice for treating gender-related claims. In addition to these guidelines it has been accepted that in cases where asylum-seekers are highly traumatised and have experienced extreme violence including sexual violence which they might not be able to talk about in front of the eligibility commission they may in some cases be able to present their case in writing or through a third person without themselves being present before the commission. The Italian Refugee Council highlights this advance as being particularly important for women having suffered severe sexual violence who may be psychologically unable to testify before the commission.¹³¹

These examples show the ways in which some other European countries have advanced towards adopting a more gender-sensitive approach to the refugee status determination process. In particular, adopting official guidelines or producing specific instructions and training for officials involved in the refugee status determination process concerning gender issues is valuable in ensuring that all those involved in this process are aware of the need for a gender-sensitive approach.

¹³⁰ Interview 5 December 2006.

¹³¹ Interview 5 May 2008.

Part VII – Conclusions and Recommendations

1. Conclusions

The research carried out in preparation of this report has demonstrated that although there has been progress towards a more gender-sensitive approach to the treatment of asylum-seekers and refugees, there are still areas in which women asylum-seekers and refugees face inequalities and discriminations. The report has highlighted problems relating to a lack of information for women arriving in France to make an asylum claim, and has underlined the potential benefits that would ensue if the French authorities including the OFPRA and the CNDA were to put in place some sort of guidelines or directives which would go further to ensuring that gender-related issues were systematically considered during the refugee status determination process. In addition, the report has pointed to the fact that some NGOs and associations are less gender-sensitive than they might be and that it could be beneficial if they were to ensure that they considered gendered issues more seriously in relation to the support they offer to asylum-seekers and refugees. The major areas where problems were noted were as follows:

1. A lack of gender-disaggregated data concerning asylum-seekers and refugees. Although OFPRA has started to produce some gender-disaggregated data these are not sufficient to provide real knowledge about the increase in gender-related asylum claims or their outcomes. Other agencies and institutions produce no gender-disaggregated data, for example there is an absence of any national level data relating to the numbers of men and women accommodated within CADA. None of the administrative authorities involved with asylum-seekers or refugees has considered carrying out any qualitative research into the situation of women. This lack of data prevents real knowledge of the populations concerned and so the needs of women asylum-seekers and refugees may remain unknown.
2. There is no systematic procedure in place to try and ensure a gender-sensitive approach to the refugee status determination process. Thus although in some areas there may be a high level of awareness of gender-related issues, and some individuals may make efforts to take gender concerns into account when dealing with women asylum-seekers, there is a real problem of inconsistency between different individuals and between different sections of the same institution (e.g. between the different geographical divisions at OFPRA). OFPRA has not established any official guidelines on gender-issues in the refugee status determination process and provides no thorough training for its officers in this area. Similarly training and awareness are lacking at the CNDA. Administrative bodies who deal with social provision and housing for asylum-seekers and refugees have also failed to put in place any measures to consider gender in their policies and actions.

3. Although there have been advances in jurisprudence concerning some types of gender-related persecution and in particular female genital mutilation¹³² (even if we can regret that this jurisprudence has subsequently been revised¹³³), other types of gender-related persecution are still not sufficiently well-known or accepted by the refugee status determination authorities. Further the jurisprudence on women seeking asylum on the basis of feared female genital mutilation for their daughters has been challenged by the OFPRA's recent change in policy on this issue, granting subsidiary protection to the child only in these cases. Women still encounter serious barriers to making asylum claims based on fear of forced marriage or domestic violence, and there is very little awareness of the link between trafficking for sexual exploitation and the possibility of protection under the 1951 refugee convention. French authorities still seem reluctant to consider all types of gender-related persecution as coming under the terms of the 1951 Convention, and there is a risk that gender-related cases may be immediately classed as relating to subsidiary protection rather than refugee status.
4. Outside of the GRAF, which is a very positive and welcome initiative, there is no systematic recognition by NGOs and associations working with asylum-seekers and refugees for the need for a more global / systematic gender-sensitive approach or for specific services for women asylum-seekers and refugees. Where such specific services have been implemented they have been successful and have been appreciated by women using them. However, the reluctance of some of the major NGOs in this area to seriously consider gender issues mean that there is a real inconsistency in the services provided to women, and in the advice and support provided for them.
5. A major problem for women asylum-seekers and refugees arriving in France is a severe lack of information about the refugee status determination process and about their rights concerning access to social services, housing etc. This lack of information means that women's chances of gaining refugee status may be prejudiced. Better sources of information would allow women greater access to the services available to them, and would mean that they could prepare their claim under more suitable conditions. It remains to be seen how effective the GRAF's guide will be in remedying this problem of lack of information, but it would be desirable that this guide should be distributed widely, and that specific information should be made available to asylum-seekers in the police prefectures as soon as they lodge their claim.
6. There is still a crisis of accommodation both for asylum-seekers and for refugees. Although nearly all families are allocated a place in CADA, there are still serious problems in accommodating single people. Moreover, those whose asylum claim is treated under priority procedures do not have access to CADA even if they have children. Thus there are still many asylum-seekers and refugees forced to rely on emergency accommodation, through the 115, or living in insalubrious hotel accommodation. Others are forced to depend on

¹³² CRR, SR, 7 décembre 2001, 373077, Mme Konaté ép. Sissoko.

¹³³ Décisions des sections réunies, CNDA, 11 février 2009 : n° 638891, Mme. Mariam DIARRA, ép. KOUYATE et ses filles, Héléne Awa & Irène Adama; et decision n° 637717, Mme. Fatim FOFANA et sa fille, Khadidja Leila DARBO.

friends and acquaintances for accommodation. This places women in situations of dependence and vulnerability where they are at risk of exploitation. Women with children are also still living in insalubrious and sometimes dangerous housing.

7. There are insufficient medical and psychological support services for women asylum-seekers and refugees, particularly those who have been victims of torture and are suffering from severe trauma and psychological problems. Specialised services are concentrated in Paris and are oversubscribed; outside of Paris these services are often inexistent. For women who have been victims of gender-related forms of persecution including rape and sexual assault, this lack of medical or psychological support is a severe handicap to their recovery. Social workers and psychiatrists working in CADA may not be sufficiently trained in issues concerning gender-related persecution to offer real help and support to these women.
8. Women who are recognised as refugees encounter barriers in entering the labour market. These problems may be aggravated for women who are single parents and who have difficulties in finding appropriate childcare support whilst learning French or looking for a job. There are insufficient support services for refugees to help them with their integration into French society and in particular to help them in finding a job and accommodation. These problems are aggravated for women both because of gendered discriminations within the labour market (which means that they are immediately assigned to jobs within the domestic services sector) and because of lack of adequate help with childcare.

2. Recommendations

Following the conclusions of the research outlined above, the following measures are recommended to ensure an amelioration in the reception of women asylum-seekers and refugees in France, and a better adherence to UNHCR guidelines and European directives in this area.

1. Collection of more gender-disaggregated data so as to provide a more thorough knowledge of the population of women asylum-seekers and refugees.
2. Development and adoption of a set of national directives or guidelines on gender in the refugee status determination process. These guidelines which could be modelled on those in use in other European countries (Sweden or the UK) should set out the way in which gender is relevant the determination of asylum claims from women, and on gender issues that may arise during the refugee status determination procedures, for example in interviews at OFPRA and hearings at the CNDA.
3. Provision of specific training on gender-related issues in the asylum claim to all members of the administration involved in refugee status determination.
4. Improved documentation and country of origin information concerning specific issues of gender persecution and gender discrimination in each country.
5. Creation of closer links between the administrations involved in refugee status determination and associations and NGOs working to support women victims

of gender-related persecution, in order to better share expertise in this area. For example collaboration between NGOs working with trafficked women and OFPRA and the CNDA.

6. Improve the information provided to asylum-seekers. Information on the refugee status determination process and on their rights should be provided to all asylum-seekers in a language that they understand. In particular women should be informed of the possibility of requesting an interviewer and interpreter of the same sex as them at OFPRA, and of their right to a closed hearing at the CNDA. (This could be done by asking asylum-seekers to tick a box on their OFPRA dossier if they would like to be interviewed by an interviewer of the same sex and by including this information on their convocation to a hearing at the CNDA).
7. Create a more reassuring and open atmosphere at OFPRA to enable women to explain their experiences and their personal history. Allow asylum-seekers to be accompanied during their OFPRA interview by a person who can offer psychological support. This would also ensure that the process of interviews at OFPRA was more transparent and that there were no breaches of proper procedure.
8. Provide childcare facilities at OFPRA and the CNDA to ensure that interviews and hearing were not disrupted by young children.
9. Provide more dedicated accommodation for asylum-seekers, including those being processed under priority procedures. Ensure that those asylum-seekers arriving alone as well as those who arrive as part of a family have access to this accommodation in order to reduce the number of asylum-seekers relying on emergency accommodation. This would ensure that women and men, whether alone or with children, all had a secure place to live whilst their asylum claim was being processed.
10. Provide separate accommodation within CADA for single women, including bathroom and toilet facilities that are not shared with other men.
11. Improve training for social workers and medical/psychological support staff in CADA to ensure that they are sensitive to gender-related issues concerning asylum-seekers.
12. Provide more help and support for women refugees, especially those with children, to enable them to find a suitable job and accommodation. This could be achieved by expanding the number of places provided in specialised accommodation for refugees, within accommodation centres where childcare could be provide as well as dedicated support and advice on finding a job or an appropriate training course. Such centres could act as a 'stepping stone' from the CADA towards full integration in French society.

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UNHCR (2008), *Handbook for the Protection of Women and Girls*, Geneva: UNHCR.

Appendix 2 – List of Key Informants Interviewed¹³⁴

Government and Administration:

- **ANAEM**, Marie-Therese LEBLANC.
- **Cour National du Droit d’Asile**, Secrétaire générale, Nadine GUILBAUD, Gérard PEYTAVIN.
- **Cour National du Droit d’Asile**, Service juridique, Laurent DUFOUR
- **Direction des Populations et des Migrations**, Odile CLUZEL
- **Direction Générale de l’Action Sociale**, Solange ALIDIÈRES
- **Ministère de l’Intérieur**, Emmanuelle DEMAISON, Julia WATTEBLED
- **OCRETH**, Jean-Marc SOUVIRA
- **OFPRA**, Division d’asile aux frontières, Daniel LE MADEC, Véronique PECHOUX
- **OFPRA**, Division Afrique, Pascal ROIG
- **OFPRA**, Division de protection, Johanne MANGIN
- **OFPRA**, Pascale BAUDOIN

Associations and NGOs

- **ACAT**, Sophie LAKHDAR
- **ADOMA**, Jean-Luc GAUTHIER
- **ALC (Ac-sé)**, Phillippe THELEN
- **Amicale du Nid** (Toulouse), Nicole PASTUREL, Chantal LARRIEU
- **Amnesty International**, Natalys MARTIN
- **APIAF** (Toulouse), Evelyne MABILAT, Françoise AYROLES
- **Bus des Femmes**, Vanessa SIMONI, Zoubia DJELLALI
- **CAFDA**, Directeur, Eric DEMANCHE, Directrice des travailleurs sociaux, Marielle BERNARD.
- **CASP**, Sylvain CUZENT
- **CASAS** (Strasbourg), Pacale GUARAINO
- **CEDRE, Secours Catholique**, Luc BERT
- **CIMADE**, Défense des étrangers reconduits, Annette HURAUX, Caroline LARPIN
- **CIMADE**, Permanence Femmes, Morgane GUEGUEN
- **FASTI**, Commission femmes, Virginie DESPENNE, Martine BISSIÈRES, Marie-France LESPARRE, Gilda MENDES.
- **Femmes de la Terre**, Lucie BROCARD
- **Forum Réfugiés**, Magalie SANTAMARIA
- **Forum Réfugiés**, Plateforme Accueil, Jessica PERON
- **Foyer de Grenelle**, Marc GILMER, Maryvonne MENGET

¹³⁴ In most cases these were individual interviews, but some of the auditions took place within the framework of the AGDM group on women and other vulnerable groups organised by the UNHCR Paris Bureau.

- **France Terre d'Asile**, Observatoire de l'intégration des réfugiés statutaires, Matthieu TARDIS, Sophie BILONG
- **France Terre d'Asile**, Pierre HENRY
- **GAMS**, Isabelle GILLETTE-FAYE
- **Groupe Accueil Solidarité (GAS)**, Cécile ANDRIOL
- **Projet Boèce (Comède)**, Dr Hervé LHOSTIS
- **RAJFIRE**, Claudie LESSELLIER

CADA, CHRS:

- CADA Adoma, Boissy St-Léger, Marie DUHAYON, Marie-Laure COLL
- CHRS, Conflans, Liliane ZÉ (educatrice spécialisée)
- CUDA, Gite de l'Ecluse, Toulouse, Sonia HERRYGERS
- CADA, France Terre d'Asile, Créteil, Lenka MIDDLEBOS (directrice du CADA)
- CADA, Cimade, Béziers, Jean-Pierre TURPIN (directeur du CADA)
- CADA, Forum Réfugiés, Lyon, Elise HAQUART (psychologue)

Appendix 3 – Interviews with Women Asylum seekers and Refugees¹³⁵

- Mme ST, Algerian, 54 years old, arrived in France alone, leaving 3 children in Algeria, claimed asylum on the basis of threats and violence from Islamic groups within Algeria, granted subsidiary protection.
- Mme RT, Malian, 24 years old, arrived in France alone, claimed asylum on the grounds of the threat of forced marriage, asylum claim rejected by OFPRA, granted subsidiary protection by CNDA.
- Mme AP, Congolese, 33 years old, arrived in France with 20 month old daughter following murder of her partner in RDC, claimed asylum on grounds of persecution because of political opinion, asylum claim refused, but now regularised because of two further children born in France.
- Mme. TS, Senegalese, 30 years old, arrived in France with partner and one year old daughter, claiming asylum on the grounds of domestic violence and threats from her former husband, awaiting convocation from OFPRA.
- Mme AB, Armenian from Russia, 34 years old, arrived in France with her 7 year old daughter, claiming asylum on the basis of persecutions experienced because of her national origins and because of her marriage to an Azerbaijani man.
- Mme HB, Mauritanian, 28 years old, arrived in France alone, claiming asylum on the grounds of a forced marriage and domestic violence, claim refused by OFPRA, awaiting convocation to CNDA.
- Mme MU, Rwandan, 28 years old, arrived in France alone, claimed asylum on basis of persecution of her family by Rwandan authorities, refugee status granted by OFPRA.
- Mme MH, from Cote d'Ivoire, 28 years old, arrived in France alone, leaving her 7 year old daughter in Cote d'Ivoire, claimed asylum on basis of persecution based on her uncle's political activity, claim refused by OFPRA, waiting for convocation to CNDA.
- Mme MM, Congolese, 25 years old, arrived in France alone, following murder of her parents, claimed asylum on the basis of persecution involving imprisonment and rape by police, claim refused by OFPRA, granted refugee status by CNDA.
- Mme AK, Nigerian, 35 years old, arrived in France alone, has one child in Nigeria, claiming asylum on basis of persecution for lesbianism in Nigeria, claim rejected by OFPRA, in the process of submitting appeal to CNDA.
- Mme MO, Nigerian, 27 years old, arrived in France alone, claiming asylum on the basis of persecution for her religious (Christian) beliefs and practices in Nigeria including the murder of her father by Islamic fundamentalists, waiting for convocation to OFPRA.
- Mme ABU, Bangladeshi, 35 years old, arrived in France alone, leaving husband and daughter in Bangladesh, claimed asylum on basis of persecution

¹³⁵ In order to preserve the anonymity of these women, only their initials have been noted, as well as some basic biographical detail. The situation of the women is noted as at the time of the interview.

as part of a religious minority (Buddhist) in Bangladesh, and persecution for her activities in favour of women's rights, claim rejected by OFPRA, granted refugee status by CNDA.

- Mme GM, Guinean, 39 years old, arrived in France with two daughters, claimed asylum on basis of persecution for her political activities in Guinea, rejected by OFPRA and CNDA, finally regularized 'humanitarian' grounds by the prefecture.
- Mme AA, Sri Lankan, arrived in France with her husband and two year old daughter, claiming asylum on basis of persecution for political opinion in Sri Lanka, rejected by OFPRA, awaiting appeal hearing at CNDA.
- Mme NMT, from Côte d'Ivoire, 28 years old, unmarried with no children, arrived in France alone, claimed asylum on basis of persecution for her political activities in Côte d'Ivoire (including gender-related forms of assault), refugee status granted by OFPRA.
- Mme OC, Ukrainian, 53 years old, arrived in France alone, leaving grown-up daughter in Ukraine, claimed asylum on basis of persecution because of race, rejected by OFPRA, granted refugee status by CNDA.
- Mme SL, Gambian, 34 years old, separated from husband, 4 children, 3 of whom are still in Gambia (16, 12 and 8 years old), one born in France (22 months), claiming asylum on the basis of persecution for political activities and persecution by family members – attempted forced marriage, FGM as an adult, claim rejected by OFPRA without interview, currently awaiting hearing at CNDA.
- Mme CG, Nigerian, 33 years old, single, arrived in France following trafficking for the purpose of sexual exploitation, asylum claim rejected by OFPRA, granted subsidiary protection by CNDA after revealing her real story.
- Mme AIM, Nigerian, 41 years old, arrived in France with 5 year old son, leaving two older sons in Nigeria, claimed asylum on basis of persecution for religious beliefs (Christian married to Muslim), claim rejected by OFPRA, OFPRA's rejection was upheld at a first hearing at the CNDA, then case reopened and granted refugee status at second hearing at CNDA.
- Mme B, Nigerian, 22 years old, claiming asylum on basis of fear of forced marriage, interviewed in Zone d'Attente.
- Mme CK, Rwandan, 35 years old, fled Rwanda after murder of her husband and one of her children, leaving three other children with a neighbour, interviewed in Zone d'Attente.
- Mme AB, from Dominican Republic, asylum claim rejected by OFPRA in Zone d'Attente.

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