

Asylum from Rape Petition

Women and children are 80% of refugees and displaced people worldwide. International courts have recognized that rape is routinely used as a weapon of war¹ and an estimated 50% of women seeking asylum in the UK are rape survivors². But the specific persecution women face is not recognised by the UN Convention on Refugees which defines who is entitled to protection. Each woman is forced to battle against institutional sexism, and institutional racism if she is a woman of colour, to show how her case relates to the Convention.

Gender Guidelines provided to Home Office officials³ and Immigration Judges in the UK⁴ acknowledge how difficult it may be for women to speak about rape, and give practical guidance about how to ensure women have a fair hearing. But there is no statutory obligation to implement the Guidelines and rape survivors seeking asylum are treated with disbelief and even hostility. Even case law and international precedents are rarely referred to and frequently flouted. And while victims of torture are considered “vulnerable” people who should not be detained, many are, including rape survivors.

Even when women are believed, rape is dismissed as “simple lust”, “random acts” by “unruly officers”, or women are told it is safe to live somewhere else in the country they fled – with no means of survival, except begging or prostitution.

Women are denied legal representation and other support. As a result, many have their cases closed and have to fight for years to get justice. Trafficked women who escaped forced prostitution or other bonded labour, mothers of children conceived as a result of rape, under-age girls and other rape survivors are left destitute and detained. Most are ultimately removed.

WE DEMAND THE OFFICIAL RECOGNITION OF RAPE AS TORTURE AND PERSECUTION:

- The Home Office should make public how many women’s asylum claims include reports of rape or other sexual torture and how many of these are refused and on what basis.
- Statutory implementation of the Asylum Gender Guidelines to help ensure that: women have the opportunity to give a full account of their experiences; decisions on their claims consider the traumatic impact of rape, the difficulty of speaking about such experiences, the stigma survivors suffer including as mothers of children conceived as a result of rape; and that *all aspects* of whether it would be safe for them to be returned to their country of origin are considered.
- Women reporting rape as part of their claim should have immediate access to an independent expert assessment, including medical examination, interpreters, counsellors and appropriate specialist organisations.
- Abolition of the Fast Track system for asylum applications, which denies victims of torture, especially rape survivors, access to reliable legal representation and the resources they need to fully present their case to the relevant authorities.
- Independent legal advice with a restoration of full legal aid for all who report rape or other torture.
- An end to the detention of rape survivors and other victims of torture, and their families.

¹ “International criminal law has always encompassed crimes of sexual violence: rape can be a violation of the 1949 Geneva Conventions, the 1948 Genocide Convention, the 1984 Torture Convention, and a crime against humanity under the Nuremberg Charter. After World War II, the International Military Tribunal at Nuremberg established rape as a crime against humanity, but did not actually prosecute it.” Human Rights Watch, Feb 1998.

² Legal Action for Women’s recent report “A Bleak House for Our Times: An investigation into women’s rights violations at Yar’s Wood Removal Centre” revealed that 2/3 of women detained there had survived rape and other torture by soldiers, police and others acting on behalf of the authorities in the countries they fled.

³ Home Office Gender Guidance (issued in 2004)

⁴ Immigration Appellate Authority Gender Guidelines (November 2000)

