

Gender-based persecution: Guidelines for investigation and evaluation of the needs of women for protection.

Upon instructions of the Government, the Migration Board (*Migrationsverket*) previously submitted a report describing the permit grounds upon which women who have cited persecution or other abusive treatment have actually been granted residency permits. This report included a statistical account and an analysis of the legal rules and regulations in this area.

The Migration Board has also been commissioned by the government to prepare guidelines for increasing the attention paid to the needs of women for protection in alien cases, and to spread information regarding these guidelines to the personnel concerned.

These guidelines are set forth below.

The guidelines are supplemented by an exhaustive reference list including international agreements and recommendations, MR reports focusing mainly on women, and national and international guidelines regarding female applicants for asylum. This reference list, however, has not been included in this English translation of the guidelines.

In formulating these guidelines, the Board has had preliminary contacts with a number of NGOs, such as Amnesty, UNHCR, the Red Cross and the Counselling Office for Refugees and Applicants for Asylum.

The guidelines have been formulated in a more instructive manner so as to better accord with Swedish administrative law and practice and the regulations of the Board. We also hope that this will make them clearer and easier to use in your work.

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General background

The objective of these guidelines is to increase the awareness of the staff regarding the special problems women can encounter in the asylum process, and at the same time, to give women applicants as good opportunities as possible, to describe their own experiences, to the extent they are willing to do so, including extremely sensitive and private aspects of these. Hopefully, all relevant aspects relating to asylum will be brought up and considered in accordance with the legal rights of each individual.

There are currently approximately 22 million people who are under the supervision of, and receive support from, the UNHCR. Although most of these live outside their countries of origin, many are displaced persons, living under refugee-like conditions in their country of origin. A large proportion, perhaps even the majority, of the persons that have been forced to escape war, unrest and hardships are women, often with children who are minors.

Gender-related persecution of women can hardly be defined in a uniform and exhaustive manner. It can appear in a great variety of forms. Some cases relate to the public sector, such as violence against women by the police, armed forces and jail personnel. Other forms belong to the private sphere, such as forced marriage and violence in the family. Still others, such as forced abortions and genital mutilation, are entirely gender-specific, targeting only women. Gender-related persecution often has a strong connection to legal, social, cultural and traditional disparities between the relative power of men and women, with women most often the clearly weaker party. In many cultures, men and boys automatically are accorded a higher social and economic status. These disparities also relate to the view of women's role in the family and society, the behaviour expected of her inside and outside the home, her voice in choosing a spouse, and, generally, her right to self-determination regarding her sexual relations. What constitutes a violation of these norms can be based on political and/or religious views.

Article 1 of the 1993 United Nations Declaration on the Elimination of Violence against Women defines "violence against women" as "act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. "

Article 2 provides that "violence against women" shall be understood to encompass, but not be limited to, the following:

- (a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
- (b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;

(c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

Regardless of the definition of gender-related persecution chosen, women are often especially vulnerable in a refugee context.

As the Board found a previously mentioned partial study, the number of cases of gender-related persecution is probably considered to be relatively limited, affecting perhaps no more than 5% of the number of women applying for asylum. However, even this share adds up to be a significant number. In addition, there are probably also a number of unreported cases. A significant problem, however is that those cases at risk are not individualized, but are part of, and are identified among, the total number of women applying for asylum. Circumstances that relate to the need of women for protection or that otherwise require special consideration of the situation of women in various countries do not only appear in asylum cases. They can also be relevant in other permit cases, and especially in cases where grounds cease to exist during an ongoing, lengthy immigration investigation. An extended in-depth investigation will bring to the fore special prioritisation and resource aspects.

Documentation

The rules and documents that deal with human rights are often gender-neutral, and thus equally applicable to men and women. The vulnerable position of women seeking asylum and their special need of protection, however, is being more frequently noted, and has resulted in both national and international regulations and recommendations.

Experience has shown that the asylum process and the determination of the right to asylum have often, in practice, been based on a male perspective. There is a need for guidelines that more specifically focus on women. Certain countries, including Canada, the United States and Australia have therefore produced special guidelines relating to female applicants for asylum. Recently, guidelines have also been adopted in the United Kingdom, and have been applied for some time by the UNHCR. The creation of these documents regarding female applicants for asylum is also in conformity with the recommendations issued by the UNHCR Executive Committee (No. 73, 1993), as well as the conclusions reached by the UN Fourth World Conference on Women (1995) and the report of the UN Special Rapporteur on Violence against Women (1998).

The portions of the guidelines discussed and summarized here have taken into consideration the major views expressed in the previously cited guidelines, as well as international regulations and recommendations in the field of human rights. Experience from the Board's processing of asylum cases has also been taken into account. The focus is on the situation of women as applicants for asylum and as persons in need of protection.

Implementation

These Guidelines contain two sections. The first one relates to the investigation phase, while the other deals with various factors in the evaluation. The emphasis is on the investigation section, since this forms the firm basis for the evaluation of

individual cases. However, the factors in the evaluation also affect the conduct of the investigation.

These Guidelines will be included in the Board's Alien Case Manual. This, in itself, will increase the staff's level of awareness regarding the special problems that women encounter in the asylum process.

This step, however, is not sufficient. As mentioned above, the determination of asylum cases, as a practical matter, is often made from a male viewpoint and on the basis of male values. Changing conventional structures and modes of conduct requires more in-depth discussions and training throughout the entire organisation. The development of this expertise can be implemented in the form of regional seminars and development projects that draw on internal and external knowledge. It is especially important to create awareness of an employee's own mode of conduct, knowledge of disparities of power between the sexes, and how the investigation can provide women from patriarchal environments with the opportunity to take up experiences that are considered taboo.

The guidelines do not replace other national or international rules, regulations and recommendations, but should instead be seen as a complement to them. There will certainly be an increased focus on the special situation of women in the asylum process. The guidelines should therefore be viewed as a "living instrument" that is constantly tested and developed in the light of the actual situation to which they apply.

Major aspects in the investigation

General considerations

The grounds for asylum asserted by women need not be related to their gender, *per se*. The risk of persecution advanced by women can naturally relate to the same activities and grounds that can be asserted by men.

In certain cases, the grounds women assert may be specific or differ from those of men, and therefore require special attention and special investigatory methods. As a rule, since asylum laws and regulations are gender-neutral, it is easy to also believe that men and women are treated equally in the asylum process. In actuality, this is not necessarily true, since women can often be at a disadvantage regarding both the investigation and the decision, since the asylum process is based mainly upon male values and done from a male point of view. Women who are subjected to gender-related persecution require special attention in the same way as men who have been subjected to torture or other serious injustice do. In other words, each person must be treated in a way appropriate to his or her own needs and circumstances.

The activities and involvement of women may be difficult to identify based on the common view that political conviction or oppositional opinions, for example, are expressed in the public sphere. This is a result of the fact that women in many countries live and act in the private sphere, and that their activity is less outwardly visible. Women's expressions of protest and their refusal to submit are often directed toward social, cultural and religious norms that are not only supported by the political and religious establishments, but also by the public, in general, including women.

It is important to identify, at as early a stage as possible in the asylum process, those women who cite a risk of, or have actually been subjected to, gender-related persecution. Women who have been subjected to injustice, especially of a sexual nature, will normally not be willing to spontaneously speak of this, either directly or indirectly. These women may often show various signals that relate to previous experiences. These signals may be apparent at a very early stage, but are perhaps more common later in the process. To understand and correctly interpret those signals is a difficult and painstaking task. The investigator must therefore be able to inspire and create confidence, have a good amount of knowledge regarding the situation in a woman's country of origin, exhibit empathy, know how to use conversational techniques, possess patience and the ability to adapt to the investigation in question.

Vulnerable groups

As the analysis part has shown, gender-related persecution and abuse are not limited to one or several countries. Single women, some of which have children who are minors, may be more exposed and vulnerable than others.

Groups at risk also include women who come from countries that have been involved in war, civil disorder, have a strict religious or traditional emphasis or little respect for human rights. In recent years, attention has focused on instances of

massive abuses against women in the Balkans. Since rape and other types of abuse against women are often used as a form of warfare, ethnic cleansing and as a part of harassment against civil populations in armed conflicts, many women are attacked randomly. The victims of these kinds of abuse may have been subjected to them merely because they live in a given village or belong to a certain ethnic group or clan. In other words, their own behaviour is not what provokes the abuse. Instead, they are randomly selected as representatives of an ethnic group, with the purpose of persecuting, and conducting a war against, the entire ethnic group. This makes it very difficult to judge the risk that a given woman may be exposed to persecution if she returns. Factors such as age, marital status and religion, as well as social and economic standing may be just as important as external political factors.

Collaboration between the Asylum and Reception sections

Good cooperation between various case officers and between units is necessary conditions if the special asylum-related needs of women are to be considered and met. This especially applies to the initial phase of the process, and continues during the further processing of the case.

Individual plans and official and journal entries are important aids that ensure that case officers in the asylum and reception sections are able to perceive signals in a woman's story or behaviour that appear to indicate abuse, and to communicate these signals to each other. Through close cooperation, important aspects can be taken into consideration early on, such as the need for special discretion during the asylum investigation, additional investigation, separate residence or medical care. This collaboration is important in cases where a good deal of time has passed between the initial investigation and the in-depth asylum investigation, and is especially important when the case officer or decision-maker is changed during the course of the process.

Although the need for collaboration is not specific to investigations of women applicants, it is useful to take note of it in this context.

Care and housing

Needs for special care as well as housing options may be considered in certain cases and should be noted as early as possible. Experience indicates that single women living alone can feel isolated and it may be difficult to perceive their signals. There can be good cause to give this group special attention.

At present, the Board is planning "health consultations," at which the Board will consult with experts from other authorities and organizations, in order to identify and assist persons with special needs.

Collaboration between case officers and decision-makers

Collaboration is especially important in sensitive cases where the proper structure and investigative method may need to be discussed in light of the circumstances of

the case in question. The case should be put on the right track as early in the process as possible.

Decision-makers may also have to be present during investigations involving women who have, or may have, subjected to abuse. These cases are often very sensitive and may include crucial credibility aspects. In cases involving credibility aspects, decision-makers should be present during all or part of the oral investigation. Since there is often no evidence other than the story recounted by the woman, and because this may be scanty or difficult to assess, due to cultural and psychological factors, the presence of a decision-maker at the interview may be especially worthwhile. However, weighing against this is the need of the woman for discretion and confidence in the investigation situation. It is easy to understand why a woman can feel resistance to recounting her experiences in front of more persons than are absolutely necessary. Therefore, the appropriateness of having a decision-maker in attendance during the investigation should be assessed on a case-to-case basis.

Priority

Some cases may drag on for a long time. When signals are perceived in sensitive cases, there may be reason to remove a case from the normal processing order and consider priority treatment. In any case, a supplemental investigation may have to be conducted, after which a decision will be made on priority.

During appeals, as well, there can be reason for the Board, through site and reception officers, to inform the appellate body regarding any additional information that it may learn of.

Choice of investigator

The issue of whether a man or a woman should conduct the asylum investigation should be determined from case to case with a good degree of deference paid to the individual's own wishes. The investigation should state that the applicant has been consulted regarding the choice of a male or female investigator.

If it is already known that the woman has or may have sensitive issues, it may be appropriate to appoint a female investigator from the very beginning. Sometimes, however, specific and sensitive issues may arise spontaneously during an ongoing investigation. Depending on the situation and the progress of the investigation, it may be worthwhile to consider whether to study these sensitive separately by a female investigator in a supplemental investigation.

Choice of interpreter

The choice of interpreter is important to the results of the investigation. In cases with information regarding rape and other abuse, it is especially important to have a knowledgeable interpreter. The applicant should not be forced to repeat and explain her information because the interpreter lacks routine or skill. A woman should be asked about whether she wishes to have a female interpreter, and her wishes should be accorded a great deal of importance. Her views should be included in the

investigation. Preferably a judicial interpreter with wide-ranging cultural skills and knowledge should be used.

If the private and sensitive nature of a case is known from the beginning, the investigators should inform the interpreter of this before the investigation begins.

Choice of public advocate

A woman should be asked about whether she wishes to have a female advocate, and her wishes should be accorded a great deal of importance. Her views should be included in the investigation.

In certain family cases, it may be advisable to appoint a separate advocate for a woman. This can apply to cases in which the family applies for asylum together, and is normally given a single advocate, but the woman may get the impression that part of the information she provides may be revealed to her husband or others. Assumed conflicting interests between spouses or relatives, such as those based on family violence and abuse, can also justify the appointment of a separate advocate.

An advocate possessing a wide range of cultural skills, and perhaps knowledge and insight regarding the problems of women in the countries or regions in question can be a source of additional help and support for a woman in a sensitive situation, and result in a better overall investigation.

Confidentiality

Issues of confidentiality are among the most important issues relating to an asylum investigation. The woman must be informed in detail, and be assured that the information she gives will not be revealed to any third party. This is crucial if the investigation is to be conducted in an atmosphere of trust and confidence. The issue of confidentiality should be addressed in depth at the very beginning of the investigation. As the investigation proceeds, there may be reason to return to this matter and again assure the applicant that her information will be kept confidential.

It is especially crucial that the female applicant be assured that information will not be revealed to her husband or to other family members. The applicant must be informed the interpreter and public advocate are also subject to confidentiality provisions, and that violating these rules will be punished.

Separate investigation

A woman should always be interviewed entirely separate from her husband and other family members. This is crucial in cases where a woman wishes and is willing to discuss in detail her ground for asylum, such as sexual abuse. It is important to provide a woman with adequate time to develop her grounds, rather than a short interview immediately after her husband's. At the preliminary investigation, the woman can be informed that she will be heard separately in the asylum investigation, and will then be given sufficient time to elaborate on her grounds for asylum.

It can often be appropriate to call a woman to a separate interview at a time other than that for the rest of the family.

Interview setting

The physical interview setting is important to the quality of the investigation. This is especially true for in the case of sensitive topics, such as abuse or torture.

The investigation room and its surroundings should provide a sense of security, a relaxed feeling and facilitate open discussions. The room should be furnished in a neutral manner.

The emotional environment prevailing at the interview is also of great importance in encouraging a woman to talk about difficult experiences. The dialogue should be conducted with understanding and empathy and inspire trust. The interviewer should be very receptive to a woman's signals. Therefore, it may sometimes be best that the investigator refrain from using a word processor.

Tape recording

The purpose of tape recording is to provide an opportunity, in the case of doubt, to later check what was actually said. As a matter of experience, this opportunity is rarely used. In investigations relating to rape and other forms of abuse, taping may be inappropriate, since it may cause the woman to worry that information she has provided can be revealed to third parties. In any case, the woman must be asked whether she consents to the tape recording, and the investigator must first explain how the Board will use the tape. Sometimes it is best for the investigator to review the investigation transcript with the woman, affording her an opportunity to confirm the contents after making any additions she may wish to make.

Opinions from medical and psychological experts

Women who have been subjected to abuse and humiliation can naturally require the specialists or therapeutic support of various types. If these needs are discovered, the woman must obviously be offered assistance or at least referred to a person who can provide the necessary resources. The Board may have reason to consult psychiatric and other expertise as part of the investigation, and request expert opinion of some form. Affirmations from the woman submitted during the investigatory phase may also lead the Board to investigate certain aspects of the case in greater detail. One special problem relating to the investigation is that certain women may find themselves in such an acute traumatic state so that it is difficult for them to understand, answer or even perceive the issues under investigation. Not until after medical treatment can they perhaps reach a sufficient understanding of their situation. Here too, the Board may need to consult an expert or perhaps even commission a supplemental investigation.

Knowledge of specific countries

The Migration Board's country documentation system (LIFOS) is an extensive, intensive and up-to-date knowledge bank with links to other information channels. It can serve as an aid and a support in preparation for an investigation. Valuable facts that specifically relate to women may be documented. Sometimes, there may

also be reason to obtain assistance through Swedish foreign offices or NGO's to gain additional insight into the special circumstances that apply to women in a specific country or region.

The documentation system also includes the principal guidelines regarding gender-based persecution that have been prepared by various countries and the UNHCR.

Skills and expertise

The sensitive nature of these cases requires sufficient skill and expertise on the part of the investigator, interpreter and public advocate. If this is not the case, there is a risk that some of the relevant facts will not be investigated and become the basis for a decision.

The skill and expertise of the investigator is certainly very important. The mere fact that the investigator is a woman will naturally not guarantee a high quality investigation. In addition to theoretical knowledge and long investigative experience, conversational techniques and knowledge of cultural issues are helpful. Recurrent in-service training and education conversational techniques and coaching, are necessary.

Qualified investigation of sensitive issues such as the torture of women, may affect the individual investigator negatively in a number of ways, in the long run. The required investigatory imagination, empathy and powers of observation may become less sharp, and eventually result in a poorer investigation.

Special considerations to take note of

The following guidelines are general ones, but with a special focus on women seeking protection, making them useful to review here.

- The Board has an extensive responsibility to investigate cases, pursuant to administrative law norms. Women with very traumatic events in their past may create both unexpected and unique problems for the investigator. **The awareness of the investigator** regarding these problems is perhaps the foremost condition for enabling a case to be analysed in the most comprehensive manner possible.
- The investigator should **create the best possible basis** to encourage the woman to not only be willing to reveal the details forming the basis of her application for asylum, but to be willing to do so, as well.
- It is important to **provide the woman with the opportunity to describe the relevant chain of events and her personal reactions to it, in her own words**
- Investigations concerned with sensitive topics can take time, and must be **allowed to take time**, and be completed without any disturbances. Additional investigation sessions should be considered where necessary.
- **The attitude of the investigator** to the woman is important, and should be a neutral and interested one. Comments and **follow-up questions** are important, but should be encouraging rather than judgemental. Since, at

times, non-verbal communication can be most important, the investigator should be aware of the woman's body language, gestures and expressions, as well as his or her own behaviour so as not to disturb an atmosphere that engenders trust.

- In order to produce good documentation to serve as the basis for an evaluation, the investigator must **ask the right questions**. What these "right questions" are in the case of gender-related abuse may be different for women than for men. Women can have other perspectives and experiences. Women act less frequently in the public arena, and a woman may often be kept ignorant of the political activity of her husband and relatives. A line of questions that only concerns political activity, narrowly defined, may therefore have little relevance for a woman, and perhaps also lead to a direct misunderstanding. Questions should therefore be structured so that they are easy to understand, and encompass a broader spectrum. For example, women can act as a link for political information, or may have hidden wanted persons or actively violated social rules or norms. Concepts such as political activity and, persecution may have to be couched in other words in order to better fit into the individual woman's conceptual universe.
- The investigator should possess **broad cultural skills and knowledge** in order to correctly understand and perceive a woman's situation and the true basis for seeking asylum. Many women come from countries where rules, traditions and customs place women in a completely different position from men. Certain topics can be not only private but also almost taboo. This is often the case in the sexual area. Women who have been subjected to sexual abuse may want to keep that experience private, or perhaps they have consciously or subconsciously repressed unpleasant experiences. The job of the investigator should be to afford the woman being heard the conditions and free will to recount her experiences, if she so will. It may be easier in some cases for the woman to write down certain series of events.
- A high quality investigation requires **language comprehension across cultural boundaries**. Words that are basically similar can be given different meanings in different countries and cultures. The same applies to body language and emotional expression. Differences in this context can exist between men and women.
- Although it can often be **unnecessary to ask for details** about various events, a more in-depth view of certain aspects can be important in order to obtain a more reasonable basis to assess the credibility of the information. Sometimes it may be enough that a woman only recounts certain memories.
- A woman applicant may have **entirely justifiable reasons for not wanting to speak about various types of violence and abuse**, or not to go into details about this. It may be that the woman does not feel that she has to discuss the sensitive aspects, since she can obtain the permit on other grounds, such as her relationship to her husband or on general grounds such as the principles applied to Bosnian cases. The investigator, however, should inform the woman regarding the regulatory scheme and general criteria that Sweden applies for obtaining a permit as a person in need of

protection. The woman can then decide for herself how long or how detailed to make the account of her experiences.

- As mentioned above, special problems may arise when investigating women who are likely to have suffered from **severe traumatic syndrome**, such as PTSD (Post-traumatic stress syndrome), Rape Trauma Syndrome or Battered Woman Syndrome. There are no easy solutions regarding how to investigate these cases. The investigation model must be determined from case to case. It may benefit the woman in these kinds of situations to write down her experiences. Supplemental expert opinions can also broaden the documentation upon which a decision will be made.
- In cases that are sensitive and difficult to investigate, it is extremely important for the investigator **to be sure that he has correctly heard and written** what the woman has stated. The investigator should therefore carefully reread aloud and/or review the investigation together with the woman and any representative she may have, before the investigation is considered concluded.

Major aspects in the evaluation

- There can hardly be an exact and exhaustive definition of the **concept of persecution**. This concept should be viewed in a broad manner, and be interpreted with the help of both national legislation and case law, as well as international rules, recommendations, MR instruments and the UNHCR Handbook.
- The interpretation of the concept **well-founded fear of persecution, as well as evidentiary requirements** is the same in both the refugee provision (Chapter 3, §2 of the Alien Act) and the “torture and gender provision (Chapter 3, §3, subsection 1, clauses 1 and 3 of the Alien Act).
- Gender-based persecution may be directed against **both men and women**. However, in the majority of asylum cases, women are the more common, and perhaps also the more abused victims.
- According to a clearly enunciated Swedish position, identity as a woman is not within the purview of the convention’s ground “**membership in a particular social group**” (1951 Geneva Convention).
- Sometimes an asylum case can come under the purview of several provisions of the Alien Act, such as the torture and gender provisions, as well as humanitarian reasons. An obvious principle here should be that in cases where there are **several competing provisions**, the individual applicant should be allowed to stay in Sweden based on the provision that provides the best protection.
- It is always **the applicant that controls the case**, in other words, it is the woman herself who determines the grounds she will assert and the reasons she will cite, thus determining the nature of the investigation relating to these (see Special considerations to take note of).
- **A combination of different instances of harassment and restrictive measures** may, in some cases, serve as the basis of refugee status, even

though each measure on its own does not. One condition in such a case is that these relate to grounds for refugee status.

- **It is not necessary for persecution to have already occurred for a risk of persecution to exist.** Neither does past or existing persecution constitute sufficient evidence that there is a risk of persecution in the event of a return. However, this does serve as part of the basis for risk assessment.
- Gender-related violence and insults can be associated with **powerful trauma and feelings of guilt and shame**, as well as various taboos. These can appear early in the investigation. However, naturally, they may also appear later.
- Conventional asylum investigation and asylum determination are normally associated with methods and values that are typical of male applicants for asylum, such as activity in political opposition parties or participation in guerrilla groups. **The political activity of women can be expressed in a different way than that of men**, but still give rise to a much larger risk and vulnerability, and this should be considered in the determination.
- Cultural differences, traditions and attitudes can result in **women using language differently** from the way similarly situated men would, or from the way language is used in Sweden. This may be especially the case in sensitive and personal issues. The description of a chain of events can be made less detailed or specific because a woman may not want to remind herself about all the details and circumstances. This should be kept in mind when evaluating the information a woman provides.
- **Body language and emotional expression** vary among various cultures, and sometimes between the sexes. A woman's lack of emotional involvement when recounting a chain of events does not necessarily indicate that she was not, or is not, strongly affected by what has happened.
- Even if a woman herself cannot directly be deemed to be politically active, in the broad definition of the term, she may well have been **deemed to be active by government authorities, due to factors such as the political activity of her husband or other relatives and friends**. It may be difficult for a woman to understand why she is being singled out, and she may not even be able to provide any logical explanation for this.
- In many cultures, the traditional status of a woman means that **she does not know about, or take part in the political activities of her husband or other relatives**. It can be understandable that she does not know about this, or keep herself informed regarding various events. The fact that a woman cannot always confirm information given by her husband can therefore have a reasonable explanation.
- **Abuse against women, especially abuse of a sexual nature, is often an extremely sensitive matter even within her family.** In certain cultures, women who have been the victims of abuse may be rejected by their family. It is understandable why these instances of abuse can rarely be confirmed by relatives, since a woman is anxious to keep these events to herself. The absence of this kind of confirmation should normally not affect the credibility of a woman's account of her reasons for seeking asylum.

- The legislative comments to Swedish asylum legislation emphasizes the importance of not setting the **level of evidence required** too high with regard to statements about the risk of capital punishment, inhumane or humiliating treatment or punishment. Complete evidence can rarely be presented in these cases. The account of the applicant must therefore be accepted if it appears to be credible and probable. This should also be considered in cases of gender-related persecution. The limited opportunities women have in cultures where they occupy a lower status to gather evidence supporting their statements should also be taken into account.
- **The political activity of a woman can often be more difficult to substantiate** than that of a man. Proof of membership in political parties, statements by party representatives and similar evidence may be difficult for a woman to produce, since her activities may have been of a different nature. As a woman, she may find it difficult to obtain official documents in certain countries. A lack of documentary evidence of political activity can therefore have reasonable explanations.
- In many countries with weak MR profiles, there can be **good cause for not informing the authorities of abuse**. This is especially true for women who have been subjected to a violent sexual assault, committed perhaps by civil servants, detention guards or military personnel. To avoid or refrain from contact with the authorities can therefore be both natural and reasonable in certain cases. If the abuse occurred in the private sphere, there may often be strong family pressure on a woman not to report the incident to the authorities.
- In many countries, women may encounter **special problems in obtaining documentation of instances of sexual abuse**. In certain countries, there may be special deadlines for the issuance of official documentation, and government authority functionaries may be generally unwilling to provide women with documentation regarding events that are considered private. The documentation issued may actually have a detrimental effect on a woman, since it may serve as an accusation of adultery, for example. Even if a woman may be held free from these suspicions, she can be held morally culpable for an act that is deemed culturally unacceptable and shameful.
- Injuries resulting from sexual abuse may not only be difficult for a woman to verify, but they can also be **difficult to determine medically**, since the injuries do not always leave permanent physical damage.
- There is often **no reason to investigate painful abuse, such as sexual abuse in detail**. The lack of detail in a woman's story should therefore not be viewed as an indication that her information is not credible.
- A woman may have suffered from traumatic experiences due to her orientation. There is often no reason to investigate traumatic abuse in detail. The **lack of details in an account** in such a context should be seen as a consequence of the abuse, rather than a sign that the information she has given is not credible.
- The risk of gender-related persecution should be evaluated with the help of the knowledge regarding conditions in a woman's country of origin. The general **country reports** submitted to the Board may lack a more in-depth

analysis regarding the specific situation of women, which may vary in different parts of the country and between different groups of women.

- There can also be **political changes in a country** in a generally favourable direction. However, these changes do not necessarily mean that conditions for women have changed for the better in cases such as family violence or threats from paramilitary groups
- **Medical and psychological expert opinions** in a given case should be evaluated in a fair and detailed manner. These opinions can provide a reason to supplement the investigation.
- The opportunity of individuals to **obtain protection from abuse from the authorities in their countries of origin varies** greatly. In many countries, there may be few or no practical opportunities for government authorities to help. Sometimes, there is no willingness to do so. A woman often is in a worse position than a man, due to the traditions and/or laws of the country in question. Poor women living in rural areas, and those who have little education or lack contacts are often especially weak and vulnerable. The opportunities of obtaining government protection should be seen from a realistic perspective.
- There may sometimes be opportunities for an **in-country change of residence alternative** for a woman. However, this may cause women different and greater difficulties than it would for men. In certain cultures there may be practical and social obstacles for women to move within the country. The move itself can involve great financial sacrifices, and make a woman vulnerable for new abuse. Having children a woman must care for and protect can also limit her chances of obtaining employment and supporting herself in the new location. The totality of the circumstances of a given case can render a woman's move unfeasible or saddled with too many serious pressures.
- **When formulating the reasons for a decision, and when serving the decision**, the sensitive nature of gender-related abuse, especially that of a sexual nature must be taken into consideration. Otherwise, there is a risk that third parties will learn of these circumstances. This risk is especially obvious if the Board issues a single decision for an entire family, but may exist under other circumstances, as well. Generally, however, the determination of a woman's special grounds for asylum must be clearly expressed in the reasoning of a given decision. A too general formulation of the decision would give a woman the impression that not all of the grounds for asylum asserted by her have been considered.
- The often personal and sensitive nature of this area, as well as aspects of confidentiality must also be taken into consideration in **interviews pending the return** of the applicant to her country.