



**Gender perspective in
asylum and return cases**

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Contents

Introduction	6
Background.....	6
Purpose and method.....	6
Part 1	
Residence permit based on protection needs	7
Definitions related to gender and asylum.....	7
Asylum determination – what do we see?	8
Well-founded fear of persecution.....	8
Grounds of persecution.....	8
Persecution based on gender.....	9
Domestic violence.....	9
Men’s violence against women.....	9
Honour-related violence.....	10
Persecution for reasons of political opinion.....	11
Basis of assessment	13
Credibility and reliability.....	13
Plausibility assessment.....	14
Timing of the asylum application.....	14
Country of origin information.....	15
National protection	16
Private individuals as agents of persecution.....	17
Individual public officials and access to protection.....	18
Applicants considered to be benefiting from national protection.....	19
Applicants not seeking protection from the home country authorities.....	20
Part 2	
This part of the report is about them – about the women who returned	21
Swedish Red Cross action to assist returning migrants.....	21
Sources and limitations.....	21
Kosovo – gender-relevant country of origin information.....	22
Men’s violence against women.....	23
Honour-related issues and fear of being disowned by the family.....	27
Access to national protection.....	29
Economic and social vulnerability.....	32
Reflections	34
Recommendations	36
List of sources	37

Foreword

With this report, the Swedish Red Cross wishes to draw attention to the need and urgency of strengthening the gender perspective in asylum and return cases.

The first part of the report examines asylum cases involving issues related to gender. The second part assesses the situation of women from Kosovo who were refused asylum and obliged to return to their home country.

It is unfortunately clear that the asylum determination process in Sweden lacks a gender perspective. Many of the cases examined show that women who are victims of domestic violence often find it difficult to have their protection needs recognised. Several women did not receive the help they needed when turning to the home country authorities for protection. After return, many ended up in a more vulnerable situation than before they left.

It is evident that the gender competence in the asylum process is inadequate. While protection in the form of laws and judicial process may be available in the home country, in practice it may not be accessible for women. The Swedish Red Cross therefore considers it vital to strengthen the capacity of the Swedish Migration Agency to determine the availability of effective national protection from a gender perspective. Procedures that promote greater responsiveness to women who have been victims of violence should be developed. For instance, the asylum assessment must take into account whether reporting a crime to the police could lead to a risk of increased violence or social stigmatisation.

It is also important to ensure that the authorities responsible for enforcing return decisions employ a gender perspective. A dignified return is in everyone's interest and increases the chances of successful re-integration in the country of origin.

I would like to extend my heartfelt thanks to the women from Kosovo who, despite difficult circumstances, agreed to meet with us and generously shared their experiences. A special thanks to our colleague Vera Lumi-Shala in Kosovo without whose help we could not have conducted the interviews. Many thanks also to all others who in various ways have contributed to the report.

Stockholm, June 2015



Ewa Hagberg
Acting Head of National Department

Swedish Red Cross

Introduction

Background

The Swedish Red Cross has for several years run projects aimed at offering counselling and assistance to people who have had their asylum applications refused and who have accepted to return to their country of origin. Currently, support is provided through the project *Red Cross Network on Return II*, which is co-financed by the European Return Fund.

Within the framework of this project, some 30 women who have returned to Kosovo have benefitted from follow-up assessments during a longer period and on several occasions. A notable vulnerability has been observed in most of the cases, and it has been clarified that this vulnerability largely depends on the fact that they are women.

The Swedish Red Cross considered that it was important to highlight the experiences gained from the project to discuss, on the one hand, gender assessment in asylum cases and, on the other hand, how the gender perspective is taken into account in the return process.

Moreover, through our extensive contacts with asylum seekers and other migrants in Sweden, the Swedish Red Cross has observed that women generally are disadvantaged in the asylum determination process when a gender perspective is not employed, both as regards the investigation and the assessment of protection needs. The Swedish Red Cross has in a previous report drawn attention to the rights of asylum seekers from a gender perspective¹.

Purpose and method

This report is based on the experiences of the Swedish Red Cross and our work to support individual asylum seekers. It aims to **highlight gender aspects from different perspectives, both in the asylum process and in the process of return and reintegration**. The report is divided into two parts. The first part examines asylum cases involving issues related to gender. The second part assesses the situation of women from Kosovo who were refused asylum and obliged to return to their home country.

The empirical material of the first part consists of decisions and judgments made between 2009 and 2014 by the Swedish Migration Agency and the Migration Courts concerning 25 people. In order to enable comparisons with the previous report, we have chosen to focus on women. The material also contains a number of asylum cases concerning male LGBTQ people. These have been included in the study to illustrate that LGBTQ people and women suffer from similar problems. The cases have not been selected on the basis of specific criteria, but are cases of asylum seekers who have approached the Swedish Red Cross for assistance.

In the second part, the empirical material is made up of follow-up assessments concerning almost 30 women who returned to Kosovo after having had their asylum applications refused. The material has been collected through personal interviews with the women. The follow-up assessments were carried out from 2008 to 2014, but the study focuses specifically on women who have returned after 2010.

The report is based on a gender perspective that also strives to include an intersectional analysis. It does not aim to provide a comprehensive picture and therefore cannot be the basis for far-reaching generalisations. The case descriptions have been selected to illustrate problems identified as recurring.

¹ Zamacona Aguirre, M., *Riktlinjer för utredning och bedömning av kvinnors skyddsbehov – Ett fungerande verktyg?* Svenska Röda Korset, 2008.

Part 1

Residence permit based on protection needs

The right to be granted a residence permit based on protection needs (asylum) is regulated in the Swedish Aliens Act (2005:716), which implements Sweden's main international obligations regarding refugees and other people in need of international protection.

The provisions on asylum in the Aliens Act are based on the 1951 Convention on the Status of Refugees and its 1967 Protocol and the EU Qualification Directive (2011/95/EU), but also include specific national rules. A residence permit based on protection needs can be granted to refugees, people in need of subsidiary protection and people in need of other protection. To apply for asylum, the applicant has to be outside her/his country of origin¹. In this report, the focus is on protection needs due to fear of persecution as defined in the 1951 Convention.

Definitions related to gender and asylum

Gender: Socially, culturally and historically changing norms and notions about sex.²

Gender perspective: Analysing a phenomenon from a perspective that takes into account that relationships between the sexes can have an influence also in seemingly sex-neutral contexts.³

Intersectionality: Interaction between power structures of social categories such as sex, sexual orientation, race, class and functionality, etc.

Intersectional analysis: A method of analysis that takes into account how various power structures interact in different situations. The concept makes visible how power relations between different social categories interact and cannot be fully separated.

Gender-related persecution: Persecution linked to notions about sex or sexual orientation. Gender-related persecution is likely to affect people who do not follow laws or norms concerning sex or sexuality.⁴

Gender-specific persecution: Persecution linked to the victim's sex. Gender-specific persecution affects only or predominantly people of a particular sex. Rape, genital mutilation and forcibly performed abortion are examples of persecution that primarily affects women. Violence against men's testicles is an example of gender-specific persecution faced by men.⁵

Domestic violence: All types of violence in couples and family relationships.⁶

1 See also Chapter 5, Section 1, of the Swedish Aliens Act, which provides that refugees, people in need of subsidiary protection and people in need of other protection *who are in Sweden* have the right to be granted a residence permit.

2 Nationella sekretariatet för genusforskning, <http://www.genus.se/meromgenus/ordlista>, accessed 2014-12-04.

3 Ibid.

4 See e.g. UNHCR, *Guidelines on International Protection No 1: Gender-Related Persecution within the context of Article 1 A (2) of the Convention and/or its Protocol relating to the Status of Refugees*, HCR/GIP/02/01, 2002; SOU 2004:31 *Flyktingskap och könsrelaterad förföljelse. Betänkande av Utredningen om förföljelse på grund av kön eller sexuell läggning*, p.12 f.

5 Ibid.

6 Nationellt centrum för kvinnofrid (NCK), http://www.nck.uu.se/kunskapscentrum/kunskapsbanken/amnen/vald_i_nara_relationer, accessed 2014-11-26.

Asylum determination – what do we see?

Well-founded fear of persecution

The risk assessment in the asylum process is forward-looking. It means that the assessment focuses on the future risk of persecution.

Therefore, to be covered by the refugee definition of the 1951 Convention, the individual does not need to have previous experience of persecution; however, past persecution may be an indication of future risk of persecution. The assessment consists of a subjective and an objective part. The subjective part concerns the individual's fear of being persecuted.

The objective part involves an assessment of whether the individual's fear is well-founded. To determine whether the fear is well-founded, the situation in the applicant's home country and the applicant's personal circumstances are taken into account. The term "persecution" is not defined, either in Swedish legislation or in international law. Instead, the relevant *travaux préparatoires* of the Swedish Aliens Act and the UNHCR *Handbook on Procedures and Criteria for Determining Refugee Status* are used to guide the interpretation. According to the prevailing legal opinion, threats to life or liberty, but also other serious violations of human rights, are considered as constituting persecution⁷. To qualify as persecution, the threats and/or violations must be of a certain intensity⁸.

Grounds of persecution

The violation must be linked to one or more of the five *grounds* of persecution, set out in the refugee definition, to meet the requirements for refugee status. All grounds of persecution have been identified in the material, but since most of the cases are related to gender and political opinion, we have chosen to focus on these two areas. A majority of the cases examined involve

more than one ground, and it is often not possible to completely distinguish between the different grounds of persecution. In the report, we have made a thematic division based on grounds of persecution. This does not mean, however, that a specific individual case only belongs to one category.

Persecution based on gender

Gender is not explicitly included as a ground of persecution in the refugee definition of the 1951 Convention. Persecution based on gender can in theory be linked to any of the grounds, but in practise it has often been considered as persecution *for reason of membership of a particular social group*⁹. However, in the Swedish Aliens Act, gender is included as a separate ground of persecution. These provisions are sex-neutral. Both men and women, and also transgender people, may face persecution which is related to their gender.

In practise, women are more often than men affected by gender-based persecution. This can be connected to the gender power structure that exists in many communities. All cases examined involve claims of persecution based on gender. In this section we have chosen to focus on the link between gender and violence. The UN describes gender-related violence as an expression of a structural power imbalance and lack of gender equality¹⁰. Violence is both a cause of the subordination of women and one of the most powerful expressions of this subordination. Gender-related violence is also affected by the interaction between power structures related to race, class and functionality, etc.

In more than half of the cases examined, the applicants have told the migration authorities about experiences of sexual violence, involving both related and unrelated perpetrators¹¹. Rape is an example of gender-specific persecution that predominantly affects women. In many of

7 See Diesen et al, *Prövning av migrationsärenden. Bevis* 8, 2012, p. 131; Wikrén, G., Sandesjö, H., *Utlänningslagen: med kommentarer*, 2014, 4 kap 1 § UtL.

8 Ibid.

9 UNHCR 2002, paragraphs 6 and 28.

10 IANWGE, *In-depth study on all forms of violence against women. Report of the Secretary-General*, Background documentation for: 61st session of the General Assembly. Item 60(a) on advancement of women, Secretary-General's study on violence against women, A/61/122/Add. 1, 2006, p.56.

11 Cases 1, 2, 3, 5, 6, 7, 12, 13, 16, 17, 22, 24.

the cases, *gender-related persecution* coincides with *gender-specific persecution*. Both the reason and the form of the persecution are then related to the victim's gender (and sexuality).

Domestic violence

Domestic violence is one of the most common reasons for claiming asylum in the cases included in the study¹². A majority of the cases involving domestic violence concern women who have suffered violence by a partner, but there are also cases where other family members have been responsible for the violence. Several of the applicants have experienced gender-related violence by unrelated perpetrators¹³.

Men's violence against women

A number of applicants state that violent spouses and lack of protection are the reasons why they have chosen to leave their home countries¹⁴. Physical violence has been one of several ways for their spouses to control them. They claim that they have been restricted in their social interactions, their employment opportunities and in their ability to move freely outside the home. The possibility to find protection for women who have experienced persecution in the form of domestic violence is further discussed in the section on national protection.

One of the cases concerns a woman from Lebanon, who fled together with her children from an abusive husband. She states that he began to beat her shortly after they were married and that on one occasion he beat her so badly that she lost the child she was pregnant with. Before she decided to flee, she sought guidance from a religious leader, but he urged her to be patient. She did not, however, seek protection from the police. The reason for this, she says, is that violence against women is not viewed as a serious crime in her home country. She claims that women therefore often refrain from reporting domestic violence. In its decision, the Swedish Migration Agency writes that:

As regards the abuse and the harassment that she has suffered by her former husband, the Agency finds that such threats and harassment is the responsibility of the home country's authorities to investigate and prosecute. [She] has not reported to the police the abuse she has suffered. The Migration Agency therefore finds that she has not made probable that they would not be offered the necessary protection against possible threats from individuals.¹⁵

The woman's account is in many ways representative of many of the abused women's experiences. She claims that in the home country, there is a certain tolerance for violence against women. This tolerance is reflected by representatives of the law enforcement authorities, who, according to the woman, do not treat this type of crime seriously. She says her husband was supported by his family. The feeling of not being able to seek the support of the authorities and the existence of a societal notion that both parties involved have the responsibility to end the violence, are experiences that recur in many of the applicants' accounts. In many countries, conflict resolution is considered a useful tool in cases of domestic violence. By focusing on conflict resolution, responsibility for the violence is placed on the victim and not only on the perpetrator. It is difficult to see that this kind of shift in responsibility would be accepted in other types of crime.

Several of the women who are victims of violence claim that their husband's family accepts or support his behaviour. Domestic violence is viewed as a private matter in which people outside the family should not interfere. This reinforces the vulnerability women find themselves in when they lack both support within the family and in society.

Because of how domestic violence is regarded in their home countries, many women are not even aware that experiences of this type of violence may be significant in the asylum process. The Swedish Migration Agency, and also legal representatives, therefore have an important role in explaining to asylum seekers

12 Cases 3, 9, 10, 11, 13, 16, 17, 18, 19, 21, 23, 25.

13 Cases 1, 2, 3, 5, 6, 7, 12, 13, 16, 17, 22, 24.

14 Cases 11, 16, 17, 19, 21.

15 Case 25.

that information about domestic violence can be decisive in the assessment of protection needs.

Honour-related violence

According to the Swedish National Centre for Knowledge on Men's Violence Against Women (NCK), honour-related violence and oppression can affect people who are perceived as challenging prevailing norms on gender and sexuality. Such oppression and/or violence is seen as a way for the family to regain lost honour.¹⁶

In some of the cases examined, the applicants claim to have experienced honour-related oppression and/or violence linked to their marital status¹⁷. These women have in different ways transgressed norms on gender and women's sexuality, by entering into love relationships, having sexual contacts or not accepting to marry someone they do not themselves have chosen. According to the NCK, there is a connection between disagreements over arranged marriages and honour-related violence.¹⁸

One applicant experienced violence from an older brother. She says that she lived with her brother and his wife along with her mother and a younger sibling. Without her older brother knowing, she met and fell in love with a man. The older brother arranged with a male relative for her to marry a wealthy elderly man, but she refused to be married off. She asked instead to be married to the man she had met in secret. The brother became furious and threatened to kill her if she did not marry the man he had chosen. She did not see any other way out than to flee head over heels. Since the woman belongs to a minority population

with experience of extensive discrimination by the state, she did not feel safe to approach the authorities. The Swedish Migration Agency asserts in its decision that her account suffers from substantial credibility problems:

You give the impression that you were tightly controlled by the one of your two brothers that you lived together with. You were not allowed to leave the house without male company and you were not allowed to meet other men. You also contend that if a woman goes out alone without permission she may be killed. Against this background it does not appear credible that you for one year could have a secret relationship with a man without your brother learning about it. [...] It is even more remarkable that you were able to leave the house by yourself with your mother's and your other brother's knowledge and that they knew you had a relationship with a man.¹⁹

The Migration Agency further asserts that there are credibility problems regarding her escape to Sweden. The Agency argues that it is not credible that she, as a woman of simple background, has been able to obtain a passport and make travel arrangements on her own.

By using generalised probability assessments, the Swedish Migration Agency tries to refute the woman's account. However, that something appears improbable to the Agency is not in itself proof that it is not true. It is most remarkable that the woman's simple background is used as an argument against her. The fact that someone has a low education or has experienced honour-related oppression does not in itself mean that the person lacks capacity to act. The assessment is highly arbitrary and seems based on the decision maker's own notion of what it means to be a woman in a male-dominated society. According to the Agency, the woman should have sought protection from the local authorities in the home country. That she belongs to a minority population is not taken into account in the decision. Both Bexelius and Zamacona Aguirre argue

16 Nationellt centrum för kvinnofrid (NCK), http://www.nck.uu.se/Kunskapscentrum/Kunskapsbanken/amnen/Hedersrelaterat_vald_och_fortryck/Hedersrelaterat_vald_och_fortryck_Kunskapsbankens_arnesguide_, accessed 2014-11-10.

17 Cases 9, 10, 23.

18 Nationellt centrum för kvinnofrid (NCK), http://www.nck.uu.se/Kunskapscentrum/Kunskapsbanken/amnen/Hedersrelaterat_vald_och_fortryck/Tvangsaktenskap_och_arrangerade_aktenskap+-+Kunskapsbankens+%C3%A4arnesguide_, accessed 2014-11-26.

19 Case 10.

that stereotypes about gender may influence decision makers' assessments of asylum seekers' credibility and need of protection²⁰. As the woman's *actual behaviour* does not correspond to the decision maker's notion about how people who have been exposed to honour-related violence and people without higher education *should behave*, her account is not considered credible.

Persecution for reasons of political opinion

Persecution for reasons of political opinion has traditionally been associated with activity in political parties or affiliation with a particular ideology, but it also includes other forms of opinion expression. The crucial question is how the home country authorities or local community view a certain opinion²¹. It is not required that the individual has actually expressed a certain opinion; it is often sufficient that it has been attributed to the person by others. Women are often attributed with political views held by male family members and can thus be subjected to the same persecution, despite not being involved politically²².

According to UK guidelines on assessment of gender-related persecution, the context in which activities are performed can make them political, regardless of whether they are inherently political. Activities considered political in certain contexts include, e.g., cooking food, hiding people and passing messages from one person to another²³. In many countries, women are less likely than men to engage in high profile political activity; according to UNHCR, women are more often involved in "low level" political activities that reflect general gender roles. The image of a political refugee therefore does not always correspond to the reality of the experiences of women²⁴.

Several of the applicants state that they have experienced persecution linked to their political opinion²⁵. Some of the women claim that they have been involved in support activities related to their husband's political activity; their home has been used for political meetings, or they have received and delivered messages. Several of the women do not define their activities as political, but rather that they risk persecution due to being attributed with their husband's political opinion.

Not describing their involvement as political does not mean that the women cannot be considered as having a well-founded fear of persecution for reasons of political opinion. However, a lack of insight into their husband's political involvement has in several of the cases led to the women's claims being questioned by the Swedish Migration Agency and the Migration Courts²⁶. The fact that the women could not give detailed information about their husband's political involvement has thus had a negative effect on how the authorities have assessed the credibility of their accounts.

The credibility of one of the women who claim to have suffered persecution because of her husband's political activity is questioned both by the Migration Agency and the Migration Court because she has no knowledge of her husband's position in the resistance movement. The migration authorities also question the reasonableness of her not knowing the husband's superiors or how to contact them. The woman's explanation of why she does not know more about her husband's involvement in the resistance movement, namely that the organisation due to security concerns works under confidentiality, is not taken into account by the Migration Court²⁷.

Another case concerns a woman whose husband has participated in a coup attempt. The woman states that, while she was not directly involved herself, she has received phone calls and meetings have been organised in their home. The coup failed, and her husband was arrested and killed. The woman

20 See Bexelius, *Asylrätt, kön och politik – En handbok för jämställdhet och kvinnors rättigheter*, 2008, p. 83; Zamacona Aguirre, p. 97.

21 See e.g. SOU 2004:31 p. 86; Diesen et al, p. 137.

22 See e.g. Prop. 2005/06:6 p. 24.

23 See UK Immigration Appellate Authority, *Asylum Gender Guidelines*, paragraph 3.23.

24 See UNHCR 2002, paragraph 33.

25 Cases 1, 2, 4, 5, 6, 7, 9, 14, 15.

26 Cases 1, 5, 7.

27 Case 1.

was also arrested and imprisoned for about a year before she managed to escape. In its decision, the Swedish Migration Agency writes that it:

does not find that [the woman] has made probable that she has been involved in the alleged coup attempt in such a way that she risks persecution because of this. She has not claimed to have participated in the conspiracy or that she has had such knowledge about the plans for the coup that she would have been of such interest to the authorities that she would risk persecution.²⁸

It is well known that especially woman are attributed with family members' political opinion. They do not need to act themselves to be "infected" by the political views and activities of others. Thus, they can be of interest to authorities or other actors to the same extent as the person who has been politically active.

In the first case above, the applicant's limited insight into her husband's political activities is questioned. Her inability to provide detailed information is considered to weaken her credibility. This also affects the Migration Court's overall assessment of the woman's credibility. However, it is not a particularly far-fetched assumption that politically active people may choose to withhold information from relatives to protect them from possible persecution. According to the *travaux préparatoires* of the Swedish Aliens Act, knowledge of family members' political activity is not a prerequisite for a person to be attributed with their political opinion²⁹. The conclusions to be drawn from the fact that a woman lacks insight into her husband's political involvement should therefore be extremely limited.

In the second case, the home country authorities' interest in the woman is questioned based on, inter alia, her own statement that she has not been politically involved. This completely ignores the fact that the activities in which the woman has participated may be viewed by others as political involvement. It is likely that the authorities consider her knowing that

a coup was being planned as an expression of political opinion, despite the fact that her knowledge of the impending coup was limited.

Another case concerns a woman who has been active in the struggle for women's rights in her home country. After arrival in Sweden, she has been involved in political activities against the regime by taking part in demonstrations and participating in Swedish-Iranian radio. According to the Swedish Migration Agency's submission to the Migration Court:

It is not probable that the Iranian authorities are interested in all who claim *sur place* activities. [...] It is not clear from the written evidence that the complainant has a leading role in political activities in Sweden. Nor is it clear that she would be of interest to the authorities in Iran.³⁰

In its submission to the Migration Court, the Swedish Migration Agency asserts that it is not probable that the woman's *sur place* activities, i.e. her political involvement in Sweden after leaving her home country, are sufficient to be of interest to the home country's authorities.

In its judgment in the case of *R.C. vs. Sweden*, the European Court of Human Rights criticised the Swedish authorities for not fulfilling their duty to ascertain all relevant facts and for not taking into account relevant country of origin information. The Court notes that it is not only the leaders of political organisations who are of interest to the authorities in Iran, but that also people who participate in peaceful demonstrations or in any way oppose the current regime are at risk of being detained and ill-treated or tortured³¹. This clearly shows the importance of relevant country of origin information to be able to make accurate asylum assessments.

28 Case 5.

29 SOU 2004:31, p.91.

30 Case 2.

31 European Court of Human Rights, Case of R.C. vs. Sweden, Judgment 9 March 2010 (Application No. 41827/07); see also Diesen et al, p.154 f.

Whether the applicant of the case examined is of interest to the authorities in the home country is difficult to determine from the information in the Migration Agency's decision. We

lack a proper risk assessment based on country of origin information focusing on the situation of women and an analysis that takes into account that women's political activity may look different from that of men.

The fact that women in many of the cases are involved in "low level" political activities is not a guarantee that they will not face persecution. According to the *travaux préparatoires* of the Swedish Aliens Act, the risk of persecution is not necessarily lower for women who have been involved in lower level activities; it may actually be higher as "women may be more easily accessible targets"³². According to the UK guidelines, the consequences of involvement in political activities may be more severe for women than men if engaging in such activities also means breaching social and cultural norms concerning political involvement³³.

Despite clear wording in the *travaux préparatoires* that the migration authorities have to take into account that women's political involvement often looks different than men's and that such involvement is often on a "lower level", the Swedish Migration Agency and the Migration Courts fail to do this. In none of the cases examined, the women's involvement is considered to be of such significance that a risk of persecution exists³⁴. The study by Zamacona Aguirre showed similar results³⁵.

Basis of assessment

A range of criteria is used in the determination of whether an applicant is in need of international protection and has a right to asylum from persecution. This section describes some of the tools available to decision makers when making the asylum assessment.

Credibility and reliability

Credibility and reliability are two parameters that are important in determining whether an applicant has a well-founded fear of persecution. *Credibility* is about to what extent the decision maker believes the applicant's account. The assessment is subjective. This means that it is largely based on the sense, experience and perception of reasonableness of the decision maker. The assessment of an account's *reliability* is objective³⁶ and based on to what degree the applicant's account is supported by other sources, such as documentary evidence and country of origin information.

Plausibility assessment

In several of the cases, the Swedish Migration Agency and the Migration Courts employ a notion of *what is reasonable* in order to assess an account's credibility. In the cases examined, plausibility assessments primarily concern the applicant's ability to influence public officials through bribery or other means of persuasion³⁷. In a few of the cases, it is also about the applicant's reluctance to turn to the police despite previously not hesitating to report crimes³⁸.

One case concerns a woman whom the police helped to find a safe house when she had escaped from an abusive husband³⁹. The woman claims that her husband came looking for her after the police revealed the location of the safe house to him. She states that she does not know whether he obtained the information through bribery or other means of persuasion.

What the Swedish Migration Agency considers remarkable, however, is your statement that [your husband] would have found out the address of the safe house from the police. Given that it was the police who arranged this accommodation for you, it is not probable that this has been the case.⁴⁰

32 Prop. 2005/6:6, p. 24.

33 UK Immigration Appellate Authority, paragraph 3.24.

34 See also Cheik Ali et al, p. 72.

35 Zamacona Aguirre, p. 94 f.

36 Diesen et al, p. 245.

37 Cases 1, 5, 6, 17, 18.

38 Cases 4, 5, 6, 17.

39 See also Part 2, Access to national protection.

40 Case 17.

The Migration Agency does not reveal on what grounds it has determined that the woman's statement is too improbable to be taken as true, but refers instead to a number of country of origin information reports that confirm, inter alia, that the country's police enjoys a high level of confidence among the population. The Agency does not mention that the same reports also show that corruption is widespread within local authorities and that the authorities' ability to provide protection for women who are victims of violence is limited. From the point of view of legal certainty, it is remarkable and unacceptable that the Swedish Migration Agency does not refer to country of origin information in an objective manner.

In a few of the cases, the applicants claim to have managed to avoid or escape politically motivated imprisonment and interrogation by bribing public officials⁴¹. Both the Swedish Migration Agency and the Migration Courts consider these statements not to be probable. Adducing circumstances that the migration authorities determine to be improbable seem, in turn, to spill over on the authorities' overall assessment and negatively affect the applicants' credibility. That corruption exists in large parts of the world and greatly affects the work of public authorities in some countries, is not mentioned in the cases examined, either by the Migration Agency or the Migration Courts.

Timing of the asylum application

In some of the cases, the behaviour of the applicant when applying for asylum in Sweden is taken into account and influences the asylum assessment, in particular as regards the subjective fear of being persecuted. For instance, if the applicant has not applied for asylum immediately upon arrival in Sweden, this is interpreted as the individual her/himself not considering the risk of persecution to be particularly serious⁴².

One of the cases concerns a woman who has fled from honour-related oppression in the home country. She travelled to Sweden on a short-term visitors visa. According to the Swedish Migration Agency:

The explanations you have given of why it took three weeks for you to contact the Swedish Migration Agency and apply for asylum are not credible, and this means that there are also reasons to question if you after arrival in Sweden really considered your need of protection as a top priority.⁴³

The woman claims that she was unable to apply for asylum directly upon arrival since she had to take care of her nieces and her sister who recently had undergone surgery. She also says that she did not know how to apply for asylum. Another case concerns a woman who likewise travelled to Sweden on a visitors visa. The Swedish Migration Agency both questions that she was allowed to leave the home country legally and the way she applied for asylum.

Nor did you apply for asylum upon arrival in Sweden, but you waited until your visa was about to expire. Nor then did you apply for asylum but for extension of your visa. This behaviour shows that you do not believe that the threat against you is particularly acute.⁴⁴

According to her account, she became aware that she was wanted by the authorities in the home country only after she had applied to have her visa extended. Initially, she had intended to return home after the visit to Sweden, but changed her mind after she learned that representatives from the security police had searched her family's home. The Migration Agency finds that the woman has not submitted any documentation to prove that she is wanted by the authorities and therefore considers her statement unsubstantiated.

In both these cases, the way the women have applied for asylum has influenced how the Migration Agency has assessed their protection needs. When the Agency asserts that a late application should be seen as an indication that the applicant lacks fear of persecution, it makes the *timing of the application* decisive in the asylum assessment. A late application should not make it more difficult for the appli-

41 Case 5, 6, 7.

42 Cases 2, 8, 10.

43 Case 10.

44 Case 2.

cant to convince the Migration Agency about her/his protection needs. If the time factor should be taken into account, there should be a more detailed investigation of the applicant's reasons for not having applied immediately. The question is whether it is reasonable to require that people fleeing to Sweden should be well informed about the Swedish rules on asylum, including the importance of seeking asylum immediately upon arrival. Moreover, it is not clear from the decisions on what grounds the Swedish Migration Agency has concluded that the applicants' explanations are not credible.

Both applicants have negative personal experiences of the authorities in their home countries, but this fact is not taken into account in the assessment. Experiences of public authorities that use repression and are unwilling to provide protection may make people reluctant to seek national protection and are likely also to affect asylum seekers' confidence in the Swedish authorities. This plays a role when an applicant has to tell public officials in Sweden about their experiences and reason for seeking asylum, especially when it comes to traumatic experiences, such as sexual violence or domestic violence. In the same way as information about traumatic events often is not revealed early in the asylum process due to difficulties to talk about such experiences, having to provide sensitive information to the migration authorities may delay the submission of an asylum application.

Country of origin information

The purpose of country of origin information is to provide decision makers with relevant information about the applicants' home countries. The Swedish Migration Agency's database Lifos contains legal and country of origin information which the Agency's uses as a basis for its decisions. Country of origin information is an important component in the objective assessment of whether an applicant has a well-founded fear of persecution. In order to make a proper assessment of the applicant's need for protection, the information must both be up-to-date and comprehensive and address the situation of vulnerable groups. The lack of specific information regarding

women and LGBTQ people has repeatedly been criticized⁴⁵.

In its judgment in the case of *N. vs. Sweden*, the European Court of Human Rights makes reference to country of origin information specifically addressing the situation of women in Afghanistan. Of critical importance are UNHCR guidelines affirming that women are at particular risk of ill-treatment if perceived as not conforming to the gender roles ascribed to them by society, tradition and the legal system. According to the guidelines, women who have adopted a less culturally conservative lifestyle, such as those returning from exile, are perceived as transgressing social and religious norms.⁴⁶

The case of *N. vs. Sweden* concerns a woman from Afghanistan. However, similar gender power structures can be observed in several countries of origin of the women in the study. Even in societies with weaker patriarchal structures than Afghanistan, women risk social sanctions if they, due to a stay in a less conservative country, behave in a way that falls outside the home country's norms about gender and sexuality. Women's experiences of returning to their home country after having stayed in a less conservative country is further discussed in Part II.

In one case, the Swedish Migration Agency bases its assessment on information about the applicant's country of origin without referring to any sources. The case concerns a woman from Somalia, who after several years of living abroad returned to her home country to work. She claims that her uncle has arranged for her to be married off against her will. As a result of her refusal, the woman's uncle locks her into his house and beats her. After a few days she manages to escape and seeks refuge with another uncle.

45 See e.g. Bexelius, p. 134; Zamacona Aguirre, p. 99 f.

46 European Court of Human Rights, Case of *N. vs. Sweden*, Judgment 20 July 2010 (Application No. 23505/09); Lagerqvist Veloz Roca, A., *Gränsöverskridande: En förvaltningsrättslig knäckfråga*, Juridiska fakulteten vid Stockholms universitet, 2011, p. 43.

You say that your uncle has married you off without your or your parents' knowledge or consent. Given that it is usually the father's wishes which are of importance as regards women's marriage in Somalia, the Migration Agency finds it strange that an uncle to you has the mandate to marry you off on his own. [...] The Migration Agency determines that your statement does not match with the normal order for concluding marriages.⁴⁷

In its decision, the Swedish Migration Agency relies on country of origin information indicating that arranged marriages are common in Somalia. According to this information, it is the parents – especially the father – who decide about the conclusion of marriage. A woman's wishes are of limited consequence⁴⁸. The Agency's decision lacks information about what is considered to be the "normal order for concluding marriages". This makes it difficult to assess the reasonableness of a person acting outside the "normal order". Country of origin information should not be used in such a way that a conduct, which is not line with what is considered as common practice, is deemed to be precluded. The fact that something is uncommon is not in itself evidence that it cannot have occurred.

In some of the cases, the applicants' have submitted country of origin information. This information is mentioned in the Migration Agency's decisions but without showing how it has been evaluated⁴⁹. The applicants are therefore unable to determine whether and/or how the country of origin information has influenced the asylum assessment.

One case concerns a woman who has suffered from extensive harassment and sexual abuse after she turned down a marriage proposal from a man with strong links both to organised crime and to high-ranking politicians. The Swedish Migration Agency's decision cites country of origin information describing

women's vulnerable situation and deficiencies in the rule of law, and affirming that it is common for politically and economically influential people to evade justice. The Agency notes in its decision that:

the abuse that you claim to risk to be exposed to in the home country cannot be considered to emanate from the state but it emanates from an individual criminal person whose conduct is contrary to the laws in Bangladesh [...] In view of the findings in the case, the Migration Agency finds that you have not made probable that the authorities in Bangladesh will fail or be unable to protect you from possible abuse by individuals.

Despite the submission of and reference to gender-relevant country of origin information, the assessment relates only to the general situation of women in the country. It cannot be inferred from the decision whether the Swedish Migration Agency makes an assessment of the woman's individual reasons to be granted international protection. That gender-relevant country information is *part of the basis of a decision* is not a guarantee that a gender-aware analysis actually is made of the applicant's need for protection.

National protection

Persecution may emanate both from the state and from private individuals and other non-state actors, such as groups of people and organisations. When persecution emanates from the state, national protection is considered to be unavailable⁵⁰. If the agent of persecution is a non-state actor, the victim must seek protection from the public authorities in the home country. An asylum seeker is not considered to be in need of international protection if the home country authorities are able and willing to provide effective protection. In order for national protection to be assessed as "effective", the authorities have to "take reasonable steps to prevent that a person is persecuted or suffers serious harm"⁵¹.

47 Case 9.

48 Migrationsverket, *Kvinnor och barn i Somalia. Rapport från utredningsresa till Nairobi, Kenya och Mogadishu, Hargeisa och Boosaaso i Somalia i juni 2012*, Lifos 30432, 2012.

49 Cases 4, 10, 12.

50 Migrationsverket, SR 01/2015, p. 2.

51 Ibid, p. 3.

Firstly, a general assessment is made of the authorities' ability to provide protection to the citizens of the country. Secondly, the individual applicant's ability to access national protection is assessed. In the individual assessment, a number of aspects should be taken into account, including whether the applicant belongs to a group that has limited access to the justice system. If the applicant comes from a country where national protection is considered to be effective but has chosen not to approach the authorities to seek protection, it may be difficult to make it probable that national protection is unavailable⁵². It should then be investigated why the applicant has not turned to the home country authorities⁵³.

According to the travaux préparatoires of the Swedish Aliens Act and the UNHCR *Handbook on Procedures and Criteria for Determining Refugee Status*, national protection must, as a rule, be unavailable for a person to be a refugee within the meaning of the 1951 Convention⁵⁴. This has also been confirmed by the Migration Court of Appeal⁵⁵. If the applicant has not turned to the authorities in the home country before fleeing to Sweden, it often negatively affects the assessment of her/his protection needs. The ability of the home country authorities to provide protection is referred to in more than half of the cases examined⁵⁶.

If there is country of origin information indicating that certain groups do not have access to national protection, the burden of proof of the applicant can be lowered so that it is not always required that she/he has sought protection from the home country authorities. This is clear from the Swedish Migration Agency's legal position on national protection. For this principle to be applicable, it is not sufficient that national protection generally is weak – it is required that a certain group clearly is disadvantaged. In the legal position, women at risk of honour-related

oppression and LGBTQ people are mentioned as examples of groups that may be at risk of such discrimination⁵⁷. This thinking is also presented in the Migration Agency's case management manual, *Handbok för migrationsärenden*. It emphasizes that the burden of proof primarily rests with the applicant, but that there must be an understanding that complete evidence rarely can be presented. According to the manual, it should also be taken into account that it may be more difficult for women from countries with strong patriarchal structures who risk gender-based persecution to obtain evidence supporting their claims⁵⁸.

Private individuals as agents of persecution

The Swedish Migration Agency and the Migration Courts note in several of the cases that the alleged abuse has been committed by private individuals and not by public officials⁵⁹. In some of the cases, the Swedish authorities observe that the applicant has been exposed to criminal acts⁶⁰. One of the cases examined concerns a woman from Kenya. She claims that she risks persecution because of her involvement in political activities for women's rights and because she has witnessed a serious criminal offence. According to the Migration Court, the woman's statement is based on her own assumptions and on second-hand information. The Court finds:

Irrespective of this [...] that what [the applicant] claims to risk upon return to the home country is reprisals by private persons which is normally the responsibility of the law enforcement authorities in the home country to investigate, prosecute and provide protection against.⁶¹

While it may be possible to seek protection from violence in the home country if it does not emanate from public officials but from

52 Ibid.

53 Ibid, p. 6.

54 SOU 2006:6 *Skyddsgrundsdirektivet och svensk rätt. En anpassning av svensk lagstiftning till EG-direktiv 2004/83/EG angående flyktingar och andra skyddsbehövande*, p. 102; UNHCR 1996, paragraph 97.

55 MIG 2007 not 7 (UM130-06).

56 Cases 3, 4, 10, 11, 12, 13, 16, 17, 18, 19, 21, 22, 23, 24, 25.

57 Migrationsverket, SR 01/2015.

58 Migrationsverket, *Handbok i migrationsärenden*, "Skyddsbehov pga. kön och sexuell läggning", 2012, p. 745.

59 Cases 3, 4, 11, 12, 13, 16, 23, 24.

60 Cases 10, 17, 18, 21, 22, 25.

61 Case 4.

private individuals, this does not mean that the applicant has access to effective protection. In order to determine whether protection is effective, the decision maker must both make a general and an individual assessment of the availability of protection. In several of the cases, an assessment is made of the general availability of national protection, but an individual assessment often is lacking. In the cases where both assessments are made, there is no intersectional analysis that takes into account gender, ethnicity, class, etc.

According to Asylum Aid's comparative study *Gender-related asylum claims in Europe*, it is more difficult for people at risk of persecution emanating from non-state actors to be granted refugee status, than for people at risk of persecution by state actors. This is likely particularly to affect women and LGBTQ people, who to a greater extent than heterosexual men are at risk of persecution emanating from private individuals⁶². Zamacona Aguirre's study showed similar results. She argues that it is more difficult for women to be granted refugee status when they fear persecution by private individuals, especially if the agent of persecution is a family member⁶³.

In order to illustrate the similarity between different vulnerable groups' access to national protection, we have examined a smaller number of asylum cases involving LGBT people. One of these cases concerns a homosexual man who has been subjected to an attempted rape and repeated threats and abuse by both known and unknown perpetrators. In his contacts with the police, he has not dared to talk about the reasons why he has become a victim of such criminal acts. Based on previous experience, he felt that the police – along with the majority of the population in his home country – had a very negative attitude towards homosexuals. This led him to conclude that the authorities would not provide him with the protection he needed, if they knew about his sexual orientation.

The harassment, intimidation and abuse that [the applicant] has suffered constitute criminal acts by private individuals. It is primarily the authorities in Kosovo and Serbia that have to protect him against such acts. The investigation does not show that these acts have been committed on behalf of or authorized by the authorities in either country. The Migration Court finds that the authorities both in Kosovo and Serbia, also taking into account the shortcomings that exist in the countries' legal systems, generally do not lack the will or ability to protect the inhabitants.⁶⁴

According to the Migration Court, the general situation of LGBTQ people in the countries concerned is not so serious that it alone gives rise to a need for international protection. However, the judgment does not address the risk of persecution based on the applicant's sexual orientation. Nor does it discuss how his sexual orientation may affect his ability to access national protection. The man's fear of turning to the home country authorities is not assessed based on relevant country of origin information concerning LGBTQ people. The fact that he, as a homosexual man, had previously been poorly treated by the police is not viewed as an expression of public policy but as acts of individual police officers.

Individual public officials and access to protection

In several of the cases, the applicants state that they have attempted to seek protection from the authorities in the home country, but that they for various reasons have not received national protection⁶⁵. Below are some examples of how the Swedish migration authorities respond to the applicants' claims of being denied protection.

62 See Cheik Ali et al., p. 54; see also Bexelius, p. 61; UNHCR 2002.

63 See Zamacona Aguirre, p. 94.

64 Case 2.

65 Cases 3, 11, 12, 22, 24.

It primarily appears as if one or more police officers at your local police station have failed to fulfil their obligations in your individual case. Nothing indicates that you would have been denied assistance if you, for example, would have brought the shortcomings in the handling of your case to the attention of a superior in the police or turned to a lawyer or a human rights organisation.⁶⁶

The mere fact that individual police officers have abused their position does not in the Court's view indicate that the law enforcement authorities lack the will or ability to offer him protection.⁶⁷

You state that you have reported the rape you have suffered to police but been met with only intimidation. No documentation about this has been received.⁶⁸

The Swedish Migration Agency and the Migration Courts note in a number of cases that the conduct of individual police officers cannot be viewed as representative of how the law enforcement authorities generally operate. The conduct of individual public officials is condemned, but this does not seem to influence the assessment of whether the applicant has access to national protection. There is a clear discrepancy between the applicants' experience of not receiving protection from the authorities in the home country and the Swedish authorities' assessment of the home country authorities' ability to provide protection.

It is questionable whether it is reasonable to require a victim of violence to repeatedly seek assistance, especially if she/he has experienced negative treatment by the authorities and is in a vulnerable situation. In some of the cases, the applicants' are requested to provide documentary evidence that they have been denied national protection. It is not clear, however, how they should be able to obtain such evidence. The possibility of obtaining evidence that an action has not been undertaken can only be considered purely theoretical.

66 Case 24.

67 Case 3.

68 Case 22.

Applicants considered to be benefiting from national protection

In some of the cases, it is noted that the applicant has received protection in the home country before fleeing to Sweden⁶⁹. There is a clear difference between the Swedish authorities' and the applicants' assessment of what is "effective protection".

According to [the applicant's] own statement, the husband has never been convicted of violence against her. This has to be interpreted as meaning that a judicial process has been initiated and that there is a lack of evidence in the case showing that the family would be excluded from national protection which according to country reporting is available in Kosovo and provided also to minority groups.⁷⁰

Far-reaching conclusions are drawn from the fact that the woman has turned to the police and that the police has received her criminal complaint. However, that a complaint has been registered by the police is not sufficient evidence that effective protection is available to the victim. The mere registration of a complaint does not necessarily mean that it is followed by the investigative measures required to achieve a conviction. The issue of public authorities taking inadequate measures after a criminal complaint has been made is also dealt with in the section on men's violence against women in Part 2.

Applicants not seeking protection from the home country authorities

In some situations, there may be legitimate reasons not to approach the authorities in the home country to seek protection. According to the Swedish Migration Agency's case management manual, it may be justified to refrain from reporting abuse in countries that are unable to uphold human rights. Another legitimate reason may be that a public official has committed

69 Cases 4, 17, 21.

70 Case 21.

the abuse. It is clear from the manual that the general situation in the country of origin should be taken into account⁷¹.

In the majority of the cases examined, it is noted that the applicant has not exhausted the possibilities of receiving protection in the home country⁷². The Swedish authorities argue that, if the applicant has not turned to the law enforcement authorities in the home country, she/he has not given the authorities an opportunity to offer the protection. As the possibilities of receiving protection have not been exhausted, the applicant is deemed not to qualify for refugee status.

In a case concerning a woman and her two children, the Migration Court finds that:

As it further is explained in the case that [the woman] has not reported the threats to the police [...] she has not exhausted the possibilities of national protection. Overall, [the woman and her two children] have not made probable that the law enforcement authorities in the home country would lack the will or ability to provide them adequate protection.⁷³

In the judgment, there is no explanation of why the woman has refrained from reporting the crimes she has suffered. Whether she has been given an opportunity to provide an explanation is not clear from the material. The wording used in the judgment concerning the authorities' willingness and ability to provide protection recurs in different versions in several of the cases. The Swedish Migration Agency and the Migration Courts use country of origin information to determine whether effective national protection is available in the applicant's home country. In some of the cases, it appears that, the fact that the applicant has not turned to the home country authorities leads to the conclusion that her/his access to national protection does not need to be further investigated.

Only a few of those who claim to have suffered domestic violence have chosen to turn to the

authorities in the home country to seek protection. Several of those who have refrained from seeking national protection say that the police is reluctant to provide protection for women who are victims of violence and that there is corruption within the law enforcement authorities. Several victims of long-term domestic violence express fear both of stigmatisation in society and that the violence will escalate if they make a criminal complaint to the police.

In the cases examined, there is a general lack of analysis of why the applicants have chosen not to make criminal complaints. It is not clear from the decisions and judgments whether factors that can affect the ability to report abuse, such as trauma, fear or shame, have been taken into account. In none of the cases examined, the Swedish authorities found that there were legitimate reasons for the applicant not to turn to the authorities in the home country. Nor have the applicants' objections that the police has refused to receive complaints or otherwise acted inappropriately resulted in national protection being considered as not effective.

It is our conclusion that the migration authorities routinely refer to the availability of national protection in the home country without making a real assessment of the applicant's actual access to protection. When the Swedish authorities examine an applicant's decision not to report abuse to the police, this should be preceded by an analysis of the possible consequences of making a criminal complaint⁷⁴. If the victim would be at risk of increased violence or social stigmatisation in the home country, this should be taken into account when examining her/his choice not to turn to the police. As with all other aspects of the asylum assessment, a gender perspective must be employed in the analysis of the state's ability to provide protection.

The process of return varies considerably between countries and between individuals. But it also varies between women and men, with women often having a greater risk of suffering from violence, discrimination and poverty.

71 Migrationsverket, *Handbok i migrationsärenden*, 2012, p. 746.

72 Cases 3, 4, 5, 10, 11, 12, 14, 16, 18, 19, 21, 22, 23, 24, 25.

73 Case 16.

74 See Bexelius, p. 43.

This part of the report is about them – about the women who returned

Swedish Red Cross action to assist returning migrants

Since 2008, the Swedish Red Cross provides specific support to people who have had their asylum applications refused and who are obliged to return, either through voluntary departure or forced removal, based on the individual's own request. The overall purpose of the project is to ensure that rejected asylum seekers have the opportunity to return in safe and dignified conditions and with full respect for their human rights, and that they are given the means to live in dignity in their home countries. The Swedish Red Cross is not providing assistance during removal operations.

The project initially involved three countries of co-operation: Iraq, Serbia and Kosovo. The focus was to establish contacts to ensure quick and efficient collection of correct information on the situation in places of origin, in order to prepare and support the individual before and after her or his return. The project has since expanded and now includes also the Russian Federation and the Former Yugoslav Republic of Macedonia.

The support provided by the Swedish Red Cross comprises return-related country of origin information, contacts in the home country, information and advice on the return process, psychosocial support both in Sweden and in the home country, and re-integration support in the country of origin, tailored to

the needs of the individual. After return, two follow-up assessments are undertaken to find out how those who have returned are coping and to evaluate the work of the Red Cross. The first assessment is normally made after three months and the second one year after return. The assessments examine personal security, livelihood opportunities, housing, and the impact of the support received.

Having completed a series of follow-up assessments, the Swedish Red Cross concluded that the process of return and re-integration often varies between men and women. As a result, the Swedish Red Cross has initiated work to raise awareness about **gender-specific aspects** in the return process.

Sources and limitations

This report focuses on women who have returned to Kosovo. Women from the Western Balkans, and in particular from Kosovo, represent the majority of the return cases handled by the Swedish Red Cross. The follow-up assessments show that these women often experience great vulnerability after return, including poverty, violence and discrimination.

The study is based on interviews with nearly 30 women who have returned to Kosovo. In addition to follow-up interviews, we have had access to judgments and decisions concerning one-third of the women. Using these, we have



Foto: Vera Lumi-Shala IFRC/Kosovo office

Red Cross staff visit women who have returned to offer psychosocial support.

been able to examine on what grounds they have been refused asylum. We can see that in most of the cases, the women claim to have suffered from gender-related persecution, often in the form of domestic violence. Similarly to the cases examined in Part 1, the Swedish Migration Agency and the Migration Courts refer to the possibility of receiving protection from the authorities in the home country. On this point, the assessments of the Swedish authorities often differ drastically from the accounts of the returning women. Through the follow-up assessments, we have identified four problem areas that we particularly wish to highlight: *Men's violence against women, honour-related issues and fear of being disowned by the family, access to national protection, and economic and social vulnerability.*

Each problem area is illustrated in the report by an interview with a woman, whose account shows more profoundly the common situation of many women returning from Sweden to

Kosovo. The women interviewed are currently residing in Kosovo. To protect their identities, the names are fictitious. The pictures are taken in a different context and do not show the women in the report.

Kosovo – gender-relevant country of origin information

Raising awareness about gender-specific aspects in the return process requires a gender perspective on the country of origin information (COI) available on Kosovo. For instance, equal rights and opportunities on paper, does not necessarily guarantee equal rights and opportunities in practice.

Women and men enjoy the same legal rights in Kosovo, but due to traditional values in society, women have a lower social status. According to the country report on human rights in Kosovo published by the Swedish

Ministry of Foreign Affairs, the lower status of women affects how their rights are viewed in the justice system¹. The situation of gender inequality is also confirmed by other reports. Discrimination is prohibited by law, but is nevertheless widespread. Unemployment is a major problem, and women are overrepresented among the unemployed. The labour market is dominated by patriarchal structures, where the male is considered as the main breadwinner, which leads to discrimination against women. Only 35 percent of Kosovo women actively participate in the labour force².

Domestic violence is common and women are marginalised socially, economically and culturally³. Traditions are more respected than laws⁴. A strong patriarchal gender power structure and traditional attitudes toward women affect the propensity to report domestic violence⁵. National statistics on violence against women exist, but the number of unreported cases is considered to be high. Due to deep-rooted mistrust against the justice system and its ability to provide effective protection, many crimes go unreported. Corruption is widespread within local authorities, and impunity is common as a result of the judiciary's inability to deal with all reported crimes⁶.

1 Utrikesdepartementet, *Mänskliga rättigheter i Kosovo 2011*, 2011, p.13.

2 Immigration and Refugee Board of Canada, *Kosovo: Situation of single women in Pristina, including their ability to access employment, housing and social services; whether Catholic Albanian women would face particular challenges accessing housing, employment and social services when relocating to Pristina from a different area of Kosovo*, 8 April 2013, <http://refworld.org/docid/5188f45d4.html>

3 <http://www.sida.se/Svenska/Har-ar-betar-vi/Europa/Kosovo/resultatexempel/Arta-i-Kosovo/Fakta-kvinnoorganisation-mot-mans-vald-mot-kvinnor/>, 2015-02-26

4 See Migrationsverket, *Situationen för hbt-personer i Kosovo*, 2015, s. 15 f.

5 See eg. Refugee Documentation Centre (Ireland) Legal aid board, *Kosovo – Information regarding state or other protection available against spousal abuse (of women)*, 2010, p. 2.

6 Utrikesdepartementet 2011, p. 1.

Men's violence against women

Donika

He has beaten her unconscious. He has abused her sexually and broken her down mentally. For 13 years, he made her life hell and no one has tried to stop him. Donika's siblings have known what has been going on, but think that she is to blame, since she married a man they had not approved. They say that she has to take care of herself.

Together, they have six children, and he has abused them as well. The daughters have been raped and the sons beaten. Fearing for her life, Donika at last decided to escape to a safe house, where she could stay for six months. Then she left Kosovo and took refuge in Sweden.

– I told them that I was afraid to go back, afraid that my husband would kill me. There is no one to protect me in Kosovo. I have reported him to the police, but they don't do anything.

Donika's application for asylum was refused and after two years she was sent back to Kosovo, where she once again sought protection in a safe house. When she had to move out, she succeeded in finding an apartment, and the staff of the safe house helped her to get a job.

Although her life is safer now, she still feels bad. She is sad and lonely – most of all because she cannot see her children, with whom she has had no contact for several years.

– I'm afraid that they fare badly with their father, but nobody wants to help me get them back. Not my family, not the authorities, no one.

Donika suspects that her husband has hired someone to check what she is doing and where she is. She often feels like she is watched and that society judges her because she has abandoned her children. When she has tried to confide in someone, she has received no support.

– They think that I'm a terrible person who has left my children to save my own life.

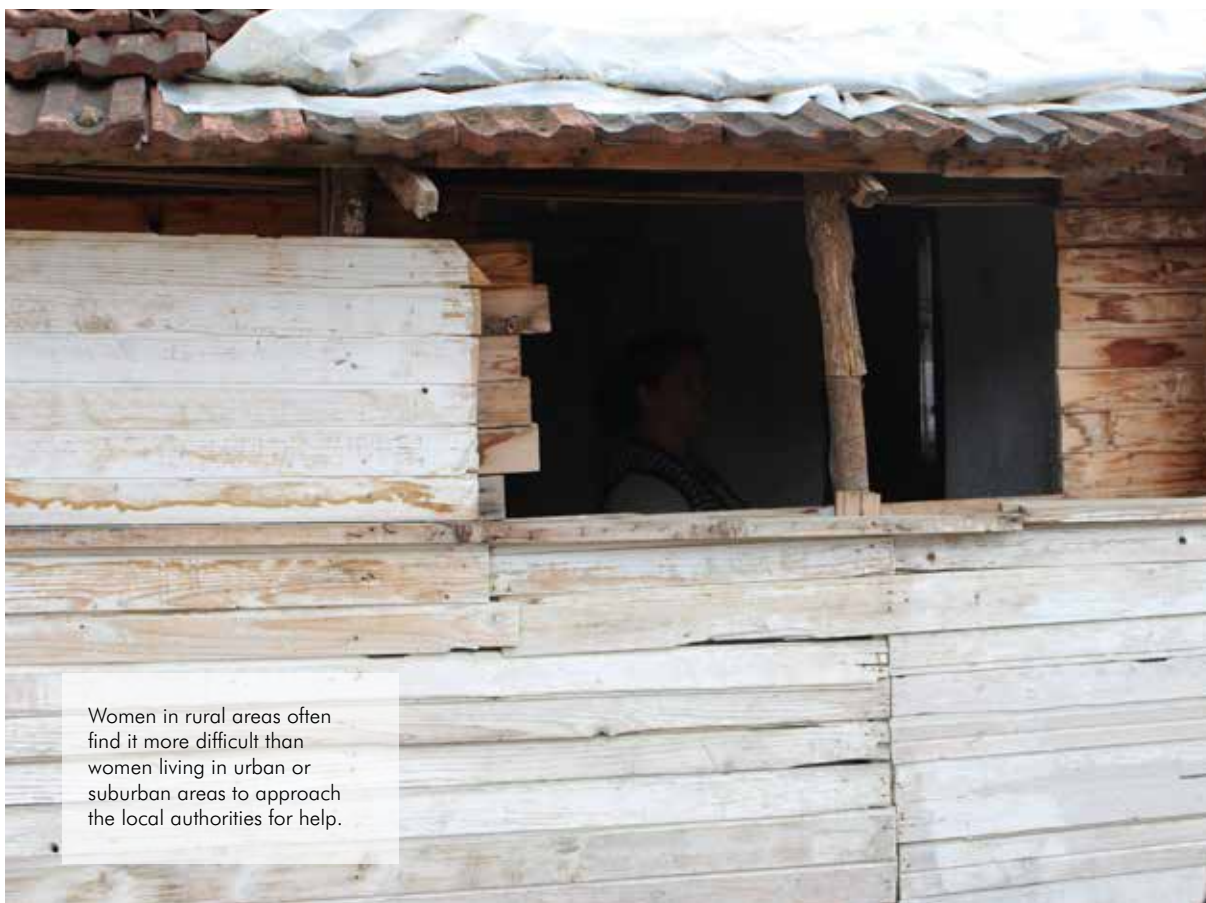


Foto: Vera Lumi-Shala IFRC/Kosovo office

Women in rural areas often find it more difficult than women living in urban or suburban areas to approach the local authorities for help.

In the majority of the cases examined, the women left Kosovo due to domestic violence. The reasons why they do not want to return are primarily linked to fears of continued abuse.

All women interviewed by the Swedish Red Cross are aware that they can report to the police that they have suffered domestic violence. The follow-up assessments revealed that just over one-sixth of the women had turned to the police for protection from an abusive husband before they left Kosovo. Several of the women state that they have contacted the police, but that their complaints have not been accepted. In other cases, the men were taken in for questioning and detained for a few hours. None of the women who reported violence were asked to come to the police to provide testimony or document injuries. In no case charges were brought by the prosecutor. However, several of the women experienced increased tension between the spouses, as well as increased violence. Common to the women who have reported domestic violence to the police, is that they have lived in or near cities.

In most of the cases, the women describe a fear of losing their children if they report or leave their husband. Lost custody of their children, fear of increased violence and a profound distrust of the willingness and ability of the police to protect them, are recurring explanations why women have not turned to the police. Two of the women who reported their husband to the police lost custody of one or more of their children as a result. These decisions are not necessarily official, but more often a “ban” imposed and maintained by the husbands and their families against the women seeing their children. In the present cases, the decisions were not taken by the authorities. The women have not dared to challenge these bans on their own and do not feel supported by the authorities to change the situation. The feeling that it wouldn’t help to contact the local authorities is partly confirmed by the United Nations Economic and Social Committee (ECOSOC). In a report, it is noted that legislation related to custody of children is non-discriminatory, but that in common with other areas of law, there are problems in implementation. Men are

often favoured when custody issues are handled by the authorities, and this is largely linked to the economic vulnerability that many women end up in, in connection with separation and divorce.⁷

Only one of the women has sought protection from the local authorities after return to Kosovo. The others state that, even though

they have been in need of support, they have not contacted the police, since they do not believe that they would receive the support they need. Some of the women have felt compelled to reunite with their abusive husbands. They say that they cannot support themselves on their own, and that they do not want their children to live alone with their violent fathers.

⁷ UN implementation of the international covenant on economic, social and cultural rights, Kosovo (Serbia) p. 427-428, Economic and Social Council, 2008.

Comments

The rule of law does not mean that every criminal complaint must lead to a conviction. In a state governed by the rule of law, a conviction needs to be based on convincing evidence that a crime has been committed. According to the Swedish Migration Agency's legal position on national protection, there must be a judicial process in which a criminal complaint can result in a conviction for the requirement of effective national protection to be fulfilled⁸.

The ability of a prosecutor to bring criminal charges that lead to a conviction is very much dependent on the investigative work of the police when a crime has been reported. If the police normally does not pursue investigations – by neglecting to interrogate victims and document injuries – can the possibility of a conviction be viewed as anything but theoretical? In our view, the authorities in Sweden often refer to the availability of national protection in the home country without making a proper assessment its effectiveness.

It is significant that the women who have contacted the police, before leaving Kosovo or after their return, live in cities or suburban areas. It is more difficult for women who are victims of violence and other vulnerable groups in rural areas to turn to the police, a fact which is probably linked to stronger family ties and social pressure in rural areas. The less well developed competence of the police outside the cities to handle cases of domestic violence is likely to also play a role. This understanding should be taken into account by the migration authorities in Sweden when investigating why victims of violence often do not turn to the local authorities in the home country to seek protection.

⁸ Migrationsverkets rättsliga ställningstagande SR01/2015, p. 2.



Foto: Vera Lumi-Shala IFRC/Kosovo office

Honour-related problems often mean that women are left to themselves, outside of social protection networks. Many then turn to the Red Cross.

Honour-related issues and fear of being disowned by the family

Marsela

Marsela fled to Sweden together with her husband and two children in the beginning of the 1990s to seek protection from growing unrest in Kosovo. A few years later, they returned voluntarily. Soon thereafter, Marsela's husband disappeared, and that's when it all started. Marsela's brother-in-law considered himself to have the right to "take over custody" of Marsela. Since she had no income of her own, she felt that she had no other option than to accept to live in the same house as the family of her brother-in-law. In order to show who was in charge, Marsela's brother-in-law abused her both physically and mentally, and made sexual advances.

– He controlled everything I did and didn't let me be in contact with friends and acquaintances. He threatened everyone who tried to help me.

In 2009, Marsela had enough. She went back to Sweden to apply for asylum once again, but this time her application was refused. A year later, she returned to Kosovo, where she knew that her brother-in-law was waiting for her. At the beginning, the situation was even worse than before. Her brother-in-law no longer only beat her, but also her children. On one occasion, he beat one of her sons bloody. Marsela thinks that he did it to punish her.

After some time, her brother-in-law disappeared, and the situation improved slightly, but much in Marsela's life that is uncertain. Besides a small government grant that she receives because her husband disappeared during the war, she has no income of her own, and she finds it difficult to afford the medicines she and her children need.

Marsela has never told anyone in her family about the abuse. Her brother has suspected that something is wrong, but in order not to risk worsening the situation, she has kept it a secret. She is afraid that her brother-in-law will hurt others close to her if she tells the truth. That she is a single woman makes everything much

more difficult. There is no one to protect her if her brother-in-law comes back. Marsela has never made a criminal complaint to the police. She says that the police is corrupt, and that her brother-in-law has threatened to pay off the police if she makes a complaint.

– If I would go to the police, they would not believe me. They would take the side of my brother-in-law, and that would only make everything worse.

As indicated in Part 1 of this report, honour-related violence and oppression can affect people who are perceived as challenging prevailing norms on gender and sexuality. Such oppression and/or violence is seen as a way for the family to regain lost honour. In just over one third of the return cases, the women stated that they experienced problems related to honour.

One of the women was severely beaten by her father and brothers after they learned that she had become pregnant without being married to the child's father. The woman's father tried to make her have an abortion, but she refused. When the father threatened to kill her and the child, she fled to Sweden. The family then disowned her. According to the UNHCR, forced abortion is an example of gender-specific persecution⁹.

Several women stated that they could not turn to their family for protection from a violent husband, since in the view of the family, by marrying without the family's consent, they are themselves responsible for the situation. By abandoning the tradition of letting the parents arrange their marriage, they have violated norms about gender and sexuality. In several cases, women who have married without parental blessing have been disowned by their family.

Some of the women, who have fled from violence perpetrated by husbands or other family members, have entered into love relationships during their stay in Sweden. Regard-

⁹ UNHCR, 2002.

less whether these relationships remain or have ended, due to conservative norms about gender and women's sexuality, this exposes them to increased risk after return. Several women report that, due to such relationships, they have received threats from family members during the period they stayed in Sweden. This situation is likely to remain after return.

Several of the younger women, who have returned to Kosovo, have moved back to their parents, as they are unable to support themselves on their own. These women state that they are seen as a burden on their parents, and

that relatives question why they have left their abusive husbands. Several women say that they have been accused of being co-responsible for their husband's violence and told that they should have accepted a certain level of abuse. One of the women states that, after her return, her parents started to look for a new husband for her. According to the Swedish National Board of Health and Welfare, forced marriages are a form of honour-related oppression.¹⁰

10 Socialstyrelsen, <http://www.socialstyrelsen.se/valds-ochbrottsrelateradefragor/valdinararelationer/valdsutsatta/Sidor/hedersvald.aspx>, accessed 2014-11-25.

Comments

As evidenced by the country of origin information, women in Kosovo are largely financially dependent on their husband and/or family. This means that, being disowned by the family has serious consequences as there is no reliable social protection system outside the family.

In a society like Kosovo, where norms related to gender and sexuality are very conservative, women who leave their husbands frequently suffer social sanctions. Domestic violence is often seen as a private matter. When women contact the authorities in Kosovo and/or apply for asylum in Sweden, they draw unwanted attention to abuse and violence within the family.

Asylum is normally granted based on protection needs arising on account of events that have taken place before a person leaves her or his country of origin, but can also arise later. According to the *travaux préparatoires* of the Swedish Aliens Act, protection needs can arise *sur place* due to political changes in the home country or due to political activities undertaken abroad by the asylum seeker against the regime in the home country¹¹. The focus here is on persecution emanating from the authorities. According to Bexelius, there is an inability to recognise the *sur place* grounds experienced by women. The grounds that are particularly related to women include changed family relations, such as divorce or childbearing outside marriage, but also loss of social protection networks in the home country and lack of economic self-sufficiency. In addition, increased knowledge of women's rights and unwillingness to conform to the norms prevailing in the home country related to gender and sexuality can constitute *sur place* grounds.¹²

It is our conclusion that women who previously have suffered honour-related oppression or violence, are at increased risk of violence after return. It is therefore of particular importance, that the Swedish Migration Agency properly investigates women's experiences of violence and oppression. It must also be recognised that it can be difficult to talk about sexualised and domestic violence. As a consequence, such circumstances are often not identified at the initial interview at the Migration Agency, but only later in the asylum process.

11 SOU 2004:31 p. 31.

12 Bexelius, p. 109 f.

Access to national protection

Kaltrina

Kaltrina lives together with her husband and their two small children. Her situation is worse than ever. Her husband is seriously mentally ill and should be admitted to hospital, but he refuses. His condition has made him unkind and Kaltrina's life with him has been characterized by both physical and mental abuse. Her daughter has started to have problems with her eyesight, and Kaltrina's family has all but disowned her.

A couple of years ago, Kaltrina and her children took refuge in a safe house. But soon afterwards, the parents of her husband turned up. They had been helped by the police to trace her, and now they threatened to take her children with them. She had to make a choice; either to stay at the safe house on her own, or to return home together with the children and her husband's parents. To give up her children did not seem like an option.

Back home with her husband, the abuse continued, and Kaltrina was often locked up in a room. In a last attempt to find safety, she fled with her children to Sweden. But her asylum application was refused, and in 2012 she was sent back to Kosovo.

She had no other choice but to move back to her husband and his parents, and the abuse resumed. Her relatives invited her to stay with them, but without the children. In their eyes, her children would, on account of their father, dishonour the family.

– But I can't leave my children. I'm the only one they've got. Who would protect them if I'm not there?

Kaltrina is scared. She is afraid of what her husband will do to her and the children. But she has nowhere to go. She does not feel safe at a shelter for victims of violence, and she has no confidence in the police. The criminal complaints she has made have been in vain.

– No one is helping me. It's like society has turned its back on me.

Representatives of the Red Cross in Kosovo and the Swedish Red Cross have been in contact with the Kosovo Police. The purpose was to find out how the police work to tackle hate crimes and domestic violence. We were asked to submit questions and received written answers. From their response, it appears that the police has a relatively well developed structure for dealing with vulnerable groups. For instance, there is a team which is specially trained to handle cases concerning women who are victims of violence. This image of the police as well prepared and competent is, however, only partially compatible with the information we have obtained from follow-up assessments and country of origin information reports. As demonstrated by the country of information referred to above, problems are not so much related to legislation, but to its implementation. This also applies to new work methods and administrative routines. Although it is encouraging that combatting violence against women is considered a priority, much remains to be done at the local level. Particularly in rural areas, family relationships, friendships and traditions take precedence over legislation.

It is clear from the follow-up assessments that the women interviewed lack confidence in the local authorities. Their views are based on their own and other women's experiences of the authorities in Kosovo. It is important that these experiences are taken into account when assessing the availability of national protection.

In several of the cases examined, the Swedish Migration Agency and the Migration Courts refer to the possibility of seeking protection in a safe house, in addition to police protection. There are currently eight safe houses in the country, but according to the country of origin information, the capacity to provide more than temporary support is limited. There is a time limit of six months, and children are only admitted up to a certain age. The reasons for these restrictions are linked both to a great need of protection from violence and to recurring funding problems.

Several of the women in the study have stayed at safe houses. One of them says that the police helped her to find a safe house, but that the police revealed the location to her husband, after which he came looking for her. It is unclear whether the husband obtained the information through bribery or other means of persuasion. After this incident, the woman did not feel safe and decided to leave the country, as she did not trust that the authorities had the ability to provide the protection she needed. The Swedish Migration Agency considered it improbable that the police would have revealed her whereabouts, since they had helped her find protection. The Agency ignores country of origin information that corruption is widespread within local authorities and that women, as a vulnerable group, are less likely to have their rights respected. The Swedish Migration Agency claims that, through her contacts with the authorities, she had in fact received protection. Since the Agency does not find it probable that the police would have revealed the location of the safe house, no weight is given to her own experience of inadequate protection.

Several of the women state that they have experienced negative reactions when it has become known that they have stayed at a safe house. Despite the widespread problem of domestic violence, women who are victims of violence continue to suffer from stigmatisation in society.

Comments

The possibility of access to national protection must always be linked to the actual ability of the individual to benefit from the protection available. The fact that many people lack confidence in the authorities cannot be overlooked. That women and other vulnerable groups are less likely to have their rights respected, is clear from the country of origin information.

It is problematic that women's own experiences of inadequate protection are not taken seriously. By dismissing statements as improbable or unreliable, not further investigation or reasoning is required. In several of the cases, it can be seen that the Swedish migration authorities have an exaggerated confidence in other countries' authorities and their abilities, and that this confidence often is at the expense of those seeking protection.



Foto: Vera Lumi-Shala IFRC/Kosovo office

Several of the women who returned sought protection in a safe house.

Economic and social vulnerability

Adelina

For twenty years, Adelina has felt trapped in her own life; locked in her own house and isolated from the outside world. For twenty years, she has been abused by her husband, physically and mentally. Several times, she has received threats to her life. Before she met him, she lived a social and active life. She had acquired an education, had a job, played handball in her spare time, and had plenty of friends. After her marriage, everything changed.

– He refused to let me continue my studies and insisted that I should stay at home and cook and clean the house, instead of working. I was only allowed to see my parents a couple of times a year. I became increasingly isolated.

After years of mental and physical abuse, Adelina decided to try to get a divorce. But the divorce did not go through, and the abuse continued. In 2010, she escaped to a safe house, where she could stay for six months. Then she fled to Sweden in the hope of a safer and more secure life.

– I have brothers who live in Sweden, so I was hoping that they would help me.

When she came to Sweden, she told her story to the case officers at the Swedish Migration Agency. She told them about the years of mental and physical abuse, about how her husband often kept her locked up and refused to let her see her parents. The Migration Agency concluded that her account was not sufficiently credible for her to be granted asylum. In 2012, she was forced to go back to Kosovo.

After her return, the situation has improved slightly. She has managed to get a divorce from her husband, and she has found her own apartment. But the fear is still there; the fear that her former husband will find her and punish her for leaving him.

– I know that he's looking for me, and there is no one who can protect me if he shows up.

Despite intensely looking for work, she has not been able to get any, and she finds it difficult to make ends meet. Her only income right now is money sent by her brothers in Sweden.

– I can only stay in the apartment until summer, and then I don't know where to go. I have nowhere to turn to.

Through its follow-up assessments, the Swedish Red Cross has noted that the women who return find it difficult to reintegrate into society. Several women state that they have been disowned by their families and that they do not have access either to the family's social protection or to the public social protection system.

Lack of housing and livelihood opportunities are seen as the most acute problems after return. According to the women, staying with relatives and friends is only a temporary solution. Those who have been able to go back to their families, say that they are seen as a burden.

The majority of the women interviewed have a very low level of education; in most cases, they have only attended school up to the fourth or sixth grade. They say that the family prioritised their brothers' education, as daughters were not supposed to work outside the household. Even women who have received an education are expected to stay home and take care of their children when they are married. In this manner, they become dependent on their husbands and families for their livelihood and social identity. Several of the women state that they feel that this is a way for their husband and family to exert control over them.

Many women say that they have been met with condemnation by society after return. One of them describes how she is treated as a pariah in her village. She has been branded as bad wife and not a good mother, as she did not bring her children with her when she left Kosovo.

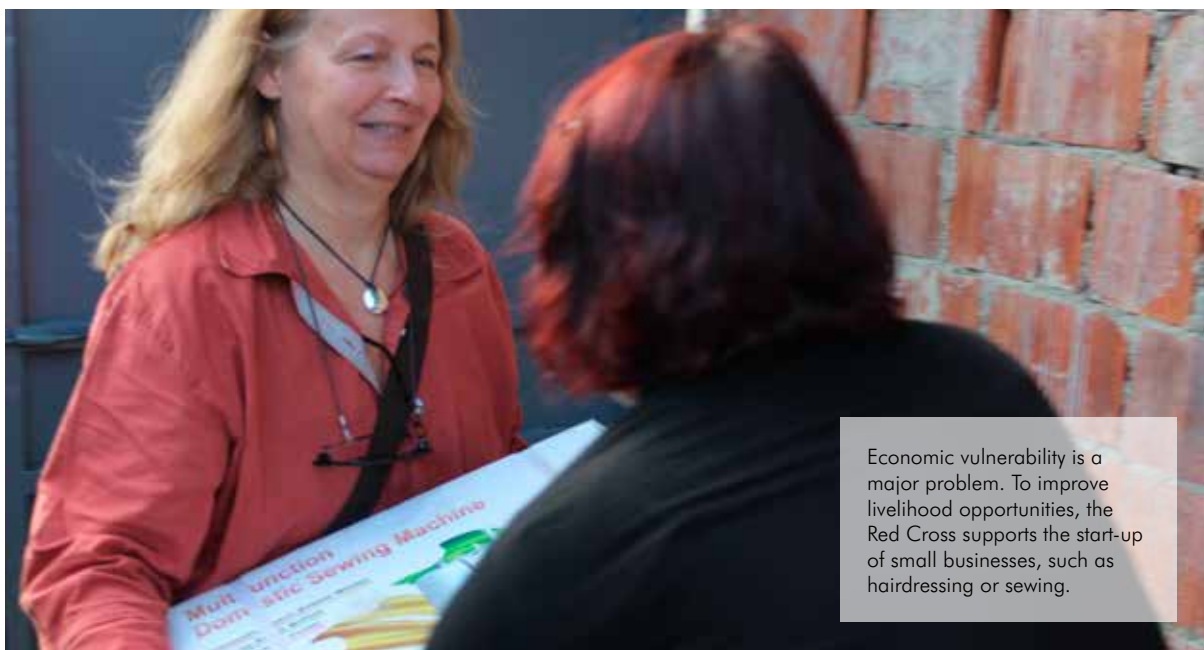


Foto: Vera Lumi-Shala IIRC/Kosovo office

Economic vulnerability is a major problem. To improve livelihood opportunities, the Red Cross supports the start-up of small businesses, such as hairdressing or sewing.

The women included in the study do not own any private property. Despite the fact that the legislation is non-discriminatory, it is tradition that the sons inherit the parents' estate. At divorce, it is customary that the husband keeps the matrimonial property. The majority of the women are dependent on support from relatives, friends and NGOs to meet living expenses.

As previously described, women are less often than men awarded custody of their children after divorce. This is linked in particular to their limited opportunities to support themselves and their children.

One of the women has been helped by the staff at the safe house to find work and independent housing. She is glad to have a job, but she is poorly paid and has to work very long days. She cannot make ends meet on her salary and relies on support from different NGOs. Since she left her husband, she has had no contact with her children. She believes that he has said negatives things about her and turned the children against her. Her everyday life is marked by worrying about her own and her children's well-being.

Comments

In most of the cases, the Swedish Migration Agency and the Migration Courts have determined that national protection is available, and therefore no assessment has been made of the women's ability to cope economically after return. The Migration Court of Appeal has held that in principle social problems should be resolved in consultation with the social welfare authorities in the country of origin and that such reasons normally do not constitute grounds for asylum¹³. When the women have left abusive husbands or violent relatives, they have also lost their natural social safety net, which puts them in an extremely vulnerable situation in a country where the public social protection system is very weak¹⁴. This circumstance, which specifically affects women, should not be disregarded. It is one of the reasons why several of the women state that they in many ways are worse off today than when they left Kosovo.

¹³ See MIG 2008:13.

¹⁴ See Immigration and Refugee Board of Canada, *Kosovo: Situation of single women in Pristina, including their ability to access employment, housing and social services; whether Catholic Albanian women would face particular challenges accessing housing, employment and social services when relocating to Pristina from a different area of Kosovo*, 8 April 2013, <http://refworld.org/docid/5188f45d4.html> and Migrationsverket, *Situationen för hbt-personer i Kosovo*, 2015, p. 15.

Reflections

The study shows that several of the problems that have been identified, in the first part of this report as well as in previous studies undertaken by the Red Cross and others, remain. It is highly likely that this affects the chances of women and LGBTQ people to get an adequate and fair determination of their asylum claims.

Previous studies have demonstrated that it may be more difficult to be granted international protection when persecution emanates from non-state actors¹⁵. As the present study is based only on refused asylum cases, we cannot draw any conclusions in this regard.

It can be established, however, that women with experience of domestic violence often find it difficult to get their protection needs recognised. It is clear, both from the analysis of judgements and decisions, and from the follow-up assessments of women who have returned to Kosovo, that several women did not receive the help they needed when they approached the local authorities in the home country. There are indications that in some countries, notions remain that domestic violence is a private matter and therefore not the responsibility of the authorities to handle. These circumstances cannot be ignored when the migration authorities in Sweden assess an asylum seeker's decision not to turn to the authorities of the home country to seek protection. The material also shows that women to a large extent refrain from reporting the crimes they have suffered to the police.

When such a large proportion of the asylum seekers feel that they cannot find protection in their home countries, a decision not to turn to the local authorities cannot only be seen as an individual choice, but has to be viewed in a wider perspective. If many individuals choose to act in a similar way, this should be interpreted as a pattern, which is based on a balanced assessment of the situation.

According to the country of origin information on Kosovo, there is a clear link between the existing lack of confidence in the judiciary and widespread corruption among public officials. This is also mirrored in the accounts of the women who have returned. It is telling that only one of them had sought protection from the authorities, despite that fact that several considered themselves to be in need of protection after return. In the individual decisions of the Swedish Migration Agency and judgments of the Migration Courts, there is no analysis of why the applicant has not turned to the authorities in the home country for protection.

Several of the asylum seekers have stated that they have experience of honour-related oppression and/or violence. According to the judgment of the European Court of Human Rights in the case of *N. v. Sweden*, returning to a culturally conservative country, after having stayed in a less culturally conservative country, can involve an increased risk¹⁶. This suggests that women, who have entered into love relationships in Sweden, may be a particularly vulnerable group. This is in line with Bexelius' reasoning that changed family relations can constitute a *sur place* ground.

The follow-up assessments of women who have returned to Kosovo show that, in many cases, they return to a situation similar to the one they left. In some cases, their vulnerability is even greater than before. Could it be that these women end up in a worse situation because they have left the country? As the risk assessment should be forward-looking, it may be that the Swedish Migration Agency and the Migration Courts also should take into account the specific risks that women asylum seekers may be exposed to due to having stayed in Sweden.

16 European Court of Human Rights, Case of *N. vs. Sweden*, Judgment 20 July 2010 (Application No. 23505/09).

15 See discussion in Part 1.

Many women are at risk of returning to a very vulnerable life; socially and financially but also physically. Despite this, they are not considered to be in a situation where their vulnerability or need for protection is sufficient to grant a residence permit pursuant to the Swedish Aliens Act. In several of the asylum cases, the Swedish authorities refer to the possibility of seeking protection from the authorities in the home country, primarily through legal proceedings against the perpetrator, who is often a family member. According to the country of origin information relied on by the authorities, national protection in the form of laws and judicial process is available. However, we have seen that in practice such protection may not be accessible for women.

Instead, they are compelled to find other ways to protect themselves. As we have seen in the examples in this report, this could mean that they must take refuge in safe houses or separate from their children. In addition, the women in the report have all received assistance from the Red Cross after return and in some cases also before return.

Recommendations

- Strengthen the capacity of the migration authorities to make gender-aware analyses of asylum seekers' protection needs. Include a gender perspective in the investigation and assessment of applicants' need for international protection.
- Strengthen the capacity of the Swedish Migration Agency to determine the availability of effective national protection from a gender perspective. Develop procedures that promote greater responsiveness to women who have been victims of violence. For instance, the asylum assessment must take into account whether a criminal complaint could lead to a risk of increased violence or social stigmatisation.
- Increase the gender competence of the migration authorities regarding political opinion as a ground of persecution. This is of particular importance as women's political involvement may look different than that of men and women can be at higher risk just because of being women.
- The Swedish Migration Agency must provide clear information during the asylum process that domestic violence is a criminal offense in Sweden and that the incidence of such violence may be significant in the asylum assessment.
- Develop relevant gender-related country of origin information in the Swedish Migration Agency's database for legal and country of origin information (Lifos). Improve country of origin information regarding women's situation, their rights and access to effective and durable protection. This is important both for the asylum assessment and the return process.
- Ensure that asylum decisions and judgments include an objective account of relevant country of origin information – not only facts that may justify a refusal. It should also be clear how country of origin information provided by applicants has been assessed.
- Ensure that the Swedish Migration Agency better explains decisions and judgments involving an obligation to return, so that applicants fully understand why they have been refused asylum. It is extremely important that applicants feel that decisions and judgments are legally sound and that all of their claims have been properly examined.
- Strengthen the capacity of the Swedish Migration Agency to support applicants in the return process. A feeling of having had one's application unjustly assessed and being unfairly treated by the Swedish authorities, is likely to increase women's vulnerability in the country of origin by reinforcing mistrust towards public authorities.
- Ensure that the authorities responsible for enforcing return decisions employ a gender perspective. The way return is undertaken must be adapted to the individual, including taking into account gender. A dignified return is in everyone's interest and increases the chances of successful re-integration in the country of origin.

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The International Red Cross and Red Crescent Movement is the world's largest humanitarian network. The Movement is neutral and impartial, and provides protection and assistance to people affected by disasters and conflicts. It endeavours to prevent and alleviate human suffering wherever it may be found. The Movement is made up of nearly 100 million members, volunteers and supporters in 189 National Societies

The world around us is in constant change. Human vulnerability and commitment, as well as the challenges in our society are changing. The Red Cross addresses change in the world around us by constantly developing activities and working methods, just as we have always done.