

TRAUMA, EVIDENTIARY AND CULTURAL ISSUES

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Survivors of torture and trauma in particular, require a supportive environment where they can be reassured of the **confidentiality of their claim.**

UNHCR Guidelines on Gender-Related Persecution, dated May 2002

PROCEDURAL ISSUES: INTERVIEWING THE APPLICANT

Some claimants, because of the shame they feel over what has happened to them, or due to trauma, may be reluctant to identify the true extent of the persecution suffered or feared.

They may continue to fear persons in authority.

They may fear rejection and or reprisals from family and or community.

CREATING A SAFE SPACE

Factors to consider:

- Sex of the interviewer
- Sex of Interpreter
- Physical environment
- Confidentiality / privacy
- Possibly need for psychological support in giving evidence first

- Body Language
- Respect
- Allowing time
- Asking open questions

INTERVIEW TECHNIQUES

Interviewer should take time to explain:

roles

purpose of interview

confidentiality

Interviewer should remain neutral, compassionate and objective during the interview, and should avoid body language or gestures that may be perceived intimidating or culturally insensitive or inappropriate

For victims of sexual violence or other forms of trauma, **second and subsequent interviews may be needed** in order to establish trust and to obtain all necessary information

DANGER OF RE-TRAUMATIZING

Sexually explicit questions about past abuse

Does it help assess credibility?

Expecting overly detailed memory recall of traumatic events

Requiring overly consistent recall of traumatic events– “how many men?”

Better to look at the events surrounding the assault rather than the assault itself.

Overly aggressive questioning

Not effective. Need to gain trust

It can lead to false credibility determinations

Duty to ask hard questions and put credibility concerns to the applicant

EVIDENTIARY MATTERS

- No documentary proof as such is required in order for the authorities to recognise a refugee claim.
- In gender-related claims, the usual types of evidence used in other refugee claims may not be as readily available.
- On incidence of sexual violence, underreporting may translate in to lack of statistical data or reports.
- Rely on alternative forms of information, such as testimonies of other women with similar situations
- NGO or International Organizations or other independent research.

Thank you!