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Asylum and gender-based persecution

Motion for a resolution¹

tabled by Ms Corien W.A. JONKER and other members of the Assembly

This motion has not been discussed in the Assembly and commits only those who have signed it

In any refugee population, approximately 50% of the uprooted people are women and girls. Having lost the protection of their homes, their government and often their family structure, women and girls are particularly vulnerable. They face gender-based persecution at home, multiple risks during long journeys into exile, harassment and frequent sexual abuse even after reaching a place of safety.

During armed conflict in particular, women experience all forms of physical, sexual and psychological violence perpetrated by both state and non-state actors. Besides murder, these forms of violence may include torture and other cruel, inhuman and degrading treatment or punishment, abductions, mutilation, rape, sexual slavery, sexual exploitation, arbitrary detention, forced marriage, forced prostitution, forced abortion, forced pregnancy and forced sterilisation.

Systematic rape and sexual violence against women have become a war weapon in today's world and a prominent feature of the "ethnic cleansing" campaigns carried out by military or paramilitary forces.

Between 20 000 and 50 000 women were raped during the war in Bosnia and Herzegovina. Over 90% of displaced households in Sierra Leone have reported incidents of sexual assault, including rape, torture and sexual slavery. At least 250 000, and perhaps as many as 500 000, women were raped during the genocide in Rwanda. Violence against women, particularly sexual violence including rape, has been reported from conflict or post-conflict situations in many countries or areas including Afghanistan, Burundi, Chad, Columbia, Côte d'Ivoire, Democratic Republic of Congo, Liberia, Peru, Rwanda, Sierra Leone, Chechnya, Darfur, Sudan, northern Uganda and the former Yugoslavia.

Gender-based persecution can be both a cause and a consequence of forced displacement. For instance, sexual violence has been perpetrated also by civilians or security forces who were entrusted with the task of protecting refugees and displaced persons. As outlined in the Parliamentary Assembly report on the humanitarian crisis in Darfur, women and girls fleeing violence continued to face the risk of rape and assault by civilians or militia members even as refugees in Chad when collecting water, fuel or animal food outside refugee camps near the border.

Highly vulnerable refugee or displaced women are too often forced into prostitution in exchange for material resources, services and assistance in order to meet basic human needs for themselves and/or their children. For instance, there are more than a million Iraqi refugees in Syria; many are women whose husbands or fathers have been killed. Banned from working legally, they have few options outside the sex trade. According to the Iraqi women's group Women's Will, the estimated number of Iraqi refugee prostitutes in Syria is 50 000.

1. Referred to the Committee on Migration, Refugees and Population, for report, and the Committee on Equal Opportunities for Women and Men, for opinion: Reference No. 3484 (29th Sitting, 29th September 2008).



When gender-based persecution is committed for reasons of race, religion, nationality, political opinion or membership of a particular social group, it may be considered persecution under the definition of the term refugee in the 1951 Convention relating to the Status of Refugees.

In response to the growing phenomenon of genderbased persecution among asylum seekers and displaced persons, the UNHCR has developed, evaluated and reviewed a set of guidelines for prevention and response to sexual and gender-based violence against refugees, returnees and internally displaced persons. These guidelines are intended to be used by the staff of the UNHCR, UN agencies, intergovernmental and non-governmental organisations and host government agencies that provide protection and assistance to refugees and asylum seekers.

In the European context, the EC Qualification Directive (European Council Directive 2004/83/EC, 29 April 2004) states that acts of persecution can take the form of “acts of a gender-specific or child-specific nature”. However, only a few EU and other Council of Europe member states have elaborated gender guidelines for asylum decision makers.

In view of the above, the Assembly considers it important for the Council of Europe to examine, in co-operation with member states and the UNHCR, the extent to which gender-based persecution is appropriately identified and accepted as grounds for refugee protection in Europe.

Signed (see overleaf)

Signed²:

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