

An abuse of power: African women's experience of the asylum process in Scotland

Speaking to women about asylum

Engender has been working alongside **Umoja Inc**, a network of asylum seeking and refugee women, to carry out participatory research with single mother asylum seeking women from Africa. The work had two aims:

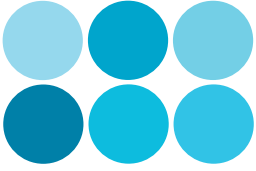
- to provide women with a way of articulating their experience and make sense of what was happening to them, by developing a gendered understanding of their situation, so that they were better prepared to deal with the asylum process; and
- to provide agencies dealing with and supporting women seeking asylum to better understand the systemic issues that women face.

Method

The process explored the significant places in which women told their stories and described their experiences throughout the asylum process, including to the **UK Border Agency (UKBA)**, their own **lawyer(s)**, and to **support agencies**. It uncovered a number of critical confusions, rooted in a failure by UK and Scotland-based agencies and initiatives to understand women's experience as women, which have a devastating impact on women's experience of the asylum process.

We discovered very early on in the process that although the women could describe in graphic detail the trauma they had faced they could rarely express it in a way that meant that people could understand the systemic sexist nature of what was happening to them. To them the fact that they could not rely on the state to protect them in their country was obvious, women's disempowerment was a normal state of affairs, and not something that needed to be explained. Often they perceived the events they were running from as 'shameful', and not to be spoken about. So, the challenge was to help them express themselves in ways that allowed them to articulate their situation on the wider context of gender inequality, in their county of origin and the UK. It was not that they did not know or understand the gender complexity of their situation, they had lived it, and constantly referred to the complications their inequality created, but they were not used to giving it voice in any formal way.

We worked with them in groups and as individuals, using participatory action research methods that enable people to use visual metaphor to express difficult things, and mapping to make linkages between cause, consequence and contributing factors.



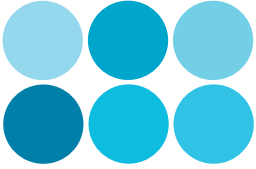
Findings

We started by looking at what the women were fleeing from. There were lots of commonalities in their stories. There were issues around domestic violence, forced marriage, rape, physical violence, murder of friends and family, and the threat of female genital mutilation (FGM) for themselves or their daughters. Some were also linked to religious cults and witchcraft. Violence against women is a global epidemic, and there are often significant gaps between the de jure protection that appears to be provided by law and policy, and the de facto tolerance of high levels of men's violence. Women in the group were acutely aware of this gap, and profoundly effected by UKBA's misunderstanding of the extent to which their country of origin would actually protect women from men's violence.

The failure of states to protect women

Once the group started to analyse more deeply the reasons why they had to run they realised that they were not actually running from the primary 'event(s)' (rape, forced marriage, FGM) but from the failure of the state and their society to protect them. In many cases they identified systemic collusion of family, community, traditional bodies, and the state in allowing these acts to continue. For example:

- **Forced marriage** Families forcing women into marriage, acting in accordance with their cultural system, are not challenged by the state that actually prohibits it. Indeed the very Ministers, lawyers and leaders are themselves involved. This means that women trying to escape from forced marriages had not found protection and had often been sent back into these marriages by their family in full sight of society and those with the legal responsibility to protect them.
- **Female genital mutilation (FGM)** The societal expectation that women or girls will be genitally mutilated frequently overrides state provisions that ban it or limit it to a consensual act. Often the politicians, police, lawyers and families that women should be able to rely on to protect them are convinced that FGM is a useful and necessary practice despite the law. In northern Sudan some 96% of women are genitally mutilated, yet there were laws banning it from 1946 to 1980. When UKBA argues that the state can protect a Sudanese woman or her daughter and sends her (them) back, this is experienced by the women as a continuation of the failure of the state, and collusion in the violence against her.
- **Domestic abuse** Women escaping domestic abuse do not often find safety with their families. It is seen as shameful to leave your husband, and families will often forcefully return the woman because they had taken dowry for her and could not, or would not, pay it back. Even where there is legislation against domestic violence the structures of the police force and the courts are so male and steeped in the local traditions that she will not find protection. UKBA argues that it is not so different here, although the achievements in women's economic empowerment and the fact that women



can live independently outside of a traditional clan structure means women have more opportunity to escape, even if only to a refuge. What the women feel UKBA fails to understand is that in their country of origin a woman living outside of a family structure is 'nothing' and will quickly become destitute.

- **Collusion by religious leaders** Another area of failed protection, that the women found very hard to discuss, was the collusion between state actors and religious leaders. When women were raped by religious leaders the women knew that the religion was very powerful, and connected to the state, so religious leaders could act with impunity. However, when telling their story to their lawyer or the UKBA they rarely discussed this, as they thought it was common knowledge.

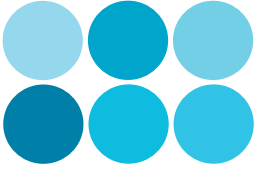
Communicating context

What emerged from the research was that women, when asked why they needed asylum, talked about the incident without putting it into the context in which it occurred. They spoke as if they were running from the 'event', or 'the bad man' when in fact they were running because of the failure of the state to protect them. It appears that women are in discussions with UKBA for quite a long time before they realise that they need to explain the context in which their 'event' took place. Then because their story or what they were actually seeking asylum from appeared to change they were labelled liars.

For various reasons, when the women arrived in the UK they didn't articulate what happened to them well, focusing on the specific incident that caused them to flee, but not the context in which it occurred. One of the common underlying causes of their need for asylum noted in the research is that the issues they are running from are often taboo subjects in their country of origin, that are not allowed to be discussed and challenged, and that they are therefore unlikely to have the vocabulary or the confidence to speak about them openly. As is common with many women who experience men's violence across the globe, they have been encouraged to blame themselves and to keep silent about issues or events that they consider to be shameful. This failure to articulate what they are seeking asylum from is exacerbated by the women's lack of understanding that the lawyers and UKBA do not understand their social, political and religious context, or the resistance of the patriarchal structures in their country of origin to challenge or change.

Place of confusion: UKBA initial interviews

All of the women felt that the feedback they got from UKBA around their initial interviews, whether in the room or in written materials produced later, was distorted. They felt that they had been misunderstood and what they had said had been misinterpreted. They thought this could be in part because of language barriers, but was more likely related to mutual cultural misinterpretation and a lack of understanding. The women arrived in the UK with a belief that their predicament was self-evidence and would be understood.



The women described UKBA officials conducting web searches during the initial interviews, to ascertain whether their country of origin provided legal protection from the types of violence they were describing. This resulted in them being labelled liars very early on in the asylum process, which the women perceived as a label that was difficult to shake off even when subsequent evidence of the veracity of their accounts was produced.

Women also perceived their legal advisers and representatives to have little understanding of the contexts of their countries of origin.

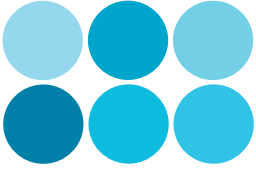
Place of confusion: Patriarchy in the African context

Women identified a system-wide failure to understand patriarchal hegemonies in the African context, their absolute power from the family to the state, the relationships between them and the way this impacts on women's choices. The patriarchal structures in Africa are political, ethnic, clan, traditional and religious and are strongly interwoven. While the UK's patriarchal systems are denied and minimised, this is not the case in many countries within Africa, in which people talk proudly of strongly connected patriarchal alliances. Women are defined by their clan and their place in the clan and family structures. So when a woman is abused and denied the protection of her family, she will also find she is denied it by the clan, the community and the state as they are all part of the same patriarchal structure. In the African context the family has control over a woman's identity and behaviour through traditional expectations secured through socialisation, rites of passage (including FGM), the silencing of women, forced and arranged marriages, and economic dependency through women being denied control over resources, tenure, inheritance, even daily fiscal autonomy.

This socio-economic control of women is necessary because women are used as a form of currency to bind relationships between the various patriarchal hegemonies (be they ethnic, clan and or religious ethnic) to secure traditional, political and economic (resource) allegiances. Until fairly recently, a very similar set of practices was very common within the UK. The movement of one woman from one clan to another through marriage is used to create a relationship between the hegemonies, which is easily recognised when one thinks of a child betrothed in infancy. The woman (girl) is as currency.

In this context, if the woman wants to leave the relationship it is very problematic. This is not just a marriage breaking down but a structural breakdown of a relationship between patriarchies. It does not just affect her as a woman, or her husband, or her children, but the family at a clan level. This creates investment at clan level in the marriage continuing, despite the significant cost to individual women.

One of the women involved in the research was given to the old King in the village. The dowry was paid and she was handed over to him but she was at university and had boyfriend with whom she was in love. Her mother had



pretended that she had experienced FGM, but this had not happened. When the King discovered this, he ordered she be mutilated. Luckily he had many wives and one of the other wives agreed to help her. One evening when the King had arranged for the wives to sit together and watch a film the wife helped her to climb out of the window and escape. She could not go home or to any neighbours because they were all related and had a stake in the marriage. She ran instead to a friend in the town where she was studying. After a few days hiding there her friend was murdered. The friend's brother gave her money to escape and she left the country, ending up in the UK.

When she reached the UK, she was told she should go back.

The asylum process was so traumatic she lost the power of speech. Labelled a liar after her first set of interviews, she learned English in order to communicate better, and is currently living in limbo in a youth hostel awaiting a decision.

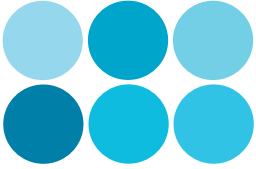
Place of confusion: Moving elsewhere in the country of origin

UKBA's focus is on the manifestations of violence and not the context in which they occur. They frequently say to women that if they have been failed by their family, they can move to another part of the country. This demonstrates a lack of understanding of the economic disempowerment and dependency women in Africa face, and their lack of access to resources, land, and housing. Indeed in many places women cannot own land or rent houses. Even where women might be able to rent in a big town, her name, and often physical features, will be used to identify her place of birth, ethnic identity, and relationship to a clan. In no time at all she will be identified and her people will know where she is.

UKBA's notion that women could return to their country of origin and simply move town was particularly problematic for many of the women we interviewed, as they had left with their children. In much of Africa, children belong to the man's family or clan. If the husband dies the wife and the children are inherited by his brothers, or the wife is chased away and the children are taken in by the family. In some cases the women fear to return because the husband's family would inherit the children. The state will rarely intervene in such issues. In most African states there are plural legal systems, including the state system and various common law systems that relate to family law. If a woman steps outside of the societal norms she will be socially and economically excluded and is likely to be subjected to emotional and physical abuse, threats, violence, rape, and possible murder.

Place of confusion: The African women's sector and refuge

In the UK there are structures which can protect women who flee from similar situations. They may not always function well but they are available. In the African context there are some support services available in the big cities, but their ability to protect women is minimal at best. The women we worked with were frustrated by UKBA using the internet to look up women's support projects in their home countries and saying they could go and get help there.



Place of confusion: UKBA and coercive control

The women's experience of the asylum process is one of being under coercive control, by the societies that expect them to submit to abuse. This psychological sense of being coercively controlled is made worse when UKBA labels women as liars, and 'threatens' (as women experience it) to send them back to their country of origin.

Each of the women involved in the research described, in one way or another, how they experienced their interactions with UKBA as a continuation of their abuse. They realised they had not escaped, that their lives were still being controlled by the family, society, the state and now the UK, which they experienced as systematically colluding to make them submit to the things they were trying to escape from.

This resulted in very high levels of anxiety and mistrust with regard to UKBA. One of the strategies that women employed to try and please the UKBA was to adjust their stories to fit the frameworks they believed they were being presented with. This was risky, as UKBA consequentially reaffirmed their understanding of the women as liars.

The asylum process was designed years ago to provide refuge for political activists (usually men) working against the state in their own country and is not fit for purpose when dealing with the human rights violations women are trying to escape from.

Place of confusion: Lack of cohesion across government

Strangely, while UKBA doesn't appear to understand these issues, another part of the UK government knows them very well. All of the Department for International Development (DFID) programmes of work in Africa seek to address gender and power relations. They know that there is a problem to be corrected, they've researched it, analysed it, written about it, developed programmes to address it, and made addressing it conditional to bilateral funding.

At the end of this research we have to ask ourselves why, since DFID understands, does UKBA still think that women are running from 'bad men' from whom they can hide?

Acknowledgments

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Any mistakes in collating women's analysis of their experiences into this paper are Engender's own.