Muslim Refugee Women Speak Out: A Critique of the Canadian Guidelines on Refugee Women Facing Gender-Related Persecution

by

Melissa Wynne Belfry
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to the required standard

[redacted]

Dr. Jyoti Sanghera, Supervisor (Department of Women's Studies)

[redacted]

Dr. Pamela Moss, Outside Member (Department of Geography)

[redacted]

Dr. Marilyn Walker, Outside Member (Faculty of Human & Social Development)

[redacted]

Professor Peter H. Stephenson, External Examiner (Department of Anthropology)

Supervisor: Dr. Jyoti Sanghera

## ABSTRACT

This study focuses on the experiences of refugee women seeking asylum from gender-related persecution. Over eighty percent of the world's 23 million refugees are women, yet over two-thirds of those claiming refugee status at Canada's borders are male. Few women claim refugee status mainly because it is more difficult for women to fit the necessary parameters set out by the United Nations (UN) Convention on refugee status. Canada was the first nation to implement *Guidelines on Woman Refugee Claimants Fearing Gender-Related Persecution* (1993), to address this problem.

I have interviewed five refugee women from the Middle East and Asia, who have come to Canada within the last five years seeking refuge. The participants were chosen for their potential to illuminate the international problem of women seeking refuge from gender-related persecution, and the consequences of *the Canadian Guidelines*' recommendation that women refugee claimants should base their claims on the grounds of belonging to a "particular social group".

The participants' stories were analyzed and the data organized into themes. This analysis was informed by feminist research perspectives. I explored concepts related to the Middle Eastern female refugee experience, the invisibility of gender-related persecution, and the need for a sixth category "gender", under which refugee status can be claimed. The themes that emerged are interwoven, revealing that although the concerns of both genders are assumed to be contained in the UN Convention's definition of "refugee", the Convention falls short of recognizing that in many situations women are persecuted and require refuge precisely because they are women.

Findings show that the participants face specific forms of persecution and specific problems seeking refuge from this persecution, because they are women and because of the social expectations that result from their gender. This study reveals the unique characteristics of refugee women facing gender-related persecution, and the need for the unique Canadian *Guidelines* to go even further to up hold our obligation to refugee women through the UN Convention. Implications for Canadian refugee policy, and areas for further research are discussed.

Examiners:

[redacted]

Dr. Jyoti Sanghera, Supervisor (Department of Women's Studies)

[redacted]

Dr. Pamela J. Moss, Outside Member (Department of Geography)

[redacted]

Dr. Marilyn Walker, Outside Member (Faculty of Human & Social Development)

[redacted]

Professor Peter H. Stephenson, External Examiner (Department of Anthropology)

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# ACKNOWLEDGMENTS

# DEDICATION

This thesis is dedicated to my paternal grandmother,
Mable Haughton Belfry.

## Chapter One: Introduction

There is a significant discrepancy between the number of female refugee claimants to Canada compared with the number of male refugee claimants to Canada (Foote, 1994, 9). Over eighty percent of the world's refugees are women and their dependents, yet only one-third of those claiming refugee status in Canada are female (Foote, 1994, 8). One reason for this discrepancy is that the definition of "refugee" in the United Nations Convention Relating to the Status of Refugees (1951) does not adequately protect the rights of refugee women. The UN Convention definition was formulated with a distinctly male perception of what constitutes a legitimate fear of persecution, thus making it more difficult for women to meet the legal criteria for obtaining refugee status.

In an attempt to address the particular needs of refugee women, the Canadian Immigration and Refugee Board implemented the *Guidelines on Woman Refugee Claimants Fearing Gender-Related Persecution (1993).* To examine the usefulness of these Guidelines, this study explores through narratives the experiences of five Muslim women from Pakistan, Afghanistan, Iran, and Iraq. All of these women sought refuge from gender-related persecution in Canada. But, they did not enter Canada under the *Guidelines*. The refugee women describe the gender-specific difficulties they encountered whilst seeking asylum; they share their opinions on the ways policy such as the *Guidelines* may or may not have helped them in their flight to safety.

Considering the participants' experiences fleeing gender-related persecution, and accessing Canadian refugee policy, a case is made for a sixth category "gender"

to be added to the Canadian *Guidelines* , under which, women fearing gender-related persecution would be able to claim refugee status. Presently, there are five categories under which one can claim refugee status: race, religion, nationality, political opinion, and membership in a particular social group. Under the *Guidelines,* women fearing gender-related persecution are strongly encouraged to make their claim under the "membership in a particular social group" category.

I have chosen to alter the title of the *Guidelines* in the title of this paper, changing the passive *fearing* to the more active *facing*. I have done so to indicate the courage, action and ingenuity required of refugee women surviving gender-related persecution.

Significance/Relevance of the Study

The initial impetus for this study came out of the experiences I gained as a participant on a Canada World Youth exchange programme in 1989-90. During the exchange I worked for four months in a Women's Hospital in Nowshera N.W.F.P., Pakistan. The health promotion seminars I presented allowed me to work closely with Afghan refugee women and children. This was the first time I had met a "refugee", and to be honest, I had not given the plight of refugees much thought. The refugee women I worked with were open, and shared their stories of war, fear, flight, and displacement. As a young, female, middle-class, white Canadian, my only experiences of displacement had been three moves within Ontario -- none of these experiences could be defined as traumatic. But, after more than a decade of warfare

with an outside power (Russia) and on-going internal strife, the Afghan women I encountered were traumatized. What drew me to these women was their boundless energy, strong dispositions, and their determination to return to Afghanistan despite the extreme difficulties they faced.

On my return to Canada, and university, the Afghan refugees, (in particular the women) remained in my thoughts. I volunteered with the Victoria Intercultural Association as a settlement worker for newly arrived refugees. Ironically, the first family I worked with were Muslim refugees from Afghanistan. I was happy to be able to practice my language skills, and assist them in feeling more at home because of my modest understanding of their culture, and situation. I know they were happy to have found someone to advocate for them who knew where they had come from, and why they had left.

My involvement in the Muslim refugee community in Victoria, B.C. grew over the next five years. Families I had worked with passed on my phone number when a friend in their community of Muslim refugees, (usually from Afghanistan or Iran) had difficulty accessing government beaurocracy, or finding an apartment. Through this "snowball effect", I met the woman whose story spurred me to research this thesis. Manejah is a refugee from Iran. She is a single mother of three boys aged three, seven, and nine-years old. Just before her flight from Iran, her five-year-old daughter was murdered by the Iranian military, and her eighteen-year-old son has recently been apprehended by Alberta Social Services because of her husband's physical abuse. Manejah* is a pugnaciously determined woman. She is devoted to creating a new life

apprehended by Alberta Social Services because of her husband's physical abuse. Manejah* is a pugnaciously determined woman. She is devoted to creating a new life for her sons, but deeply scarred by her past. Her bravery inspires me to continue to advocate for refugee women.

I supplemented my practical learning about "the refugee experience" with academic learning in women's studies. In my studies I have focused on refugee women and Muslim women. My growing understanding of feminism coincided with my increasing involvement with refugees, and refugee issues. When the Canadian Immigration and Refugee Board implemented the *Guidelines on Woman Refugee Claimants Fearing Gender-Related Persecution* in 1993, I was proud that Canada should be the first nation to develop refugee policy to address the specific needs of refugee women. However, during a course on refugee law at the Centre for Refugee Studies at York University in Toronto, I was encouraged to take a critical look at the *Guidelines*. Had Canada done its best to protect refugee women? This thesis attempts to answer this question, by listening to the words of refugee women and asking if Canada has formulated the best policy possible.

Canada's present drive for fiscal restraint has made refugee issues a "tricky subject". It is difficult for settled Canadians to be generous to refugees when they are

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*Manejah is a code name chosen by the participant to protect her identity. All five participants chose their own code names. Confidentiality of the data is maintained by using these code names when referring to the refugee women who contributed their personal narratives to the research process. In transcribing the interviews, individual names were deleted, and replaced with the code name, identifiable only to the researcher (myself), and my committee members. The code names are not linked to the individual interviewee. The code to my formula is kept separately from the transcripts and filed confidentially.

uncertain about their own economic futures. Despite feelings of uncertainty, Canada has created policy to ensure the rights extended to male refugees under the UN Convention are also accessible to women refugees. Canada's *Guidelines* have attracted a great deal of attention world wide, encouraging other countries to follow its lead. New Zealand and Australia have developed Women at Risk Programmes on a trial run basis. The United States is also experimenting with similar policy. On June 14th, 1996, the US accepted their first female refugee under the experimental policy -- Ms. Fausia Ksenga from Togo, fleeing female genital mutilation.

Before others follow Canadian refugee policy too closely, it is important to examine critically the *Guidelines* to ensure that they promote the rights of women refugees in the most efficient and compassionate manner possible. To date, most research on refugees has focused on the experiences of men. By providing a platform for refugee women to share their experiences of flight, displacement, and negotiation of Canadian refugee policy, as well as their views on its usefulness, this study has the potential to make an important contribution to the existing body of knowledge.

## Purpose and Context of the Study

Few studies give voice to refugee women's experiences of policy designed specifically to ensure their protection. My goal is to provide a framework for the narratives of refugee women who have sought refuge from gender-related persecution using Canadian refugee policy. Although the participants did not enter Canada under the *Guidelines* (because they were not aware of the policy or because it was not

functioning yet), their views on the practicality and usefulness of the policy remain invaluable to policy makers, as these women have lived the experiences Canadian policy makers are attempting address. In the study, the participants express their opinions on the *Guidelines*. The principle question is: "do the *Guidelines* offer the most effective and efficient protection to refugee women?" Effective refugee policy would provide safety for the greatest number of women most in need of protection. It would endeavor to reach the poorest and least educated women who may not even be aware of the policy, or their basic human rights. Efficient refugee policy would provide protection quickly, taking into consideration the specific experiences and the needs of women who have suffered gender-related persecution. Such policy would also consider the social position of women relative to men in the refugee's country of origin.

It became obvious that compared to the persecution of men, women experience different forms of persecution for different reasons. Even when a woman's fear has the same basis as a man's, (race, religion, nationality, membership in a particular social group, or political opinion) women often experience the persecution differently (Forbes Martin, ix, 1992). This has led the international community to begin to re-interpret the meaning of persecution, a concept which developed primarily in response to the experience of male refugees (Ramirez, Refuge Vol. 14, No.7, 3). There are numerous forms of gender-specific persecution: rape, stalking, domestic violence, incest, forced sterilization, forced abortion, forced marriages, and forced prostitution, female infanticide, and female genital mutilation.

(This is not a closed list). Refugee women face gender-related persecution in their homes, in refugee camps, and during flight to safety.

In Chapter Two, I provide a review of the policy and literature on the evolution of refugee protection, specifically that policy focusing on refugee women. An examination is made of the different models proposed to offer protection to refugee women. As well, the particular situations of Muslim refugee women are discussed, and the physical and emotional effects of gender-related persecution are investigated. In Chapter Three, I discuss the research design, the participants, the role my personal experiences and beliefs played in the research process, data collection, data analysis, and ethical considerations. Chapter Four is a presentation of the refugee women's narratives within the context of the literature. Finally, Chapter Five places the women's words into a critique of the Canadian *Guidelines*, presents the arising implications for Canadian refugee policy, and makes recommendations for future inquiry.

## Chapter Two: Policy and Literature Review

### Introduction

In this chapter, I present an overview of the policy and literature relevant to this thesis. The purpose of reviewing the policy and literature is to assist in conducting the interviews and analyzing the data. In order to understand why the *Guidelines on Refugee Women Fearing Gender-Related Persecution* were drafted, adopted and implemented in Canada, it is necessary to first review the history of international refugee policy. Next, I examine Canadian initiatives in refugee policy and the *Guidelines* which evolved from international examples. In order to understand my thesis, that "gender" should be added as an independent category under which women fearing gender-related persecution can claim refugee status, it is necessary to present the arguments in the "gender" vs. "social group" debate surrounding the Canadian *Guidelines*. Finally, to understand the experiences of the refugee women participating in the study, gender-related persecution and its impact are outlined, as well as issues specific to the forms of gender-related persecution faced by Muslim women from Asia and the Middle East.

The literature review was an on going process which I tackled in different stages, beginning with resources recommended by my committee members, colleagues, and the librarian at the Vancouver Immigration and Refugee Board. I then searched the libraries of: local non-governmental organizations working with refugees, the University of Victoria, York University's Centre for Refugee Studies, and relevant internet sites. Once I had completed this preliminary research, I carried

out the interviews with the participants. Material I collected from the participants during the interviews suggested further sources of research. Conversely, the literature review formed part of my discussions with the refugee women, giving me ideas for questions which had not previously occurred to me.

Evolution of Refugee Policy

The United Nations Commission for Refugees (UNHCR) was founded in Geneva in 1951 with the drafting of The United Nations Convention and Protocol Relating to the Status of Refugees (the Convention) which regulated the legal status of refugees. The main impetus for this Convention was the need to deal with the vast number of refugees in Europe, produced by the Second World War. As a result of their deliberations, the Convention was adopted on 28 July, 1951, and took effect on 21 April, 1954.

The Convention defines a refugee in Article 1(A) (2), *as a person who, owing to a well founded fear of being persecuted for reasons of race, religion, nationality, membership in a particular social group, or political opinion, is outside the country of his[sic] nationality and is unable or, owing to such fear unwilling to avail himself[sic] of the protection of that country.* This definition was not formally questioned for the next 25 years.

The Convention consolidates previous international policy relating to refugees to form the most comprehensive international codification of the rights of refugees (UNHCR, 1, 1951). The Convention is applied without discrimination due to race,

religion, or country of origin. Certain provisions of the Convention are considered so fundamental that no reservations may be made to them. These include the definition of the term "refugee", and the principle of non-refoulement, i.e. that no Contracting State shall expel or return a refugee against his [her] will, in any manner whatsoever to a territory where he[she] fears persecution (UNHCR, 1, 1951).

With the passage of time and the emergence of new refugee situations, (caused in large part by the effects of the cold war) it was necessary to make the provisions of the Convention applicable to new refugees. As a result, a protocol relating to the status of refugees was prepared and submitted to the UN General Assembly in 1966. The Protocol was signed in January 1967, and took effect on 4 October, 1967. "Accession to the Protocol" means that states undertake to apply the provisions of the 1951 Convention to all refugees covered by the definition in the Protocol. Although related to the Convention in this way, the Protocol is an independent instrument, accession to which is not limited to states party to the Convention.

The Convention and the Protocol are the primary international instruments established for the protection of refugees. Their basic character has been internationally recognized on universal and regional levels. As of 31 January, 1983, 88 states had become party to the Convention and the Protocol. Two states had adopted only the Protocol.

Through researching the literature, I discovered that the apparently gender-neutral language of the Convention definition of refugee is misleading. The neutrality

expressed shows an understanding of persecution, and the grounds upon which it is legally based, that has been created by a distinctly male perception of what constitutes a legitimate fear of persecution (Foote, Refuge Vol.14, No.7, 6). Because refugee women's needs were not being met by the Convention definition of "refugee", it becomes apparent that women often fear persecution for different reasons and in different ways than men, even when their fear has the same basis i.e. the Iranian government's persecution of Iranian Ba'hai.

In 1984, during the UN Decade of Women, the European Parliament adopted a resolution encouraging states to recognize as refugees, women who face persecution because they transgressed the social mores of their communities (Stairs & Pope, 1990). This was the first time such claims were brought forward (Goldberg, 1993). Under the above resolution, it was suggested that women basing their claims on such a transgression could be subsumed under the Convention definition category known as "membership in a particular social group" (Hathaway, 162, 1991).

One year after the European decision, the Executive committee of the UNHCR endorsed conclusion No. 39 "which recognized that states are free to adopt an interpretation of social group that would include women asylum seekers 'who face harsh or inhumane treatment due to their having transgressed the social mores of the society in which they live'"(Stairs & Pope, 1990, 167). Then, in 1988, the International Consultation of Refugee Women in Geneva, called upon all states who have signed the Protocol to consider women persecuted on the basis of gender as part of a "particular social group". Finally, in 1991, the UNHCR adopted the "Guidelines

on the Protection of Refugee Women", which also encouraged states to recognize claims made by women on the ground of gender-related persecution. The UNHCR Guidelines recommended that such persecution could fall under the "political opinion" or, in some cases, the "religious" categories. (Goldberg, 1993).

The identification of the refugee woman "problem" first occurred during the 1975-85 UN Decade of Women. It had become conspicuous that the vast majority of the world's refugees were women (and their dependents), yet "the majority of the refugee claimants who reach the borders of industrialized countries are men (Ramirez, 1994, 3). Why was it that so few women made claims for refugee status?

Canadian Initiatives in Refugee Policy

The public debate on a number of Canadian Immigration and Refugee Board (IRB) decisions relating to women, added impetus to IRB deliberations on issues relating to women refugees (Dench, 1994). The decision in *Zekiye Inciriyan* , (Immigration Appeal Board Decision M87-1541X, August 10, 1987) offered the first clear indication that Canadian law would follow the lead of the European Parliament and the UN. This case involved a Turkish widow, who had no close family in that country. She was harassed on a daily basis by young men, sexually assaulted, and was the object of an abduction attempt. The Immigration Appeal Board found that the government was unwilling to protect the claimant because, in the authority's view, it was inappropriate for her to be living without the protection of a male relative. Accordingly, the Board determined Mrs. Inciriyan to be a refugee by reason of her

membership in a particular social group composed of "single women living in a Moslem country without the protection of a male relative" (Hathaway, 1992, 162). The voice of non-governmental organizations via Canada's leading newspapers served as the engine for public debate (Ramirez, 1994, 4).

The Canadian Women at Risk (AWR) programme was implemented by the IRB, in 1988, with the express purpose of addressing the needs of refugee women. The Canadian *Guidelines on Woman Refugee Claimants Fearing Gender-Related Persecution* are the result of a long process of vigorous discussion and debate, within the Canadian Immigration and Refugee Board (IRB). The IRB is an independent statutory tribunal created by the Canadian Parliament under Part IV of the Immigration Act. It carries out three major functions: immigration inquiries and detention reviews; immigration appeals; and, refugee determination (IRB Internet site http:\\www.ncf.carleton.ca:12345/freeport/government/federal/irb/menu).

In 1990, the first Working Group on Refugee Women Claimants was established in Toronto (Ramirez, Refuge Vol. 14 No.7, 3). The main objective of the group was to train all the key participants in the determination process to deal with the newly recognized gender-based refugee claims. The IRB implemented a process of external consultation with a wide range of organizations, including the Canadian Council for Refugees, UNHCR, Canadian Advisory Council on the Status of Women, Status of Women Canada, and the Canadian Council of Churches (Ramirez, Refuge Vol.14, No.7, 4). The IRB's research culminated in a 1992 position paper which became an important initiative in the development of the *Guidelines* (Ramirez,

1994, 4).

Canada's unique policy, *The Guidelines on Women Refugee Claimants Fearing Gender-Related Persecution*, were implemented by IRB Chairperson Nurjehan Mawani in March, 1993. This policy, the first of its kind, had been produced out of a concern over the omission of gender-specific persecution in the Convention definition (Foote, 1994, 8).

Canadian *Guidelines on Refugee Women Fearing Gender-Related Persecution*

The definition of a Convention refugee in the Immigration Act does not include gender as an independent enumerated ground for a well-founded fear of persecution warranting the recognition of Convention refugee status. As a developing area of immigration and refugee law, it has been more widely recognized that gender-related persecution is a form of persecution which can and should be assessed by the Refugee Division panel hearing the claim. Where a woman claims to have a gender-related fear of persecution, the central issue is thus the need to determine the linkage between gender, the feared persecution and one or more of the definition grounds.

Most gender-related refugee claims brought forward by women raise four critical issues which the *Guidelines* seek to address. The first issue is: to what extent can women making a gender-related claim of fear of persecution successfully rely on any one, or combination, of the five enumerated grounds of the Convention refuge definition? The second issue is: under what circumstances does sexual violence, or a

threat thereof, or other prejudicial treatment towards women constitute persecution as that term is jurisprudentially understood? Thirdly, the *Guidelines* consider the key evidentiary elements which decision-makers have to look to when considering a gender-related claim. The fourth issue is: what special problems do women face when called upon to state their claim at refugee determination hearings, particularly when they have had experiences that are difficult and often humiliating to speak about?

The framework of analysis used by the Canadian *Guidelines* involves first assessing the particular circumstances which have given rise to the claimant's fear of persecution. Is the form of harm feared by the claimant one that is directed at or experienced predominately by women:

1. because of reason pertaining to kinship?
2. as a result of severe discrimination against women?
3. on grounds of religious precepts, social mores, legal or cultural norms?
4. because of their exposure or vulnerability for physical, cultural or other reasons, to violence, including domestic violence, in an environment that denies them protection?

Next, the general conditions in the claimant's country of origin are assessed. The IRB considers whether or not the social and political position of women in the claimants' country of origin produces a degree of discrimination likely to amount to persecution? The claimant's country of origin is investigated to see if there are oppressive laws and regulations imposed specifically upon women or certain women. If such laws or regulations exist, the severity of the penalties for non-compliance must be investigated. Finally, the IRB needs to know if the state authorities inflict, condone or tolerate violence, including sexual or domestic violence? Do non-state

groups or individuals use sexual violence against women as a means of punishing or reinforcing their dominance over other groups?

The next step in the process is the determination of the seriousness of the treatment which the claimant fears. For the treatment to likely amount to persecution, it must be a serious form of harm which detracts from the woman's human rights and fundamental freedoms. In passing judgment on what kinds of treatment are considered persecution, an objective standard is provided by international human rights instruments that declare the lowest common denominator of protected interests.

The claimant's fear of persecution must be based on one, or a combination of the grounds enumerated in the Convention definition. The IRB must then ascertain whether adequate state protection is available to the claimant in her country of origin. Flora Leibich and Judith Ramirez in their paper Gender Issues and Refugee Determination, say that the key issue to be considered in assessing gender-based claims is that of lack of protection. It does not matter if large numbers of women have experienced a particular form of gender-related persecution, because large numbers of men can be effected by persecution related to any one of the five Convention categories for refugee determination. What matters is that the person's nation cannot/will not protect them from the persecution.

Finally, it must be determined whether under all the circumstances, (including the possibility of an internal flight alternative) the claimant's fear of persecution is well-founded. Throughout the process of making a gender-based claim one must

keep in mind that the "existing bank of jurisprudence on the meaning of persecution is primarily based on the experiences of men" (Leibich & Ramirez, 1993, 24).

The *Guidelines* consider the difficulties women face seeking refuge. For example, women claimants may experience difficulty in giving evidence in the hearing room. Women from non-Western cultures, whose social interaction may have been limited to their families or to other women, and women suffering from "rape trauma syndrome", may find it difficult to speak in front of strangers, particularly when those strangers are men (Leibich et. Al., 1993, 8). A special effort is made to accommodate such refugee women with female interviewers, and by video taping their testimony. The awareness of women's needs is taken into account during the determination process. This increased level of gender sensitivity is what has "put Canada in the forefront of the analysis of gender-based claims of convention refugees" (Leibich et.al., 1993, 28).

The "Social Group" vs. "Gender" Debate

Although most of the literature commenting on the *Guidelines* found them to be a positive step forward, there was a fair amount of literature in which a debate raged over the *Guidelines'* recommendation that women facing gender-related persecution make their claims under the Convention definition category "membership in a particular social group" rather than adding "gender" as a category of its own. It is not surprising that the IRB decided not to advocate that "gender" be added as legitimate grounds for basing a refugee claim, given that by the time the *Guidelines*

were released the European Parliament, the UNHCR, and the 1988 International Consultation on Refugee Women, had reiterated the notion that women refugees can be understood as constituting a "particular social group".

Experts on refuge law championing the classification of women into the "social group" category feel that women constitute a "social group" because they share unchangeable characteristics, and because they are often treated differently from men. They see women as easily identifiable as a group by their social and biological attributes. Generally then, women's lack of power within many societies (relative to men who as a group maintain a privileged position in society), may form a "social group" (Castel 1992, 52).

Alternatively, refugee lawyers Goldberg (1993) and Macklin (1993;1995) argue that basing a refugee claim on the grounds of belonging to a "particular social group" is an inadequate answer to refugee claims based on gender-related persecution. Goldberg argues that a new category -- "gender" -- would more fully recognize women who fear or experience gender-related persecution (1993, 302). Macklin says that "the feature of the *Guidelines* which is most vexing from a feminist perspective is the failure of the government to add "gender" to the list of grounds of persecution, rather than opting for a re-interpretation of existing categories" (1993, 29; 1995).

Not adding "gender" as a sixth category means that no challenge has been made to the Convention's masculinist viewpoint. It suggests that the problems faced by women refugees are merely a variation of men's. Yet, as previously mentioned,

there are numerous types of persecution aimed at women, which men rarely fear or suffer from. Macklin says that, "Not naming it [gender]...trivializes gender oppression as less damaging than race or religious persecution, and perpetuates the invisibility of its victims" (Macklin 1993, 30). Goldberg adds that, "[all] forms of gender-based persecution of women should be recognized by refugee laws. It is essential to a humane asylum policy" (1993, 302).

There have been other alternatives suggested to assist women making their claims for refugee status in Canada. Macklin points out the *Guidelines'* proposal that a woman opposing institutionalized discrimination could make her claim under the "political opinion" category. Macklin says,

> naming women's rejection of subordinate status as a political opinion strikes me as profoundly feminist, if indeed we believe that 'the personal is political' and that patriarchy is a system of power, not biology. So in the end I am not persuaded that employing the category of 'political opinion' is unambiguously inferior to adding the category of gender to the list (1993, 32;1995).

The use of the "political opinion" category, as suggested by Macklin would also prove problematic. The term "political" is so broad that it could make all other grounds of persecution needless. Macklin also referred to patriarchy as a system of power (1993, 32;1995), linking the word "political" with power relations between genders. But, all refugees, regardless of gender, suffer from a power imbalance. What is specific to women refugees is not a lack of power, but the manner in which her powerlessness impacts her life, and whether or not the impact will be seen as persecutory.

Arguments also exist against the inclusion of 'gender" as a 6th ground for basing refugee claims. Macklin says that women are not the only group neglected in the Convention definition. Persons with disabilities, or homosexuals may also be persecuted in a presently unrecognized manner. She says, "[t]he risk of listing gender as a separate category is that it will give [IRB] members an excuse to reject people persecuted for reasons of disability, by arguing that if the legislator had intended to include disability as a ground of persecution, the policy would say so explicitly as it does with gender" (Macklin 1993, 33; 1995).

Macklin's preference for the use of the social group basis for women making gender-related refugee claims, could be criticized with her previous reproach of "masking" gender persecution with "some other label" (1993, 30; 1995). Using gender as a ground for persecution doesn't mean other types of persecution don't exist. Macklin appears to be hinting that she believes persecution would not be recognized when aimed at a disabled person, but she doesn't supply examples of such cases. There are however many examples of women suffering as yet unrecognized forms of persecution under the Convention, such as rape. For this reason, the *Guidelines* were initially necessary.

The "particular social group" classification implies that women be categorized and sub-categorized despite their majority standing among refugees, making it seem that women refugees are an aberration from the norm. It implies that women refugees, because of their sex, are perpetual victims, and for this reason alone belong

to a "particular social group". This perspective uses biological determinism to establish women's powerlessness and resultant legal status.

The classification of women as a "social" group is also problematic because it promotes the idea of a type of "universal sisterhood" between all women. As Audre Lorde in her article "Age, Race, Class and Sex: Women Redefining Difference" says, "There is a pretense to a homogeneity of experience covered by the word sisterhood that does not in fact exist" (Lorde, 1986, 101). To consider women as a social group denies class, race, and cultural differences. To suggest as Stairs and Pope (1990) do, that women in general may constitute a particular social group, reveals a certain cultural stereotype that is affixed in our society to a specific arrangement of anatomical features (Foote, 11, 1995).

Audre Lorde says, "it is not those differences between us that are separating us. It is rather our refusal to recognize those differences, and to examine the distortions which result from our misnaming them and their effects upon human behavior and expectation" (Lord, 1986, 101). Although "the personal is political" is a popular phrase with many western feminists, refugee women from other countries may not describe themselves, or their persecution in this manner. Recognition of differences in women's experiences in terms of the contextual variables of class, 'race', sexuality and disability is integral to successful feminist theory. But more important is the recognition of differences within these categories. Feminism is faced with the task of re-creating theory to acknowledge and respect diversity, and to act on it. Patricia Monture in her article, "Kah-Nin-Geh-Heh-Gah-E-Sa-Nonh -Yah-Gah " says,

"Equality is really a celebration of difference" (Monture, 1986, 93). This same challenge faces the developers of the *Guidelines,* and those who formulate similar policies for women.

In her book Gender Trouble: Feminism and the Subversion of Identity, J. Butler says, "feminism sometimes entails an urgency to establish a universal status for patriarchy...[a] fictive universality of the structure of domination, held to produce women's common subjugated experience" (1990, 3). Attempts being made to assist refugee women must not refuse representational politics -- such as the representation of women as a "social group" for the sake of the political process of refugee determination. Instead, Butler encourages the critique of the categories of identity that "contemporary judicial structures engender, naturalize, and immobilize" (1990, 5).

Even though the *Guidelines* label women as a "particular social group", women are individuals who may suffer, or fear suffering similar types of persecution. The "social group" label appears to be stuck to women, in order to move them through a system which remains focused on the experiences of men despite efforts to the contrary. Until the root problem -- the masculinist outlook -- is rectified, refugee women and the gender-specific persecution they suffer, will still be seen as a "special case", a deviation from the norm. At present, the Guidelines force women to rely on their biology to acquire and maintain their legal status.

It appears that those who formulated and now use the *Guidelines*, continue to accept the masculinist methodology contained therein. As a result, women making

a claim for refugee status have to place their trust in those interpreting the definition, a definition which does not fully acknowledge their particular situations. Victoria Foote in her paper on the *Guidelines* says, "by legally defining women as a particular social group, women's powerlessness and marginalization are ensured"(1995, 12). The disempowerment of women is encouraged in order to legitimate their fears of persecution, because the characteristics of being without power, and being marginalized are what allow women refugee claimants to qualify for social group status in the first place.

It is inaccurate to group women on the basis of social factors, and insulting to classify them on the grounds of their biology. Men are not classified as a "particular social group". As Butler says, "gender is used in the singular, because indeed there are not two genders. There is only one: the feminine, the 'masculine' not being a gender, but the general" (1990, 20). Is it acceptable for women to be forced to claim gender-related persecution by relying on the oppression of "women" as a whole? I ask the refugee women in my study this question.

Gender-Related Persecution

There are numerous forms of gender-related human rights violations specific to women which prevent or increase the difficulty in seeking asylum. As the *Guidelines* point out, such persecution "is not random violence, the risk factor is being female" (Guidelines, 1993, 6).

Rape has become an accepted grounds for basing a claim for refugee status brought to public attention by the victims and witnesses of rape in Bosnia-

Herzegovina (Cacic-Kumpes, 1994, Refuge Vol.14, No. 8, 12). Rape is more than a symptom of war or evidence of its violent excess. War rape is "a weapon of terror", "a weapon of revenge", and not uncommonly "the act of a conqueror" (Brownmiller, 1991, 32,35). Experts on rape theory claim that rape "is not for the most part about the overwhelming sexual desire, but the ties between sexuality and feelings of power and superiority...The sexual act itself is less significant than the debasement of the woman" (Giddens 1990, 184). It has also been shown that, "in the context of a sexist and violent society, a low level of social integration and social control contributes to a high incidence of rape" (Baron & Murray, 1989, 187).

Other forms of gender-based persecution are: dowry death of brides who bring an unsatisfactory amount of resource to their marriages; domestic violence; incest; stalking; sati -- the occurrence of a widow being immolated on her husbands funeral pyre (due to social pressures on the widow, or physically, against the woman's will); forced marriages, abortion, sterilization and prostitution; female neglect and infanticide; female genital mutilation; and a lack of physical freedom due to religious and/or cultural mores. The preceding list are all examples of female specific forms of persecution for which there are few male corollaries (Guidelines, 1993, 7). If governments do not provide protection, and do not deal with such crimes fairly, women need to be able to seek refuge.

Impact of Gender-Related Persecution on Women Refugees

In order to understand the emotional and physical effects of gender-related persecution on refugee women in general and on the participants in this study in

particular, I looked for literature on post-traumatic stress disorder, and rape trauma syndrome. It is also important to understand the toll that gender-related persecution takes on women and their dependents in order to get an accurate idea of how to best accommodate the needs of refugee women seeking asylum. There was little information available on refugee women. The most extensive information I encountered was written by Inger Augger, a therapist who has worked extensively with refugee women who have experienced gender-based persecution. Augger has worked with women and girls who have been sexually abused in refugee camps, in their homes, or during flight. She sees the extensive use of sexuality as, " a repressive tool against women, and their families, and their people" (Augger, 1994, Refuge Vol. 14, No 7). Gender-based abuse assaults a woman's perception of the three most fundamental prerequisites for what we would call 'basic trust': the world is benevolent; life has meaning; I have worth (Augger, 1992, 13). Such persecution can cause women to experience: post-traumatic stress disorder; rape-trauma syndrome; depression; anxiety disorders; not to mention related physical ailments. Feelings of shame are prominent features of the trauma of torture victims, especially if they have been sexually abused. The victim has been involved in something which is not regarded as nice or good, neither by herself or himself, nor by society. The feeling of being wrong or dirty, then, does not have anything to do with responsibility (Douglas, 1966)

Augger uses "testimony" as a therapeutic method. Testimony as a concept has a special, double connotation, it contains objective, judicial, public and political

elements, as well as subjective, spiritual, cathartic, and private ones. Testimony, thus, has the capacity to unite the private and public spheres (Augger & Jensen, 1990). Augger uses testimony to try to understand how the sexual abuse of 'dangerous' women is connected with the surrounding sexual and political power structure. If women leave the private sphere to enter the public sphere, if they speak up and become visible in, for example, sexual or political revolts, this can create a crisis in the system. Women's presence in a traditionally male domain can cause disorder and contamination, and it represents a special threat if the system is already in a state of crisis (as many refugee generating nations are) (Goddard, 1987). Thus, 'visible women' become 'dangerous women'. For example, an Iranian secret report in 1992 by a special commission for Iran's Supreme Council on Security listed women, along with ethnic minorities and corruption, as potential threats to national security (Goodwin, 1994, 119-120).

Refugee women suffering gender-related persecution become visible in two ways. Some women go against the social mores of their country of origin by not wearing a veil or by working outside the home. These women experience gender-based persecution as an attempt to control their behaviour, and thus become refugees. Other women become refugees for non-gender-specific reasons such as civil war. These refugee women become visible whilst fleeing or living in exile without male protection. Such refugee women are then at risk of suffering gender-related persecution, again as a means of control. Augger says that the common characteristic of all forms of gender-specific abuse, is the violation of the woman's right to her own

body, to her physical and psychological integrity, and ultimately to a life of dignity. Gender-specific persecution revolves around female sexuality, and the ways in which it can be used to control, exploit and punish women, and the men held responsible for them i.e. fathers, brothers, and sons. Men's sexuality is not preyed upon in a manner such that it can be used to control them. For example, the virginity requirement for females remains an extremely important issue for Pakistani women. Fausia Rafiq, an immigrant to Canada from Pakistan says,

> Young women ought to be pious , innocent, pretty, and virgin. Even now in the ritual of marriage, the Baluchi bridegroom might go with a dagger to the woman on her wedding night. He is given the right to kill the woman if she doesn't bleed at the time of intercourse. It will reflect very badly on the brides' family, her father and brothers, if her virginity is not proven as they are expected to protect their honour by ensuring their daughters' virginity (Rafiq, 1992, 17).

Muslim and Middle Eastern Women and Gender-Related Persecution

My experience working with Muslim refugees from Pakistan, Afghanistan and Iran prompted me to research women refugees from these nations. I felt that I would be able to do the most effective research by focusing on people whose cultures, languages, and values I was already familiar with. By concentrating on the Muslim Middle East and Asia I am not trying to suggest that gender-related persecution exists only in these nations. The literature shows that gender-based human rights violations are a global problem taking on different forms in different locations.

The literature on Muslim women indicates that increasing Islamic fundamentalism is responsible for the retraction of women's human rights. Islamic

fundamentalism is a very complex phenomenon. It is integrally related to the policies of advanced capitalism (Moghadam, 1994, 7). The literature I examined gave me a general understanding of Islamic fundamentalism, and its effects on women, but my research has only scratched the surface of this complicated religious and political movement.

Fatima Merinissi, a Moroccan sociologist who has written extensively on women and Islam summarizes the Muslim reformers of the 19th century as follows:

> This movement, focused on the struggle against colonization and therefore viscerally anti-Western, was obliged to root itself more deeply than ever in Islam. Facing the militaristic, imperialistic West, Muslim nationalists were forced to take shelter in their past and erect it as a rampart -- cultural *hudud* (boundaries) to exorcise colonial violence. The Muslim past they reactivated did not anchor modern identity in the rationalist tradition. In fact, the nationalists were prisoners of a historical situation that inevitably made modernity a no-win choice. Either they might construct modernity by claiming the humanistic heritage of the Western colonizer at the risk of losing unity... or they could carefully safeguard a sense of unity in the face of the colonizer by clinging to the past... foreclosing all Western innovation. Alas, it was this second solution that the nationalist politicians more or less involuntarily chose (Merinissi, 1993, 42).

As a result of the Islamic movement's favoritism of the past, women have become symbols of men's Islamic commitment (Goodwin, 1994, 9). By focusing on "traditional" Islamic expectations of women, it is easier to enforce rules that never really existed or to misconstrue the reasons behind certain expectations -- such as veiling. In the majority of cases, women are forced to adhere to fundamentalism, either because the men in their families require them to, or because of threats of violence from Islamists in their community (Goodwin, 1994, 15). Leila Ahmed in her

book Women and Gender In Islam reiterates Goodwin's observation saying, "The Islamists position regarding women is problematic in that, essentially reactive in nature, it traps the issue of women within the struggle over culture -- just as the initiating colonial discourse had done" (Ahmed, 1992). It seems that often the post-colonial reaffirmation of indigenous customs relating to women, and the restoration of the customs and laws of past Islamic societies with regard to women, are the centerpiece of the agenda of political Islamists. As a result, women's bodies and their ability to be self-determined is being wrestled from women's control.

Merinissi says that "the battle of the 1990's will be a battle over the civil codes which women challenge as contrary to the universal declaration of human rights and which the authoritarian states defend as sacred" (Merinissi, 1993, 157). Women entering the public sphere, becoming educated or working, is perceived as perverting the male domain. Muslim women demanding equality are labeled by Islamists as traitors and allies of the West. Merinissi says, "women have been, are, and will continue to be the targets of intimidation and violence, whether from regimes in power or opposition movements that hark back to the past" (Merinissi, 1993, 157). Muslim women seem to make up the majority of those asserting their right to self-affirmation as individuals, through words and actions.

The literature I examined on Muslim women seems to concur with Inger Augger's assertion that women's sexuality is used to control women, and simultaneously, the men who are held responsible for them by cultural expectations. Jan Goodwin, a journalist who lived for more than four years in Muslim countries,

interviewed many Muslim women in an attempt to understand the gender-based persecution they experienced. In an interview with Goodwin, Alon Ben-Meir says, " Women are the recipients of family honor; the reasons for this are culture, orientation, inherent jealousy, concern, fear. It is the dominant role that has been enshrined throughout the generations. And because of this, no matter whether Islamic fundamentalism is Sunni, Shi'a or any other coloration, women are the first to be affected" (Goodwin, 1994, 28). Goodwin concludes, "In essence then, Muslim women are the wind sock showing which way the wind is blowing in the Islamic world. And as the extremist movement grows, they are also, as one woman I interviewed put it, "the canaries in the mines" (Goodwin, 1994, 28).

At the Vancouver IRB office, I did a study of Canadian Case law relating to Muslim women from South Asia and the Middle East. The main theme among the cases of women fearing gender-related persecution was that of placing boundaries, physical and psychological, on women's lives. The case law contained stories -- "about crossing borders and having your boundaries violated -- and about being in the ambiguous borderland where women have to be careful of their own, other people's and their systems' boundaries" (Augger, 1992, 1). I demonstrate this argument by recounting two case studies.

In February 1993, a twenty-four-year-old Saudi woman was granted political asylum in Canada on the basis of gender discrimination in her home country. The young woman fled Saudi Arabia because she feared persecution for refusing to veil,

for walking in Riyadh alone, and for wanting to pursue a university education in the field of her choice. She feared government reprisals on her family.

In July 1994, a Somali woman and her two minor children, who had been living in Saudi Arabia, made a claim for refugee status based on fear of gender-related persecution. The woman's husband had abducted her eldest son. The abduction was seen by the applicant as a retribution for her divorce plans as well as her independence. On the 6 June 1992, the husband divorced her. She stated that the father had never played any role in the children's lives, except financial support, never assuming any educational responsibility. Her husband now lives in Somalia. The mother feared that if she returned to Somalia she would lose her two remaining children in the same manner that she lost her first child. Under Somali Sharia law, the mother would not sufficiently enjoy her rights as a parent (under Sharia, once a child has reached two, s/he becomes the custody of her/his father, and if the husband dies, the child would go to his or her paternal grandfather). The mother is not considered a suitable guardian (Goodwin, 1994, 114). Her daughter also had to face the danger of being subjected to the practice of female genital mutilation (FGM).

In the above cases both women faced gender-related persecution because each had attempted to violate boundaries of her society. The woman from Saudi Arabia had violated the boundary of private (female) space and public (male) space by refusing to cover herself in public, by walking in public without the accompaniment of a male relative, and by insisting on pursuing an education outside of the home. The

Somali mother crossed borders denoted by her community when she made known her plans for divorce and independence.

Fatima Merinissi in her autobiographical book Dreams of Trespass: Tales of a Harem Girlhood emphasizes the problem of boundaries faced by Muslim women by quoting a story she was told as a child in her harem. " "The frontier indicates the line of power because wherever there is a frontier, there are two kinds of creatures walking on Allah's earth, the powerful on one side, and the powerless on the other"... I [Fatima] asked...how would I know on which side I stood. Her answer was quick, short, and very clear: "If you can't get out, you are on the powerless side" (Merinissi, 1994, 242).

A recent example of the reinforcing of such frontiers can be seen in Afghanistan. During the Afghan war against the Soviet Union in the 1980's, over three million refugees (mostly women and children), fled. Since the withdrawal of Soviet troops in 1989, local groups have made attempts to obtain power in Afghanistan. On 26 September, 1996, the Taliban, a relatively new Islamist party, executed a coup d'état and murdered the ex-President Minister Dr. Najibullah, and his brother. Strict Islamist law was immediately put into force. Female government workers were ordered not to show up at work on Monday (they would continue to receive full pay until the government policy regarding 'women at work' could be reviewed) (Alan Pierce, BBC, CBC Radio, 1996). The UN Convention states that one has "the right to practice, or not to practice", the religion of one's state. It seems that

such a situation could increase the chances of women experiencing gender-related persecution, but implementing policies limiting women's basic human rights.

Although the oppression of women in Muslim countries has been a favorite subject in the Western media over the last decade Leila Ahmed points out that, "the existence of numerous and invisible practices destructive of women within Egyptian society does not mean that the generality of ... Muslim or Arab men can be assumed to be more brutal to women or more misogynist than Western men are (Ahmed, 1992, 215). Gender-related persecution of women is a global problem. Muslim women face issues of violence similar to those faced by Western women, while also suffering forms of gender-based violence specific to the circumstances in their countries and communities.

## Conclusion

The review of the literature has contributed to the development of concepts for conducting the study. Besides the actual policies, and the information generated by the IRB's research process there is little literature available on women facing gender-related persecution. Most studies to date have focused on attempts to identify women's needs, and to formulate policy to protect women, but little research has been done on the effects of gender-related persecution on women, and the underlying causes of gender-related persecution. There is a need for more qualitative and interpretive research studies done in order to understand the complex phenomenon of gender-related persecution, that affects women in different ways around the world.

The literature on definitions, incidence, nature and impact helped me to develop an appropriate interview guide and probes for data collection, and provided a context in which to situate the women's stories. I am moving into new territory by giving voice to women's stories and investigating gender-related persecution, and its effects on women refugees.

# Chapter Three: Methodology

## Research Design

This qualitative research study is informed by feminist research perspectives. To do feminist research is to put the social construction of gender at the centre of one's inquiry (Lather, 1988, 569). Feminist research sees gender as a basic organizing principle which profoundly shapes and mediates the conditions of our lives (Lather, 1988, 570). The overt ideological goal of feminist research in the human sciences is to correct the invisibility and distortion of female experience in ways relevant to ending women's unequal social position (Lather, 1988, 570). Feminist theory challenges researchers to focus their studies on people's personal experiences (Kirby & McKenna, 1989).

Politically, the main goal of feminist research is to empower and politicize the researcher and the researched (Moss, 1994, 33). Feminist research aims to alter power relations through the research findings, and within the research process. The feminist researcher aims to engage in interactive power relations. Instead of exercising dominating power relations within the research process, the researcher takes a "view from below" by directly involving groups of people less powerful in society). Refugee women facing gender-related persecution fit this category.

C. Mohanty in her article "Under Western Eyes: Feminist Scholarship and Colonial Discourses" says, "Research methodology informs what is learned during the research process. Further, all research exists within relations of power which it

counters, redefines or implicitly supports (Mohanty, 1988, 61-87). I wanted to explore a methodology that reflects a philosophy of empowerment and positive social change. I found this in Kim England's feminist approach to research. England describes the idea of "supplication", whereby the researcher seeks a reciprocal relationship with the researched. This relationship is based on empathy, mutual respect, and sharing knowledge with those researched (England, 1994, 80-89). Using this approach the researcher explicitly acknowledges her reliance on the research subject to provide insight. In this way there is shifting of power from the researcher to the researched.

Feminist interview methods explore people's views of reality, and provide an opportunity for clarification and discussion of their lived experiences and the forces shaping these experiences (Reinharz, 1992). My research design treats the interviewees as active participants by using a method of guided conversation, as a way of developing an understanding of refugee women's lives from the perspectives of refugee women (Patton, 1980).

Reflected in my design is the feminist belief that researchers must include their own experiences and understanding in the process of creating knowledge (Kirby & McKenna, 1989). *Reflexivity* is a key aspect of feminist research methods. Reflexivity is "self-critical sympathetic introspection and the self-conscious analytical scrutiny of the self as researcher" (England, 1994, 80-89). *Reflexivity* induces self discovery and can lead to new insights regarding the research questions.

The critical inquiry required by a feminist perspective does not claim neutrality (Maguire, 1987, p. 15). In her article "Research Design in Feminist Geographical Analysis" Pamela Moss says, "feminist methodology accepts research as a value-laden exercise (Moss, 1994, 31). A feminist perspective maintains that objectivity is an "illusion" because it suggests that it is possible to separate the subject of knowledge, *the knower*, from the object, *the known* (Maguire, 1987, p. 19).

Feminist researchers draw on many perspectives to do their work. Some feminists assert that there is nothing feminist about a method; it is the feminist use of a method that is significant (Jayaratne 1983; Currie 1988). Maguire describes the choice to use feminist research methods as, "a choice to recognize a range of knowledge forms and inquiry systems which produce knowledge for the explicit purpose of human emancipation" (McGuire, 1987, p. 27).

T.N. Madan, an Indian Anthropologist said that the study of anthropology, "should not merely tell us how others live their lives: it should rather tell us how we may live our lives better, and it should be grounded in the idea that every culture needs others as critics so that the best in it may be highlighted, and held out as being cross-culturally desirable (Madan, 1990, 5-6). White, middle-class feminists have traditionally had a difficult time theorizing, and researching about women from different cultures, classes, and "races". I examined different feminist perspectives on "white" feminisms studying "other" feminisms in an attempt to make my research and writing with refugee "women of colour" balanced. I based my feminist perspective on Leila Ahmed's recommendation that, "we need to ensure that feminism is vigilant in being self-critical and aware of its historical and political situatedness if we are to avoid being unwilling collaborators in racist ideologies" (Ahmed, 1992, 248).

Researcher's Values, Beliefs and Experiences

My data analysis plan reflected my own personal theoretical orientation (beliefs, values and experiences), and my commitment to adopting techniques used by other feminist researchers as a means to honour women's voices. In conducting this study, I attempted to develop an empathetic understanding of the experiences of women refugees fleeing gender-related persecution, by focusing attention on the perceptions and experiences of the participants. I did this research based on the assumption that people make sense out of their experiences, and create their own reality (Locke, Spirduso & Silverman, 1978). As the investigator, I was the main research unit. My direct presence as part of the research process meant that my values, beliefs, perceptions, assumptions, and experiences became relevant to all stages of the research process.

I did not strive to achieve objectivity, to erase my personal view point, or to become neutral. I considered 'who I am' to be a valuable resource that I brought to this project. My task was to ensure that my personal attributes were used in a way that illuminated the data, rather than distorted it (Locke, et al., 1987). One strategy to achieve this was to record my 'conceptual baggage' at the start of the research. Documenting the conceptual baggage (thoughts and emotions), allowed me to determine on an on-going basis, whether my assumptions or preconceived ideas were influencing the research (Kirby & McKenna, 1989).

It was a difficult emotional experience to hear the stories of the refugee women who had suffered and sought safety from gender-specific persecution. One way of dealing with this dilemma was to keep a journal during my research. I recorded my feelings, thoughts, and personal reflections apart from the data obtained during the interviews. I became aware

that inaddition to the journal entries I needed to participate in debriefing sessions with a colleague after the interviews. Inger Augger, a therapist working with refugee women says,

> A growing awareness of the ethical dimensions of the human rights concept may also be the beginning of a consciousness-raising process for the therapist. There is increasing discussion in the field of post-traumatic therapy of how we, as therapists and researchers, react to horrifying and traumatic stories about deliberate human rights violations. How do we -- who are supposed to be the victims' helpers and counsellors -- manage our own pain? (Augger, Refuge Vol.14, No.7, 19).

I also believe that the holes in refugee policy (international and national), with regard to the female experiences of fleeing persecution have not been intentional. Rather, I believe that little notice was given to the particular plight of women refugees because the socialization of the mostly male policy makers prevented them from coming to understand that their perceptions were excluding the needs of women. Thus, the need to hear from refugee women themselves.

I am aware that my assumptions and beliefs with respect to the plight of refugee women are influenced by the literature that I have read. I therefore set up my data collection and analysis records in a way that ensured that this prior knowledge was accounted for, so that it would not replace the data provided by the participants. This was done by using wide margins on the transcripts. Within these margins, I recorded the conceptual baggage (prior knowledge and experience), as it injected itself into the process.

Experiences

My experience with the topic studied is personal and professional, in addition to the exposure of the literature. I have worked intimately with refugee families -- assisting them in

settling into life in Canada, I have studied their countries, languages, and cultures. These prior experiences with refugees in flight, displaced and re-settling, has allowed me to bring empathy and intuition into the research process. Burns and Grove (1987) report that the use of the researcher's personality is a key factor in qualitative research, and that the skills of empathy and intuition are cultivated by researchers, and deliberately used.

The setting for my study was the various situations of refugee women facing gender-related persecution, (specifically the situations of Muslim Middle Eastern and Muslim South Asian refugee women). I have five years experience working as a refugee settlement worker, and have experience as a health promoter with Afghan refugee women in Pakistan. I have language skills, and cultural knowledge relative to the women I interviewed. This background was an asset in conducting the research. As an investigator it meant that I possessed credibility which facilitated the carrying out of the study, including access to participants willing to talk about their personal experiences, and potential acceptance of my findings by those who work with refugee women.

I must also acknowledge that my familiarity with the experiences of refugee women was a slight drawback since I had to remember that the reality of the women I was interviewing was different from the realities I had encountered in my work experience, and in the literature and policy I had reviewed. I needed to "bracket" this previous experience so that I could remain open to the perceptions of the participants, rather than attaching my own meaning to their experiences (Burns & Grove, 1987). I endeavored to recognize different experiences caused by class, racial, religious, and cultural differences.

I had to make plans for self-monitoring at each stage of the study to control for the influence of my personal "being" during data gathering, and data analysis. In addition to keeping a journal to record my personal standpoint, I also enlisted the help of a colleague -- an Iranian refugee -- with whom I could cross-check my perceptions and decisions. I also recognized that the use of my personal qualities was an asset in this qualitative study, as this type of research values subjectivity, rather than objectivity. I attempted to acknowledge the complexities of close involvement with the participants of my study (Sandelowski, 1986).

## Authenticity of the Results

This study was designed in a way that the results are not intended to be generalizable. I chose a design that would facilitate hearing the stories of refugee women relating experiences which were truthful and meaningful to them. This design would also allow me to come to understand the phenomenon of gender-related persecution as it has been lived and perceived by these women, and to apply this new found knowledge to recommendations for refugee policy development. In a study of this nature, the investigation can be deemed credible if (a) the study provides interpretations of these experiences of gender-related persecution that the women refugees would immediately recognize as their own descriptions, and if (b) the readers would recognize the phenomena of gender-related persecution, if confronted with it (Sandelowski, 1986). Rather than looking for generalizability, I was looking for authenticity in my results.

The intent of the study was to understand the variety of ways in which refugee women perceive, and have experienced gender-related persecution. I expect that other refugee women who may read this study will recognize themselves in the words of the participants. Their stories are likely to be similar because gender-related persecution tends to be similar across cultures. Reinharz and Cook (1979) report that generalizability is usually informal in this type of study. They argue that a depth of understanding of an individual participant's situation can aid in informal generalization. While not representative in the quantitative sense, a refugee woman belonging to a specified group of refugees is considered to represent that group. Her experiences represent a "slice of the world" (Sandelowski, 1986, p.32) in which refugee women must survive.

Participants

The initial process of locating potential participants was accomplished by the "Snowball Sampling Method" (Bernard, 1988, 98). This method involves allowing pre-existing networks of friendship, kinship, and community to guide the selection of the participants. The snowballing for this study was started by two of my good women friends who are part of the Victoria Muslim refugee community. They simply mentioned my research interests to women in their communities, whom they felt may be interested in participating. If the woman was interested in the project, she called me for more information. As the topics to be discussed would be painful and emotional, I had the potential participants contact me in an attempt to ensure they

were genuinely interested. I took measures to ensure that I was selecting women who were comfortable talking about their experiences of flight from gender-related persecution. In some cases, this involved a brief discussion on what constituted gender-related persecution, and the difference between gender-related persecution "creating" refugees, and gender-related persecution that is inflicted on refugee women who are fleeing from other types of persecution. I pre-screened for refugee women who identified themselves as having suffered from gender-related persecution, and who were willing to share their stories in a research project.

When each woman called, we spoke generally about the research project, and if they were interested we arranged to meet. I usually met the prospective participants at their homes where we would get to know each other, and the requirements of the research project. If the woman was still interested, we arranged to have a translator join us at a second meeting where we would go over the information sheet (See Appendix A) and the informed consent sheet (See Appendix B) in the woman's language of her choice. The woman would then either agree or not agree to participate at the meeting, or would take more time to decide.

I purposively selected five of the eleven refugee women that contacted me for more information on my research project. The five refugee were from; Afghanistan, Iran, Iraq, and Pakistan. Four of the five participants were practicing Muslims, the fifth participant practiced the Ba'hai faith.

The basis upon which I selected these five women was their potential to illuminate the phenomenon of gender-related persecution, (and subsequently the

aspects of Canadian refugee policy needing revision). I selected refugee women who (a) represented a variety of social backgrounds (b) who were from the Middle East and Asia (as I am most familiar with the religion, cultures, and the status of women in these countries) (c) felt they had experienced gender-related persecution (after having forms of gender-related persecution explained to them) (d) were willing to participate in intensive, open-ended interviews about their experiences. These criteria were important to elicit the information on gender-related persecution necessary to my study.

It is important to note that although the five participants were from different social backgrounds, economically they belonged to the middle-class. I was unable to locate any potential participants from lower-class backgrounds for two main reasons. The first reason being that I required participants with a proficiency in English in order to do in-depth interviews. The women with the best English language skills tended to be those with the highest levels of education. In turn, a good education appears to go "hand in hand" with a middle or upper-class background. Secondly, I was not contacted by any prospective participants who were from a lower/working-class background. Reflecting on this discrepancy I realized that absolutely all the refugees I have come in contact with from the Muslim community in Victoria have been from the middle-class. The participants in the study sighted their class positions as one of the main reasons they were able to make it to safety.

It is also important to consider that four of the five participants in this study were accompanied by a male relative during their flight to safety. Only one of the

prospective participants, Tirah, had fled to Canada without male assistance. She was selected to share her experiences of flight as a single mother. The women who had a male relative with them, recognized that they and their children benefited from the presence of a man in terms of increased respect and physical safety, economically, and through the male refugee's language skills. Purposive selection of participants provides no objective way to determine how typical the chosen participants are (Polit & Hungler, 1991). However, I was not striving for generalizability, and I think that purposive sampling is compatible with the dual purpose of this study: (1) to develop an understanding of the international problem of women seeking refuge from gender-related persecution, from the words of refugee women, and (2) through these narratives to show that Canada's refugee policy needs to add a sixth category "gender", under which to claim refuge, in order to fit the realities of refugee women.

## Ethical Considerations

### Right to self-determination and Privacy

This study honours the ethical principle of respect for individuals, and their capacity for self-determination (Burns & Groves, 1987). I informed the potential participants, verbally and in writing, about the nature and purpose of the research. (See the Information Sheet for Potential Participants in Appendix A.) The participants were informed verbally during the screening of potential participants, and in writing, in the letter of informed consent. I included an explanation of how the findings would be used. I also explained the criteria used to screen the refugee

women for potential participation in the study. I informed the interviewees, verbally and in writing, that their participation was voluntary. I advised the potential participants that they had the right to withdraw their participation in the study at any time without explanation. This included the right to refuse to participate in any particular section of the interview, and to refuse to answer a specific question during the interview. The language differences between myself and the participants were overcome by having translators (who were not known to the interviewees or myself), available to help bridge any "language barriers".

I obtained informed consent in writing from the participants. This consent was obtained in the form of a letter signed by the participants prior to taking part in an interview. This letter was verbally translated by two interpreteurs from the Victoria Intercultural Association, to ensure that each participant could hear the consent form in her native language, and thus have an accurate understanding of the contract. (See the Informed Consent to Participate in a Research Study in Appendix B.) The following elements were included in the process of obtaining informed consent from each participant: (a) giving them essential information about the study; (b) ensuring that they comprehend this information (using translators); (c) obtaining their voluntary agreement to participate, after they had an opportunity to ask me questions and to consider this information; (d) giving an assurance of anonymity and confidentiality; (e) asking for permission to audio tape the proceedings; (f) describing to them my plans for using and disposing of the recordings. For the purpose of informed consent, I used the format suggested by Burns & Grove (1987) and

followed the guidelines set out by the university in its Request Form for Ethical Approval of Proposed Research Involving Humans.

Right to Anonymity and Confidentiality

During the data collection process, (personal interviews) and once the interviews had been conducted, I took steps to protect the participants' anonymity by keeping the subjects' names separate from the data through the use of fictitious code names chosen by the participants. The key to the code was kept in a locked file in my office. No full names appeared on any of the interview transcripts. The signed consent forms were also kept separately from the data, and stored in a secure manner (Burns & Grove, 1987). The raw data (copies of transcripts and tapes) were locked in a secure place to ensure confidentiality. If there were characteristics of participants' stories that might have revealed their identity and if they requested it, I changed the details to disguise their identity, while maintaining the integrity of their story.

Throughout the interview process the interviewees were reminded to consider, where possible, the protection of privacy of other individuals they may mention during the interview. References to individuals mentioned by the interviewees was identified by the using the interviewee's fictitious name, followed by a dash ( - ) and the number 1, 2, etc.

Right to Protection from Discomfort and Harm

I did not anticipate any negative physical or economic harm for the participants. But, since I was interacting directly with the participants, and because of the nature of the subject matter we were to discuss, I felt it was likely that the subjects would experience some degree of emotional (and possibly corresponding physical ) discomfort. Subjects were asked to recall incidents leading up to their flight as refugees, in an effort 'to name' the special violence which is practiced against politically dangerous women. I assumed that many if not all of the interviewees had suffered from varying degrees of post-traumatic stress disorder. I anticipated that some of the participants might find it difficult to re-visit episodes of past persecution through the interview process. I have an ethical responsibility to the participants to be prepared for such reactions, and to help the interviewees by identifying supports. I therefore implemented the following: (a) I offered to provide a referral to a private practitioner in the participant's geographic area, who was familiar with the health issues (mental/physical), faced by survivors of torture; (b) I advised the participants on agencies and organizations supporting refugees (specifically refugee women), in Victoria; and (c) I offered to link the participants to each other for mutual self-help, with the prior permission of each participant. In addressing the participants' rights to protection from discomfort and harm, I attempted to balance the potential benefits of having the women's stories made visible with the risk of emotional discomfort.

Practitioners have learned that asking people to relive persecution, gender-related or not, can initiate intense emotions. After studying Inger Agger's research on

the psycho-social exploration of refuge women's trauma, published in a book entitled The Blue Room: Trauma and Testimony among Refugee Women , I learned that the risks involved in researching refugee women (unearthing repressed memories of trauma), are worth enduring for the therapy it provides. "The Blue Room shows how traumatic experiences can become liberating and empowering...Enlightening and fascinating" (Nawal El Saadawi, 1994). Augger says that, "'Testimony' as a concept has a special, double connotation: it contains objective, judicial, public and political aspects as well as subjective, spiritual, cathartic and private aspects. Testimony thus contains within its structure the private and the political levels (Augger & Jensen 1990). Through reading the literature, I became confident that researching refugee women's narratives, although painful.

To prevent the subjects with children from experiencing inconvenience during the interview process in terms of child-care, I organized free child care in the participant's home. The child care worker was my close personal friend Melanie Bonar. Melanie volunteered her time. She has vast experience working with children of all ages and cultures, as well as holding a Child and Youth Care certification from the Justice Institute of British Columbia, and a recent British Columbia Criminal Record Check.

At the end of each interview, I advised the participant that I would make myself available for a debriefing session during the day or two following the interview, if she wished. This provided an opportunity for participants to deal with any emotional stress that resulted from stirring up strong feelings during and

following the interview. It also provided her with a chance to clarify any outstanding issues raised.

Following each interview, I recorded in a journal my personal reflections on how the experience was for me, including my emotional responses and special insights. In these reflections, I noted any changes in my data gathering plan, probes that worked especially well, and new questions that arose which were not in my original plan (Kirby & McKenna, 1989). With their permission, I also wrote up any comments that were made by the participants after the audio tape was turned off. This journal also contained record-keeping with respect to the data collection process, such as decisions related to the use of the interview guide/questions. In the journal, I also kept track of emerging themes, and recorded concepts as they arose (Taylor & Bogdan, 1984). Due to the intensity of the subject matter it was necessary to schedule debriefing sessions so I could to discuss with my colleague Amanda Lines, the feelings of anger and frustration that I felt after hearing the women's stories.

There were some ethical considerations unique to the study of refugee women. As the participants were refugees from countries which remain in political turmoil, three of the participants were concerned that identifying them may cause persecution for their family members who remain in their native country. One participant was afraid to identify herself because she feared for her safety in Canada. This participant felt that the government of her home nation would be able to "get to her" even in Canada if she were to use her real name.

While some of the women wished to keep their participation in the study confidential, others seemed to feel comfortable, and in some cases even eager, to share their experiences by participating in the study. A couple of the participants, driven by their own anger and their perception of the public's "need to know", said they did not fear being identified as participants. They conveyed that they knew "too many more women at home who need a safe place".

There were several factors that influenced whether or not the participants were concerned about their anonymity. These included (a) having family who remained in their native countries; (b) whether they had a spouse or close family relative with them in Victoria; (c) they did not want their stories to make them appear ungrateful for the support and protection Canada has given them; and (d) they did not want family or friends to find out about past sexual torture/abuse. It is important to recognize that the range of concern (fears and perceptions of vulnerability), varies from woman to woman, and that as researchers we cannot assume that standard procedures will be appropriate for all women. My experience in conducting this study shows that we must be vigilant, and help each woman to asses her own needs with respect to confidentiality.

In terms of gender-related persecution, protecting the identity of the victim and disguising the situation also provides protection and anonymity to the persecuting person, community or nation. Some women realized this but, for safety reasons, they felt a need to disguise any identifying characteristics of their stories. Other

participants, usually those who had endured "chronic persecution", felt that they had "nothing left to lose", by protecting their persecutors.

In this study, both of the above situations arose, and there were times when women who originally thought they wanted privacy and anonymity, changed their minds after they had re-lived their experiences of gender-related persecution during the interview, and were feeling a new sense of rage and frustration about their experiences. Therefore, these confidentiality/anonymity issues were complex when working with vulnerable women who are displaced, and unfamiliar with their new environment.

Data Collection

Given the complex and emotional nature of the problem being studied, I considered it inappropriate to use a questionnaire to elicit this data, as the participants' words would have been reduced to statistics. I chose a qualitative approach because I am interested in women's experiences. Qualitative methods provide detail and adds richness and depth to one's understanding of any phenomenon (Royse, 1995, 283), Using quantitative methods the study would not yield such powerful and insightful (Polit & Hungler, 1991). Intensive in-depth interviews are the most useful method of collecting data because they focus on the participant's perception of her experiences. Interviews allow the researcher to engage in a relationship with each participant while exploring her experiences. The use of the researcher's personal attributes, such as empathy and intuition, are considered

beneficial to the research process (Burns & Grove, 1987). In conducting the interviews, I thought of myself as an active seeker of information about an issue that concerns me (Kirby & McKenna, 1989). The interviews enable me to hear the emotionally sensitive stories of women in a way that enhanced my understanding of how they perceived their reality (Patton, 1980).

Procedures

The data were gathered using intensive in-depth interviews. As in all forms of verbal encounter, the question of language plays a central role in the collection of oral narratives. The participants in my study all spoke English as a second or third language. I have a good command of Urdu, and some knowledge of Farsi/Persian (languages relevant to the participants). I thought my language skills would be useful, but I found that an incomplete knowledge of the nuances of another language prevented accurate comprehension.

We ended up working primarily in English, with the assistance of a female interpreteur fluent in English and the participants' first language. The interpreteurs helped the women find words in English that they did not know, and helped them clarify the details of their stories. However, the more interpretation the more distortion. Miranda Miles and Jonathan Crush in their article "Personal Narratives as Interactive Texts: Collecting and Interpreting Migrant Life-Histories" say, "This [interpretation] is a critical concession for it immediately diminishes the power of the interview to unilaterally control the format of the life history and to impose the

definitions of her own idiom on the questions posed, and the type of answers received" (Crush & Miles, 1993. 95-129). For this reason, the participants selected all had a good knowledge of spoken English. The interpreteurs were most helpful when the women had spoken for some time and were tiring.

Patton (1980) describes three basic approaches to collecting qualitative data through open-ended interviews. I chose the general interview guide approach which involves outlining a set of issues that are to be explored with each participant before the interviewing process starts. The interview guide serves as a checklist so that the interviewer is sure to cover all pertinent issues during the interview. The issues were not raised in any particular order. This format was based on the premise that there was common information that I wanted to gather from each participant without relying on a standardized set of questions. This reflects the feminist perspective that women are experts on their own experiences, and that it is preferable for the interviewer and the participant to decide together how the interview will evolve (Kirby & Mc Kenna, 1989). The input of each refugee woman helped to guide and to shape the research interaction.

Qualitative methods are not as standardized as other research approaches and therefore, as the interviewer, I needed to be flexible (Taylor & Bogdan, 1984). During the interviews if participants raised relevant issues that I had not thought of we were free to explore them. Responses to one question often lead to a subsequent question (Rubin & Babbie, 1989). When new issues arose, I probed these areas in more detail. I did not follow up tangential issues or issues that were not part of the

general theme of the research. I relied on the interview guide to delimit the issues to be discussed during the interview.

The issues for the interview guide, and the potential questions came from many sources. They came from my values, experiences, and beliefs and also from the readings I had done. Issues to be raised during the interview also came from other people with whom I discussed my research project, including members of my thesis committee, practitioners working with refugees. Most importantly, Hafsa, Shazrad, Zargona, Tirah and Aisha had input into what issues were covered in the interview.

Assessment of Procedures

I asked each participant for ongoing oral/written feedback on the interview process prior to the first interview (in order to discern what they would like to get out of the process, and to make clear the information I would be looking for during the interview process); midway through the interview process ( in order to rectify any issues of dissatisfaction or difficulty she may be experiencing); and after the final interview (to get an overall impression of how the interview process went for her and to allow her to debrief any issues that may have arisen through the re-telling of her life stories).

Objectives and Research Questions

The objects of this study were: to find out about the participant's experiences claiming refugee status because of gender-related persecution under Canadian policy; to hear

refugee women describe their experiences of flight from gender- related persecution; and to debate whether or not the *Guidelines* go far enough in providing the best protection possible to refugee women (and their dependents). I looked specifically at the recommendations of the *Guidelines* -- that women fearing gender-specific persecution should claim refugee status under the category "particular social group". The examination was done under the assumption that as the *Guidelines* are a world leader in policy addressing the needs of women refugees, we should work to ensure this policy merits other countries emulating it.

The interview guide provided a framework within which I could develop questions that would (a) "launch" the interview, (b) articulate the main issues that I wished to raise, and (c) initiate closure on the interview. I also developed a list of potential probe questions that I could use to keep the interview flowing, and to direct the conversation along a particular path. Probes can be useful interview tools to elicit a deeper response, and to increase the richness of the data obtained (Patton, 1980). These 'probing' questions were not always utilized, they were in the background, available to permit me to 'prompt' for more meaningful responses when necessary. Patton (1980) describes six kinds of questions that can be used in an interview. I attempted to utilize a variety of question types in order to solicit the detailed information I wanted to gather:

| Question Types | | |
|---|---|---|
| | Solicited | Information Required |
| 1. | Background | Personal Context |
| 2. | Knowledge | General background re: refugees |
| 3. | Sensory | Recreate the refugee's environment. |
| 4. | Experience/behavior | Descriptions of gender -related persecution. |
| 5. | Feeling | Emotional responses to persecution & flight. |
| 6. | Opinion/value | Views on the situations of refugee women. |

1. Background/demographic questions establish the context in which the interviewee lived, what life was like before she became a refugee.
2. Knowledge questions discern what the participants know about the situation by which they became refugees, and what they know about gender-related persecution.
3. Sensory questions prompt the interviewee to recreate the environment where she suffered gender-related persecution, and the environment in which she sought refuge.
4. Experience/behaviour questions elicit descriptions of experiences, behaviors and actions that I might have observed if I had been present with the participant while she was experiencing gender-related persecution.
5. Feeling questions help the researcher understand the emotional responses of the interviewee to the gender-related persecution she experienced.

6. Opinion/value questions find out what the refugee woman think about the causes of gender-related persecution, and the best way to deal with it in terms of policy. I was specifically interested in finding out how the refugee women perceived the Canadian *Guidelines*, as they had experienced Canadian and International refugee law first hand.

I collected the data by recording it on audio tapes. Each interview lasted between one and two hours, and took place in a location chosen by the participants -- somewhere that she felt particularly comfortable and safe. The audio tapes were then transcribed into printed data. During transcription, an attempt was made to include any pauses in the conversation, and to denote where empathetic responses of the interviewer occurred, as these served as cues for identifying units of meaning, and thus were integral to capturing the crucial meanings of the women's stories.

The specific research questions for this study were as follows:

1. What were the flight experiences of the participants?
2. How did the participants respond to their experiences fleeing gender-related persecution?
3. What were the experiences of the participants dealing with their claim for refugee status under Canadian policy (all participants claimed their refugee status in Canada)?
4. How do the participants view their experiences compared to the experiences of men whom they perceive to be similar situations. Do they feel their experiences were different as women? Why or why not?
5. What are the participants feelings about the Canadian *Guidelines* recommendation encouraging women fearing gender-specific persecution to claim refugee status under the

category of "particular social group"? (I discussed the *Guidelines* with each participant to ensure she had enough information to comment on the policy).

## Data Analysis

### Procedures

Data analysis in qualitative research is a continual process that begins while the data are being collected (Taylor & Bogdan, 1984; Wolcott, 1990). Therefore, during the time that I was conducting the interviews I was also involved in preliminary analysis. Hycner (1985) presents a sequential procedure for analyzing interview data which I find useful. When transcribing the interviews, I typed them in a double-spaced format with wide right margins so that notes and codes could be inserted into them (Polit & Hungler, 1991). I re-read the sets of data several times so that I became familiar with them. I also asked my colleague Amanda Lines to read through the data to see if she noticed useful elements that I had missed. I used Hycner's (1985) technique of phenomenological reduction which involves "opening ourselves to the phenomenon as a phenomenon...not to see this event as a example of this or that theory... but as a phenomenon in its own right, with its own meaning and structure" (p.27).

I analyzed and coded my own data, gradually making sense out of the women's stories using my intuition and insight (Taylor & Bogdan, 1984). As I read through the data I kept track of evolving trends in the margins, noting relationships and patterns between the women's stories, developing concepts, and following up on

hunches through the use of field notes. I also highlighted elements that possibly represented tentative concepts. I developed a categorization from the refugee women's words, ways of thinking, and patterns of behaviour (Tesch, 1990).

Units of Analysis & Concept Formation

Once I had identified patterns in the data, the next aspect of data analysis involved transforming concrete bits of data into abstract concepts. Several strategies can be used to make sense of the data (Merriam, 1988). I developed concepts and gained insights from patterns identified in the data in an attempt to understand the experiences of refugee women who have experienced gender-related persecution (Taylor & Bogdan, 1984).

Tesch (1990) developed a map of various types of qualitative research, and from this she created four categories of research interests or purposes. I found her categories useful in selecting my process of analysis. Tesch identifies one of these categories of research interests as the "discovery of regularities", where the researcher discerns patterns in the data (p. 78). According to Tesch, in this type of research, conceptual categories of organizing data come from the data -- rather than being pre-established --and the primary goal is the systemic description of what it is like to face gender-related persecution, and to seek refuge as a woman. The goal of generating theory is secondary in this process.

A sub-type of Tesch's research approach is described as "discerning patterns as deficiencies". This type of research is used for scrutinizing people's situations, and for devising strategies for changing ineffective areas of policy and practice. To some

degree, my research fell into this category, since I hoped to identify ways to make Canadian refugee policy provide the utmost in protection for refugee women facing gender-related persecution, by understanding the experiences of persecuted women refugees.

The units of analysis were phrases, sentences or paragraphs that later served as the basis for defining patterns and then categories in the data (Merriam, 1988). I was creative in deciding what words to highlight. I tended to select a phrase because (a) it was a recurring issue, (b) it related to my questions, (c) it surprised or intrigued me, or (d) it was consistent with what I had read in the literature. Phenomenographers call these 'illustrative utterances' and sort these quotes based on their similarity (Tesch, 1990). I coded all the data into groups of quotes constituting a category. This was done by putting each unit of information on a separate index card and coding it according to explicit criteria, such as situational factors, emerging patterns, and concepts (n. 1988).

Concepts are abstract ideas derived from empirical facts, and are used to illuminate social phenomena that are not readily visible in written text (Taylor & Bogdan, 1984). I looked for underlying similarities between themes, and recurring regularities in the data. I used my intuition to develop conceptual categories that captured the meaning of the refugee women's stories. When I noted a pattern in the data, I compared quotes to determine if a concept tied them together. This systematic work of devising categories was informed not only by the participants' input, but by my intuition, the aims of my study, and my prior knowledge of the phenomenon

(Merriam, 1988). As I analyzed the data, I referred to the literature to relate my findings to what other writers have said (Taylor & Bogdan, 1984).

I provided interviewees with a list of the common threads, and asked them to assess whether these accurately reflected the experiences they had shared with me. This process gave the participants an opportunity to clarify their thoughts and experiences. It also helped me to ensure that I was really *hearing* the refugee women's stories. According to Taylor (1984), these steps are helpful in assessing the validity and credibility of my analysis. In writing up the discussion section, I integrated quotes from the transcripts with my analysis and connections to the literature in order to give refugee women an opportunity to have their own voices heard. "We do this out of respect for women's voices, and to reduce potential errors in communicating the thoughts of others" (Reinharz, 1992, p.9).
I looked for underlying similarities between themes, and recurring regularities in the data.

The concepts developed were: the ways in which the participants gender was used against them; rape as a means of social control; there are two types of gender-related persecution; feelings of shame, guilt and self-loathing; "coming out" to seek a safe place; if the participants were male they would not have suffered through the same experiences; and women as a social group. These concepts will be discussed in chapter four.

# Chapter Four: Results

## Introduction

In this chapter I present the themes that emerged from the stories of the refugee women I interviewed: how our gender was used against us; two categories of gender-related persecution; rape as a means of social control; shame, guilt & self-loathing; coming out to seek a safe place; if I was a man this wouldn't have happened to me; and women as a social group. I discuss these themes separately in order to illuminate the issues within each theme. In reality, these themes are interwoven and continually evolving. To discern whether the *Guidelines* protect women facing gender-related persecution adequately, I looked for themes emerging from the refugee women's stories which show how the refugee experience is different for (Muslim) women, and how these needs can be best addressed through policy, with specific respect to the "women as a social group" category.

## How our gender was used against us

I began my interviews by asking the participants to speak about the circumstances which caused them to become refugees. They described the ways in which their gender was used against them, their families, and their communities.

Persecution of women is often "intermediary", in that women are attacked for the actions of a relative. In this way men are intimidated or controlled through their most vulnerable link, the women in their families.

Shazrad: I was raped by government police on two occasions. My husband was a school principal at the time. He had sent notices to parents telling them that their children were in danger of being conscripted by government forces. He was urging families to keep their children at home, where they would be safe. Someone must have leaked my husband's messages to the police. They imprisoned my husband, and tortured him for eleven months.

A week after he was arrested, the police came to my house, and told me to come with them. I had to leave my young children in the house with my elderly mother. I was very worried about them, but I knew better than to make a fuss. I was taken to a police station in Shiraz. The police put me in a cell over night. In the morning, they told me I was going to be taken care of, just like my husband. They forced themselves on me. One police used a stick covered in chili paste to rape me with. He said I was too dirty, a whore, and he would not touch me with his body. I didn't make any noise, I wanted to see my children again. If I cooperated I hoped they would let me go. They told me that my husband would hear about what an unfaithful woman I was, that I had asked them to do these things to me. After all this, they drove me home, and left me bleeding in the garden.

Zargona, one of the participants from Afghanistan recounted how she too was beaten by Mujãhidin soldiers because her husband had worked with the Russian government, and had accepted money to attend college in the Soviet Union. He was imprisoned in Kabul for four months.

Zargona: While I was on my way to work four Mujãhidin soldiers smoking in front of the daycare stopped me and asked my husbands name. They asked me where he was. I was afraid, and said he was at work, even though he was missing. They said I was lying. They called me very insulting names, and insulted my husband. They said I was a prostitute because I was wearing Western dress, and they slapped my face, and hit my chest with a stick. My daughter was holding my hand, and I was so ashamed that she should witness this, and hear me called a prostitute. I knew they were punishing me because my husband was not a fundamentalist. He liked my modern clothes, and was proud of my independence.

The participants' stories showed that a great deal of the gender-related persecution they suffered was "informal" -- chronic continuous acts of harassment, and "indirect" -- perpetrated by individuals and tolerated by the state. Aisha, a refugee from Pakistan experienced persecution at the hands of the local police. She said she was aware of other women who had been assaulted by police, and other men in positions of power. The Pakistani government ignored such incidents, even though they were obviously illegal. Aisha named bribery and corruption in the political system as the reason for such oversights.

Aisha: I had a love affair with the man I wanted to marry. My parents had already promised me to another man living in Canada, whom I had never met. I became pregnant by my lover, and my sexual actions were found out as a result. I was put in prison, because under Sharia law, I had committed adultery, as I was engaged. I was so ashamed, but I loved the father of my child, and wished I was able to choose him. I was in the women's prison in Peshawar for three years before my lawyer was able to have me pardoned. When I returned home, my family was forgiving of me, they helped me care for my son, and treated him as their own. The police and our neighbors were not so kind. One day while I was in the street outside my house buying sugar cane from a vendor, two police came and took me to a house I didn't know. They told me I was a slut, that I would have sexual relations with any man. They said I would like it with them. Both men sodomized me. They said I should be dead, and that if I didn't kill myself they would do this again, because I was not a good Muslim.

The incidence of sexual assault among persecuted women is significantly higher than among persecuted men. The control of women's fertility and sexuality is the main method of persecution used against women. Rape in war is not for the most part the result of overwhelming sexual desire, but due to the ties between sexuality and feelings of power and superiority. The sexual act is less significant than the debasement of the women.

Four of the five participants in my study had been sexually assaulted as part of the persecution they suffered. Tirah, an Afghan refugee, was sexually assaulted on numerous occasions in the camps near Quetta, Pakistan. A widow, she lived with her three children, her brother's wife, and her four nephews. They lived in a UNHCR tent city for three years before being able to seek refuge in Canada. Her family had been separated during their flight from Afghanistan, and she and her sister-in-law didn't have any close male family members in the camp to protect them (her brother was fighting in Afghanistan):

Tirah: The Mujãhidin came to our camp to collect supplies and weapons, and to rest. They would come to our home to ask for food. They were mostly respectable men. They promised to protect us as Muslim brothers. But, there were two men who frightened me by speaking in a very disrespectful way. When they came back a few months later, I said I didn't have any food or money to help them. It was true. Mira (her sister-in-law) and I had to feed nine on rations for only three. One man became very angry, and said I was not supporting the freedom of my country. They both left, but came back at night with a knife.

They raped me and fondled my eldest daughter, with the children in the tent. Mira knew she could not help me, as she was very ill at the time. The men came back now and then over the next year doing the same things. There was no one I could ask for help, as I was afraid they would think I was a prostitute.

Hafsa, a Kurdish refugee from Iraq, was sexually and emotionally abused by her uncle, while in a refugee camp in Turkey. Her husband had taken ill, and died in the flight on foot from Iraq. Hafsa was dependent on her cousin for protection and access to food, as she had no sons.

Hafsa: I was a widow with three daughters, I had fled to Turkey, and was living in a camp with hundreds of other Kurds. It was very dangerous, and I was ill from my nerves. My cousin was kind during the flight. I was pregnant, and he let me ride his donkey as we traveled. He made sure I had food, and took care of my daughters as well as his own wife and children. Life in the camp was different. It was very cold, and supplies were low. He had a lot of responsibilities. In the winter, his mood towards me began to change. He would come to me when his wife was busy, and forced be to commit sexual acts with him. He said he would take me as his wife, but this was not what I wanted. He said if I didn't cooperate he would no longer provide for me. He said it was my duty to give him kindness, as he had saved my life, and my daughter's lives. I hated him, but I had no choice at the time.

The women's stories illuminated the public/private dichotomy involved in gender-related persecution. When the participants left the private (female) sphere to enter the public (male) sphere, by "speaking up", or becoming visible in sexual or political revolts, they became targets of persecution. The presence of women in a male domain creates fear among those in power. Women are a reflection of the men and the society responsible for them, thus women who are "out of line" are also "out of control". Persecution is used to bring them back into line.

Zargona: If I had stayed at home during the war, and not insisted on going to work, I am sure that I would not have been beaten and harassed on the streets, but with my husband missing, I had to earn money for my family. I did not know if he was in prison or dead. I couldn't protect myself by staying at home. I needed to take responsibility for my elderly mother and father, my children, and my younger siblings.

Two Categories of Gender-Related Persecution

Gender-related persecution effects two different groups of women. The first group of women are living in a country such as Pakistan, that is not at war, or creating vast numbers of refugees. In such countries, external pressures make the social control of women necessary to "maintain law and order", to prevent "Western influence" in a Islamic state. Aisha's gender-related persecution was of this type. Sharia law, in the form of the Shariat Bill was implemented in Pakistan in 1985, making Pakistan a country ruled by the laws of a national faith.

Aisha: I wanted to be free to live my life according to my beliefs. I am a good Muslim, I shouldn't have to prove my faith to others, especially not by following laws made in the name of Islam which distort the message of the Quran.

The second group of women effected by gender-related persecution are those who are part of a mass refugee movement, for example the women of Afghanistan. These women suffer or fear suffering gender-related persecution while in flight, seeking refugee from the initial persecution, or in refugee camps where they wait for peace. The persecution faced by these "already refugees" can be committed by members of the woman's family or community. In some part, this gender-related persecution is due to the pressures of war. A woman's male relations may feel the need to "protect" women from "the enemy", to maintain social stability during a time of upheaval. One of my participants experienced forced confinement in a refugee camp for just this reason. She had never been in "purdah" before.

Tirah: My elderly uncle who lived in the camp, and my male cousins who were working in Quetta told us that we should stay in our compound. They said that to be safe we needed to stay in purdah, where we belonged. They did not want us to interact with the male

aid workers without our faces covered, to protect our modesty from Western males. I had never worn a Burqa before, but they would become very angry if they heard that I had collected rations, or visited friends outside our compound, without covering my face. I felt trapped and lonely in the camp. I was forced to hide in fear. I felt like a ghost. I knew a burqa would not help, as I had already been raped.

Another participant was prevented from seeking medical attention for complications arising from a miscarriage. Hafsa said that she begged her cousin to let her see a doctor:

There were only two doctors in the camp. They were both men. My cousin said I could not see them because they were not Muslim. His wife knew that I was very ill, and begged him to let me go. After a few days, my cousin went on his own to the doctor to tell what had happened to me, and bring back medicine. He came back with some pills, but the bleeding went on for sometime. I was afraid I would die.

Persecution of women refugees is also perpetrated by the original persecutors, for example, the Iranian government's persecution of Iranian Kurds, invading camps and attacking the women and children who are the majority residents of these camps.

Rape As A Means of Social Control

The participants spoke of their honour as being hinged to the honour of the men who were "responsible" for them. In Islamic society, men are valued for the way they take care of their families and, in the words of Mohammed, the good husband is "the one who is best to his wife" (Hamidullah 1982, 162).

Zargona: When my husband was freed from prison in Kabul, we abandoned our home, and fled to Peshawar (Pakistan). I was so ashamed of the beatings and humiliation I had suffered. I knew that Saddiq had been tortured in prison, and I did not want to add to his pain. I knew that he would want to kill the soldiers who had hurt me. I did not tell him what had happened while he was missing. I was glad to be leaving the war behind.

Traditional values such a "honour", "face," virginity, and female chastity, are of the utmost importance. The strength of the community is reflect in the males' abilities to

preserve (and protect) the honour and integrity of their families and their women. This is the moral code (with all its internal contradictions) with which most Muslim men are raised.

Aisha: After I was raped by the police, I went home and acted as normally as I could. I was very sore, and bled for days, but my family had already suffered enough. I did not want my father or brothers to know that one of their friends has dishonoured me so. My father is a good man, and had treated me with respect even after I had been imprisoned. I could not dishonour him again.

The cruelty of the rapists, and the extremely high incidence of rape, act as a dialogue between male opponents. The woman as rape victim embodies the message that the more powerful opponent has conquered not only human "territory", but has also destroyed the symbolic expression of power of the defeated contestant, i.e. his honour. The aggressor destroys life -- material goods, cultural goods, and symbols. Raped women are not only "sporadic" victims of violence, they are an integral and essential means of effecting genocide. Defeat of "the enemy" is embedded not only in rape itself, but also in women's fear of being raped. The participants who had experienced rape, were desperate to preserve their husband's honour.

Shazrad: I tried to keep my spirits up after I was raped by the police. My husband was very ill when he was released from prison. Even though I thought I was acting as if nothing had happened, the first night he was home, he asked me what they had done to me. I said I had been beaten, because I could not let him know that I had been with other men, even though they had forced me. I was afraid of his reaction. It would look bad for him if others new I had been raped, so I did not talk about it with anyone until we were safe in Canada.

As well as "saving face" for their husbands, the women remained silent about the gender-related persecution because they feared reprisal, isolation, and a lack of family support. I wondered if they felt that they were adding to the invisibility of gender-related persecution, and subsequently maintaining the status quo? Although they did not say so

directly, they noted a point made in the literature by Inger Augger, "the almost universal ambivalence towards women's blood". That aside from being responsible for the honour of their husbands or fathers, they didn't feel that anyone actually cared what happened to them. Shazrad said, "I was afraid to tell my husband I had been raped. I didn't want him to feel shame because of me, but most of all, I was afraid he would feel I had been tarnished, and would no longer want me as his wife". Hafsa also expressed frustration at the lack of regard for her well-being by her cousin. " My cousin told me he was in charge, that he was my caretaker. Yet when I really needed help, he was only worried about himself. He did not want to be known as a man who would let his female relatives bodies be seen by a foreign man. It was better in his mind that I died".

Shame, Guilt and Self-Loathing

Women surviving gender-related persecution do not have a lot of time to deal with their emotional scars. Family members are often killed, and husbands, if they are alive, are usually involved in the fighting. Alone and traumatized, these women and girls confront the daily problems of survival, with internal turmoil, feelings of degradation and shame, as well as numerous prejudices derived from their patriarchal upbringing. The most common emotions experienced by the women in my study, as a result of gender-related persecution were: fear, shame, guilt, and self-loathing.

Tirah: I was so full of shame after the first rape, that I could not speak for days. I was unable to eat, and I thought about killing myself. If I had been pregnant I would have. I knew my children needed me, but I was also afraid they would not want me as a mother after what had been done to me. My children saw what the soldiers did, and I didn't think I could look at them again.

Hafsa also spoke about the shame and guilt she experienced as a result of the sexual assault she suffered:

> I felt trapped. I needed my cousin's support, and the things he could do for me and my family, because he was a man. I blamed myself for his actions. I felt so guilty, I felt like I was a terrible person. I felt sorry for his wife. She was my close friend, and it was hard to speak to her afterwards. I thought I would suffocate, I needed to tell someone, but there was no one I could trust. I broke out in a rash over my whole body. I knew my secret was trying to get out on its own.

For some Muslim refugee women, contact with a man other than her husband is seen as a "sin". Many of these women are not only disgusted by the prospect of possible future sexual contact with men, they are also afraid that, even if desired, such contact would not be possible since their honour has been tarnished.

Shazrad: I was unable to be with my husband sexually, until we fled to Turkey and life was a bit happier. I had also suffered a nervous breakdown after my five-year-old daughter was killed by a tank in Tehrãn. I was devastated by her death, but I feel guilty because I used her death, and my upset, to prevent myself from having to have sex with my husband. After I was raped, I felt that if we made love, he would be able to tell.

## "Coming Out" to Seek A Safe Place

Of the 30,000 refugee claimants who arrived in Canada in 1993, the year the *Guidelines* were implemented, less than one-third were female. There are several reasons for this discrepancy, all acting together to make flight to safety difficult if not possible for a woman, and especially a woman on her own.

The participants in my study did not enter Canada under the *Guidelines*. What I was trying to understand was how women could be best helped by revisions in refugee policy. I

asked the women if they thought they would have made it to Canada to claim refugee status had they not had the support of a man. After all, the majority of refugee women are heads of their household, as the male members of their families are either fighting, dead, or no longer supporting the family. All the participants who had male assistance felt they would not have been able to flee to safety without the men. Class, and money were the other criteria which helped women like Tirah and Zargona make it to safety .

Women tend to be encumbered by the care of children and the elderly, making them less mobile in a time of persecution. All of the participants in my study were responsible for the care of children. Shazrad and Zargona were also responsible for the care of their elderly parent(s).

Shazrad: My husband, my three young sons, my eighty-year-old mother and I escaped to a refugee camp in Turkey. My husband had located a man who would smuggle us through the mountains. We had to drug my sons for the length of the journey, so they would be quiet, and we would be able to hide them in saddle bags on the donkey we used. The journey was terrifying, the time pasted slowly, we picked up other Kurds and Ba'hai fleeing as well. We made it to Turkey, and my feeling of relief was overwhelming. We had to work at very hard jobs, like breaking and carrying rocks, but I was so happy to be in a peaceful community of people. I know that without my husband, I would not have known where to find the men who helped us escape. I would not have had the money to pay them for our passage. I had three children and my mother to care for with very little resources. We would have been too vulnerable without a man... My family and I loved Turkey, the people were generous, and we were even able to have a holiday at the sea. After one year living in the camp, we were told one morning that we had a chance to move to a safe country, to start a new life. We were interviewed by a Canadian government official, and were accepted to come to Canada as refugees. I was not happy at first, because my sisters who had also made it to Turkey, were accepted as refugees by Germany. I wanted to go to Germany too, but we did not have a choice to be with our extended family.

Women's financial resources tend to be lower than men's especially women coming from countries where most women work within the home, for no money. Zargona said that

without the money her husband was able to earn in Pakistan, and her parents' financial help, she and her family would not have been able to seek safety and a new life in Canada.

Zargona: We lived in Pakistan for three years, hoping that peace would come to Afghanistan, and we would be able to return home. Saddiq was lucky, he was employed as a tailor in Peshawar, and we were able to share a flat with two of my cousins, and their wives. My elderly parents were with us for a year, they also had property in India, and they went there once they realized they would never be able to go home. We were lucky because Saddiq saved money, and my parents gave us enough for our plane tickets to Canada. One of my sisters was married to Saddiq's youngest brother, and engineer. They had gone to Canada as refugees three years ago, and we decided to follow, to live with them.

Hafsa also spoke about her "luck" in having money given to her to get to Canada.

Hafsa: My cousin had money sent to him from his mother and sisters who had fled to Germany, and were working there. He wanted to go to Canada, as he said Germany was not a friendly place, and didn't have the opportunities that Canada had. I was happy to go anywhere, as life in Turkey was not comfortable or safe enough. We claimed refugee status when we got off the plane.

Women also tend to be more vulnerable while traveling without a male, as in many Islamic countries, it is not culturally acceptable for women to travel on their own. Hafsa said that without the presence of her cousin, she would not have been able to leave Iraq, let alone get on a plane to Canada. " I was a wife and a mother. I had been on holiday with my husband, be he always took care of the travel plans. I did not know a lot about making my way in the world. My home was were I was most confident". Aisha was also prevented from moving about on her own.

Aisha: I was harassed by police and members of our community regularly over the next year. My family was suffering as a result. I wanted to move to Lahore, to take a job, and support my son on my own. My father would not hear of this. He did not want me living on my own. My brother arranged a marriage for me in Canada, to a loving man who did not mind my history. I did know they were arranging this for me. They told me two days before I had was to be married. We had the ceremony in Pubi, and I came her with my husband. My son stayed with my family. He was not part of the marriage agreement. I know he is safe, but I miss him. I have not seen him since I came to Canada.

Without a middle class background, and the education which that provided her, Tirah felt she would not have been able to converse with the government officials who offered her a route to safety. She felt her language skills provided her with the ability to take control of her life. Tirah said she felt lucky to have had these skills because, "Most of the women in Afghanistan who became refugees because of the war were illiterate. They had no way to help themselves. Many of them had never been outside their villages".

Tirah: Government officials from Germany and Canada, and other countries came to our camp. I was able to get an audience with England, Germany and Canada, and it was Canada who accepted my children and I as refugees. Mira and her children went to Germany. I think my ability to speak French, and my experience as a French teacher before I was married, helped me get chosen.

In terms of negotiating the Canadian refugee policy, the participants all expressed a feeling of "lack of control". Shazrad described the process as being, "directed from A to B, given papers to sign, and then we were directed to the next step." None of the participants knew the categories under which they were eligible to claim refugee status. Tirah said, "I didn't always know what was expected of me. I just kept telling my story over and over. I had to tell everyone why I couldn't go home. I was appointed a lawyer. Upon arriving in Canada, they were appointed a lawyer(s) to help them negotiate the system. Hafsa: My lawyer was kind, I felt like I was in good hands. But I wish I had been able to understand more about the regulations. It was difficult. I was always told to be patient when I asked how close it was to being over, how much longer it would be until I knew we could stay. Waiting made me very anxious".

Women encounter specific difficulties in negotiating their claim for refugee status. Language and cultural difference pose many problems for any refugee claimant, but women are more likely to be illiterate in their own language, and are rarely able to speak one of Canada's national languages, thus making it difficult to convey their needs, experiences and emotions to the hearing board. Translators are available for most hearings, but they're usually not available for regular discourses. Women who are reliant on their husbands, like Zargona, do not necessarily receive the information they want from their husbands.

Zargona: Once we were in Toronto, we were introduced to a settlement worker, and were given a lawyer. I was very overwhelmed by my new surroundings, and I think I was in shock. I didn't know what was happening, as I could not speak any English. Saddiq would talk to the lawyers, and the people at the refugee hearings. During our hearing we had an interpreter to help me tell what had happened to us, and the reasons why we could not go home -- because we would be killed or imprisoned. Besides telling my story, I did not know what was happening. We had to fill out forms, and more forms, we were told to go here and there. I felt like we were being pushed and shoved and jostled. I was glad to have my sister in Toronto, but I couldn't talk, or ask questions. I asked Saddiq what was going on, but he would just tell me to shush. I know he was confused and scared too, but at least he could ask questions.

Hafsa also reported problems communicating with those who were in charge of her claim:

I remember the refugee hearing very clearly. I was asked a lot of questions, and sometimes I did not have anyone to speak to who knew my language. They wanted me to talk about why I could not go home. I said I did not have a home. After this, I just signed the forms that my cousin gave me. He told me what to write, and where to write it. The hardest part was waiting. I was never sure I we were going to be sent back. It took over a year to get our papers. This time was very hard for me. I was thankful to have my sister-in-law to talk with. I concentrated on making sure my children were comfortable, and learning how to act, and learning the rules in their new home.

Not having the correct documentation to prove one's nationality is also a problem. A few of the participants said they had never held a passport. Refugee women who are illiterate, or who had spent lives within their homes would not necessarily know how to go

about getting one. Most refugees do not have time to arrange for proper documentation before they flee. When Zargona and her family got to Canada, they were made to wait for their landed Immigrant Status while they wrote to Afghanistan to obtain a passport. Zargona said, " We were lucky that my brother-in-law had the necessary $300 to give us for our passports". Often the refugee's country does not have a government in place to issue such documentation.

Shazrad: What I remember most about the time right after we got to Canada was spending what seemed like all my days walking through winding hallways, filing out forms, and arguing with people about why we did not have passports. Of course we did not have passports, we had fled with nothing, we would not have been given a passport by the Iranian government, as they would rather have slit our throats than let us go.

Women who have been victims of sexual assault find it very difficult to recount the attacks. Muslim women who are not familiar with relating to men outside their immediate family find recounting these events especially uncomfortable, and painful.

Tirah: My children and I were given a nice apartment to stay in. It was a very tiring and nervous time for me. Everything was very unfamiliar, but at least I could speak to the lawyers, and the people interviewing me from the Immigration and Refugee Board. The hardest part was having to talk about the rape that I had suffered. I was very ashamed, and embarrassed. I cried a lot during the hearing. Because I had no one to care for my children, they had to experience all of my misery.

Hafsa said she did not tell the hearing board about the sexual abuse she had suffered at the hands of her cousin. She said she was grateful to him for his help, and for getting her to Canada. She spoke about the general hardships she had experienced in the refugee camp, but not about the on going sexual assault. Shazrad said she was terrified to talk about the gang rape she had been a victim of. She had not yet told her husband about it. "I was shaking. I had to leave the hearing because I was physically ill while I tried to explain what

had happened to me. The officers at the hearing wanted to know all the details. I was so ashamed. I was a bit relieved that it was a woman who asked me the questions. But, there were men in the room listening and taking notes."

Some of the participants were surprised that the hearing board wanted to hear about the sexual assaults they had endured. They reported that they were surprised to find that they had a right to ask for help, to demand that they be protected from sexual assault.

## If I Was A Man This Wouldn't Have Happened To Me

I asked the participants to speculate about how their experiences seeking refuge would have been different had they been male. The participants felt that the persecution they would suffer whilst male would have been of a more honourable type. When asked what had caused them to be persecuted, the participants named war and fundamentalism, not their gender. But, through the refugee women's stories, it became evident that they felt gender had played a role in the persecution they faced, and feared facing.

Aisha: Even if a man is horribly beaten, cursed, and violated he is definitely not as vulnerable as a woman. Women have a more intimate connection with their bodies because of their relatively powerless position in society, and their reproductive capacity. A torturer of women can kill the woman, but worse than death is the trauma of rape, and position of the child born as a result".

Shazrad corroborated this sentiment saying, "rape kills a woman's soul, and the nature of the family it affects. I will never be the same fun loving, adventurous woman I was before my dignity was taken from me. The memory keeps me from enjoying my life. I fear it is just a way of life now, that it will happen to me again."

The participants felt that the persecution was of a completely different nature the persecution of men. They felt that because men are generally persecutors of themselves, and women are generally persecuted by men, the balance of power was uneven to the advantage of men. As Hafsa said, "When a man is tortured or harassed by another man, it is a much fairer match. When women are tortured by men there is a great deal more power in the man's hands, always.

All of the participants felt that persecution committed by ones' neighbors or their local police is not recognized, or taken as seriously as persecution executed by the state. Men are more likely to suffer state sanctioned persecution. The private persecution that women tend to suffer (often in combination with state sanctioned persecution), usually takes place in the home, and is done by local people or local officials.

Aisha: If I could have spoken out about the police officers who raped me without fear of further attacks I would have. But I knew the police would not be punished, because no matter what they do they are never held responsible. I could not risk my safety, and my families reaction. But if I had been persecuted because of my political beliefs, I would have been a hero."

Hafsa also reiterated these feelings: I could never tell anyone about my cousin raping me ... They would say I should be thankful to him. My husband was a very popular author, and when he was jailed all of our community was outraged. Left alone in war with a mad cousin, I knew I had no right to complain".

All of the participants felt that as men, they would have had an opportunity to act to defend their rights, and the freedom of their countries. Again the private/public dichotomy came up. The women said they would have commanded more respect, had less fear of harassment, and a greater freedom to move about unencumbered as male refugees. As

Zargona said, "my husband was able to walk around freely in Peshawar. He could speak Pushto, and got a job the third day we were in Pakistan. Saddiq told me how unsafe it was outside. I stayed in our tiny flat with the babies and my parents, all day. I missed my sisters, and worried about our future, but there was nothing I could do but wait." The participants also felt that they would have had more courage to take the necessary steps to protect from themselves, and their families.

One point raised by all participants was that as men, they would have been able to earn money to support their families, and to help pay the passage for their families to flee to safety. Shazrad had worked as a telephone operator for a major telecommunications company in Iran. Once her husband was arrested, she stopped work, as she felt it was too dangerous. That was the first and last job she has had.

Shazrad: I wanted desperately to work, to help my husband save money for us to move to Germany. Life in exile was almost as dangerous as life in Iran. I had to care for my family, and try to keep the children happy despite our bad situation. There was no question that I would work.

It was common amongst all the participants that once they were refugees, they were either prevented from working by their husbands, or other male relatives, or they had children and the elderly to care for, and were not able to work.

The women felt that as men they would have been more aware of their basic human rights, and would not have been so ashamed to demand that they be accorded these rights. The participants all felt they were socialized not to ask questions. Aisha said, "I grew up feeling very powerless. I think this made it very hard for me to express myself, or to question the things I saw and was told. Soon, I found I had lost my will to question things. I just went along with my families wishes." Hafsa also felt this fear of speaking out:

As a child, what was asked of me by my family and my community was to believe in traditions and mannerisms that caused me a depleted sense of self-worth. We were told: your self-worth depends on physical appearance; do what is asked of you; to sacrifice and be uncomplaining is to be a good woman. Our education, career, marriage, sexuality, self-worth, and identity were all determined by someone else -- usually always a man.

This feeling of complicity is of special importance when it comes to claiming refugee status. The four participants who claimed refugee status felt like decisions were being made for them, and felt as if they had no control over the process. They were too intimidated, and felt too unworthy to ask for information, or help.

The participants also spoke about the increased opportunity for middle-class, educated women such as themselves, to claim refugee status in a western country. They felt that the majority of the poorer, illiterate, and isolated women in their countries, would face difficulties in using international refugee policy of any kind. The participants all said that had they been such a woman, they would never have reached safety in Canada.

Women As A Social Group

Finally, we discussed the "social group" category. I had explained the recommendation of the *Guidelines* that women facing gender-related persecution claim refugee status under the "social group category", rather than adding "gender" as a category. Participants felt that the Guidelines were an honourable idea generally. Tirah said, " I feel grateful that Canada is trying to help refugee women, as we are usually ignored. The last to get medical care, the last to get food." They felt that women should have "gender" as a category under which to claim safety. Shazrad said that she wished she had been strong enough to tell her society

what an injustice had been done to her. She felt that without making the suffering of women public, nothing will change for the many oppressed women in Iran.

Shazrad: I think that the Iranian government knows a lot about shame. I think that if powerful nations can help Iranian women to speak up about the crimes they are suffering, and the hypocritical government, shame could be brought on the government, and they might come to respect women's place in society.

Aisha also felt that the "gender" category might put pressure on Pakistan, to enforce women's rights: "If I had been able to claim under the" gender "category, I would not have had to marry to escape the persecution I feared from my neighbors and the police. If the Pakistani government knew why I had left, the gender category might embarrass them into taking care of the women of Pakistan in the respectful manner that they speak about." The refugee women felt that by claiming under any other category would be to continue to disguise, and maintain the invisibility of the horrors they had suffered.

Some participants felt that there may be a backlash to any attempt to "shame" governments who do not protect the human rights of women. These participants felt that a blacklash could make things worse for the women left behind. They felt that the governments of these "shamed" countries would say that "the west was trying to impose its ways on the Muslim world".

The participants were very skeptical about how many women would be able to access the Canadian *Guidelines*, even if the "gender" category was added. The reasons they gave for their skepticism were: the control of women in their societies, the isolation and illiteracy most women in their countries suffer, and the poverty in their countries especially among women. Hafsa felt that it would be necessary for countries like Canada to actively seek out

the persecuted women. "These poor women are suffering the most, but they will not come to you, because they do not know you care. They do not know that they deserve more." The participants also said, that if their societies did not change first, there would be few women willing to complain about rape, or other forms of gender-related persecution . They felt that shame was powerful enough to silence most women. Zargona said, "If women are still frightened to talk about the crimes that they have suffered, nothing will change. The country needs to be educated about women's rights, and women's value, in order for women to be safe.

We finished the interviews by discussing "cultural relativity" and the *Guidelines*. I wanted to know if the participants felt the Guidelines were imposing western values on non-western societies? For women who were in a situation of war or great societal upheaval, the participants felt that the *Guidelines* would help to provide for the basic human dignity of the wealthier, more educated refugee women. But for women such as Aisha, who were in a society that was not at war, but was generally oppressive of women, only richer, better educated women, would access the *Guidelines*. The women who would be able to flee their persecution are the women best able to implement change in their society -- it would be a "feminist brain-drain" of sorts. The participants suggested "safe houses" for women in a situation like Aisha's. In these places, the women could improve their education, and be protected from persecution until they felt capable of making it on their own.

Shazrad: If women had a safe place to go, they would be able to meet with other women who had suffered the same oppression, and they could support and protect each other. They could make plans for change together.

Conclusion

These stories reveal the complex difficulties facing Muslim women seeking refugee status. Women refugees face specific forms of persecution, and specific difficulties in fleeing from it. Women's sexuality is used to control her behaviour, and the behaviour of her family and community. Her honour -- related to her sexual purity and her self-sacrificing nature are linked to the reputation of her family and her community.

The participants illuminated two categories of gender-related persecution. Shazrad summarized it by saying, " kicking us, and kicking us when we're down". Women who are in a country that is not at war, or producing mass refugees, but who are persecuted by civilians, or local authorities. These women's cries for help fall on the apparently deaf ears of the state, or else they women are too terrified to cry at all. Women who are in a country at war, and producing mass refugees can experience gender-related persecution during flight, but gender-related persecution did not necessarily cause them to flee in the first place.

The main form of gender-related persecution suffered by the women in my study was rape. Rape was the ultimate means of social control. It is very versatile, in that it can be utilized by neighbors, police, or a government army to control women, and the men who are responsible for them.

Shame, guilt ,and self-loathing were the most powerful emotions the participants have had to deal with as a result of gender-related persecution. Shame was unanimously the most difficult emotion to come to terms with. The refugee women described feeling paralyzed by the responsibility they carried with their bodies. Their violation meant the violation of their families.

Women refugees are obligated to many extra responsibilities. During flight to safety, they are often responsible for children, and elderly relatives. They tend to have less financial resource available to them, and are more vulnerable to persecution when traveling alone. In many Islamic countries it is not culturally acceptable for women to travel unaccompanied. It is also more difficult for refugee women to meet the legal criteria for obtaining refugee status. For all of these reasons refugee women have more difficulty attaining refugee status.

The women in this study felt strongly that, "If I was a man this wouldn't have happened to me", or "it wouldn't have happened to me in the same way". The women all pointed out ways in which there experiences would have been somewhat easier to tolerate had they had the societal benefits of being a man.

Finally, the women felt that just as they have had the courage to speak publicly about the persecution they have suffered, the Canadian policy makers should have the courage to create the category "gender" under which woman can claim refuge from persecution aimed at women, because they are women.

These themes represent the lived experience of the participants. The layers are overlapping, and difficult to completely separate. I have attempted to lay out the stories and effects of women who have faced, and escape the ravages of many layers of persecution.

# Chapter Five: Discussion and Recommendations

## Discussion

The original purpose of this study was to explore (a) the gender-related persecution experiences of refugee women from Muslim societies (b) how the refugee women perceive the persecution they have suffered (c) the effectiveness of the Canadian *Guidelines* recommendation that women facing gender-related persecution should claim refugee status under the "particular social group" category.

The women I interviewed perceive their plights as refugee women differently than the makers of the Canadian *Guidelines.* Through our discussions the participants illuminated the complexity of gender-related persecution, and the need to have such persecution recognized for what it is, a means to control women who are considered "politically dangerous".

In the literature review, I discussed the numerous forms of gender-related human rights violations which increase the difficulty for women seeking asylum or prevent their seeking refuge altogether. As the *Guidelines* point out, such persecution "is not random violence, the risk factor is being female" (Guidelines, 1993, 6). The refugee women in my study confirmed this statement. They spoke about the intermediary, informal, and indirect nature of the persecution they had suffered, and the overwhelmingly sexual nature of this persecution.

In chapter two, I identified rape as having recently become an accepted ground for basing a claim for refugee status, brought to public attention by the victims and witnesses of rape in Bosnia-Herzegovina (Cacic-Kumpes, Refuge Vol.14, No. 8, 12). Four of the five

participants in my study had been sexually assaulted as part of the gender-related persecution they had suffered. The participants' brave descriptions of the sexual assault they had lived through, showed that rape is more than a symptom of war, or evidence of its violent excess. The participants agree with the literature, that war rape is "a weapon of terror", "a weapon of revenge", and not uncommonly "the act of a conqueror" (Brownmiller, 1991, 32,35).

Shazrad: The constant fear and anxiety I experienced after being raped was almost more than I could bear. But, I was able to maintain my sanity knowing that by not telling my husband what had happened to me, I was preventing the police from achieving their goal -- to punish my husband for his political views by taking my honour.

In the literature review, I described the public/private dichotomy involved in gender-related persecution. Women who leave the private sphere to enter the public sphere upon speaking up and becoming visible in, for example, sexual or political revolts, can create a crisis in the system. Women's presence in a traditionally male domain can cause disorder and contamination, and it represents a special threat if the system is already in a state of crisis (as many refugee generating nations are) (Goddard, 1987). The refugee women in my study confirmed that as visible women, (for example working outside the home, choosing their own intimate relationships, or living without a man) they were considered dangerous, and as a result persecuted.

Aisha: I know that my decision to choose the man I wanted to marry, and the fact that I became pregnant as a result of my choice is what enraged my community so. The police thought they were teaching me a lesson. They were determined to make me regret my actions by raping me. They did not approve of independent minded women.

In my study of the literature on gender-related persecution and the *Guidelines* , I did not come across any recognition or discussion of the two categories of gender-related persecution which the participants in my study noted. Through the participants' stories the

two categories that became evident were (a) women made refugees for non-gender-related causes, who then suffer gender-related persecution such as rape in refugee camps or while in flight, and (b) women living in countries not producing mass refugees who are persecuted because they are women, and who are not protected by their government or their community.

In Chapter Two I outlined the reasons why significantly fewer women claim refugee status than men despite their majority status among refugees. Women are: more likely to be encumbered by the care of children and the elderly; less likely to have the necessary financial resources or the ability to work for these resources in order to flee; less likely to be able to travel independently for social and cultural reasons; less likely to meet the criteria for refugee status due to the "different" forms of persecution women suffer which are not commonly recognized by the UN Convention. The women in my study corroborated all of these reasons. The refugee women described the difficulties they experienced fleeing with children and elderly relatives, their lack of funds, the vulnerability they faced being without male relatives, and the hardship they experienced negotiating foreign refugee policy.

In terms of negotiating refugee policy, the participants felt that the efforts of the *Guidelines* to provide for the language, cultural, and privacy needs of refugee women were helpful. However, the participants spoke at great length about the feelings of isolation and "lack of control" they experienced when negotiating Canadian refugee policy. The *Guidelines* did not mention remedies to help refugee women understand the legal process of claiming refugee status. The participants felt "in the dark" about their claim for refugee status, and were frustrated and disconcerted as a result. They all agreed that they experienced anxiety and fear because of their lack of knowledge and understanding about the

process of claiming refugee status, even though four of the five participants arrived in Canada with a male relative who often had better knowledge of the English language. Interpretation of the claim process would therefore be even more important for women seeking refuge independently.

The participants raise another important point regarding their lack of understanding that I did not encounter in the *Guidelines* or the literature. The refugee women spoke about being raised not to question, to be silent, and respectful of those in authority. They all feel that if they had been more assertive they would have received answers to their questions and their fears would have been relieved. The participants wish that translation services had been available to help them understand the refugee claim process, and the necessary requirements and waiting periods. The participants also regret not having had information translated directly to them. The refugee women who came to Canada with their husbands or a male relative were frustrated that the immigration officials always seemed to speak to their husbands/male relatives assuming that the men would pass the information on to the women who often had a lesser knowledge of English. Often the men did not pass on the information, telling the women refugees "not to worry", or that they "were taking care of everything".

My thesis asks if there is a benefit to adding a "gender'' category for refugee women fearing gender-related persecution to claim refugee status under. In chapter two, I outlined some of the arguments for the "gender" category. One such argument asserts that it is necessary to name the persecution aimed a women for what it is -- control of women because they are women. The participants feel that refugee women are generally ignored, "the last to get food and medical assistance in the refugee camps" for example. The participants feel that

without making refugee women's suffering public by creating a "gender" category, the plight of refugee women will not improve (and subsequently neither will the situation for children and the elderly who are the refugee women's responsibilities). The makers of the *Guidelines* have chosen to try to address refugee women's needs indirectly by using the "social group" category, thus weakening the political statement made by the policy and the overall effectiveness of the policy.

The participants also feel that by naming gender-related persecution as the reason for women fleeing to safety, they could possibly reverse the "shame" experienced by refugee women onto their nations, forcing these nations to "save face" by properly enforcing women's rights. (The four countries from which the participants came from are signatories to the UN Convention, and the International Bill of Human Rights).

The participants are skeptical about the actual numbers of refugee women who would be able to access the *Guidelines* due to the control of women, their isolation, illiteracy, and poverty in the participants' countries of origin. The participants feel that the Canadian government would have to actively seek out the women most in need of protection. The participants feel that Canada could not expect to help these refugee women by simply writing the *Guidelines*, and "sitting back and waiting for the refugee women to act on them". The *Guidelines* fail the majority of women in need of refuge by not identifying the barriers to seeking refuge caused by "classism", and formulating their policy in a way which addresses the inequalities faced by women of the lower-classes.

Finally, the participants feel that the refugee women most in need of the assistance that the Canadian *Guidelines* could provide would be too ashamed and

scared to speak out and ask for help because of societal/cultural pressure to deal with their lot without complaint. Listening to the participants' words and the torture they have suffered, the power of shame become obvious to me. The *Guidelines* need to address the power of shame, and its effect on women's ability to seek refuge from gender-related persecution.

Impact of the Research on the Participants

As mentioned in Chapter Three, I recognized that asking women to re-live their experiences of gender-related persecution and flight from persecution could initiate intense emotional feelings. Therefore, I offered each participant the opportunity of a debriefing session in the days following the interview. This follow-up session also provided a chance for them to clarify any information they had given me, or to add any new thoughts or ideas that had arisen. I did four face-to-face debriefings, and one by telephone. Two of the women had some brief clarifications they wished to share. They all briefly discussed how participating in the research had affected them. Shazrad said she had been unable to sleep the night after her interview because it had stirred up so many memories she had repressed in order to adjust to life in Canada. Shazrad commented:

> I felt a sense of overwhelming loss and hopelessness after I spoke about my past with you. I had tried to forget the horror of my life in Iran. I saw my daughter being crushed by the tank over and over when ever I closed my eyes. I brought my sons to bed with me because I didn't want to be alone with these thoughts... I wanted to remember why I came here... that things will be better for my sons, and for myself...The next day I felt I had done the right thing by telling my story. If it will help another woman to seek safety for herself and her children, I know I have done a good thing.

Zargona said she developed some new realizations after the interview:

I have spent so much energy adjusting to my new life. I have had little time to reflect on the reasons for me leaving Afghanistan. The interview has caused me to think about the deterioration of my homeland, and the torture my family and I have endured. I am much more angry about what has happened to me since the interview... I was just sad before. The depression had immobilized me for the last five years, but I feel like my outrage will help me to carry on and to get involved in changing things for other refugee women -- like participating in this study.

Hafsa was glad to have been able to make contact with other refugee women through this research project:

Sharing my stories of fleeing my country was a happy experience for me. I was glad to hear the stories of other women, and to meet them. It has been a lonely process for me, leaving my home and family, but I know I did the right thing, and my fellow refugee women have inspired me to carry on despite my loneliness, and sometimes my guilt about leaving.

During the data analysis phase of the study, I met with three of my participants, at their suggestion. We talked about how the study had affected them, and about some of the issues that were brought up during the interviews. We also discussed the current situation in Afghanistan, how the Taliban religious army has declared that women are no longer to work outside the home and how they are prohibiting girls and women from attending schools. Zargona spoke about a letter she had recently received form her sister, a physician in Kabul who was no longer working because of a fear of being beaten for going against Taliban law. The women were all outraged by the situation for women in Afghanistan. They were all adamant that it was not religion, but politics aimed directly at women that was causing fear and desperation among women in Afghanistan -- women who like Zargona's sister are the heads of households who would no longer be able to support their families without a

man. The participants were all worried that the world was not acting to help these women.

During the meeting, one of the participants noted that this was the first time she had talked about the gender-related persecution she had suffered with other refugee women. She also spoke about how empowering it was to participate in the study. She and others expressed a wish to get together regularly to discuss these issues, and the difficulties of living in a new land as survivors of persecution and torture. The group hopes to meet once a month. It seems apparent from the follow-up contacts with the participants that the interview actually served as a therapeutic intervention, in that the women identified changes in their perceptions and opportunities as a result of participating in the study. They also began to network and discuss the issues faced by refugee women, and to develop plans for societal action. Therefore my study has had positive, although unintended, outcomes.

## Recommendations for Further Research

This study has revealed several areas for further research. Many of these ideas came from the participants. They brought to my attention the fact that there are two types of refugee women suffering gender-related persecution. (The first type being those who have become refugees for a non-gender-specific causes, and subsequently suffer gender-specific persecution in refugee camps, or while in flight. The second group of refugee women like Aisha -- are persecuted because they are women, in a society that is not at war. These women seek refuge from gender-

related persecution from the start, because their countries refuse to adequately protect them). The participants feel that the first group of refugee women would benefit from the *Guidelines* if they were aware of such policy. The participants feel that the second group of refugee women, although in dire need of protection, would individually benefit from the *Guidelines*, but their fleeing from gender-related persecution would do little to help the other women who are bound to be suffering similar persecution. Further research in this area would be valuable in designing effective refugee policy.

Hafsa: If I had known about Canada's *Guidelines* when I was in the refugee camp in Turkey, I would have had a choice about whether or not I should stay with my cousin. I would have been able to take my children to safety, and I would not have had to give sex to my cousin for his protection and help.

Development of policy like the *Guidelines* should be done using a backward-mapping approach (Elmore, 1983). This method challenges the traditional top-down method of formulating policy. Backward -mapping involves starting at the bottom of the hierarchy. "It begins with a specific behaviour at the lowest level of the policy implementation process that generates a need for policy" (p.21). This means that refugee women fearing gender-related persecution would be consulted first about their needs with respect to gender-related persecution; and asked to articulate what would work best for them, in their particular situation. Given the unique characteristics of their persecution and flight experiences this approach is essential if we want policy to really work, and not just "look good". Women who have claimed refugee status under the *Guidelines* or those who identify themselves as having

suffered gender-related persecution must be consulted in the policy making process in order to develop policy which truly addresses the needs of refugee women.

Shazrad: How can any government try to help those in need without speaking face to face with those who are suffering or have suffered in the past?

The participants acknowledge that they were from middle-class backgrounds, and above average educational levels compared to most women in their countries. All of the participants feel that their relative privilege assisted them in their flight to safety. However, they are not as hopeful about the ability of the majority of poor, uneducated women to access the Canadian *Guidelines*. They feel that the *Guidelines* need to do more to address the issues of class, such that equal opportunities for refuge from gender-related persecution would be available to poorer women with little or no education.

Zargona: The *Guidelines* need to do more for the women from rural villages. These are the women who suffer from rape and exploitation and have no means of seeking help or communicating with the world outside their homes.

The participants also point out that the women who would be aware of such refugee policies as the *Guidelines,* and who would have the economic ability to utilize this policy, would also be the women in the strongest positions to work to change the problems in their societies which create women refugees fearing gender-related persecution. The impact of refugee policy creating a "feminist brain-drain" of sorts would be worth further inquiry. It would be interesting to see what educated, intelligent women like Aisha could contribute to their countries of origin if they were able to return to promote the rights of women and girls as human rights.

Aisha: I was willing to stay in Pakistan. I wanted to move to a bigger city where people's attitudes are more progressive. In Lahore I would have been able to work and support my son, but this was not a solution to my problems in my family's eyes.

The *Guidelines* do not appear to consider the possibility of supporting women in their own countries to facing gender-related persecution, or repatriating those who wish to return home to work for change. The *Guidelines* also do not consider the fact that the majority of women who are using the policy to seek safety are of the middle classes, and what effect the loss of such women has on their country of origin, and the women left behind.

A unanimous recommendation of the participants was that of education. The refugee women feel that education was necessary in order to show: that women are human, valuable members of their society; that women face different kinds of persecution than men; that women's behaviour should not be the responsibility of the men in their families; that women suffering gender-related persecution are not at fault; that "shame" should not prevent women from speaking out; and finally to increase the literacy levels of all women. Literate woman would be able to take advantage of refugee policies like the *Guidelines*. They would also have more tools with which to protect themselves and their children. Perhaps the Canadian government would get better long term results by funding education around women's rights in refugee producing countries, rather than offering refuge once the crisis has occurred?

We also need to consider if it would be more effective in the long run to work with, or pressure countries such as Afghanistan, who are signatories to the UN

Convention and the International Bill of Human Rights to provide these rights for all its citizens, male or female, instead of helping to remove citizens from these countries. By naming "gender" as a category in the Canadian *Guidelines* and in the UN Convention, we may be able to raise awareness of the plight of the majority of the world's refugees --women, and in doing so protect them from harm.

Tirah: I feel so low when I see reports from Afghanistan about the Taliban, and how they are taking away any freedom from the Afghan women and girls. I feel angry when I can watch this on TV knowing that the whole world knows what is happening, but no one is doing anything to help them.

When the Canadian *Guidelines* were implemented there was a concern that millions of refugee women would flood Canada's borders. This has not happened. The participants feel that the *Guidelines* made Canada "look good" knowing all the while that most women suffering gender-related persecution would never know about the policy, let alone be in a position to use it. If we are going to maintain policy like the *Guidelines*, and if Canada is to be an example for other countries considering such policies, policy makers need to look into ways of "advertising" so that those women most in need can find refuge. In order to formulate policy that meets the needs of the most vulnerable women, Canadian policy must constantly be re-evaluated and checked against the views of those women who have suffered gender-related persecution, and/or sought refuge. The experiences and opinions of those who are effected by the policy should be the criteria by which it is evaluated. The results of my study point to the need for more qualitative research on the lived experience of refugee women fearing gender-related persecution in not only Muslim, but all refugee producing nations.

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The International Bill of Rights
Universal Declaration of Human Rights
Covenant on Economic, Social and Cultural Rights
Covenant on Civil and Political Rights and Optional Protocol
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
UN Charter (excerpts)
General Comments adopted by the Human Rights Committee under Article 40 of the International Covenant on Civil and Political Rights

# APPENDIX A

## INFORMATION SHEET FOR POTENTIAL PARTICIPANTS IN THE MA RESEARCH PROJECT

Muslim Refugee Women Speak Out: A Critique of the Canadian Guidelines on Refugee Women ***Facing*** Gender-Related Persecution

Over eighty percent of the world's 23 million refugees are women, yet over two-thirds of those claiming refugee status at Canada's borders are male. There are many reasons for the relatively low numbers of women seeking refugee status. Women are more often responsible for children and elderly relatives, and are less mobile as a result. Women tend to have less financial resources than men. In many countries it is not culturally acceptable, and therefore not safe for women to travel alone. Most importantly, it is more difficult for women to fit the necessary parameters to claim United Nations (UN) Convention refugee status.

The 1951 UN Convention Relating to the Status of Refugees defines a refugee as a person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership in a particular social group, or political opinion, who is outside the country of his [her] nationality and is unable or, unwilling to avail himself [herself] of the protection of that country.

The Convention definition's gender neutral language is misleading. Concealed in the "his/her", is an understanding of persecution, and its legality, that has been created by men for men. Women fear forms of persecution that most men would not consider. For example, my husband does not worry about walking alone at night, but

as a woman, and a Sexual Assault Response Team Counselor, I avoid it at all cost. The concerns of both genders are assumed to be contained in this definition, but it falls short of recognizing that in many situations women are persecuted precisely because they are women.

Numerous policy documents, both nationally and internationally, have be issued over the last ten years with the main goal of rectifying the situation faced by refugee women seeking safety. The Canadian Women at Risk (AWR) program, put into effect in 1988, and the *Guidelines on Woman Refugee Claimants Fearing Gender-Related Persecution*, implemented by Chairperson Nurjehan Mawani of the Immigration and Refugee Board (IRB) in 1993, are examples of such "patch up" policies. The *Guidelines* were developed out of misgivings about the omission of gender-related persecution in the Convention definition. The AWR program, implemented seven years before the *Guidelines* , was intended to "assist refugee women who are particularly at risk" (UNHCR memorandum 77/88). Its mandate was to examine the specific problems faced by women seeking refuge.

Only Canada, New Zealand, and Australia have Women at Risk programs. The United States is presently executing a trial run of a similar policy, and has to date admitted one woman. Two years after the *Guidelines* were issued, no one has followed Canada's unique model for female refugee determination by implementing permanent policy.

In this study I hope to examine the argument made by the IRB in the *Guidelines*, that women refugee claimants can and should base their claims on the

grounds of belonging to a particular social group. The authors of the *Guidelines* seem content to have refugee women make their claims by manipulating the masculinist Convention definition, rather than boldly creating a 6th ground -- gender -- under which to make their claim for asylum.

As a participant, you are being invited to participate in intensive, in-depth interviews conducted by myself. About five refugee women will be interviewed on an individual, face-to-face format. During these interviews I am committed to gathering information that will help me to develop an understand of the unique situations of refugee women facing gender-related persecution, from the refugee women's own perspectives. I will be seeking this understanding through the descriptive data that emerges from the interviews. I hope that in analyzing the data, I will be able to develop concepts and insights into the specific needs of refugee women. I intend to use the refugee women's words to influence Canadian refugee policy. This study is being done as a partial fulfillment of a Master of Arts degree. Therefore, the findings will be written up and published in the form of a thesis (using only non-identifying data), and will be presented at an oral defense seminar.

The data will be gathered using open-ended interviews. I will use a general interview guide approach which involves outlining a set of issues that are to be explored with each participant before the interviewing process begins. The interview guide will serve as a checklist so that I can be sure to cover all pertinent issues during the interview. The issues do not have to be covered in any particular order. This format is based on the premise that there is common information that I would like to

gather from each participant, but no standardized set of questions is established in advance. This reflects the feminist perspective that women are experts on their own experiences, and that it is preferable for the interviewer and the participant to decide together how the interview will evolve.

Participants will be asked to describe what circumstances caused them to seek refuge, and what feelings were evoked. I will be interested in hearing about the ways participants responded to becoming a refugee, and what factors influenced their decisions in responding to their position refugees. I will be interested in the actions/reactions of participants who had difficulty claiming refugee status. If there were times when a participant was forced to seek unofficial refuge, what was the impact on her personally, and her family? I will also be asking participants to describe their lives before seeking refuge.

I will be taking steps to protect the participants' right to anonymity and confidentiality. The preferred location and timing of the interviews will be discussed with the participants so that the data will be gathered at a mutually convenient setting and date. The interviews will be held in a private, comfortable room, in premises set aside for the purpose. Free, professional child minding will be provided to those women who need it.

The interviews will be audio taped to ensure that all the information gathered is fully and accurately captured. The information on the audio tapes will be transcribed into print data by using a computer word processing program. The original audio tapes will be stored in a locked secure place, then given back to the

participant, to do with as she wishes, after transcription is compiled and an extra copy has been made on disc, (in case the original information is lost). Participants will be given the option of being sent a copy of the transcribed interview and a summary of the main results of the study. Due to the nature of remembering past traumatic incidents, participants will have the option of contacting me after their interview if they wish to provide further information, and this information will become part of the study.

Once the interviews have been conducted, I will take steps to protect the participants' anonymity by keeping the subject's names separate from the data through the use of a coding system which will be kept confidential, in a secure place such as a locked file cabinet, in my locked premises.

The signed consent forms will also be kept separately from the data, and stored in a secure manner. The raw data will be kept locked in a secure place to ensure confidentially. If there are any characteristics of a participant's story that might reveal her identity, I would, at her request, change the details to disguise her identity, while maintaining the integrity of her story.

I am choosing to interview refugee women from a range of backgrounds, experiences, and situations who have had difficulty seeking refuge due to gender related persecution, and who are willing to talk about their experiences. The women can be married, single, widowed, and with or without children. I am attempting to gain access to potential participants through personal contacts with women in the Victoria refugee community that I am already acquainted with -- (through my work as

an independent refuge advocate). The women will be from the Middle East or Asia, as this is the community I am most familiar with, and most knowledgeable about.

Participation in the study is voluntary. Participants will have the right to withdraw their participation in the study at any time. This would include the right to refuse to participate in any section of the interview, and to refuse to answer a particular question during the interview.

Since I will be interacting directly with the participants, asking them questions of a personal nature, there is a risk that they will experience emotional or social discomfort during and/or after the interview. Practitioners have learned that asking people to relive an experience of torture, or trauma, could initiate intense emotional feelings.

Some participants may also decide that they wish to deal with past unresolved incidents of injustice during their flight as refugees, after it has been raised in the interview. I recognize the possibility of such effects and am prepared to help these participants by identifying supports. I will be prepared to provide referrals to a refugee assistance program, or a private practitioner who is familiar with refugee issues. I am also willing to link participants with each other for mutual support, with the prior permission of each participant. **It is my belief that the potential discomfort is outweighed by the potential benefits of having the participants' stories made visible, and the possibility that effective strategies for change might be implemented as a result of this study.**

I will be conducting this research from March 1, 1996 to July 29, 1996. Before deciding whether you wish to be a participant in this study, please consider all of the information provided above, and ask me any questions that arise for you. Participants will be asked to sign an informed consent form. If you have any question regarding this study, please contact myself (Melissa Belfry), or my thesis supervisor, Dr. Jyoti Sanghera, at the addresses and telephone numbers listed below. Thank you for your interest in this study.

Sincerely,

Melissa Belfry
901 Empress Ave.,
Victoria B.C.
V8T 1N8
Victoria B.C.
Phone (250) 386-7408

Dr. Jyoti Sanghera
Women's Studies Dept.
University of Victoria
Box 1700,
V8W 2Y2
Phone (250) 721-6158

## APPENDIX B

### INFORMED CONSENT TO PARTICIPATE IN A RESEARCH STUDY: GENDER-RELATED PERSECUTION AMONG REFUGEE WOMEN.

The university and those conducting this study believe in the ethical conduct of research and the protection at all times of the interests, comfort and safety of research participants. Your signature on this form will signify that you have (a) received a written description of the project in English (b) have had the description verbally translated to you in language of your choice by a professional translator from the Victoria Intercultural Association (c) have had adequate opportunity to consider the information in that description with the translator's assistance and (d) that you voluntarily agree to participate in the study.

Having been asked by Melissa Belfry, a graduate student of the Faculty of Arts and Science at the University of Victoria, to participate in this study as part of her thesis work, I have read the information sheet describing the precise nature and purpose of the study on refugee women's experiences of gender-related persecution. I have been given an opportunity to consider this information, and to ask questions about the study and my involvement in it. I understand that I will participate in an individual interview conducted by Melissa Belfry, during which time she will ask me about my experiences of gender-related persecution causing me to seek refuge from my home. I understand the duration of this interview will be anywhere from two to

four hours. I understand that free daycare, provided by a qualified childhood educator , will be provided during the interview process if necessary.

I understand that the interview will be audio taped to ensure that all information gathered is fully and accurately captured; and that after the study, the tape(s) of my interview will be given to me to dispose of, or use in whatever manner I may wish. I also understand that all the information I will provide will be kept confidential and anonymous. The preferred location and timing of the interviews will be up to me, so that the data will be gathered in a setting, and on a date convenient for me. My name will be kept separate from the data of my interview, through the use of a coding system which will be kept confidential, in a secure place such as a locked file cabinet. I also understand that the signed consent forms will be kept separately from the data of my interview, and stored in a secure manner. If there are any characteristics of my story that might reveal my identity, I have the right to request a change in the details of my story to disguise my identity while maintaining the integrity of my story.

I understand that I may refuse to participate in this interview, and that I may withdraw from the interview at any time if I should so decide. I also understand that I may choose not to answer any particular question that I am asked during the interview.

There has been no coercion, constraint or undue inducement utilized in obtaining my agreement to participate in this study. I hereby give my voluntary agreement to participate in the study, and acknowledge receipt of a copy of the

information sheet in English (verbally translated into the language of my choice), referred to above.

Informed Consent To Participate in a Research Study: Gender-Related Persecution Among Refugee Women

Participant's Name: _____

Participant's Signature: _____

Date: _____

Witness: _____

# VITA

Surname: Belfry | Given Names: Melissa Wynne

Place of Birth: North York, ON | Date of Birth: July 18, 1969

Educational Institutions Attended:

| | |
|---|---|
| University of Guelph | 1988 to 1989 |
| University of Victoria | 1991 to 1996 |

Degrees Awarded:

| | | |
|---|---|---|
| B.A. | University of Victoria | 1994 |

Honours and Awards:

| | |
|---|---|
| University of Guelph Entrance Scholarship | 1988 |
| University of Victoria Dean's Scholarship | 1994 |
| University of Victoria Blue and Gold Circle Student Recognition Award | 1996 |

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Title of Thesis: Muslim Refugee Women Speak Out: A Critique of the Canadian Guidelines on Refugee Women ***Facing*** Gender-Related Persecution

Author [redacted]
(Signature)

MELISSA WYNNE BELFRY
(Name in Block Letters)

April 24, 1997
(Date)