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Violence Against Women in the Narrative Affidavits of West African Women Seeking Asylum in Atlanta

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A thesis submitted to the Faculty of the Rollins School of Public Health of Emory University
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Abstract

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By Kathleen Curtis

As the world confronts the greatest number of displaced persons in history and significant anti-immigrant and refugee sentiment, displaced populations face greater insecurity than ever. It is urgent for countries offering refuge and asylum to understand the needs of these vulnerable populations. Asylum seekers face great uncertainty as the validity of their asylum claims are evaluated in court. Female asylum seekers often face additional challenges of economic and cultural barriers, as well as bias and inconsistent application of policies in the US asylum process. The Atlanta Asylum Network (AAN) facilitates access to low or no-cost physical, psychological and gynecological evaluations in order to facilitate a fair and complete judicial process. Qualitative analysis was conducted on 15 narrative affidavits from clients of AAN who are female and of West African origin. These affidavits serve as a legal record of the persecution the client faced in her home country. Based in grounded theory, the analysis consisted of data memoing, coding, and the development of thick descriptions. The purpose of this analysis is to assess the presence of various types of violence experienced by a population of West African female asylum seekers. Results include a clear distinction between interpersonal and structural violence, which interact to cause intersectional violence. These data are used to make recommendations on how female asylum seekers can most successfully frame their claims, as well as how asylum policies can be more consistently applied to female asylum seekers who have experienced violence.

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Introduction

Overview of Definitions and Statistics

As the world faces the greatest number of displaced persons in history and significant anti-immigrant and refugee sentiment, displaced populations face greater insecurity than ever. The United Nations High Commissioner for Refugees (UNHCR) reported totals of 40.8 million internally displaced persons, 21.3 million refugees, and 3.2 million asylum seekers worldwide (UNHCR, 2017). Internally displaced persons are defined by the UNHCR as "people or groups of people who have been forced to leave their homes or places of habitual residence, in particular as result of or in order to avoid the effects of armed conflict, stations of generalized violence, violations of human rights, natural or man-made disasters, and who have not crossed an international border" (UNHCR, 2017). Refugees are defined along these same lines, although they gain refugee status by crossing an international border. This status grants them certain rights under the 1951 Convention relating to the Status of Refugees (UNHCR, 2017). Finally, asylum seekers are "individuals who have sought international protection and whose claims for refugee status have not yet been determined" (UNHCR, 2017).

In 2015, the United States resettled 66,500 refugees, 60% of refugees worldwide for the year (UNCHR, 2015). The US also recorded 121,200 asylum claims in 2014, which was a 44% increase from 2013 (UNHCR, 2014). The state of Georgia resettles an estimated 3,000 refugees each year (CRSA, 2015). Between 2011 and 2016, the Atlanta Immigration Court heard a total of 1,738 asylum cases (Trac, 2017). The Atlanta court has the highest rate of denial for asylum seekers in the US, with a total of 98% compared to the national average of 57% (SPLC, 2017). Although the number of displaced persons is increasing steadily, it is likely that the US will see a decrease in refugee resettlement and asylum claims in 2017 due to uncertainty created by

President Trump's attempts to block refugees and certain travellers through his "Executive Order Protecting the Nation from Foreign Terrorist Entry Into the United States".

Atlanta Asylum Network History and Purpose

The Atlanta Asylum Network (AAN) was created in 2000 as an initiative of Emory University's Institute of Human Rights. After an initial intake interview, AAN provides asylum seekers in Atlanta with low cost or pro bono physical, psychological and/or gynecological evaluations conducted by volunteer clinicians. After an evaluation, the clinician creates a legal affidavit, which is used as evidence in the asylum seeker's court hearings (Evans et al, 2015). Evaluation of the research has determined that asylum seekers who receive these evaluations are more likely to receive a positive case outcome. Many other factors influence case outcome as well, including region of origin and English proficiency (Evans et al, 2015). Despite the high denial rate of the Atlanta immigration court, 78% of AAN clients of African origin who received an evaluation reached a positive outcome (Evans et al, 2015).

Asylum seekers overcome extreme challenges to make it to the US. They often have few resources and continue to suffer from the physical and psychological consequences of persecution that occurred in their home countries. AAN is dedicated to providing asylum seekers with evaluations as a part of a fair judicial process. After conducting a retrospective quantitative analysis of AAN case outcomes, AAN wanted to take a more nuanced look at the lived experiences of persecution and how they relate to asylum seeking. The purpose of this study is to better understand a specific region and population of West African women, to analyze the violence these women faced in their home countries, and use these data to make recommendations for improvement of the asylum seeking process. There are little data highlighting how female asylum seekers' experiences of violence in their home countries

intersect with the challenges and biases of the asylum process that are unique to females. This article explores this topic while making concrete recommendations for better protecting a vulnerable population.

Literature Review

This subject is a complicated and interdisciplinary topic, including themes from history, anthropology, gender studies, and public health. The following review summarizes relevant literature in order to provide sufficient context to understand the current state of female experiences in the US asylum process, specifically for West African women who have experienced violence. The relevant contextual history and culture of West Africa and women's experiences of violence within them are outlined. Then a more general summary of the literature surrounding violence against women, focusing on the various types of violence and how they relate to human rights and health issues is presented. Finally, I outline the challenges and opportunities for women in the US asylum process.

Relevant History and Culture of West Africa

Conflict in Post-Colonial West Africa

West Africa is a huge geographic area, generally defined to include the countries of Benin, Burkina Faso, Cameroon, Cape Verde, the Gambia, Ghana, Guinea, Guinea-Bissau, Ivory Coast, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone, Togo and surrounding island nations (Encyclopedia Britannica, 2017). The region is ecologically, ethnically and linguistically diverse. West Africa has a long history of interaction with Europe through the slave trade, and later through colonial rule. Its borders were drawn by colonial powers, primarily France and England, and, in some cases, Portugal. These artificially imposed boundaries often

resulted in a national populace that was not ethnically or linguistically homogenous, and therefore relied on post-colonial national identity or colonial language for unification.

Beginning with Ghana in 1957, West African states began achieving their independence, largely through gradual and peaceful means. As these fledgling governments began to determine their own priorities, the primary challenge was creating a unified democracy that did not oppress minorities (Daddieh, 2006). This need for national unity resulted in the creation of strong central governments, and the neglect of local government, based on the assumption that these central governments would focus on development and poverty reduction. These fragile, resource-scarce states began on the road to development with charismatic leaders and few checks and balances on power (Daddieh, 2006).

Beginning in the mid-1960s, the militaries of West African states began to intervene in the political processes of their nations. They dismissed elected officials, outlawed strikes, silenced the press, and otherwise did away with democratic institutions. "West African states became highly authoritarian and gendered (male-dominated partly by virtue of limited female access to education and involvement in the military profession)" (Daddieh, 2006). These new authoritarian, militarized governments were marked by vast corruption and preferential treatment of certain tribes, religions and ethnic groups. In response to this increased tribalism, political loyalties were shifted from the national level to the local in a "localization of loyalties" (Daddieh, 2006). This intergroup tension and lack of any real governing body, in combination with weapons proliferation, left many West African states primed for conflict and oppression of minorities and political dissent (Annan, 2014).

Liberia and Sierra Leone experienced decades-long conflict and civil wars, while Guinea-Bissau, Cameroon, and Ivory Coast faced prolonged civil tensions and related violence. Other

countries, such as Senegal, Ghana and Nigeria, confronted smaller-scale, but still significant conflicts. The Sahel region now faces the threat of Islamic extremism, notably in Mauritania, Mali, Niger and Nigeria (Annan, 2014). This sample is by no means a comprehensive list of conflicts in the region, but is illustrative of the type of events causing violence and forced migration, as experienced by female asylum seekers.

Culture, Feminism, Patriarchy and Human Rights in West Africa

West African women have been subjected to a great deal of violence stemming from these conflicts, including imprisonment, rape, human trafficking, and sexual assault (Handrahan, 2012). Even in areas that are not currently affected by conflict, women are subjected to a number of cultural institutions that infringe on their human rights. Though gender regimes are deeply affected by local context and culture, it is possible to make some general regional characterizations. Patriarchy in sub-Saharan Africa is categorized separately from "classic" patriarchy, where women are often relegated to the private/domestic sphere both socially and economically. Particularly in rural, agrarian societies in sub-Saharan Africa, women often engage in crop cultivation of their own plots of land, and are expected to contribute financially in providing for children, which gives them relative autonomy (Rosen, 1983). Gender roles, especially in conflict and post-conflict societies, are often nuanced in ways that challenge Western feminist and human rights interpretations and call for contextual understanding of the lived experiences of both victim and perpetrator (Scully, 2009).

While West African culture empowers women in some unique ways, it also subjects them to traditions that are considered oppressive through a Western feminist and human rights lens, practices such as polygany, child marriage, and female genital mutilation and cutting (FGM/C). All of these have deep historic, and sometimes religious, roots. Their perpetuation is also

compounded by a lack of education on the harmful nature of these practices, as well as obstructed agency on the part of the women who oppose them. Additionally, many West African women may not perceive these institutions as wholly oppressive. In this vein, many critics of feminist human rights point out that because of the socially constructed nature of gender, feminism's focus on Western-style nuclear families, and its disregard for the intersection of race and gender, Western feminism is not necessarily applicable in non-Western settings (Oyewumi, 2002). Scholars who are critical of this monolithic style of feminism increasingly consider indigenous understanding of gender to be critical in re-conceptualizing feminist human rights and emphasize the self-determination of affected women (Lewis, 2003). It is important to note that at times the feminist and human rights frameworks do not consider the intersectional nature of race and gender or are at odds with local culture. Women who have been affected by gender violence may conceptualize their experiences in a way that does not neatly align with this framework or the asylum system's definition of persecution.

Despite the philosophical and cultural disagreements between Western and African perspectives on feminism and human rights, it is clear that African women face many barriers in fully realizing their human rights as defined by the Universal Declaration of Human Rights. Some of these rights violated are the right to liberty, security, equal protection of the law, a marriage freely entered into, freedom of opinion and expression, peaceful assembly, freedom from torture, degrading treatment or punishment, and arbitrary arrest or detention, amongst others (United Nations, 1948). These rights violations are in relation to cultural issues such as forced marriage and FGM/C, systematic issues such as withholding of resources and opportunities from women, and violence against women committed by both the state and private actors. They are also largely the basis of violence against women (VAW)-based asylum claims.

Violence Against Women

VAW Types and Structures

VAW occurs in every society as "a continuum of violence from the bedroom to the battlefield" (Dewey, 2012), with 35% of women worldwide and 45.6% in Sub-Saharan Africa experiencing some type of VAW (World Health Organization, 2013). These abuses include physical, sexual and psychological forms and often involve combinations of these categories. Examples include but are not limited to: FGM/C, forced marriage, domestic violence, sexual assault, sexual coercion, emotional/psychological abuse and rape (Heise, 2002). These psychological, sexual and physical harms fall into larger categories of structural and interpersonal violence. Structural violence refers to the ways in which a society organizes their political, economic and social infrastructure in a way that leads to unequal treatment of women or limits their access to resources. Interpersonal violence can be violent actions, but also "refers to the ideologies, words, nonverbal behaviors or communications that express stereotypes, hegemonies and create humiliation or stigma" (Montesanti, 2015). Structural violence generally occurs at the societal/institutional level and interpersonal violence occurs in common interactions. Both are mechanisms of generating and perpetuating patriarchal power (Montesanti, 2015). The distinction between structural and interpersonal violence often results in a false dichotomy between public and private gendered persecution, despite the fact that private harms often occur or are allowed because of larger, structural issues. This misleading notion that private and public harms of women are unrelated is one of the biggest barriers to fully realizing that women's rights are human rights (Oxford, 2005).

VAW and the United Nations Refugee Convention

The UN Refugee Convention was created in response to the Nazi atrocities of World War II and was therefore primarily concerned with gender-neutral persecution based on race, religion and political opinion. As such, the 1951 UN Refugee Convention states that any person seeking refugee status must demonstrate that in their country of origin they have experienced persecution or have a "well-founded" fear of persecution on the basis of race, religion, nationality, political opinion, or membership in a social group, but does not include a gender or sex category (Binder, 2001). In recognition of this issue, the United Nations High Commissioner for Refugees (UNHCR) released guidelines on increasing protection of women as refugees in 1981, but still failed to add gender as an official category (Millbank, 2010). There is a distinction between persecution *as* a woman and persecution for *being* a woman, both of which should be acknowledged by the inclusion of a gender category. Women, as well as men, often experience persecution based on their membership in the official categories. However, even if their reason for persecution is the same (such as membership in an ethnic group), the experience of persecution may be gendered (Binder, 2001). While a man may face imprisonment, a woman may face imprisonment and rape. This gendered persecution is an example of persecution *as* a woman, and highlights the complex interactions of gender and membership in other social groups. For example, rape in wartime is a war crime and systematic use of rape can also be considered an act of genocide (Russell-Brown, 2003). The exclusion of gender as a persecuted group demonstrates the Refugee Convention's failure to recognize the potential for simultaneous persecutions.

The failure to include gender as a category also denies protection to those persecuted for *being* a woman. Because women are often relegated to the private/domestic sphere, the abuse

they experience also tends to be private and is often unregulated by national governments (Reed, 2003). An example of abuse for *being* a woman would be a woman forced into an early marriage, who faces domestic abuse and marital rape, and is unable to divorce her husband due to an inability to repay her dowry. She has no escape, and her community and government are unable or unwilling to help her due to social and legal norms. As this persecution is relegated to the domestic sphere, it is "superficially apolitical" (Doedens, 2014). However, it is in fact deeply rooted in systematic, symbolic, and actual violence. In addition, refugee law, and by extension asylum law, privilege the experience of men by focusing primarily on abuses that occur within the political and/or public realm:

> "In terms of refugee law, this means that 'the key criteria for being a refugee are drawn primarily from the realm of public sphere activities dominated by men.' Women's experiences of harm, however, are often centered in the private realm and therefore do not easily fit within this framework of refugee protection. For these reasons, the facial gender-neutrality of the refugee definition is in fact a gender-deficiency that reflects the perspective of that time that women and men lead identical lives and that the human condition is unaffected by gender" (Binder, 2001).

VAW and Health

The failure to protect women from VAW has staggering social, economic and ethical implications, but also manifests itself in numerous negative health outcomes and is therefore a significant public health concern. VAW can lead to psychosocial illness such as PTSD, depression, suicide, social exclusion, and alcohol or drug abuse (Heise, 2002). VAW can also lead to physical problems, such as HIV and sexually transmitted infections, unwanted or risky pregnancies, and, in the case of FGM/C, life threatening infections and permanent gynecological issues (Bjalkander, 2013). While some would contend that VAW such as rape or FGM/C are singular harms, in reality they can have physical, sexual and psychological consequences that last a lifetime (Beety, 2008).

Women and the United States Asylum Process

US Asylum Process

US asylum law is essentially "an international right realized in a domestic space" (Doedens, 2014). The distinction between a refugee and an asylum seeker is that a refugee receives protection status prior to their arrival in the US, while an asylum seeker arrives in the US and then seeks asylum protection. They bear the burden of proof that they belong to one of the five protected groups (race, religion, nationality, political opinion, or membership in a social group) and are being persecuted for that membership. Through the Refugee Act of 1980, the US codified the UN Convention's definition of a refugee into domestic law. However, in the case of asylum seekers, the granting of asylum is not guaranteed, and is in fact quite discretionary in nature (Evans et al, 2015). The process leaves the provision of asylum to the discretion of immigration judges, the Board of Immigration Appeals, and federal appeals court judges to determine which asylum seekers demonstrate a "subjectively genuine and objectively reasonable" fear of persecution based on their memberships in a protected group (Doedens, 2014). Additionally, asylum is generally awarded based on *why* harm was committed, rather than *what* the harm was. For example, a woman who was raped by a soldier must prove that the rape occurred because of her membership in a particular group, and that her government is unwilling or unable to protect her. The harm must also be imminent and/or continuing, rather than a singular, past occurrence; it is also typically that of a state actor (Beety, 2008). The discretionary nature of asylum law has led to inconsistency and a lack of transparency in awarding of asylum status (Oxford, 2005).

Female Asylum Seeking Experiences

Gender-based violence (GBV) and VAW may exist as their own category of persecution, or as a subset of persecution based on race, religion, nationality, political opinion, or membership in a social group. In 1995, the Immigration and Naturalization Service created Gender Guidelines for "guidance and background on adjudicating cases of women having asylum claims based wholly or in part on their gender" (Oxford, 2005). However, these are not official policy and are instead suggested procedures. Similar to the gendered nature of persecution, the experience of asylum seeking in the US is often a gendered one. Female asylum seekers often have fewer resources, are less likely to be educated and literate, and are more likely to be accompanied by children, all of which make initiating and following through on an asylum claim more difficult. Additionally, women have often experienced "offenses so culturally shameful that [they] will not discuss them, especially with male asylum officers, attorneys and judges" (Ziegler, 2009). This reticence, in combination with other cultural issues such as collective perception of harm, often results in doubts to the credibility of asylum seekers who are hesitant to disclose their entire story at the beginning of the process.

The type of gender-based persecution a woman has experienced also predicts her case's outcome. There is a distinction in gender-based asylum cases between ethnocentric and exotic harms. Ethnocentric harm is characterized as persecution that asylum officers and judges perceive as occurring universally, but especially as also occurring in the US, such as domestic violence and rape. Exotic harms, such as FGM/C or forced marriage, are perceived as only occurring in "backwards" parts of the world. Asylum is more likely to be granted in cases of exotic harm over ethnocentric harm, likely because the latter is measured against knowledge of occurrence of the same harms in the US, and so is found less detrimental (Oxford, 2005).

Additionally, there is an unofficial distinction between psychological and physical harm; female asylum seekers who experienced/are facing physical harm are more likely to receive asylum over those seeking protection from psychological harm (Marouf, 2011). This preference for physical over psychological harm is especially problematic as mental health-based asylum claims have increased over the past ten years, and psychological illnesses currently account for 32.4% of Disability Adjusted Life Years globally and are expected to rise (Vigo et al, 2016). Judges and asylum officials often see gender and cultural issues as monolithic. This is problematic for a topic as nuanced and complex as asylum claims involving VAW and GBV. FGM/C in particular seems to be a consistent indicator of persecution to judges, so much so that it is privileged over other forms of suffering that may occur within the same asylum case:

> "She discussed her rapes while being imprisoned in the context of being Eritrean, not in the context of being female. Having lived most of her life in Ethiopia, unaware of how nationality served as a marker of difference, she tearfully concluded her narration of imprisonment with the realization "that is the day I knew I was Eritrean". When the conversation turned to female circumcision, she told me that she didn't understand why "they" (her attorney and service providers) were talking about "that" (female circumcision) when it had nothing to do with why she left Ethiopia. She explained that they told her it would help her with the asylum case and that she only talked about it to gain asylum. She stated, "In my tradition, it's normal, it's private; we don't talk about it. When they told me I had to talk about it, I said okay, if it helps me. I was shy about it. It was embarrassing. It was hard for me. But I had done so much to get here [the United States] so I did it" (Oxford, 2015).

This quote embodies so much of the complication and problematic nature of gender-based violence in the US asylum seeking process: the lack of official legal framework in which to consider gender-related asylum claims, the intersectionality of race/nationality and gender, the disconnect between Western and feminist human rights frameworks and local conceptions of persecution and gender, the essentialist nature of the asylum process, and the taboo nature of

discussing certain topics. These issues highlight the need for additional nuanced understandings of the role gender plays for women seeking asylum.

Manuscript

Methods

We conducted a secondary, grounded-theory qualitative analysis on fifteen narrative affidavits from West African female clients of the Atlanta Asylum Network (AAN).

Participants

Participants include all current and former AAN clients of West African origin who identify as female. The inclusion criteria for participation were as follows:

- AAN possessed a physical or digital case file for the participant.
- The participant is from a country in West Africa.
- The participant is female, as reported on the AAN intake form, and
- The participant's AAN file includes a narrative affidavit.

Procedures

Data were inventoried in an Excel spreadsheet, noting the age and national origin of the client, the year of the case, whether the case outcome was known, and whether an interpreter was used. The data existed in typed, hard copies with no digitized versions. They were scanned and converted into Microsoft Word documents, where they were checked for consistency with the original version. For the protection of the clients, all identifying names and geographic locations, except for countries of origin were removed from the document. Data were stored in a locked file cabinet, a locked folder, or a password-protected computer at all times. All clients had signed a disclosure agreement allowing AAN to use their records for evaluation purposes. For the

purposes of thick description, excerpts from affidavits were changed to first person perspective; seven were originally written by a lawyer or another third party.

Instruments

The data set for this analysis consisted of fifteen narrative affidavits, which serve as a legal record of the basis for the asylum claim. The affidavits vary in level of detail, with page lengths from one page to four pages.

There were several limitations to this data set. There was no common transcript format; the lengths, perspective and level of detail vary greatly. Finally, the data were derived from legal documents and not in-depth interviews. As such there were no probes or follow-up questions, and there was very little emic perspective, creating ambiguity. However, this lack of consistency across cases is reflective of the nature of asylum claims and is therefore inherent to the study. Strengths of the data include the diversity of age, nationality and experiences within the data set.

Measures, Outcomes and Analysis Plan

We used narrative analysis and grounded theory in the qualitative data analysis. The process of grounded theory includes memoing the data, with memos and potential codes reviewed by a secondary researcher (Hennick, 2010). The codes created were both inductive and deductive, and largely centered around experiences of specific types of violence. A code definition book was created to insure consistency and accuracy in code application. Thick descriptions were created by comparisons across sub-groups, categorizations of codes, and the development of a conceptual model. The analysis outcomes were reviewed to ensure they were grounded in the data, with special attention paid to outliers. Through this grounded theory-based qualitative analysis of AAN affidavits, several key themes emerged around the types of violence

participants faced in their home countries and their implications for the application of asylum law. Limitations include inherent biases of the researcher and the small size of the data set.

Results

Affidavit and Asylum Seeker Characteristics

From a total of fifteen affidavits, one was written by a lawyer, six by a doctor, and eight by the asylum seeker herself. Twelve of the affidavits were created without the help of an interpreter, while three used interpreters. Seven of the affidavits fell into the *persecuted as a woman* category, while eight fell into the *persecuted for being a woman* category. These affidavits were filed between 2003-2013. Three of the asylum seekers came from Cameroon, two from The Gambia, one from Ghana, two from Guinea, two from Mali, one from Mauritania, and one from Nigeria. The age of the asylum seeker at the time of their claim ranged from 20-46, with a mean age of 33.2.

Overview of Codes and Code Sets

Ten inductive codes and nineteen sub-codes were created based on recurring themes of types of violence, ramifications of that violence, and common support systems throughout the fifteen affidavits. Codes included:

- Violence- excluding rape and sexual violence.
- Torture
- FGM/C
- Sexual Violence
- Rape
- Imprisonment/detainment
- Domestic Violence- including intimate partner violence and family violence.
- Forced Marriage
- Lack of Government Protection
- Relationships

The codes for Violence, Torture, FGM/C, Sexual Violence, and Rape each had sub-codes related to the perpetrator: whether known to the victim, unknown, or a member of the military/government. The Imprisonment/detainment code applies only to members of the military/government, and the domestic violence and forced marriage codes apply only to abusers who are family members. Each of these codes includes actual experiences of violence or being threatened with violence. Lack of government protection is applied only when the affidavit narrative explicitly mentions that the asylum seeker's government was unable or unwilling to protect her. The relationships code is applied to interactions that were in some way significant to the asylum seeker; there are sub-codes for familial and non-familial relationships, as well as for positive and negative relationships. The code for children was used for any mention of minors who were dependents of the asylum seekers.

Sub-groups

Two deductive sub-groups were created: those *persecuted as a woman* and those *persecuted for being a woman*. This division originated from the literature, which stated that when claiming asylum as a woman, there is a distinction between being *persecuted as a woman* and being *persecuted for being a woman*. Those *persecuted as a women* have often experienced another primary cause of persecution such as for political or ethnic affiliation, but also experience violence as a woman. Those *persecuted for being a woman* experienced violence against women as their primary persecution; such harms include FGM/C or forced marriage. Women who mentioned that they were initially persecuted for their ethnic, religious, political, or family affiliation fell into the *persecuted as a woman* group. This distinction was clearly present in the data and subgroups were analyzed subsequently.

Types of Violence Experienced, by Subgroup

Not surprisingly, certain codes occurred more often in one group than another. Violence, Rape, and Sexual Violence perpetuated by a member of military/government, Torture, and Imprisonment/detainment occurred most often in the *persecuted as a woman* sub-group. One women describes her persecution for involvement with a political organization:

> "During these periods of detention and interrogations, I was threatened, humiliated, intimidated and tortured. Methods of torture included being beaten with a stick with leather at the end, being burned with cigarettes, being forced to stand on my head with my genitals exposed, being kicked with reinforced metal boots, being forced to spin around until I became dizzy and fell, being spit on, being called "slave" and "animal", being thrown against the wall, being cut on the arm with a knife, and being forced to stay in solitary confinement in a dark room with no windows/light, no medical attention and very little food and water."
> -C.K, Mauritania

Those who were persecuted for *being a woman* consistently experienced Rape, Sexual Violence or violence from a non-member of military/government, Discrimination, Forced Marriage, and FGM/C. One woman reports:

> "I had a difficult childhood because of my father's planning and attempts to have me and my two sisters undergo female genital cutting. My father's family took us from our maternal grandmother's home and brought us to a non-medical establishment for cutting. All three of us underwent the ordeal without anesthesia (nine to ten women held us down while the other woman performed the cutting) or sterile technique (the same knife was used on all three). For the next 8 years until I had my first child, I had episodes of abdominal cramping and vomiting.
> The following year at the age of 15, I was forced to marry a man 15 years my elder who took me to the countryside. He beat me daily and forced me to have sex."
> -D., Mali

These patterns were very consistent, with the notable exception of FGM/C, which was common in both sub-groups. FGM/C is related to *persecuted for being a woman* because many of the asylum claims in that category were primarily based on having undergone or anticipating suffering FGM/C. Two women in the *persecuted as a woman* group experienced FGM/C, but

they mentioned it in passing. There were one or two sentences about the experience, while those who built their claims around FGM/C talked about it in detail. There were no notable differences in social support or type of violence experienced when comparing women who had experienced FGM/C with those who had not.

Relationship Outcomes, By Subgroup

The women's descriptions of their experiences of social support and interaction with their social networks varied according to their sub-group. Women who were *persecuted as a woman* almost exclusively portrayed their relationships in positive terms. Their discussion of relationships fell into two categories: persecution of a family member, or relationships in the context of persecution. In this first category, they framed their persecution as being related to the persecution of a family member, sometimes describing that family member as a hero:

> "She [my mother] became a target of the government as the years went by. She was constantly in and out of jail. Sometimes she returned home with wounds and bruises after receiving severe beatings and tortures from the police or *gendarmes*. According to her, 'it was a just course. Someone had to do this for our children, for the future to be a bright and better one'. During a planning meeting in September of 2001, at last, she was arrested and we never heard from her again." -N.E., Cameroon

In the context of persecution, the women often spoke of some type of redemptive relationship, either with someone they had known previously, or with someone they met during their persecution.

> "While a captive, I befriended a middle-aged woman, who cooked and cleaned the house for the men and the Chief. One day, when the men were away, the Cook took me to another woman in the village to pray together. The woman told me she was going to help me escape because I was just a child. She showed me a road that few people traveled on that I could take that would take me in the Ivory Coast." –A.H., Togo

Those who were *persecuted for being a woman*, however, had more dichotomous interactions with their social networks. On the one hand, they often viewed their parents as

persecuting them, and were especially disappointed in their mothers for failing to protect them from harms like FGM/C or forced marriage.

> "I was only in contact with my mother because my father had said that I was not his daughter anymore when I refused to come home to get married…I have not talked with my father for two years because I cannot forgive him for what he did to my sisters [FGM/C and forced marriage] and was going to do the same to me if I had not refused to go home. His act was horrible… She [my mother] wrote to me that if I do not come home and do what my father wanted me to do she will not support me. I thought that the earth stopped turning for me because my mother has always been everything for me. She supported me my whole life and her stopping talking to me was like the end of the world… She said that if I do not come back home and honor my family tradition I would be to her as dead. Now where I am I only think about my future, and I would rather die than marry a man who I do not love and on top of that undergo FGM. I will not sacrifice my life for a father who still lives in the past because everyone knows the side effect of FGM, such as infection, huge complications with childbirth, and death."
> –A.D., Mali

On the other hand, a few women also described some type of redemptive relationship usually with someone residing in a Western country, which allowed them to escape persecution and come to the US.

> "My mother and my Auntie and other people helped me get a visa. My uncle picked me up at the airport… I think my uncle then filled out an application for asylum on my behalf so that I could work." -I.G. Guinea

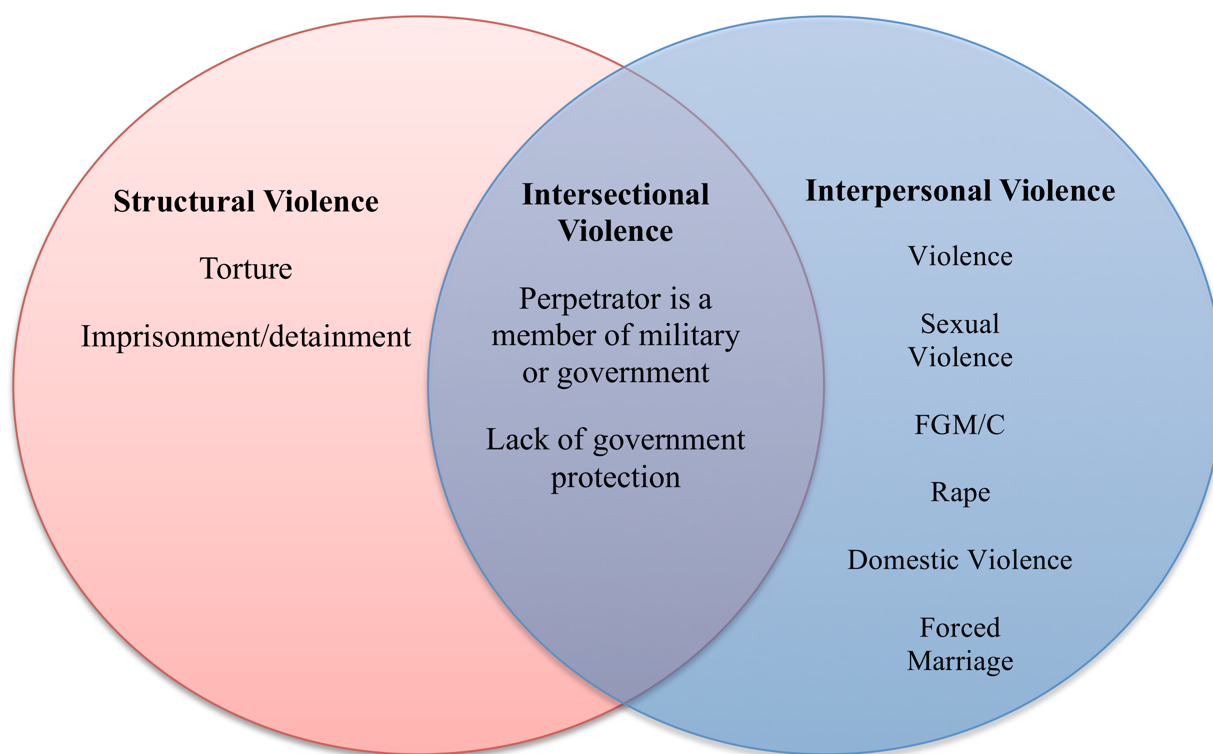
These differences in social support based on persecution subgroup demonstrate the redemptive and destructive powers of social support networks.

Key Themes

The distinction between the *persecuted as a woman* and *persecuted for being a woman* subgroups is in many ways a distinction between women who have experienced structural violence and those who have experienced interpersonal violence. In general, those *persecuted as a woman* had a primary persecution that was political or ethnic in nature and occurred at the hands of the state or a military group. Although some also experienced interpersonal violence,

their experiences inherently fall into the category of structural violence as the narrative contains ethnic and/or political persecution in addition to VAW. On the other hand, those *persecuted for being a woman* by definition primarily experienced interpersonal violence. Code sets were created to further examine the interaction between structural violence and interpersonal violence, both in general and between the subgroups. The conceptual diagram below visually depicts types of violence and their related codes.

Interaction between Structural and Interpersonal Violence



Structural Violence

Structural violence was defined as any type of organized, systematic violence perpetrated by government, military or paramilitary organizations or personnel. These include the codes of Torture and Imprisonment/detainment. Every woman who was *persecuted as a woman* has the Imprisonment/detainment code present in her narrative, and always describes her imprisonment experience as living in sub-standard conditions. One participant described:

> "They held me captive in a small house with approximately three rooms. For the first several months of my captivity, they locked me in a small room all day and night. The room had small windows that they kept closed so I could not see outside. The room was not lit except during meals. I was only allowed to go out of the room if they were present and I needed to go to the bathroom. If they were not around, I was forced to urinate and defecate in a bucket in the room. I slept on the mat with a thin sheet on the floor of the room." -A.H., Togo

Torture was also present in most of the *persecuted as a woman* narratives. Torture included physical and/or psychological, although physical is the most common.

> "While my hands were tied behind my back, the police officers used an iron bar behind my knees, and told me to stand suspended in a squatted position. If I fell down or sat down, they would beat me more. When I was tired, I fell down and was beaten again multiple times with the belt. My legs were hurting, and I was left there with my hands tied behind my back for the night. I was able to untie my hands and find my skirt on the floor, and was able to put it on." –M.A., Cameroon

Interpersonal Violence

Interpersonal violence was defined as any type of violence against women that was not specifically mandated or supported by a state actor. The codes are Forced Marriage, FGM/C, Domestic Violence, Rape, Violence, and Sexual Violence. These codes primarily occurred in the *persecuted for being a woman* subgroup, with the FGM/C occurring most often, sometimes on its own and sometimes in combination with other types of violence such as forced marriage. One participant showed her experience of FGM/C:

> "Being born into the Sereer tribe in the Gambia circumcision was unavoidable. I was 13 years old when I went through the scarring experience of being circumcised. The reason I was circumcised at the age of 13 was because I was always sick as a baby. I had asthma; therefore they couldn't do it at a younger age. They used a knife that was not sterile without any anesthesia. Other girls were also circumcised and the same knife was used as well on their procedures. The procedure was done without the care of medically trained people. It was a very painful experience to the point that I still remember it. Neither medicine nor painkillers were given. The circumcision took place in my home country of Gambia. It was done because it was seen as my rite into womanhood in their eyes. I didn't want it to happen. I was very afraid, screaming and begging them to stop, however I was surrounded by many women holding me tight. I can still imagine the pain." -F.J., the Gambia

Other narratives contain codes for sexual violence, rape, domestic violence, or forced marriage. These themes vary greatly in severity and detail. One participant showed:

> "Five days after the birth of our son, he [my husband] pushed me down, raped me, and went on a business trip. I was left bleeding on the carpet praying for god to end my life."
> –C.E., Nigeria

Intersectional Codes

Most often, structural violence and interpersonal violence intersect. Intersectional Violence contains the codes for Lack of Government Protection, and Rape/Sexual Violence/Violence where the perpetrator is a member of the military/government. The code for Lack of Government Protection applies only to situations of interpersonal violence where the asylum seeker explicitly states that the government has not or will not protect her. This type of neglect at the hands of the government causes interpersonal violence to become systemized:

> "I also know that the government of my country is unable or unwilling to protect me from the harm that I would face… It is true that in Guinea there are laws against female genital mutilation. However, the fact that these laws are on the books means nothing when you look at the fact that 80-90 percent of all women in Guinea are victims of female genital mutilation. This is true regardless of region, religion or ethnicity… I know the police would do nothing to help or protect me."
> – A.D., Guinea

Another way interpersonal violence becomes systematic is when acts of interpersonal violence are committed by someone who is affiliated with the government or military, even if the act

occurs while they are off-duty or the act is not ordered by the government. This type of violence abuses their position of power and could prevent the victim from pressing charges or seeking justice. Sub-codes for state actor perpetrators occurred only within the *persecuted as a woman* subgroup. These women faced horrific violence, usually sexual in nature, while being imprisoned/detained. The example below falls under the FGM/C code, like the example above. However, it is distinct in that this case is not a cultural rite of passage, but is meant to inflict pain:

> "The police tied my breasts together. They intimidated me by waving scissors in front of me threatening to cut my clitoris." –M.A., Cameroon

Through these examples, it is clear how interpersonal violence that is either perpetrated by the government, or that the government fails to punish, becomes structural violence.

Discussion and Recommendations

The purpose of this analysis was to describe and categorize the types of violence present in the narrative affidavits. As explained in detail above, there are clear divisions between women who were *persecuted as a woman* and women who were *persecuted for being a woman*. There was also structural, interpersonal and intersectional violence that loosely aligned with these subgroups, but also coexisted in complex ways throughout the narratives. The outcomes can yield recommendations for improving the experience of asylum seeking and the asylum process itself.

Most importantly, these affidavits clearly illustrate the importance of understanding intersectional violence. Because the US asylum system favors exotic and/or structural harms over ethnocentric and/or interpersonal ones (Oxford, 2015), women seeking asylum based on interpersonal violence such as domestic violence or rape should emphasize the intersectional nature of this violence. If her country is unable or unwilling to protect her from these harms, or a

member of the state committed them, then the violence automatically becomes intersectional and is therefore more likely to result in a successful asylum claim. While some of these affidavits explicitly discussed how her government was not protecting them from structural or intersectional violence, many more did not. A detailed and explicit discussion of these issues, as well as any failed attempts to seek government protection, would strengthen her asylum claim. In the future, a quantitative study exploring the relationship between explicit discussion of intersectional violence and case outcomes would be helpful.

Through these narratives, we also see the complexity of experiences of VAW. Although there are two clear subgroups, there is not a strict dichotomy between the types of violence women in each subgroup face. A category for gender-based persecution and legal guidelines on how to interpret and manage gender-based cases must be equally inclusive, detailed, nuanced and consistently applied.

Finally, we see the importance of social networks in the experiences of lived violence, as well as how instrumental social networks are in making the escape to America. The difficulty of this journey suggests that asylum seekers who arrive on US shores are not the rule, but the exception. This contradicts current concerns about the number of refugees and undocumented immigrants entering the US. It also opposes a common argument against the inclusion of a gender category in the Refugee Convention, which is that to include a gender category would "open the flood gates", making up to half the world eligible for refugee status (Binder, 2001). Given the uniquely vulnerable position of women under current legal norms and the immense difficulty they face in even arriving in the US, the lack of a gender category is extremely problematic. This is not to say that men do not have equally complex and horrifying experience of violence, which warrants refugee or asylum status. Rather, it is an argument that women face

unique types of violence, which are not comprehensively included in the current Refugee Convention. Failure to create a category for gender is not about opening up the floodgates but is a failure to extend refuge to half of the world.

Public Health Implications

Facing an unprecedented number of displaced persons around the world, countries offering refuge must find ways to protect and serve these vulnerable populations crossing their border. Displaced populations are composed largely of women and children, and women are often profoundly affected by violence in their home countries and on their journeys to safety. This violence has lasting personal implications for their physical, sexual and mental health, as well as the health of their children. Given growing numbers of refugees and asylum seekers, many of whom are female, VAW's effect in aggregate comprises a population-level health concern. To effectively address this public health problem, we need to further our understandings of lived experiences of VAW and how VAW fits into broader social and political contexts.

The results of this research categorize the types of violence West African women seeking asylum in Atlanta experienced in their home countries. In an effort to move away from monolithic descriptions of VAW, it also recognizes the nuanced interactions of these types of violence in the women's experiences. This research also demonstrates a need to provide a secure space where women who have suffered unspeakable violence can be physically and mentally safe and healthy. To do this, the Refugee Convention should include a gender category, and the US should move towards consistently and transparently applying this category in asylum law. Additionally, female asylum seekers should explicitly describe any experiences of intersectional violence in their affidavits. Future research on how inclusion of intersectional violence in affidavits affects asylum outcomes is recommended. In addition, an exploration of VAW in

other regions of the world, as well as research on experiences of GBV amongst men, would lead to a more profound understanding of gender and violence in asylum-seeking populations.

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