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# Women refugees disproportionately impacted by narrow definitions of 'torture'

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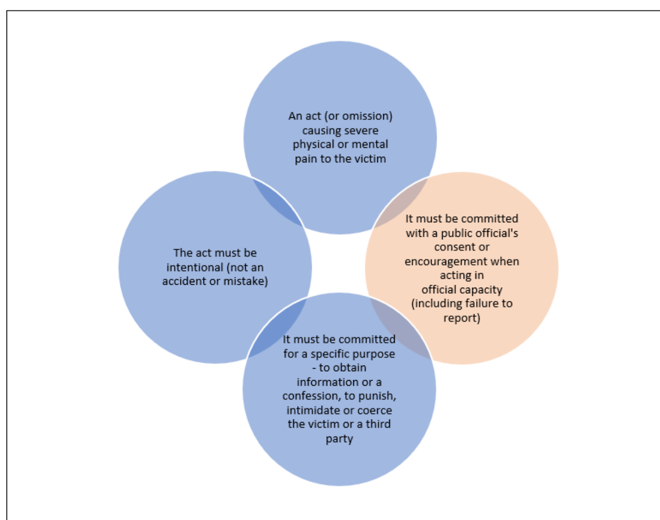
## About the research

I carried out three qualitative projects based in Britain, Denmark and Sweden between 2013-2022. The projects investigated how definitions of torture, and broader asylum policies and practice, impact access to support for people seeking asylum or with refugee status. I undertook 113 interviews with practitioners (lawyers, psychotraumatologists and psychologists, social workers), six oral histories with women survivors of violence and around 500 hours of ethnographic activist research with women seeking asylum. The three projects were enabled by the Danish Institute Against Torture.

*The definition of torture and its limitations*

The most referenced definition of torture in torture legislation, texts, torture support organisations and in interview narratives is the United Nations Convention against Torture, and Other Cruel, Inhuman and Degrading Treatment and Punishment (UNCAT). Broadly, there are four facets to this definition:




This generally refers to people held in some form of custody or confinement and violated by people acting on behalf of a state (the highlighted part of the definition). Given that men are predominately political targets for states, it is men are most often subjected to this form of torture. As such, torture discourses generally focus on men's subjections to torture. Whilst this is understandable, given the UNCAT definition, it does mean narratives around torture often overlook the experiences of women, children and trans people abused outside of state institutions. If not included in organisational mandates, these groups face further barriers to accessing post-torture support.

This research showed that many severe forms of violence occur with similar or the same impacts as torture. For example, the Danish Institute Against Torture outline an extensive list of 78 impacts of torture, including chronic pains, flashbacks, dissociation and post-traumatic stress disorder. Similar impacts can be experienced by survivors of sexualised violence, long term domestic abuse, repeated beatings and sustained coercive control and psychological abuse. However, because they are outside of this definition, they are not recognized as being as severe or impactful as 'torture'.

In oral histories with six women survivors of male violence, subjections to violence included: acid burns, hot water burns, multiple perpetrator rape whilst being burned with cigarettes, marital rape, forced prostitution, so-called survival sex, stalking, harassment, threats of deportation, forced pornography, child abduction, beating, threats to life, sexualized exploitation by friends and/or family members, 'false imprisonment'. These reflect forms of torture, but none of the women referred to torture, or accessed post-torture support.

Implementing the UN definition of torture more flexibly, beyond violence perpetrated by the state, would make it easier to recognise in marriages and partnerships, or institutions and schools – spaces where power and powerlessness can manifest if allowed to.

To address this gap, I developed a new definition of torturous violence which can be considered and adopted into policy and practice, even if in part, for organisations working on torture legislation, support, rehabilitation or prevention.

Torturous violence is sustained, psychologically impactful and harms to the same or similar extent as violence which is definably torture. It can be enabled by coercive control, marital rights, relative powerlessness between perpetrator(s) and victim/survivor(s), and on structurally violent familial or cultural norms. These norms include patriarchal norms, and so transcend usual representations of cultural violence as 'Other', or somehow disconnected from society in the Global North. It may be in familial relationships or interpersonal relationships. Torturous violence may be the continuous subjection to sustained violence over a period of months or years or one sustained violation by an individual or group which has deep and long lasting psychological or psychosocial impacts on the survivor. Individuals may be subject to torturous violence at different intersections of their lives, in different places or spaces, and with different forms of infliction by different people or social actors. This element is particularly relevant to those living in abusive familial settings, in conflict, during flight from conflict or persecution, or when seeking asylum or safety from domestic violence.

## Key findings

The projects had multifarious focuses and outcomes, and the full range of findings can be found in *Torture and Torturous Violence: Transcending Definitions of Torture*. However, four key themes emerged across the research.

1. *Survivors of violence are impacted by organisational definitions of torture*

Organisations and institutions which use the narrow remit of the UNCAT can overlook extreme and sustained violence which is perpetrated by non-state actors (such as partners or family and community members). This has gendered implications for who is recognized as a survivor of 'torture', and so impacts on who can or cannot access post-torture support. For example, an organization which worked with survivors of state-inflicted torture in custody had a gendered ratio of 80% male clients to 20% female. Another which focused on the impacts of sustained violence and subsequent trauma (including during the migration process) reported a 60% male:40% female support access rate. However, it is worth stating that it can be very difficult for anyone to access support in the aftermath of torture, and so pathways to support are required for all survivors.

2. *Harsh immigration policies compound the impact of previous violence, and restrict access to support*

Many Northern European countries have implemented further restrictions on asylum and refugee rights, and continue plans to do so. These include decreased access to family reunification, decreased temporal protection for refugees who are given non-permanent status, and increased risks of detention and deportation for survivors seeking asylum. These have impacts on the emotional and psychological wellbeing of all refugees and people seeking asylum – it can be very difficult for survivors of torture and torturous violence to undertake journeys toward counselling or rehabilitative therapy if they are more concerned by serious immediate problems such as homelessness, or knowing family members are stuck at precarious borders or in war zones. A lack of security compounds impacts of earlier trauma for survivors of torture and torturous violence. It also actively facilitates harmful practices including economic, domestic and interpersonal violence.

'They treat the refugees like animals, like wild animals, not pets. You can love pets, but not wild animals.' (Mahira, survivor of domestic violence, domestic torture and false imprisonment, Denmark)

3. *The closing of borders across Europe facilitates increased exposure to violence, and risky over sea and overland journeys are creating further forms of trauma*

By creating more dangerous routes in closing safe passage, opportunities for violence to be inflicted open up through extended time spent in insecure spaces, time on the move, and in creating further dependence on partners or families for those subjected to interpersonal or domestic abuses that are torturous. Furthermore, from 2014 to date, more than 25,000 people are missing and presumed dead in the Mediterranean. As more people have continued to cross by sea, survivors and practitioners report trauma from the migratory journey itself, which safe passage would alleviate. This was a notable change in the interviews carried out after 2016.

> 'A lot of people experience being wounded in war, being forced to witness relatives or close family being killed by bombs or by shootings or different kinds, and then during the flight can be different kinds of traumas from the boats across the Mediterranean and witnessing people die and being very, very terrified yourself on the boats, and being maltreated in the recipient countries. People can talk about the detention in Turkey or Greece as they've been very badly beaten and badly treated in the detention centres there. So that can also be part of the trauma.' (Izabella, psychologist, 2021).

4. *Negative impacts on practitioners are increasing as funding reduces and border control strategies expand*

Increasingly punitive approaches to border controls in Northern Europe impact significantly on the way in which practitioners experience their roles, and pressures under which they work. This is particularly concerning given the pressured and complex field that torture support and prevention falls under, where practitioners already risk experiencing vicarious trauma and compassion fatigue.

*Five key issues were raised by practitioners in this field:*

1. Restrictive asylum law and policy negatively impacts on the role of practitioners;
2. Emotional and psychological issues in working with refugee groups are compounded by increasingly hostile socio-legal environments;
3. Practitioners report feelings of powerlessness, helplessness and a structural diminishment of their professional roles;
4. Roles are increasingly bureaucratised, and so practitioners report 'managing expectations' of clients rather than fulfilling their assigned role/profession;
5. Trust in state responses to migration is diminishing.

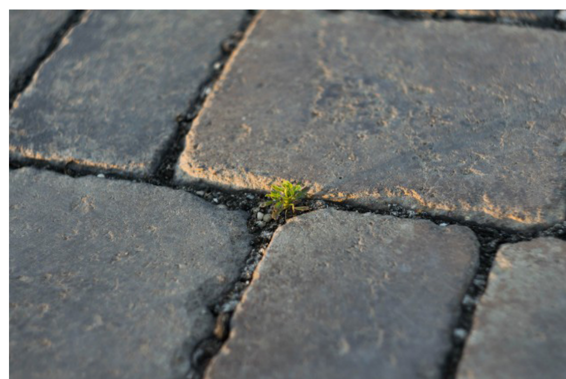
This may then have consequences for survivors seeking support from practitioners whose roles and working conditions are being increasingly diminished by state-led border practices.

## Key recommendations

There are many ways that policy and practice can be improved so that survivors can more readily access quality support if they choose to, and so practitioners are enabled to undertake their work with fewer risks of vicarious trauma or burnout.

1. **States need to seriously reconsider punitive and restrictive approaches to people seeking refuge.** Such approaches compound earlier trauma for survivors of extreme and severe violence; facilitate further forms of violence and trauma through unsafe routes of crossing borders, and unsafe and unstable economic and social conditions; and risk further trauma through detention and/or deportation.
2. **Organisations may wish to consider the limitations of UNCAT in defining torture.** They should also consider the implications this may have for survivors of violence which would otherwise be recognised as torture in its severity, sustained nature, and impact, especially in relation to gendered access to support and prevention.
3. **Practitioners suggest the following six points for structural improvement and positive change:**

- Improved funding is required for practitioners and organisations to be able to work to their full capacity without precarity.
- More time is required to support survivors on a practical basis.
- Improved capacity to work across multiple contexts, institutions and disciplines.
- Tools to address silence around torture and torturous violence, and sexualised torture and torturous violence.
- Flexibility in responding to forms of torture leads to positive practice.
- Firm structures of support are needed for practitioners to reduce issues such as vicarious trauma, compassion fatigue, and burnout.



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## Practitioner perspectives

Speaking with practitioners can give us structural insights into patterns which affect survivors, and the impacts of both torture and increased forms of bordering over time. Some of the key points raised by practitioners are included below, and give insight into positive directions for intervention and improvement.

'It was always underfunded, it was always dependent on good grace and goodwill from community organisations and existing refuge and places that dealt with domestic violence and so on. So, in terms of women's issues as refugee and asylum seekers they were just expected to be absorbed into the existing organisations but what people didn't realise that the existing organisations were only working to a minimum capacity because of their funding' (Cassandra, councillor and former Lord Mayor, 2017).

'Relationship-building over time and giving people an embodied, felt experience that you can understand and recognise and contain their life and their perspective of life, and over time, I think trust allows people to share vulnerable information, because they feel recognised enough and have enough trust that the other person can carry the information they share' (Klara, child psychologist for post torture support, 2021).

'Establishing meaningful connections between, for instance, the treatment context and the everyday life. I think this is where we, as a system often meet some barriers, because it can be in practice difficult to work across contexts' (Klara, child psychologist in post torture support, 2021).

'I try to draw on my own experience from other clients from the same region or the same city, and kind of suggest, 'This is something I've heard from others they have experienced. You don't have to talk about it right now if you don't want to'' (Luna, clinical psychologist 2021).

'Having worked particularly in certain areas of the world, obviously, it's so context-related and so hard to say, 'We do this here because it makes sense here. We do something else here because it makes sense here' (Freja, legal expert on torture, 2021).

'You really need to have very firm structures of support around supervision and not overloading practitioners, not having too many clients, having breaks and making sure that there's a good environment for being able to work with this content, and there usually isn't that, a good environment for being able to work with this heavy content' (Mila, psychologist specialising in women survivors of violence, 2021).

## Further information

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## Contact the researchers

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