

Immigration and Refugee Board
Refugee Protection Division



Commission de l'immigration et du statut
de réfugié
Section de la protection des réfugiés

RPD File # / No. dossier SPR : MA5-04320

Private Proceeding
Huis clos

Claimant(s)

Demandeur(e)s d'asile

Date(s) of Hearing

January 4th, 2006

Date(s) de l'audience

Place of Hearing

Montréal, Québec

Lieu de l'audience

Date of decision

January 4th, 2006

Date de la décision

Signature of Reasons: January 6th, 2006

Panel

Joel Moss

Tribunal

Claimant's Counsel

Styliani (stacey) Markaki

Conseil du demandeur d'asile

Refugee Protection Officer

N/A

Agent de la protection des réfugiés

[Documents Only]

Designated representative

N/A

Représentant désigné

Minister's Counsel

N/A

Conseil du ministre

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ORAL REASONS

[The following is the Decision and Oral Reasons of the Refugee Protection Division (RPD). The tribunal has considered all the testimony and documentary evidence presented in this claim. If written Reasons are to be provided, the written Reasons will be completed and edited for syntax, grammar and references in order to ensure clarity and understanding without altering the thrust or core of these Reasons.]

I. INTRODUCTION

1 is a citizen of Saint Vincent and the Grenadines. She has requested Canada's protection as a "Convention refugee" and as a "person in need of protection" due to a risk to her life or a risk of cruel and unusual treatment or punishment.

II. ALLEGATIONS

She alleges that over the past ten years she has been persecuted in an abusive relationship with Mr. also of Saint Vincent and the Grenadines. She alleges that through threats and violent attempts on her life, forced her to give up her daughter to the care of himself and his mother. He continues to make death threats against her should she return to Saint Vincent.

III. DETERMINATION

The tribunal determines that the claimant is a "Convention refugee".

In making this determination the tribunal has considered the IRB Chairperson's *Guidelines on Women Refugee Claimants Fearing Gender-Related Persecution*.

IV. ANALYSIS

The tribunal examined the issues of credibility and state protection.

In relation to credibility madame testified in a direct and straightforward manner and with great courage. Her testimony was spontaneous and without exaggeration. She provided particulars of the claim as requested. Her affect and emotions including the fear manifested on her face when discussing the situation and possible return to Saint Vincent were also compelling supports for her credibility. Her testimony was entirely internally consistent as well as consistent with the documentary evidence presented in this claim.

There are several documents supporting her identity, her family constellation, and two professional documents from Canada by social worker ' and by Dr. - both of which are not inconsistent with her allegations. Her allegations are plausible for the conditions that continue for abused women in Saint Vincent and the Grenadines as known to the tribunal both through the documentary evidence and the tribunal's specialised knowledge. There is absolutely no reason to doubt the credibility of her allegations.

In relation to state protection, Saint Vincent and the Grenadines has made some legislative strides in protecting abused women, those legislative attempts have not yet translated themselves successfully - in many situations, if not most situations, into action of adequate protection. In madame s case she sought state protection on several occasions and, essentially, was laughed at by the police.

Mr. is also an employee of the state. His family was familiar with the police, which further undermined the possibility of the police providing protection to madame . The tribunal determines that there is no state protection available to her.

V. CONCLUSION

For these reasons the claim for Canada's protection is accepted.

Joel Moss

Joel Moss

January 6, 2006

Date

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