

# women's asylum news

refugee women's resource project @ asylumaid

issue number 54  
october 2005

## also in this issue

### Other UK News

p. 4 Minister says '*sex with trafficked women is rape*'

p. 5 Campaign for Indian rape survivor

### UK events & projects

p. 7

International news from Ivory Coast, India, Gambia, Papua New Guinea, etc.

p. 11

### International events & projects

p. 14

New Publications International and UK from p. 16

### Online resources

p. 18

### Notice board

p. 19

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Please send any information that you would like to see published in our next edition by 15 November 2005 (see email or postal address on back cover).

## 'Gender' and 'tribal membership' can define social group, USA Appeal Court reiterates

In a decision that stands out against a recent UK Court of Appeal determination (see WAN no. 52, '*UK Court of Appeal deplorable decision on asylum claim re FGM and MPSG*'), the 10<sup>th</sup> Circuit Appeal Court in the USA found that a Senegalese woman from the Tukulor Fulani tribe who had been subjected to Female Genital Mutilation (FGM) may be entitled to refugee status if '*females in her tribe constitute a social group and she suffered FGM because she is a female in that group*'.<sup>1</sup>

The 10<sup>th</sup> Circuit Court goes on to refer to a previous case *Matter of Acosta, 19 I&N Dec. 211 (BIA 1985)*: '*Both gender and tribal membership are immutable characteristics. Indeed, Acosta itself identified sex and kinship ties as characteristics that can define a social (...) group.*' The 10<sup>th</sup> Circuit court further states: '*There may be understandable concern in using gender as a group-defining characteristic. One may be reluctant to permit, for example, half of a nation's residents to obtain asylum on the ground that women are persecuted there. (...) But the focus with respect to such claims should be not on whether either gender constitutes a*

<sup>1</sup> Source: The case was circulated by [Dvasylum\\_updates@yahoo.com](mailto:Dvasylum_updates@yahoo.com). Reference: *Niang v. Gonzales* (10th Cir. 2005) FGC.

*social group (...) but on whether the members of that group are sufficiently likely to be persecuted that one could say that they are persecuted "on account of" their membership' (...). It may well be that only certain women – say those who protest inequities – suffer harm severe enough to be considered persecution. The issue then becomes whether (...) the protesting women constitute a social group.'*

*It says that although an asylum applicant's opposition to FGM can also constitute 'an identifying characteristic of the social group to which she belongs. (...) The point is only that opposition is not a necessary component of a social group otherwise defined by gender and tribal membership.'*

The 10<sup>th</sup> Circuit Court in the USA further explains the nexus of the asylum claim in the case of the Senegalese woman from the Tukulor Fulani tribe. It clarifies and reiterates: *'For persecution to be "on account of" membership in a social group, the victim's protected characteristic must be central to the persecutor's decision to act against the victim. (...) This requirement is relatively straightforward. It is important to note, however, that opposition to FGM need not be proved to establish nexus.'* Then referring to another decision in the USA on an FGM case (*Mohammed v. Gonzales*, 400 F.3d 785, 797 (9<sup>th</sup> Cir. 2005)), it quotes: *'The persecution at issue in these cases – the forcible, painful cutting of a female's body parts – is not a result of woman's opposition to the practice but rather a result of her sex and her clan membership and/or nationality. That is the shared characteristic that motivates the*

*persecution is not opposition, but the fact that the victims are female in a culture that mutilates the genitalia of its females.'*

*In re Fauziya Kasinga (13 June 1996), and in accordance with Matter of Acosta, previously mentioned, it was found that 'the characteristics of being a "young woman" and a "member of the Tchamba-Kunsuntu Tribe" cannot be changed. The characteristic of having intact genitalia is one that is so fundamental to the individual identity of a young woman that she should not be required to change it.'*

It is precisely these points that the Court of Appeal in the UK failed to identify or recognize in *Fornah v SSHD* [2005] EWCA Civ 680 (09 June 2005) when it set to look at what could constitute a social group in that case.<sup>2</sup> The Court of Appeal in the UK did consider whether *'Sierra Leonean women who have not yet undergone the practice and fear it'* could constitute a particular social group (PSG) or not. But it rejected the idea that a woman from Sierra Leone opposed to FGM could claim asylum on the basis of membership of PSG because, it said, *'as soon as [members who have not been circumcised] have undergone the practice, they cease to be members of the group'* and *'the persecution here would result in a full acceptance by Sierra Leonean society of those young women who undergo the practice into*

<sup>2</sup> *'The proposed issue for appeal is (...) whether the persecution that Miss Fornah fears, if she were returned to Sierra Leone, would result from her membership of a "particular social group" that exists independently of the feared persecution and, if so, what that "particular social group" is.'* (par. 9), op. cit.

*adulthood.*' Because of the way the legal representative had initially defined the social group under which the appellant claimed asylum, it also agreed with the Tribunal decision that '*young Sierra Leonean women who [had] not undergone female genital mutilation*' could not constitute a particular social group because it said a particular social group could not exist independently from the persecution (referring to *Shah & Islam* [1999] 2 AC 629).

Unlike the 10<sup>th</sup> Circuit Court and in fact other Appeal Courts in the USA, the Court of Appeal in the UK failed to refer to the analysis in *Matter of Acosta* which has previously been quoted in UK asylum caselaw: that precisely because of her gender in a given society (where FGM which is regarded as traditional and part of the cultural life is only practiced on women) the claimant could claim to be member of a social group, whose immutable characteristics are gender and being from Sierra Leone which are quite independent from the persecution itself (FGM).

In addition, the UK Court of Appeal failed to acknowledge that these '*members*' remain opposed to the practice whether or not they are forcibly subjected to it and thus can claim to constitute a social group on the basis of their opposition to the practice too – as pointed out by the Appeal Courts in the USA.

As we have mentioned in WAN No. 52, the fact that the practice in Sierra Leone is fully accepted as a rite of passage into adulthood does not make it more acceptable for the person who objects to it and feels it constitutes torture or could

be subsequently persecuted for not undergoing the practice.

In the case of the Senegalese woman claimant, the 10<sup>th</sup> Circuit Court found that the US Board of Immigration Appeal (BIA) had failed to address the broader social group and nexus claims and the Court ordered the case to be remanded to the BIA to decide them. Along with the BIA, several circuit courts in the USA have recognized that FGM constitutes persecution. Despite having undergone FGM, the Senegalese female appellant was able to make an asylum claim because in the USA the regulation provides that an applicant can claim refugee status based on past persecution: '*An applicant shall be found to be refugee on the basis of past persecution if the applicant can establish that he or she has suffered persecution in the past in the applicant's country of nationality..., and is unable or unwilling to return to, or avail himself or herself of the protection of, that country owing to such persecution.*'

RWRP caseworker Ezinda Franklin-Houtzager says: '*In the US, once past persecution is proved there is a rebuttable presumption that there is a risk of future persecution. The burden of proof then shifts to the state to show that there is no risk of further persecution. In contrast, in the UK, the burden always seems to remain on the appellant to prove all aspects and the law is more forward looking so past persecution has less force here.*'

### Correction & Clarification

Anne Holliday (not Holloway) is the co-author of the report on the IAA Gender Guidelines we mentioned in the front feature of last month's edition of WAN (No. 53). The authors would also like to point out that the IAA Gender Guidelines are not mandatory or legally binding as the headlines might have suggested.

### UK News

#### Traffickers jailed for up to 21 years whilst Minister says '*sex with trafficked women is rape*'

Trafficking for sexual exploitation hit the headlines at the end of September when the BBC reported that 19 women had been rescued by police from a brothel in Birmingham.<sup>3</sup>

But this month, in another case, three traffickers, two men from Kosovo and Albania both aged 18 and a woman from Lithuania, 20, were jailed for 21, 16 and 11 years respectively after being convicted of trafficking women into the UK and forcing them to work as sex slaves in brothels.<sup>4</sup> The court heard how their two victims, two young Lithuanian girls, had been transported to Sheffield like '*cattle*' before being forced into prostitution.

In a further case Southwark Crown Court heard of an Albanian Gang who tricked a

<sup>3</sup> 30 September 2005, online at: [Hhttp://news.bbc.co.uk/1/hi/england/west\\_midlands/4296412.stmH](http://news.bbc.co.uk/1/hi/england/west_midlands/4296412.stmH).

<sup>4</sup> BBC News, 'Sex trade gang "beggared belief"', 18 October 2005, found online at: [Hhttp://news.bbc.co.uk/2/hi/uk\\_news/england/south\\_yorkshire/4353344.stmH](http://news.bbc.co.uk/2/hi/uk_news/england/south_yorkshire/4353344.stmH).

dozen girls from Lithuania and Eastern Europe into working as prostitutes in the UK.<sup>5</sup> The gang's despicable trade was revealed after one 16 year-old girl thought she was coming to England for a holiday. The alarm was raised when her mother realised her daughter had disappeared. According to The Times, the story was subsequently followed by the Lithuanian television and the BBC which tracked down enough leads for the police to raid one of the London brothels and rescue her. Four men deny charges including 'trafficking women for sexual exploitation, causing them to engage in sexual activity without consent, and controlling prostitution.' The girls they held were told 'there was no escape, they were fearful for themselves and their families'.

Amidst news of these trials, Home Office Minister Tony McNulty told *The Observer* that '*whenever a man knowingly has sex with a woman against her will, that is rape*'.<sup>6</sup> *The Observer* goes on to describe how '*women, some as young as 15, are lured to Britain on the false promise of jobs as nannies or waitresses only to be raped, beaten and forced to work as so-called sex slaves*'.

According to the newspaper, his view is supported by a number of ministers increasingly concerned at the rising numbers of women lured to the UK and into the sex trade by criminal gangs. They believe that men who have sex with trafficked prostitutes should be charged with rape.

<sup>5</sup> The Times, 'Albanians "forced girls to be sex slaves"', 28 September 2005, found online at: [www.timesonline.co.uk/](http://www.timesonline.co.uk/).

<sup>6</sup> Sources: The Observer, 'Sex with trafficked women is rape, says minister', 16 October 2005.

**related publication** *'Evaluation of the victims of trafficking pilot project – POPPY Summary findings'* (September 2005). The purpose of the report published by the Home Office Research, Development and Statistics (RDS) is to help Ministers' decision making by providing information about services for women trafficked for sexual exploitation. Eaves Housing, the service provider, conducted interviews with members of stakeholder agencies and with women accepted on the scheme between March 2003 and July 2004. Of the 169 referrals, 43 women were placed (70% of whom were from the former Soviet Union and Eastern Europe).

The report reveals a number of tensions between key stakeholder groups involved in running the pilot. Whilst women who were accepted into the POPPY project *'spoke highly about most aspects of the service'* they received, the evaluation report finds that the project raised different expectations for Eaves Housing (the service provider), the police and the Immigration Service. The police said that they found the project of very limited capacity which means 'many women were not able to access support'. There were also no arrests or prosecution as a result of information provided by women in the project (which constitutes one of the criteria for selection). The Immigration Service indicated some disappointment with the project and they said it clashed with their statutory duty to remove illegal entrants.

The summary report contains a list of matters for further consideration which include a review of the current eligibility criteria, better co-operation underpinned by operational protocols between POPPY staff, the police and the Immigration Service, review of amount of resources available and resolution of the organisational tension between supporting trafficked women seen as victims and attempts to remove them as illegal immigrants.

The summary findings are downloadable from the Home Office's website at: [www.homeoffice.gov.uk/rds/whatsnew1.html](http://www.homeoffice.gov.uk/rds/whatsnew1.html). A printed copy of the full report will be available on request in the near future.

### **Campaign for Indian rape survivor who fled domestic violence but was refused asylum**

Ms X fled India more than two years ago to escape the violence of her ex husband. She was forced to marry her cousin after he raped her (to save honour). He divorced her the next day, disputing her dowry and continued to harass her and her family.

Ms X's father was found dead in suspicious circumstances and her mother died subsequently. Ms X therefore has no one to protect her. Her vulnerability was endorsed by expert evidence from a respected Consultant Anthropologist who stated that it would be almost impossible for Ms X as a lone woman to safely relocate in India and make a new life. It is widely accepted that in India the police are unwilling to protect women in Ms X's situation.

However the Home Office has refused Ms X asylum and she faces imminent deportation to India.

Ms X volunteers for a refugee organisation in Dover. She is additionally studying nursing on a pre access course. Friends and colleagues have set up a campaign to fight for Ms X's right to remain in the UK and she has received enormous support from her local community. Ms X also has the backing of her MP. A model letter to the Minister for Women, Tessa Jowell is being circulated which both individuals and their MPs are being asked to sign and send a copy to Immigration Minister Tony McNulty. Ms X's campaign highlights the Government's failure to acknowledge domestic violence as persecution and therefore has implications for all women seeking asylum in this situation. For a copy of the model letter and more information contact: Kate Adams Tel 07940964551 or Delia Hazrati 07795842238. Alternatively Write to: Kent Campaign to Defend Asylum Seekers, PO BOX 192, Whitstable, Kent CT5 1JU, or email: [kadams314@hotmail.com](mailto:kadams314@hotmail.com).

**See also** **India and failure of state protection in 'International news' below.**

### **Refugee woman activist receives 'Secularist of the Year' award**

Maryam Namazie was presented with the Irwin Prize, the National Secular Society's award, earlier this month for her contribution to the promotion of

secularism in 2004.<sup>7</sup> Born in Tehran, her family fled Iran after the establishment of the Islamist Republic. After graduating in the USA, she worked in Sudan with Ethiopian refugees but was threatened by the Islamic government for setting up a clandestine human rights organisation and had to leave the country. A prominent campaigner for women's rights in the Middle East, she has worked tirelessly against the Iranian theocracy as well as the rise of political Islam in the world. She has written extensively on women's rights issues, in particular violence against women.

Another nominee for the award was Somali-born Dutch politician Ayaan Hirsi Ali who has also extensively spoken about violence against Muslim women.

### **Return of failed Zimbabwean asylum seekers blocked**

In a crucial test case, an Asylum and Immigration Tribunal has blocked the return of failed asylum seekers to Zimbabwe.<sup>8</sup> The BBC says that *'in short the tribunal said that no matter how fraudulent a Zimbabwean's asylum seekers' claim to be, they cannot be returned because the very act of seeking refuge in Britain marks them out for*

<sup>7</sup> Source: 'Maryam Namazie wins the NSS Irwin prize for Secularist of the Year award', 9 October 2005 available online at:

[Hwww.butterfliesandwheels.com/articleprint.php?num=152](http://www.butterfliesandwheels.com/articleprint.php?num=152)H See also Nick Cohen, 'One woman's war', in The Observer, 16 October 2005 at [Hhttp://observer.guardian.co.uk/comment/story/0,6903,1593291,00.html](http://observer.guardian.co.uk/comment/story/0,6903,1593291,00.html)H.

<sup>8</sup> See BBC News. 'Zimbabwean wins asylum test case' and 'Decision "blasts hole" in asylum policy', 14 October 2005, online at:

[Hhttp://news.bbc.co.uk/1/hi/uk/4341226.stm](http://news.bbc.co.uk/1/hi/uk/4341226.stm)H and [Hhttp://news.bbc.co.uk/2/hi/uk\\_news/4342196.stm](http://news.bbc.co.uk/2/hi/uk_news/4342196.stm)H respectively.

*possible abuse from the authorities on return.'* Other asylum seekers from other countries can potentially challenge their deportation on similar grounds.

Commenting on the decision, Keith Best, Chief Executive of Immigration and Advisory Service (IAS) said: *'Once again, civilised justice in the way of the courts has prevented an abuse of executive authority'*. He further stated: *'Finally, the judgement shows up the need for a wholly independent source of advice on the situations in countries which, again, we have been calling for over many years. This is what happens in Canada.'*

RWRP/Asylum Aid have also long called for the set up of an independent documentation centre on country information and has highlighted in recent publications the unfairness of current HO policies, in particular the use of *'safe list'* countries and subsequent detention of asylum seekers. The use of such a list is a violation of one of the most fundamental principles embodied in the Refugee Convention, according to which each case should be assessed on its own merits. But this has only now become an issue for the Home Office which declared: *'The tribunal has decided that, unlike claimants from every other country, the individual merits of Zimbabwean asylum claims do not count when assessing whether it would be safe for them to return to Zimbabwe.'*

We dare to ask: what about the blanket policies such as the fast-track process and *'safe list'* implemented by the HO in recent years? How does the individual merit of an asylum seeker's claim in this country fit in with these?

### UK events & projects

#### **Launch of research on women Asylum Seekers from Pakistan fleeing domestic violence**

The Big Lottery Fund has awarded South Manchester Law Centre (SMLC) a grant to conduct research on the complex issues affecting Pakistani women asylum seekers who have fled domestic violence and sought refugee protection in the UK.

The Law Centre recognises that there is an urgent gap in knowledge and understanding of the experiences and treatment of Pakistani women survivors of domestic violence who seek asylum in the UK. There are indications, based on its experience and initial research, that these women are not gaining justice under the 1951 Refugee and Human Rights Conventions and not gaining appropriate levels of support when accessing appropriate services. The Law Centre finds that the voices of the Pakistani women who have fled their marital homes, their families and their communities because of domestic violence, are absent within the process of service development. It also finds that their rights are largely limited within the legal system.

This new project aims to generate knowledge and understanding that will contribute to the development of more effective support and legal services for Pakistani women in the UK and improved access to justice within the UK asylum system. It aims to seek to convey the complexity and gender-

specific nature of the factors that affect the persecution of these women.

The launch event will take place on Tuesday 8th November 2005 from 1pm – 3pm (refreshments and snacks provided) at the Cross Street Chapel, Cross Street, Manchester. Please confirm attendance by contacting Nadia Siddiqui on Tel, direct line: 0161 248 1879, Fax: 0161 225 0210 or email: [nadia@smlc.org.uk](mailto:nadia@smlc.org.uk) by Friday 28 October. Women Asylum Seekers of Pakistan, South Manchester Law Centre, 584 Stockport Road, Manchester, M13 0RQ.

### **New Medical Foundation office in North East to help torture victims**

The Medical Foundation has opened a new office in Newcastle-Upon-Tyne to offer training to health professionals and others working with the estimated 7,000 asylum seekers and refugees in the North East in how best to improve the mental wellbeing of survivors of torture. This will include the development over two years of models of good practice with primary care mental health workers at Newcastle Primary Care NHS Trust working with refugees and asylum seekers who have been tortured. At the end of the Department of Health funded project, the models of good practice will be shared with primary care mental health workers across the UK. The Medical Foundation North East also plans to develop a counselling / casework service to work with particularly vulnerable individuals with complex needs for whom a service is not available elsewhere.

For more information visit the Medical Foundation website at:

[www.torturecare.org.uk/articles/news/706](http://www.torturecare.org.uk/articles/news/706).

### **New GP Practice for refugees and asylum seekers**

Harrow's Mayor, Councillor Paddy Lyne, and Harrow PCT Chief Executive, Andrew Morgan, officially opened a new GP practice in Harrow for refugees, asylum seekers, travellers and homeless people on 12 September.<sup>9</sup> The Butler Avenue Access Unit will be able to take up to 1,500 new patients not registered with a local GP. To help patients, it can be arranged for an interpreter to be present. The Unit will assess patients' health needs and provide them with medical treatment.

### **Greater London Domestic Violence Project Conference**

On the 27th and 28th of October, the conference "A Bitter Pill to Swallow: Untangling perceptions about domestic violence, substance use and mental distress" is being held at the Stella Project, 1 London Bridge, The Downstream Building, SE1 9GB. For more information, ring: 020 7785 3862.

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<sup>9</sup> Source: Tracy Treanor, 'New GP practice for refugees', 14 September 2005, in *Harrow Times* online at [www.harrowtimes.co.uk/news/localnews/display.var.630246.0.new\\_gp\\_practice\\_for\\_refugees.phpH](http://www.harrowtimes.co.uk/news/localnews/display.var.630246.0.new_gp_practice_for_refugees.phpH). Story circulated by [www.asylumpolicy.infoH](http://www.asylumpolicy.infoH).



### **Rights of Women 30th anniversary conference**

A full day conference for women, examining current domestic law on violence, will be held on the 3rd of November from 9:30am to 4:45pm at Hamilton House, Mabledon Place, London WC1H 9BD. The aim is to inform, educate and empower women about their legal rights and to examine the impact of violence on women from Black and Minority Ethnic communities and asylum seeking and refugee women.

RWRP will be facilitating a workshop at the Conference on women seeking asylum - seeking protection from violence.

The cost is £70 for women's organisations, NGOs, CABx and Law Centres; £100 for all others. For more information, call 020 7251 6575/6 or see [www.rightsofwomen.org.uk](http://www.rightsofwomen.org.uk)

### **By Women, For Women Services**

The Women's Resource Centre is holding a free consultation from 1pm - 3:30pm on 4 November, 2005, 23 January and 16 February, 2006. The consultation meeting will strategise with other women's groups on the need for services delivered 'by women, for women'.

Space is limited to 15 participants. To book, contact 020 7324 3030 or email: [info@wrc.org.uk](mailto:info@wrc.org.uk).

### **Conference on Culture, Domestic violence and Substance misuse in BME communities**

The conference organised by South London African Women's Organisation

(Slawo) and Drugs and Diversity Awareness Project (Ddap) is intended to bring together service providers, local government, police, and the local Black and Minority Ethnic communities to take action against domestic violence and substance abuse with a key focus on culture, intervention and prevention. Topics to be discussed will include among others: • Refugees and Asylum seekers • Cultural and religious challenges faced by victims of domestic violence, the Police and service providers. A light lunch, refreshments and a crèche will be available. Date: 9 November 2005 (from 10am-4pm). Venue: Pollards Hill, Community Centre, South Lodge Avenue, Mitcham, CR4 1LT. For further information please call Gennifer on 0208 648 1808, Michelle 0208 545 3213 or Charles on 07950818088. Alternatively email: [africaslawo@aol.com](mailto:africaslawo@aol.com).

### **Voices in exile for global justice**

**16 November 2005**

An evening of poetry, music, speech and song with artists and campaigners from around the world, including Algeria, Iran, Kurdistan and Bosnia, organised by The Refugee Project, Exiled Writers Ink and Stop Deporting Children. Venue: St James's Church, 197 Piccadilly, London W1J 9LL (nearest tubes: Piccadilly and Green Park) at 6.30pm on 16 November 2005. All profits from this event will go to a grassroots project in Sri Lanka working with communities affected by the tsunami in 2004.

### **Women in Management**

A women in management conference is being held on 22 & 23 November at the Hilton London Docklands. There is a two-day delegate fee of £146.87. To join the programme or to receive more information please contact Nicola Bridgett, Susan Batchelor or Laura McCartney on 020 8596 5392 or visit the website

[www.womenintomanagement.com](http://www.womenintomanagement.com)

### **Women's march**

On 25 November, a march is being organised in support of the UN International Day to End Violence Against Women. There will be a mixed rally at 8 pm. Please visit [www.ldnfeministnetwork.ik.com/](http://www.ldnfeministnetwork.ik.com/) for location and times.

### **A national conference on destitution amongst asylum seekers**

On 3 December, a national conference on the destitution of asylum seekers will be held at Brunswick Parish Church, Brunswick St., Manchester, M13 9YX. Workshops will be given on engaging churches, campaigning, accommodation, destitution projects, worship and spirituality, understanding legislation, health and mental health and advocacy.

The cost is £15 if funded by an organisation, £10 for individuals, £2-5 for students and unwaged and is free to refugees and asylum-seekers. Please tel: 020 8778 7788 or email: [sally@ecsr.org.uk](mailto:sally@ecsr.org.uk).

### **The Human Rights Awards 2005 – call for nominations**

Liberty, JUSTICE and the Law Society are calling for nominations for the Human Rights Awards 2005. The Awards recognise and encourage individuals and organisations whose work is dedicated to protecting and promoting the rights of others. We are calling for nominations for three awards:

- Human Rights Lawyer of the Year – for all lawyers, from trainees to judges.
- The Human Rights Award – for organisations and non-legal individuals.
- The Peter Duffy Award – for individuals in any area of work, aged 35 or under.

By nominating an individual or organisation for an Award, you not only acknowledge their contribution to the advancement of human rights, but help them become an inspiration to others. You can find more information about the Awards at [www.liberty-human-rights.org.uk](http://www.liberty-human-rights.org.uk). Deadline for nominations: 5pm Tuesday 8 November.

### **Free Training for Refugees**

The Enterprise & Employment for Refugees project is being delivered by Community Action Network in partnership with London Employment Focus, the Refugee Council and the School for Social Entrepreneurs. The project provides training to refugees across London who want to set up a business or social enterprise. Training is provided FREE of charge and travel and childcare expenses are reimbursed.

The Business Skills Training covers 8½ days and includes sessions on business planning, marketing, finance and

national insurance & tax. The Social Enterprise Skills Training covers 10½ days and includes management, legal and environmental issues, business planning and funding. Throughout, the Refugee Council will be providing ESOL for Business training.

For more, please contact: Enterprise & Employment for Refugees Project, Community Action Network, 1st floor, Downstream Building, 1 London Bridge, London SE1 9BG, Tel: 020 7785 6231, Fax: 9845 456 2538, email: [l.messina@can-online.org.uk](mailto:l.messina@can-online.org.uk).

### Free specialised group advice and guidance for Asylum Seekers

The Looking Ahead project offers advice to asylum seekers without permission to work looking for future studies and career. It will provide information about the UK education system and training opportunities. To register please call the Refugee Assessment and Guidance Unit (RAGU) on Tel: 0207 133 2110. Email: [ragu@londonmet.ac.uk](mailto:ragu@londonmet.ac.uk). Travel expenses will be paid.

### 'I'm an Asylum Seeker - Get Me Into Here'

This is a new play by Tim Lafferty at the Rosemary Branch Theatre in North London, 02 - 20 November 2005. Tickets £8 - £12. The play, which is supported by the Refugee Council, centres around four failed asylum seekers who compete in a reality TV show in a last-ditch attempt to stay in the country. It follows the fortunes of Vladimir, a Russian doctor, Carmel, a Sri Lankan Tamil,

Sahira, an Iraqi Kurd and Ndaba, a victim of Mugabe's regime.

For more information on the production, times of performance and special offers on tickets, go to:

[www.rosemarybranch.co.uk/theatre.htm](http://www.rosemarybranch.co.uk/theatre.htm) and download the theatre's programme. 24 hr. Box Office: 020 7704 6665. (Source: Refugee Council Newsletter).

## International news

### Ivory Coast: Killings, torture and rape committed with impunity UN says

A UN report released this month says human rights violations in war-torn Ivory Coast go unpunished and are committed with total impunity by all sides in the conflict.<sup>10</sup> The report covers a period of three months from June this year. Violations include summary executions, beatings, detentions, torture, rape and politically motivated arrests and are perpetrated in all parts of the country. The UN says *'the level of violations we observe is still so high that we continue to be concerned'*. It also says that *'more and more violations are taking place'* and that the risk of more killings remains. Women and children are reported to be amongst those disemboweled and beheaded in the violence. But they are also targeted for sexual violence and trafficking to Nigeria where village girls are promised work as street vendors by organized traffickers.

<sup>10</sup> Source:

[www.irinnews.org/report.asp?ReportID=49545&SelectRegion=West\\_Africa&SelectCountry=COTE\\_D\\_IVOIRE](http://www.irinnews.org/report.asp?ReportID=49545&SelectRegion=West_Africa&SelectCountry=COTE_D_IVOIRE)  
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According to the UN, *'sexual violence against women and girls, including rape, forced marriage and genital mutilation, is on the rise particularly in the northern rebel town of Korhogo. And in poor areas married women are increasingly turning to prostitution to make ends meet'*.

### India: Police failed to protect dozens of 'dalit' rape victims

An outspoken woman from the 'dalit' (untouchable) community is awaiting trial in Nagpur, Central India, following the murder of a local gang leader who raped women in 'every other house' of the Kasturba Nagar, a slum neighbourhood in the city. According to residents, the gang leader raped women to 'break and humiliate' the community of 300 families and control men, for more than ten years.<sup>11</sup> Girls as young as 12 were dragged by his henchmen into derelict buildings to be gang-raped, *The Guardian* reports. He was also accused of extorting money and murdering three neighbours.

Despite numerous complaints to the police, in a country where rape remains taboo, the local gang leader was never charged. The police, who are said to have been bribed, offered him protection and accused the women of being 'loose' instead. In August 2004 however the community took the law into their own

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<sup>11</sup> Source: The Guardian, 'Arrest us all', 16 September 2005, [Hwww.guardian.co.uk/print/0,3858,5287061-103680,00.html](http://www.guardian.co.uk/print/0,3858,5287061-103680,00.html). Source: M Suchitra, 'Suryanelli verdict: justice overturned?' online at: [Hwww.indiatogether.org/2005/apr/wom-suryanelli.htm#continueH](http://www.indiatogether.org/2005/apr/wom-suryanelli.htm#continueH).

hands and he was killed in front of Nagpur district court. Now the authorities have charged one woman with his murder despite the fact that she was not on the site of the crime. Charges against her include *'anti-nationalist' crimes amounting to treason.*' She says she has been singled out because she has openly criticised the police for their inaction and corruption. She is not the only one.

Following the murder, *The Guardian* reports that *'prominent lawyers issued a statement saying the women should not be treated as the accused, but as the victims'*. A retired High Court Judge, Bhau Vahane, also publicly stated: *'In the circumstances they underwent, they were left with no alternative but to finish Akku [the gang leader]. The women repeatedly pleaded with the police for their security. But the police failed to protect them.'*

The case demonstrates India's state authorities inability to protect the weak and vulnerable, and in particular women, against violence.

Earlier this year a two-member Division Bench of the Kerala High Court let off all but one of the 36 men convicted by a lower court in the Suryanelli sex racket case, a decision that shocked many. The case was about a 16-year-old girl allegedly sexually harassed continuously for 40 days by 42 men, who were convicted on charges of abduction, conspiracy, illegal detention, rape and gang rape. Overturning an earlier verdict by a special court which convicted 36 of 42 accused, the High Court acquitted all the 36 individuals of the charges of rape and gang rape. It also reduced the

sentence given by the trial court to the prime accused Advocate Dharmarajan, from life imprisonment to five-year's imprisonment. Despite testifying to having been threatened with death and drugged, the Judges felt that the girl had many opportunities to escape.

related news

### Also in India: Proposal to tighten laws re: anti-trafficking

A proposed amendment to current anti-prostitution laws in India calls for a more severe punishment for traffickers.<sup>12</sup> According to the amendment put forward by the Department of Women and Child and awaiting cabinet clearance, those convicted of trafficking will face imprisonment of up to 10 years in addition to a fine. The proposed law also seeks to confiscate all the property of those guilty of trafficking. The new proposal proposes to set up a central agency in order to control large scale human trafficking nationwide.

### Gambia fails its commitment on women rights, CEDAW says

It has been more than ten years since Gambia ratified the Convention against Elimination of All forms of Discrimination against Women (in 1993). Yet according to CEDAW, the Committee charged with monitoring the implementation of the Convention in state party, Gambia has failed to incorporate CEDAW provisions into its domestic legislation.

<sup>12</sup> Source: *The Times of India*, 'Antiprostitution laws in for drastic revamp', 1 October 2005, online at <http://timesofindia.indiatimes.com/articleshow/1248700.cms>. Story circulated by Sexism and Women's Rights, Bulletin 2005 - 10.

The UN body voiced its concern about the lack of legislation, policies and programmes to protect women against violence against women - including domestic violence - and bring perpetrators to justice. Likewise the UN Committee called on the Gambian government to take all measures necessary to discourage and punish the practice of Female Genital Mutilation which remains widespread especially in rural areas.

It also voiced its concern about Section 33 (5) of the 1997 Gambian Constitution which derogates from the principle of non-discrimination: according to Section 33 girls can remain discriminated against with respect to education whilst women remain discriminated against in divorce and inheritance matters. Lastly, despite some progress in terms of women's political participation, the UN body noted that women's representation in public and private life remained low.

The Committee report is based on a review of the combined initial, second and third periodic report submitted by Gambia, as well as submissions and concerns expressed by the International Federation on Human Rights (FIDH) in its own report on the situation of women in Gambia. See: FIDH 'The UN Committee on the Elimination of Discrimination against Women expresses concern regarding the human rights situation in Gambia', online at [www.fidh.org/article.php3?id\\_article=2638](http://www.fidh.org/article.php3?id_article=2638).

## Papua New Guinea: Police violence widespread

A Human Rights Watch (HRW) article, published in the *Far Eastern Economic Review* Vol. 168 No. 8 (September 2005) reports that *'severe beatings, rape and torture are widespread police practices'* in Papua New Guinea. The article further states: *'Teenage boys and young men - typed as raskols (members of criminal gangs) - are frequent targets, although even politicians' children have been beaten. (...) Girls and women, as well as boys and men, report being raped in the bushes, in police cars, in police barracks and in police stations - often by more than one officer. (This is called "pack rape" or "lineup sex" in Papua New Guinea).'*

Despite these widespread violations and abuse of power, HRW says that there is no willingness on the part of the police to investigate or prosecute its members. Furthermore, the human rights organisation reveals that many judges and magistrates in the country *'appear to ignore or accept police violence'*. In order to tackle the problem of widespread violence amongst the police, HRW states that the use of violence should be publicly denounced by police officials, perpetrators prosecuted for their crimes and violence by law enforcement officers independently monitored. It calls on the international community, which supports Papua New Guinea in the form of development aid, to take action by prioritising police violence. A copy of the full article: HRW, *'Upholding Public Disorder'*, is available online at <http://hrw.org/english/docs/2005/10/11/png11855.txt.htm>.

## International events & projects

### Burmese women receive international women's rights prize

At the end of September, two women's organisations campaigning against systematic violence against women in Burma received the prestigious 2005 Women's Rights Prize of the Peter Gruber Foundation worth \$200,000.<sup>13</sup> The Shan Women's Action Network (SWAN) and the Women's League of Burma were selected by an international panel of experts. Representatives of the two groups travelled to the USA to receive the award as well as raise awareness of the human rights violations women suffer under the Burmese military dictatorship. They also met with the Burmese community to encourage women's political participation in the movement for political and social change in Burma.

SWAN was set up in 1999 in Thailand by a group of Shan refugee women and runs community-based programs for refugee women and children who have fled the civil war in Burma's Shan State. In 2002 SWAN and the Shan Human Rights Foundation jointly released a report entitled *'License to Rape'* which provided details of a systematic military campaign against ethnic dissidents including widespread gang-rapes and rapes of Shan women, as well as other forms of sexual violence used as a

<sup>13</sup> Source: Peter Gruber Foundation at [www.petergruberfoundation.org/Women's%20Rights/women\\_news.htm](http://www.petergruberfoundation.org/Women's%20Rights/women_news.htm). And Noelle Straub, 'Burmese women expose rape by military regime', *Women's Enews*, 30 September 2005, [www.womensenews.org](http://www.womensenews.org).

'weapon of war' in Shan State between 1996 and 2001.

According to the Peter Gruber Foundation, *'the report shocked the world and moved many sympathizers, including those in the U.S. Congress and State Department, and the United Nations, to action. In response the Burmese regime pressured Thai authorities to shut down the SWAN office. Undeterred, SWAN has continued to operate discreetly and supports and encourages the growth of similar organizations.'*

The Women's League of Burma is an umbrella organization of eleven women's groups representing different ethnic backgrounds. Also set up in 1999 with the help of SWAN and in response to human rights abuses, it advocates for economic gender equity, peace and reconciliation, and women's participation in decision-making processes and the pro-democracy movement. It also works to oppose violence against women through its *'Stop State Violence against Women in Burma'* campaign. For more information see: [www.shanwomen.org](http://www.shanwomen.org) and [www.womenofburma.org](http://www.womenofburma.org).

**related publication** **'Myanmar: Leaving Home'** Amnesty International has produced a report detailing the persistent human rights violations occurring in Myanmar. The military routinely subjects citizens to forced labour, forcible relocation, extortion of food, money and other personal possessions, house destruction and the denial of freedom of movement. The Executive Director of the World Food

Program recently found that roughly 1/3 of the children are chronically malnourished. Hundreds of thousands of workers have fled to Thailand over the last decade in search of better opportunities and to send money back to their families.

The vast majority of Burmese nationals do not possess passports and returning to Myanmar unofficially by avoiding immigration checkpoints can result in imprisonment for one year and a fine. The practice of forced labour violates Myanmar's international obligations as well as its own domestic law. The routine denial of the right to leave and return to their country is in contravention of customary international law.

For the full report, see: [www.amnestyusa.org/countries/myanmar\\_burma/document.do?id=ENGASA160232005](http://www.amnestyusa.org/countries/myanmar_burma/document.do?id=ENGASA160232005)

### **2006 Voices of courage awards**

Each year the Women's Commission for Refugee Women and Children holds a luncheon to honour individual refugee women and young people who are working on behalf of other refugees. They are now seeking candidates for the 2006 Voices of Courage awards to be bestowed at their May 2006 luncheon. The theme of the luncheon is *'Promoting Education in Emergency Situations.'* They will honour individuals and organizations in the United States and overseas who have been key players in promoting education for children and adolescents displaced by armed conflict. Nominations must be received by November 1, 2005. For more see

Women's Commission for Refugee Women and Children  
[roxannes@womenscommission.org](mailto:roxannes@womenscommission.org).  
[www.womenscommission.org](http://www.womenscommission.org).

### Vivre en clandestinité

This conference aims to investigate the current development of asylum policies in Europe and which opportunities, in this context, women have to claim asylum on the basis of their experiences. It will also talk about the vulnerability of women without status who have no social or economical rights. Contributors will be coming from a wide range of sectors (medical, academic, social service providers, refugee organisations) as well as regions (Canada, London, Spain, Brussels, Switzerland, etc.). RWRP will be speaking on the current situation in the UK and how legislation and policies affect women asylum seekers.

The conference, which is free for all, is organised by the organisation Women in Black Against Detention Centres and Removals (Collectif Femmes en noir contre les centres fermés et les expulsions) in partnership with the Women's University (l'Université des femmes). Date: 19 November 2005, from 9.00 to 17h30. Venue: ULB, Institut de sociologie, sale Henri Bagniet, av. Jeanne 44, 1050 Bruxelles. For more information, please contact: 00 32 2 242 7813, 00 32 2 660 81 35 or 00 32 2 229 38 25 or email [universitedesfemmes@tiscali.be](mailto:universitedesfemmes@tiscali.be) indicating *'Colloque Vivre en Clandestinité'* in the subject box.

### Online discussion on violence against women

A three-week online discussion on violence against women was hosted by the United Nations Division for the Advancement of Women (UNDAW) from 26 September to 14 October. Results of the discussion can be viewed at: <http://esaconf.un.org/%7Evaw>.

### new publications

#### international

### *'Refugee and returnee children in Southern Africa: Perceptions and experience of violence'*

The report, commissioned by the UN High Commissioner for Refugees (UNHCR), looks into refugee and returnee children in Angola, South Africa and Zambia between February and March 2005.<sup>14</sup> In all three countries, children experienced high levels of aggression and sexual and gender-based violence. The overarching concern is that such sustained discrimination could lead to a loss of identity for these children.

In Angola, many of the estimated 300,000 refugees have found local residents to be the main perpetrators of discrimination. Returned refugees are forced to compete with their neighbours for scarce resources, especially for water and children's education. In South Africa, children felt they were *'outsiders'* and were afraid of being falsely accused

<sup>14</sup> Source: UN Integrated Regional Information Network, 'Child refugees suffer rejection and abuse', 22 September 2005, online at [Hwww.irinnews.org/report.asp?ReportID=49194&SelectRegion=Southern Africa](http://www.irinnews.org/report.asp?ReportID=49194&SelectRegion=Southern%20Africa).



of crimes they didn't commit. Boys were particularly afraid of going to the toilet at school for fear of being raped by bigger boys. In Zambia, children were wary of bandits and of being raped. Girls were seen to be most at risk from local Zambian residents and fellow refugee men. Some girls engaged in 'transactional sex' to make money.

### **'Addressing violence against women and achieving the MDGs'**

This document by the World Health Organisation (September 2005) re-examines the prevention of violence against women in light of the Millennium Development Goals (MDGs). It concludes that many of the MDGs will be missed if violence against women, an extreme manifestation of gender inequality, is not addressed. However, such gender-based violence is not included in any of the targets or their indicators. Nevertheless, the report emphasises that working toward the MDGs can help reduce violence against women and, vice versa, preventing violence against women will contribute to achieving the MDG targets.

The report briefly offers a context for gender and the MDGs, noting that the UN recognised in 2000 that violence against women is a major threat to social and economic development and is closely connected to complex social conditions such as poverty, lack of education, gender inequality, child mortality, maternal ill-health and HIV/AIDs. Perhaps most importantly, MDG 3 is directed at the promotion of gender equality and female empowerment.

In a parallel publication by the United Nations Population Fund - *'The Promise of Equality: Gender Equity, Reproductive Health and the Millennium Development Goals'* (available at [www.unfpa.org](http://www.unfpa.org)), it is reported that *'violence kills as many women and girls between the ages of 15 and 44 as cancer ... Worldwide, one in three women has been beaten, coerced into unwanted sexual relations, or abused, often by a family member or acquaintance. Roughly 80% of the 800 000 people trafficked across borders each year are women and girls.'*<sup>15</sup>

The main body of the report details the specific links between violence against women and each of the 8 MDGs and how MDG targets can be used to eliminate violence against women. The final section offers recommendations and discusses modes of action.

The full report can be found at: [www.who.int/gender/documents/MDGs&VAWSept05.pdf](http://www.who.int/gender/documents/MDGs&VAWSept05.pdf).

### new publications

UK

### **Report on the unannounced inspections of four short-term detention facilities**

HM Inspectorate of Prisons published a report (September 2005) on four unannounced investigations of non-residential, short-term holding facilities (Gatwick Airport North and South

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<sup>15</sup> Source: Owen Dyer, 'Battle against poverty hampered by sex discrimination' in *British Medical Journal* online version at: <http://bmj.bmjournals.com/cgi/content/full/331/7521/861?ecollH>.

Terminals, London City Airport and Dover Asylum Screening Centre) under the control of the Immigration and Nationality Directorate (IND). The visits took place between November 2004 and January 2005. The resultant report summarises the significant findings, offers recommendations and then gives individual reports on each of the facilities.

Chief Inspector of Prisons Anne Owers found that none of the four facilities were suitable for overnight stays although all of them may hold detainees for periods up to 36 hours. Detainees were forced to sleep on tables or in plastic chairs, sometimes without adequate heating, blankets or bedding.

None of the centres had proper facilities for separating men, women or children nor did they have regular visits from healthcare staff nor offer routine medical check-ups for detainees.

Procedures and training on dealing with suicide and self-harm were lacking in three of the centres. All were found to have inadequate child protection arrangements, and the London City Airport was found entirely unsuitable for holding children.

Information about legal status, any appeal rights and how to make a bail application was lacking in all four facilities. There was no information available in any language about the function of the holding rooms or their facilities. Access to telephones was either inadequate or inexistent (London City Airport). None of the centres had a complaints procedure.

The report can be downloaded at [www.statewatch.org/news/2005/sep/uk-holding-centres-rep.pdf](http://www.statewatch.org/news/2005/sep/uk-holding-centres-rep.pdf).

### Medical Foundation Clients Produce Book of Short Stories About Their Experiences

Torture survivors from the Medical Foundation's Write to Life project have produced a book of short stories about their experiences. Writing is one of many forms of therapy used by the Medical Foundation to process the stories of people who have experienced torture and other forms of persecution. Many clients who are authors in this book were already accomplished writers before they came to this country. The book is available from Parvis Albooye, Medical Foundation for the Care of Victims of Torture, 111 Isledon Road, London N7 7JW. £3.50 (including p&p). For more on the Write to Life Project or the book, see [www.torturecare.org.uk/](http://www.torturecare.org.uk/).

### online resources

#### international

#### *'The rights of women in armed conflict: an activists' guide'*

As part of the toolkit for activists in the *Stop Violence Against Women* campaign, Amnesty International has published a guide on using international law to press governments to uphold obligations towards women in armed conflict. The guide offers an overview of violence against women in armed conflict and related legal bodies, relevant international and regional laws, treaties and conventions specific to women, women's role in international

humanitarian law and armed conflict law, international criminal law and international refugee law. It lastly offers conclusions and considers whether new international laws are needed.

The guide is aimed at those with influence over public services, such as lawyers, teachers and police officers, as well as human rights campaigners and groups. To read '*Making rights a reality: Violence against women in armed conflict*', please go to:

[http://web.amnesty.org/library/index/en\\_gact770502005](http://web.amnesty.org/library/index/en_gact770502005).

### ***'Turning Pain into Power: Trafficking Survivors' Perspectives on Early Intervention Strategies'***

Supported by the World Childhood Foundation, the Family Violence Prevention Fund and its partners conducted groundbreaking research to examine the health care system as an ideal place to focus education and intervention efforts on victims of slavery. Through interviews with trafficking survivors themselves, this book includes their recommendations on how to direct future intervention and policy efforts. For an online copy, please go to: <http://endabuse.org/programs/immigrant/files/PaintoPower.pdf>. You can also order a hard copy by visiting: <http://store.yahoo.com/fvpfstore/tupainpotrsu.html>.

## notice board

### **MODA's Directory of Ethnic Minority Community Organisations 2006**

If you wish to be included in the Directory of Ethnic Minority Community Organisations in London 2006 edition published by MODA's (Migrant Organisations' Development Agency), please complete and submit the Directory Form online at [www.moda.org.uk/news/form-directory/form-directory2006.htm](http://www.moda.org.uk/news/form-directory/form-directory2006.htm). The deadline for submission has been extended to 31 October 2005. All second-tier and other voluntary organisations that offer substantial services to Black and Ethnic Minority groups are welcome to apply. For more, contact Tel: 0208 432 0590, Fax: 0208 432 0592 or email: [info@moda.org.uk](mailto:info@moda.org.uk) (see also the 2005 edition by visiting: [www.moda.org.uk/services/directory.htm](http://www.moda.org.uk/services/directory.htm)). The Directory will be printed in December and published in January 2006.

### **Funding Bulletin for Refugee and Asylum Projects**

The October 2005 version of this funding bulletin for refugee and asylum related projects is now available online: [www.refugeeaccess.info/uploads/funding/ATF\\_Oct05.doc](http://www.refugeeaccess.info/uploads/funding/ATF_Oct05.doc).

# women's asylum news

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