

Women's ASYLUM NEWS

Refugee Women's Resource Project - Asylum Aid - Issue 37 Oct 2003

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1st UK Honour Killing conviction but asylum seeking victim still refused

Father pleads guilty to honour killing

On 29 September 2003, Muhammad Yunis was sentenced to life imprisonment for the murder of his 16-year-old daughter Heshu on 12 October 2002. According to Kurdish Women Action Against Honour Killing (KWAHK), 'it is the first time in British legal history that someone has pleaded guilty to murder for an "honour killing"'.¹ Initially, Mr Yunis had said that Heshu had been murdered by members of Islamist groups and admitted his guilt only days before his trial took place.

KWAHK reports that Mr Yunis is 'a Kurdish refugee from Iraqi Kurdistan. He fled from the chemical bombardment inflicted by the Iraqi regime and, with his three children, arrived in the UK 10 years ago. At the time, Heshu was only 3. He was isolated and found it difficult to adapt to the host culture, while his children were at school and fluent in English. He worked at the PUK [Patriotic Union of Kurdistan] office in London.'

KWAHK said they were satisfied with the sentence but unhappy with the simplistic

way the media covered the story. It stressed that '*although honour killing is culturally specific, it is not particular to all Kurds or Muslims*'.²

Honour killing-based asylum claims still not recognised

The conviction of Muhammad Yunis for murder is a clear recognition in the UK that violence in the name of culture is not tolerated. However, despite a number of asylum claims based on the fear or threat of honour killing against women in their country of origin, RWRP is not aware of any which have so far been successful in this country.

In one recent case which has come to our attention (*Kircicek v SSHD* [2002] UK IAT 05491/ CC28509-2002), the Tribunal overturned the decision of the adjudicator to allow such an appeal. The case concerned a Turkish woman who maintained that she feared persecution from her father (who had arranged her marriage without her consent) and from her intended husband and his family. The appeal was allowed under the Refugee Convention and under Articles 3 and 8 of the Human Rights Act.

¹ Unless otherwise stated, KWAHK is the main source of information on this feature. Full versions of KWAHK's press releases are available at www.kurdishmedia.com/kwahk. We are also very grateful to KWAHK to allow us to reproduce the picture of Heshu.

² For more, visit: www.kurdishmedia.com/kwahk or contact KWAHK by email at: kwahk@hotmail.com.

The adjudicator had held that her claim engaged the Refugee Convention as she was a member of a particular social group defined as “women in Turkey who have transgressed social norms and are accused of having brought dishonour and shame upon their families.” She also held that there was an insufficiency of protection throughout Turkey and therefore no question of internal relocation.

The Tribunal however upheld the view of the Secretary of State that women in Turkey, unlike women in Pakistan (in the case of Shah & Islam), could not be seen to exist as a particular social group, because they were no longer discriminated against in law and societal discrimination was neither condoned nor sanctioned by the state. Furthermore, the Turkish authorities were able and willing to offer protection. The decision to allow the appeal under Articles 3 and 8 was also overturned.

If you are aware of any recent successful claims by women in the UK on the basis of threats or fear of honour killing, please let us know.

UNHCR launches appeal to combat sexual and gender based violence in refugee settings³

At the launch of the revised gender guidelines ‘*Sexual and Gender-Based Violence Against Refugees, Returnees and Displaced Persons: Guidelines for Prevention and Response*’, UNHCR’s Assistant High Commissioner, Kamel Morjane, appealed to humanitarian and development communities to join forces and ‘*assume collective*

³ See UNHCR’s News stories: ‘*New guidelines to better protect refugee women against violence*’, 19 Sep 2003, and ‘*UNHCR offers revised guidelines to combat violence against refugee women*’, Geneva, 9 Oct 2003, at www.unhcr.ch.

responsibility’ for addressing the challenge of preventing and responding to sexual violence against women and girls in refugee settings. Unlike the 1995 original version of the guidelines which defined sexual violence as sexual assault and rape, the revised publication includes in this category demands for sexual favours in exchange for services and assistance, abduction, trafficking, female genital mutilation and honour killings, which affect mostly women and girls but also boys and men.

The new guidelines, described as ‘*a milestone in a process to ensure better delivery of protection to refugee women and children*’ offers practical advice such as, for example, the participation of refugees in designing and implementing programmes to prevent and respond to gender-based violence and offers tips on how to monitor and evaluate their effectiveness. Other suggestions are rights-awareness training among refugees and decision-makers in the camps. It also includes responses required to help victims of abuse or violence, including the need for legal redress and access to medical and psycho-social support.

The 158-page document, which will soon be distributed to UNHCR’s staff and key implementing partners worldwide, has been field-tested in 32 countries with the participation of 60 partners to ensure its relevance in different refugee situations. However UNHCR’s Director for International Protection, Erika Feller, warned that ‘*without effective implementation*’ in the field the guidelines will have no effect. The guidelines are currently available in English but will also be translated into local languages. A French version is in preparation.

UNHCR should act to eliminate abuse against Refugee Women in

Nepal and Bhutan says HRW

UNHCR's appeal was launched days before Human Rights Watch (HRW) released their 77 report '*Trapped by Inequality: Bhutanese Refugee Women in Nepal*,' in which the human rights organisation examines the uneven response of UNHCR and the government of Nepal to rape, domestic violence, sexual and physical assault, and trafficking of girls and women from refugee camps.⁴

HRW says these problems continue '*despite reforms UNHCR introduced after internal investigations uncovered 'sexual exploitation' of refugee women and girls by aid workers in Nepal and West Africa in 2002. ... Bhutanese refugee women in Nepal encounter gender-based violence and systematic discrimination in access to aid*'. The organisation calls on both UNHCR, the UN Refugee agency, and Governments to take '*decisive action to eliminate such abuses in refugee settings worldwide*'.

Related information UNHCR released two new documents: Guidelines on International Protection No. 5: Application of the Exclusion Clauses: Article 1F of the 1951 Convention relating to the Status of Refugees and Background Note on the Application of the Exclusion Clauses: Article 1F of the 1951 Convention relating to the Status of Refugees (The Background Note forms an integral part of the Guidelines). Both papers have been posted on the Refworld 'Legal Information' page on UNHCR's website, where they can be accessed by going to www.unhcr.ch/research/legal.htm (click on "RefPol").⁵

⁴ See Human Rights Watch, Press Release, 24 September 2003 at www.hrw.org/press/2003/09/nepal-bhutan092403.htm.

⁵ We understand that guidelines re: trafficking are currently in preparation.

UK News

Conference makes recommendations to stop the trafficking of women and children in London

A conference organised in London on 20 June 2003 by Jenny Jones (Deputy Mayor of London and Green Party Member for the London Assembly) and Jean Lambert (Green MEP for London) produced 15 recommendations for the UK Government on what it should do to stop the trafficking of women and children for sexual exploitation in London.

'Silent Slavery, Conference Recommendations to Government' states that '*the Government should recognise that trafficking in human beings for sexual exploitation is a violation of human rights and not an immigration problem*'. *The victims of this crime – their needs and recognition of their vulnerability – should be at the heart of UK law and Government policy*'.

The Conference recommends a number of measures to be taken to protect victims of trafficking and punish the perpetrators (and previously highlighted in WAN Issue 31, April 2003) including the replication and permanent funding of projects such as the Poppy project administered by Eaves Housing and the confiscation of criminal assets which should be used both for the investigation of trafficking crimes and the protection, support and compensation of victims. Read the full recommendations at: www.jeanlambertmep.org.uk/downloads/other/0307trfickrcmend.pdf.

Related Information The European Commission has published three proposed Council Decisions plus explanatory notes for the EU's participation in the UN Convention Against Transnational Organised Crime plus the Protocols on

Against the Smuggling of Migrants by Land, Sea and Air and to Prevent, Suppress and Punish Trafficking in Persons, Especially Women And Children. For a copy of the proposed Council

Decisions, visit:

www.statewatch.org/news/2003/oct/20unconvnv.htm.⁶

Yarl's Wood reopens amidst

serious concerns It is expected that the detention centre's capacity will increase to over 400 by 2005. This is half of its original capacity of 900 including children before it was extensively damaged by a fire a year and a half ago. The centre will continue to be run by Group 4 despite serious concerns over its training and safety programme.⁷

Last month, RWRP raised specific concerns directly with Group 4, in particular about appropriate level of female staff employed at Yarl'swood in order to ensure that: male staff do not have access to the female dormitories under any circumstances; every male staff contact with a female detainee would be accompanied by a female member of staff; the centre has a majority, rather than a minority, of female staff; and the shift patterns ensure that a majority of female staff are in attendance at all times.

Whilst Group 4 confirms that '*shift patterns [at Yarl's Wood] do indeed ensure that female staff are always available*' and that '*male staff do not enter female bedrooms alone*', it also adds: '*but for security and safety reasons it would be impossible to*

announce that there is no circumstances when a male will enter a female's bedroom'.⁸

Moreover, Group 4 writes: '*the Centre does not have a majority of female staff and the 40 percent has remained fairly constant during the latest recruitment. We do, however, try to concentrate female staff in areas where there is most Detainee contact, such as the living unit and the reception areas. Under no circumstances would male staff be used in areas where there could be allegations of indecent actions or improprieties*'.

This response is hardly satisfactory and RWRP condemns the fact that no more efforts are made to ensure that the detention centre has a majority of female staff, especially as the centre is targeted to accommodate women and their children.

Biggest ever compensation payout for asylum-seeking couple jailed for having false documents

Two asylum seekers who were prosecuted and jailed for travelling on forged passports have just won a record £130,600 compensation from the Home Office after the High Court ruled that their prosecution was in contravention of Article 31 of the 1951 Refugee Convention.⁹

It is believed that up to 5,000 asylum seekers, many of them women, have been wrongly convicted and jailed in contravention of Article 31, as highlighted in Women's Asylum News issue 24

⁸ Group 4, Correspondance to RWRP dated 6 Oct 2003.

⁹ Source: Clare Dyer, 'Asylum error to cost UK millions: Couple with forged passports win £130,600 for wrongful jailing', *The Guardian*, 2 October 2003. See also WAN no. 24 (August 2002). For more on defending immigration-related prosecutions under Article 31 of the 1951 Refugee Convention and Section 31 of the Immigration & Nationality Act 1999, go to www.asylumaid.org.uk and follow link to 'news'.

⁶ Original source: www.asylumrights.info/, 15 Oct 2003.

⁷ The fire incident was investigated by Channel 4 television which found that the training and safety programme at the centre was '*regularly* compromised. Source: Niall Green, 'Britain: Notorious Yarl's Wood asylum detention centre reopens', World Socialist Web Site, 25 September 2003, at www.wsws.org.

(August 2002). If all of those prosecuted now contested those convictions, it could cost the Home Office millions in compensation.

The latest award was made to a married couple, Mr and Mrs B, who fled Kosovo in autumn 1998. They tried to go to Canada, but in February 1999 were arrested en route in London for travelling on forged passports and attempting to obtain services, the Air Canada flight, by deception. They were convicted and sentenced to six months' jail. At the time of the arrest Mrs B was four months' pregnant. Her sentence was reduced to four months on appeal; in the end she served two. Mr B served three months, and the baby was born in July.

The convictions of Mr and Mrs B were overturned in June 2000 and they applied for compensation from the Home Office scheme covering miscarriages of justice. The awards - £130,600 in total for loss of liberty, false imprisonment, conditions of imprisonment, injury to feelings, aggravating factors, and post-traumatic stress disorder - were the highest to date for wrongly convicted asylum seekers. The highest previous publicised award was around £40,000.

Article 31 of the Refugee Convention makes clear that asylum seekers would not be penalized for entering a country illegally. It states that: *'Contracting States shall not impose penalties on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of Article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence'*.

The principle enshrined in Article 31 was used by the High Court to set a precedent in the case of Adimi in 1999. It was raised at the time as a matter of serious concern by Simon Brown LJ that many asylum seekers facing prosecution for travelling on false documents were being advised to plead guilty by duty criminal solicitors who wrongly thought they had no defence to the charge. However, we are still hearing of women serving criminal sentences in HMP Holloway on false document charges.

Section 55 update Maurice Kay J issued a statement on 15th October in relation to the large number of Judicial Review (JR) applications of Section 55 decisions currently being lodged in the Administrative Court. He revealed that a quarter of all cases lodged in the Court this year have been asylum support cases and that new JR applications are coming in at a rate of about 60 per week. Of these, less than 10% are being refused interim relief, pending a substantive hearing.

In comments to barristers when issuing the statement, Maurice Kay was very critical of the approach adopted by the Secretary of State in these cases. He criticised the Section 55 refusal letters for the lack of attention to a possible Article 3 breach and questioned why the Home Office required corroboration of destitution. He noted that, in effect, Administrative Court judges were becoming the gatekeepers for access to asylum support.

In response to this state of affairs, judges in the Court have taken the decision to list four lead S.55 cases. The judges have chosen the lead cases and Maurice Kay has confirmed that he is intending to give some general guidance on the approach to S.55 cases. It seems that the lead cases have been chosen to offer a range of facts.

It is not clear whether the resulting guidance will be primarily legal or procedural.

Although this move by the Administrative Court judges is a clear indication of the pressure that they are under in relation to S.55 cases, it provides only part of the picture on S.55. The message from charities such as the Refugee Council (RC) is that only a minority of people refused under s.55 are being able to gain access to lawyers able to challenge the decision. There are simply not enough lawyers doing this kind of work to meet the demand.

However, the Refugee Council has reported that it is having greater success in getting NASS to reconsider S.55 refusals. At the time of writing, they have a 41% success rate on reconsiderations. An updated information pack on how to put together a reconsideration request to NASS, has recently been issued by the Inter-Agency Partnership. Contact Tim Crowley at the Refugee Council, at email: Tim.Crowley@refugeecouncil.org.uk. Solicitors have noted that it is very helpful for advisors to submit a reconsideration request to NASS before referring for a JR, as this reconsideration request will bolster an eventual JR application.

UK Events/Projects

Tackling the Trafficking of Women and Children: An Inter-agency Approach Monday 24 November 2003. Central London.

This conference is highly relevant for all those working with women and children who have been trafficked. It will examine the way that the trafficking of women and children is being tackled in the UK. Key speakers include: Frances Flaxington,

Head of the Home Office Victims Unit; Matt Laxton, Head of the Enforcement Policy Unit at the Immigration Service; Denise Marshall, Chief Executive of the Poppy Project, Eaves Housing for Women; Carron Somerset of ECPAT UK; Mike Kaye of Anti-Slavery International and Diana Mills of Asylum Aid. The conference costs £100+VAT for registered charities. For more information please visit online: www.capitaconferences.co.uk or contact Capita Learning and Development on 0870 400 1020.

'Refugees, asylum seekers and the Human Rights Act: The balance sheet so far', 11 November 2003 (9.30-4.30pm), is a free Conference organised by the British Institute of Human Rights (BIHR) and the Joint Council for the Welfare of Immigrants (JCWI).

The Human Rights revolution began in October 2000 when the Human Rights Act came into force in the UK. But to what extent has a '*human rights culture*' been developed across British society over the past three years? In what ways has it changed the ways in which policy makers and the courts work? The seminar aims to address such questions by providing a comprehensive review of the impact of the Human Rights Act on this important area of social and humanitarian policy. Speakers include: Nicolas Blake, QC, Muna Arshi (LIBERTY), Trevor Phillips (CRE- tbc), Sarah Cooke (BIHR), John Morrison (Respect Europe), Zrinka Bralo (Kensington & Chelsea Migrants & Refugee Forum) Sonali Naik (JCWI) and others.

Venue: The Great Hall, Kings College, London, The Strand, London WC1 (Lunch available for £5:00 if booked in advance). Early registration is recommended. Places will be reserved on a first come, first served

basis. Contact: Carolina Gottardo (BIHR) 020 7593 0043 / cgottardo@bihr.org; Don Flynn (JCWI) 020 7608 7305 or fax: 020 7608 7301. Email: don@jcw.org.uk. Mail: Human Rights seminar, c/o JCWI, 115 Old Street, London EC1V 9RT.

Conference for disabled refugees, migrants and immigrants: They

disable us! on Saturday 8th November 2003 (12h00 to 4.00) at 'Le Meridien' Victoria & Albert Hotel, Water Street, Castlefield, Manchester, M3 4JQ.

The aim of this conference is to begin to unite two separate but overlapping struggles: the one against the social and political system that disable people with disabilities and the other against racism and immigration controls. For far too long the fact has been ignored that many of those subject to the racism of immigration controls are disabled people.

For more information about the conference please contact Mike Higgins on tel: 0161 273 5155 or 0796-856060, by fax on 0161 273 4164, or email: mike.higgins_gmcdp@blueyonder.co.uk,

The Conference will be followed by Greater Manchester Coalition of Disabled People's AGM from 4.30 to 5.30pm. For information, contact Thelma Tomlinson on 0161 273 5154, or email gmcdp@globalnet.co.uk. (Source: www.asylumsupport.info/)

International News

Amina Lawal's death sentence quashed by Sharia Court of appeal

On 25 September 2003, the Sharia Court of Appeal of Katsina State, Nigeria, acquitted Amina Lawal who had been

sentenced to death by stoning by the Sharia Court of Bakori a year and a half before, as a punishment for bearing a child out of wedlock. The decision was upheld by the Sharia Appeal Court of Bakori in August 2002 but Amina Lawal's lawyer appealed the decision with the support of two Nigeria women's rights groups as well as the international community.

After four delays of hearings, her conviction was rejected by four of the five judges who said that she had not been given 'ample opportunity to defend herself'.¹⁰ The judges acquitted Amina Lawal because they said there were procedural errors at her original trial. They also found that her adultery was not proved beyond doubt. According to the International Federation of Human Rights (FIDH), based in Paris, the judges also '*emphasized that Sharia entered into force in Katsina State after the birth of Amina's child and then could not have retroactive effect*'. The organisation thus notes: '*the issue of Sharia and in particular Sharia punishments has not gone away. Besides, shortly after the verdict, reports were coming in of a Nigerian man being sentenced to death by stoning for sodomy after he allegedly slept with three boys in the northern Bauchi state*'.

Welcoming the decision of the Federal Government to organise an upcoming public debate on the issue of the death penalty, the FIDH recommends that the UN Special Rapporteur on violence against women and the Special Rapporteur of the African Commission on Human and

¹⁰ Quoted by BBC News, '*Nigerian spared death by stoning*', 25 September 2003, online at: <http://news.bbc.co.uk/1/hi/world/africa/3137890.stm>. See also FIDH (International Federation of Human Rights), '*Stoning to death: A woman saved, a man condemned*', Paris, 25 September 2003 at www.fidh.org/communiq/2003/ng2509a.htm.

People's Rights on Women's Rights in Africa visit Nigeria.

Iranian woman judge wins Nobel Prize

Ms Shirin Ebadi became the first Iranian and the first Muslim woman to win the Nobel Prize on Friday 10 October 2003. Since the peace prize was first awarded in 1901, she is only the 11th woman to receive it.¹¹

A lawyer, university lecturer and writer, she was forced to step down as Iran's first female judge after the 1979 revolution. She recalled: *'The head of the court told me I could not work as a judge because I am a woman. He said it was forbidden by Sharia law'*. In September 2000, she was sentenced for defamation of the authorities in her role as the defence lawyer in the case of a student killed in an attack by police forces and the Hezbollah on Tehran University campus a year earlier. She spent 15 months in solitary confinement with no reprieve and five years with no civil rights (including being barred from practising law). On appeal, her sentence was reduced to a fine.

Shirin Ebadi is a member of the Iranian Children's Rights Society and of the Association for Human Rights defenders in Iran. Throughout her career, she has been a staunch defender of the rights of children born outside marriage, as well as the rights of women in divorce, inheritance and employment law. Using Sharia law to demonstrate that there is no legal base to discriminate against women, she has fought against 'blood money' provisions

which rule that a woman's life is worth half that of a man's in financial compensation.

The Nobel Prize Committee praised her for speaking out *'clearly and strongly in her country, Iran, far beyond its borders'* and said she had paid no heed to threats to her own safety. They also praised her for an interpretation of Islamic law which is in harmony with human rights issues such as democracy and equality before the law.

Upon receiving the \$1.3 million prize she said: *'the prize is not mine, it belongs to our people'*; the prize will go to a non-governmental organization that she launched with other lawyers, the Centre for the Defenders of Human Rights.

Related Information September issue of Libert@s, the Rights & Democracy's Online Bulletin (Issue 11) presents 'Special Iran', including 'The Zhara Kazemi story in context' and 'A Conversation with Dr. Homa Hoodfar about the Women's Movement in Iran'. For more, click on the following link:

www.ichrdd.ca/frame2.iphtml?langue=0&menu=m01&urlpage=/english/commodoc/publications/libertas/main.html.

United Nations New Rapporteur on Violence Against Women¹²

Professor Dr Yakin Ertürk from Turkey was appointed as the new United Nations Special Rapporteur on Violence against Women, its Causes and Consequences. Ms Ertürk is currently heading the Gender and Women's Studies Department at the Middle East Technical University in Ankara.

¹¹ Information drawn from the following sources: FIDH newsletter #13 October 2003; also from *The Guardian*, 'Iranian activist wins Nobel peace prize', 10 October 2003, Dan de Luce, 'One-woman machine who took on Iran's clerics', *The Guardian*, Tehran, 11 October 2003.

¹² European Women's Lobby Newsflash, August-September 2003.

UNHCR's Nansen refugee award winner shot dead in Somalia

Dr Annalena Tonelli who received the award in June this year was murdered by an unknown gunman in front of the hospital she ran in Borama, Somaliland.¹³ She had dedicated more than 30 years of her life to help Somali people in remote parts of the Horn of Africa and was running a hospital for tuberculosis patients at the time of her death. In a country ridden by clan rivalry and feud, she had treated together people from different clans, some of whom became friends.

Fellow award recipients have issued an opened letter in which they condemned her killing and urged states to prosecute and punish crimes against aid workers, which may constitute war crimes and crimes against humanity. According to a report by Secretary-General Kofi Annan earlier this month, 196 UN civilians died following 'malicious acts' between 1992 and end of June 2003 but 'only 24 perpetrators have been apprehended.'

Refugee families could be kept apart by new EU rules

UNHCR expressed its dissatisfaction with the latest European Directive on family reunification, adopted on 22 September 2003. According to the UN Refugee agency, the rules 'discriminate against certain categories of refugees and could lead to some refugees remaining unnecessarily separated from their children and spouses'. Raymond Hall, director of UNHCR's Europe Bureau, said: 'family reunion can be denied on the grounds of public policy, public security and public health. The

problem is that "public policy" in particular is a very vague term that could easily be used to keep families apart without any real justification'.

There are serious restrictions too: Not only does the new directive contain a narrow definition of the family unit, but couples aged under 21 or their children do not get automatic right to reunification; and there are no family reunion rights to people who have been granted 'subsidiary forms of protection'. For more visit online:

www.unhcr.ch/cgi-bin/texis/vtx/home?page=news.

List of 'Safe Countries' agreed by EU Council

The EU Justice and Home Affairs Council of Ministers agreed on 2 October to adopt a joint list of safe countries of origin on the basis of common criteria.¹⁴ The discussion took place during negotiations on the asylum procedures directive and the list will be adopted at the same time as the directive. The criteria agreed by all member states (except the UK and Sweden) include respect for the international conventions and effective remedies against breaches of these conventions. The Council rejected a minimum common list for the concept of 'safe third countries' and agreed on a system of national designation instead.

The UN Refugee agency, UNHCR, had expressed serious concerns over the adoption of concepts and common lists for 'safe country' (i.e. countries of origin deemed safe, thus from which asylum seekers cannot be recognized as refugees) and 'safe third country' (countries where an asylum seeker can be returned to in order

¹³ Source: UNHCR News. 'Mourners remember Dr. Tonelli, pledge to continue her work', 14 October 2003. For more information on the late Dr. Annalena Tonelli and the Nansen Refugee Award, visit the UNHCR website on www.unhcr.ch.

¹⁴ Source: European Commission, Justice & Home Affairs, http://europa.eu.int/comm/justice_home/news/intro/news_intro_en.htm

to claim asylum).¹⁵ UNHCR stated: 'if "safe country" concepts were introduced without sufficient safeguards they could seriously compromise the protection of refugees and deviate from international standards'.

UNHCR is worried that with insufficient safeguards or vague terminology, asylum-seekers would be summarily sent back to non-EU countries without any guarantee that their asylum claim will be properly dealt with there. Such countries might be transit countries, with which the asylum seeker has no firm connection whatsoever, or even a country where the asylum seeker has never set foot. Raymond Hall, Director of UNHCR's Europe Bureau, pointed out that any 'safe third country' should have a fully functioning asylum system, which is often not the case, as accessing the asylum system in itself remains a major problem in many countries.

Whilst UNHCR is not totally opposed to the concept of 'safe countries of origin,' the agency's view is that asylum seekers should have an opportunity to explain why they might be at risk of persecution in a country that would otherwise be considered safe. It also adds that there should be enough flexibility in the procedure determining which countries of origin are safe so that 'sudden and gradual changes' in the political situation of a given country of origin are taken into consideration.

Austrian new asylum law could breach 1951 UN Refugee Convention¹⁶ Only a few days after raising its concerns on the EU joint list of

¹⁵ See UNHCR Press Release, 'UNHCR urges caution as EU negotiates "safe country" concepts', Geneva, 1st October 2003 at www.unhcr.ch.

¹⁶ UNHCR Press Release, 'UNHCR says Austrian legislation may lead to breaches of UN Convention', 8 October 2003 at www.unhcr.ch/.

safe countries, UNCHR warned that a number of amendments to the Austrian asylum law could lead to violations of the 1951 UN Refugee Convention and of international and European human rights law. Proposed legal changes to the appeal system in Austria only allow the submission of new evidence and motives for flight at the appeal stage in 'very circumscribed circumstances'.

For instance, the law would accept cases of trauma that are 'medically certifiable' as a reason for submitting new facts during the appeal stage'. This change would particularly affect victims of torture, and/or of gender-based persecution who are often too traumatised or too ashamed to talk about their experience of torture at an initial stage. Ultimately, it could result in cases of 'refoulement' or forced return of an asylum seeker to her/his country of origin.

Other restrictions include the fact that certain categories of asylum seekers that are broadly defined do not have a right to remain in Austria during their appeal. And asylum claims at land borders will be met by an absolute refusal, even from refugees who are clearly in need of international protection. They will be deported and in some cases subjected to 'refoulement', in contradiction to one of the most basic principles of international refugee law and international human rights law.

UNHCR warned that the law could also have a negative impact on the EU harmonization process currently under way. But Austrian Interior Minister Ernst Strass defended Austria's new asylum bill saying that it is only 'fitting into the European context' and 'approaching' more rigorous asylum laws in countries such as Denmark, Germany and the UK.¹⁷

¹⁷ UNHCR press release, 'Austrian interior minister defends new asylum bill', 17 October 2003 at www.unhcr.ch/.

Roma Rights Issue moved to new level in Bulgaria¹⁸ On 16 September, the Bulgarian Parliament adopted a comprehensive anti-discrimination law which, according to the European Roma Rights Centre 'opens the door for the provision of real and significant remedies to Romani victims of the very serious harm of racial discrimination, and moves Roma rights issues to a new level in Bulgaria'. The law bans discrimination on grounds including race, gender, religion, disability, age, and sexual orientation and provides that 'in prima facie cases of discrimination, the respondent has the burden of proving that discrimination did not occur'. It also allows group complaints where groups of people are affected by discriminatory abuse.

The law, which is in harmony with European Directives on standards on anti-discrimination law in Europe, establishes an anti-discrimination Commission which has power to 'receive and investigate complaints and issue binding rulings, as well as to impose significant sanctions on perpetrators'. For more information visit the European Roma Rights Center's website at <http://www.errc.org> or write to ERRC, 1386 Budapest 62 P.O. Box 906/93 Hungary. Tel: +36 1 4132200, Fax: +36 1 4132201.

Netherlands adopt new war crimes law The law, which includes for the first time 'crimes against humanity' as defined in international law, is based on the 1998 Rome treaty that created the International Criminal Court (ICC). Under the treaty, the ICC would only consider prosecution when a country refuses to do so. Countries that have ratified the treaty should therefore

¹⁸ Source: European Roma Rights Centre, 'Bulgaria adopts comprehensive anti-discrimination law', 18 September 2003.

have the legal framework to prosecute their own war criminals.

The Dutch law which brings together previous laws against genocide, torture, enslavement and deportation, took effect on Wednesday 1st October and enables prosecutors to 'bring charges against Dutch residents suspected of atrocities including those committed on foreign soil'.¹⁹ It carries charges with a life prison sentence or 30 years.

International Events/Projects

16 days campaign of activism against gender violence (Nov 25 – Dec 10, 2003). The 16-day campaign's theme has been declared: 'Violence Against Women Violates Human Rights: Maintaining the Momentum Ten Years After Vienna (1993-2003)'. In appreciation of the tenth anniversary of the Vienna breakthrough, participants are encouraged to reflect on the advances and challenges of their anti-violence work during the past decade. For more information and to receive a 2003 Take Action Kit to participate in the 16 Days Campaign this year, please contact the Centre for Women's Global Leadership: cwgl@igc.org or <http://www.cwgl.rutgers.edu>.

Related information 2 series of posters in English for the WHO global campaign for violence prevention are available free. The posters can be ordered from WHO by contacting Ms Sabine van Tuyll, Communications Officer, Injuries and Violence Prevention: e-mail at vantuylls@who.int. For a look at the 8

¹⁹ Information edited from Anthony Deutsch, 'New Dutch laws allow prosecution of crimes against humanity', Associated Press, 1st October 2003, quoted by cicc@iccnw.org.

posters see:

www.who.int/violence_injury_prevention/en

‘Women Included!’ First International Conference, organised by Women Without Borders (WWB), on 13-15 November, 2003, Siemens Forum, Vienna is open to the interested public. As activists, strategists, experts, practitioners and constructive members of their communities, women are already an essential part of the emerging international alliance of modern democratic values. The conference will give them an added platform. Participants from the Middle East, Africa and Europe have been invited to join in a shared strategic dialogue. Women from current crisis areas, in particular, will be asked to share their concerns, visions and demands, so that opportunities for mutual support in the achievement of our shared goals can be found. For detailed information please contact WWB at: office@frauen-ohne-grenzen.org

Secular Muslims call for abolition of polygamy The Movement of Secular Muslims of France has launched a petition, asking the United Nations to put the abolition of polygamy on the agenda. For more information and to support the action: www.maghrebins-laiques.fr/st/article.php3?id_article=34
Source: European Women’s Lobby Newsflash, August-September 2003.

New Publications

‘Protection Schemes for Victims of Trafficking in Selected EU Member Countries, Candidate and Third

Countries’ is a new publication by the International Organization for Migration (IOM). The publication aims to raise awareness regarding policy and operational approaches of protection schemes among those involved in combating trafficking and includes a review of concepts of trafficking; country case studies; an analysis of victims protection measures and conclusions and recommendations. The 102 page book (ISBN 92-9068-156-X) costs US\$ 25.00. To order, email: Publications@iom.int.

‘Best Practice Guide to Asylum and Human Rights Appeals’, by Mark Henderson (Published by the Immigration Law Practitioners’ Association – ILPA – in association with the Refugee Legal Group, October 2003). This is a second edition by the same author, a barrister at Doughty Street Chambers, who has specialised in asylum and human rights law since 1995.

The book sets out what is required to conduct each stage of an asylum/human rights appeal according to best practice. All aspects of the process are covered, starting with receipt of the Home Office refusal letter and dealing with ‘clearly unfounded’ certificates, followed by procedure, evidence, and presentation of the appeal before the adjudicator, through to proceedings in the IAT and statutory review. It contains a wealth of strategic and tactical comments for practitioners as well as detailed explanations and working examples. To obtain a copy, please contact ILPA, Lindsey House, 40-42 Charterhouse Street, London EC1M 6JN, Tel 020 7251 8383, fax 020 7251 8384, or email: info@ilpa.org.uk. Website: www.ilpa.org.uk.

International Online resources

'**Women's rights are human rights**' is a new website available from the UN Office of the High Commissioner for Human Rights' webpage at

www.unhchr.ch/women/ You will find links to international instruments on the rights of women, documents on gender equality and women's human rights, issues, briefs and more.

'**Reception and guidance of refugee women: the need for a gender-based approach**' is a lobbying kit based on a survey carried out in 2001 by the YWCA-Antwerp and whose results are released in a new report '*Living conditions and social status of women refugee in Belgium*'. The survey was based on interviews conducted with 40 refugee women of 23 home countries. The report, which discusses the unique challenges and needs of female refugees and asylum seekers, was based on their participation '*both as a means and as an objective of any initiative*'. It calls for a gender-based response to the needs of refugees and asylum seekers.

The conclusions and recommendations resulting from the survey are available in the lobbying kit produced in English, French and Dutch and published by the YWCA-Antwerp and the Nederlandstalige Vrouwenraad. It is free of charge and can be ordered by email at ywca@yucom.be or by telephone +32-3-2381693.

For the development of the lobby kit, the YWCA of Antwerp worked closely with the Dutch-speaking Women's Council in Brussels. This council has also stressed the need for a gender specific approach to

the treatment of female refugees in their own report '**Asylum from the gender perspective. Evaluation and recommendations for the treatment of female refugees**'. Copies of this report (in English) can be ordered from the Nederlandstalige Vrouwenraad (Dutch-speaking Women's Council), by telephone on +33-(0)-2-229-3819, or by email at nvr@amazone.be. The cost of the report is 8.00 Euro, including postage.

Research report on trafficking in 3 European countries The report by Wim Vandekerckhove, Zrinka Pari, Bruno Moens, Isabella Orfano, Ruth Hopkins, Jan Nijboer, Gert Vermeulen, Wim Bontinck, '*Research based on case studies of victims of trafficking in human beings in 3 EU Member States, i.e. Belgium, Italy and the Netherlands*' (Payoke - On the Road - De Rode Draad, 2003) is available online at: www.ircp.be/uploaded/eindrapport%20Hippokrates.pdf. The publication is based on a detailed analysis of trafficked persons' files in all three countries and includes a profile of both victims and perpetrators as well as the circumstances that led the victims to be trafficked into sexual slavery or domestic slavery. It provides conclusions on policy and practice.

'**The health risks and consequences of trafficking in women and adolescents: Findings from a European study**', is a two-year multi-country study on women's health and trafficking to the European Union published by the London School of Hygiene & Tropical Medicine (October 2003). The report is an initial inquiry into an area about which little research has previously been conducted. Interviews were conducted by researchers in Albania, Italy, the Netherlands, Thailand and the United Kingdom with women who had been

trafficked, health care and other service providers, NGOs working against trafficking, law enforcement officials, and policy-makers.

It found that the health risks, consequences and barriers to services for trafficked women are similar to those experienced by other marginalized groups such as women experiencing sexual abuse, domestic violence, or torture; or exploited women labourers. Besides physical and psychological abuse, the forms of abuse and risks that women experience include physical, the forced or coerced use of drugs and alcohol, social restrictions and manipulation, economic exploitation and debt bondage, legal insecurity, etc.

The research also found that the range of health needs of trafficked women and the different opportunities to provide services are best understood by considering each stage of the trafficking process i.e.: pre-departure, travel and transit, destination, detention, deportation and criminal evidence; and integration and re-integration. A number of recommendations are provided, the first being that trafficking should be recognised as a health issue.

The report also includes the '*WHO Ethical and Safety Recommendations for interviewing trafficked women*' produced by the Health Unit of the London School of Hygiene & Tropical Medicine with support from the Daphne Programme of the European Commission and the World Health Organization. The report is launched on Tuesday 21 October 2003. For a copy of either document, please contact LSHTM at 0207 927 2431 or WHO Marketing and Dissemination, tel: +41 22 791 2476, email: bookorders@who.int.

'Domestic violence in lesbian, bisexual gay and transgender communities: a fact sheet' is a new document produced online by Amnesty International USA in honour of October Domestic Violence Awareness Month at:

www.amnestyusa.org/women/fact_sheets/domestic_violence_LGBT.html.

2 New reports on child soldiers Amnesty International's report, '*Democratic Republic of Congo: Children at war*' (9 Sep 2003), is based on interviews with escaped or demobilised child soldiers in the DR Congo who had been recruited by force by armed groups, and were faced with '*a catalogue of abuses, including torture, rape or killing*' (see www.amnesty.org). Human Rights Watch's report '*Colombia: Widespread Use of Child Combatants*' (18 Sep 2003), estimates that over 11,000 children are enrolled by various armed groups in Colombia's long-running conflict (see www.hrw.org). Up to 300,000 children are believed to be currently enrolled in fighting in over 30 countries worldwide.

New Gender Statistics Database The UN Economic Commission for Europe statistical division has launched the Gender Statistics Database in July 2003. Data series are presented in line with the policy areas, which are population, families and households, work and the economy, education, public life and decision making, health, crime and violence. See: <http://w3.unece.org/stat/gender.asp>.

Asylum Levels and Trends in Industrialized Countries, January - August 2003 published by the UN Refugee agency UNHCR (13 October 2003) provides an overview of monthly asylum trends in 28 countries by country of asylum

and detailed origin. The UK figures for July and August (the only country missing) are not expected before the end of November. For further information check <http://www.unhcr.ch>.

HRW commentary on Dutch asylum policy

In a presentation on the occasion of the parliamentary roundtable discussion called by the permanent commission on justice, Human Rights Watch identified shortcomings in three aspects of Dutch asylum policy and practice – the AC practice procedure; the treatment of child migrants and asylum seekers; and reception conditions for certain categories of asylum seekers. For details see: www.hrw.org/europe/netherlands.php

UK Online Resources

'Working with refugee children' is a review of service provision for asylum-seeking and refugee children in the UK published by the Joseph Rowntree Foundation. It identifies gaps in present knowledge and presents a research strategy to meet some of these gaps. It is estimated that there are over 120,000 asylum-seeking and refugee children in the UK from many different countries of origin.

The report is free in PDF format at www.jrf.org.uk/bookshop/details.asp?pubID=560. A paperback version (£9.95) plus postage and packing, can be ordered online from JRF's website, or direct from the distributor: York Publishing Services, 64 Hallfield Road, Layerthorpe, York YO31 7ZQ, England, Tel: +44 (0)1904 430033 or Fax +44 (0)1904 430868. For further information, contact Jenni Laycock · Publications Officer, on Tel: 01904 615927, Fax: 01904 615922, E-mail:

jenni.laycock@jrf.org.uk. Website: www.jrf.org.uk.

Notice Board

RAINBO Research, action and information network for the bodily integrity of women (rainbo), an international Woman's Reproductive Health & Rights NGO for African Women, has a rare and exciting opportunity to recruit an experienced Senior FGM Program Officer - Responsible for coordinating, managing and monitoring the Integrated Initiative Against FGM programme and ensuring that its projects run smoothly and successfully. For a full job description please check www.rainbo.org. Applications supported by CV and two referees, should be sent to: crispo@rainbo.org or Claudia Rispo, HR Officer, RAINBO, Queens Studios, 121 Salusbury Road, London NW6 6RG.

Locum Immigration Caseworker/ Supervisor (Salary: SO2 £22,358 - £24,762 plus London Weighting) Redbridge Citizens Advice Bureau seeks a dynamic and committed individual with a minimum of 2 years recent experience in the provision of specialist Immigration and Nationality advice, registered at Level 3 OISC or exempt from this requirement. Candidates are requested to write a covering letter with brief and relevant details including the experience they will bring to the job and details of education and training. For more information, contact Ms Lydia Tubero: Tel: 020 8478 3648 or Fax: 020 8514 5700. Email: immigration@redbridgecab.co.uk. Deadline: 12 noon, 27 October 2003. Redbridge CAB strives to be an Equal Opportunities Employer.

Please send us any information that you would like to see published in our next bulletin by Thursday 13 November 2003 (see address on back cover).

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women's ASYLUM NEWS

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