

Heard at Field House
On 6 July 2004

NK (FGM – Cameroon)
Cameroon [2004] UKIAT 00247

IMMIGRATION APPEAL TRIBUNAL

Date Determination notified:

10 September 2004

Before:

Dr H H Storey (Vice President)
Mrs A J F Cross De Chavannes
Mrs B M Southwell

Between

APPELLANT

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

RESPONDENT

Representation

For the Appellant: Ms N Mallick of Counsel instructed by Mirza & Co
Solicitors

For the Respondent: Mr A Hutton, Home Office Presenting Officer

DETERMINATION AND REASONS

1. The Appellant aged 30 is a national of Cameroon. She appeals against a determination of Adjudicator Mr T P Thorne dismissing her appeal against the decision giving directions for removal following refusal to grant asylum.
2. The basis of the Appellant's claim was that when she turned 18 in 1992 her stepfather began to pressurise her to become a Muslim. In 1997 her stepfather took steps to arrange a marriage for her and demanded that she undergo Female Genital Mutilation (FGM). She went to the police, but they refused to pursue the matter and, indeed, following a complaint to them from her

stepfather, arrested, detained and molested her. During the time she spent in three separate prisons she was raped. Eventually in November 1998 she was finally released when her mother bribed the guards. With her mother's help she then fled the country.

3. The Adjudicator accepted the core features of the Appellant's claim as credible. However, he dismissed her appeal for two main reasons. He considered her release on payment of a bribe demonstrated that the authorities no longer had an adverse interest in her. He reasoned that her stepfather, in view of the fact that she was now older (29 at the date of hearing), would no longer have the desire to harm her: "It would not be in accordance with custom to force her to undergo FGM at her age". He went on to find that, even if he were wrong about risk to the Appellant in her home area, she would have a viable option of internal relocation.
4. The grounds of appeal, as amplified by Ms Mallick, contended that the Adjudicator was wrong to conclude that the Appellant would not face serious harm on return to her home area and wrong to conclude she would in any event have a viable internal relocation alternative.
5. We agree with Ms Mallick that the Adjudicator erred in concluding that the Appellant would not face further acts of serious harm in her home area. Irrespective of whether FGM was or was not practised on older women, her stepfather had proved capable of influencing local police and security forces to imprison and maltreat her for nearly eleven months. His anger at her had not been solely because of her refusal to undergo FGM. It was also because she had refused to convert to Islam and refused to go through with the marriage he had arranged. Therefore it was reasonably likely, in our view, that her act of fleeing after release from prison would have angered him further, in particular for having frustrated his plans for her marriage.
6. Nevertheless we do not consider that the Adjudicator was wrong to dismiss the appeal. That is because he went on in the alternative to consider whether, (even if he was wrong about risk in her home area), she would be able to achieve safety by means of internal relocation. The grounds have challenged his conclusion that she could relocate, but we do not find the arguments they advance on this issue persuasive.
7. Whilst the Adjudicator was wrong in our view to find that the Appellant's stepfather would no longer have any animus against her, he was entitled to find that this man would not have the resources to pursue the Appellant or locate her in other parts of Cameroon. Ms Mallick has submitted that he was a man of some power and influence in his home area, as demonstrated by the

readiness of the police to ignore the Appellant's complaint against him and to incarcerate her in response to his complaint. However, even assuming this to be the case, she has not been able to point to any evidence to show that individuals with influence locally are able to get the police and security forces elsewhere in the country to pursue or target individuals on their behalf, at least not when the matter concerned only family and domestic matters. The Adjudicator was quite entitled to find that his occupation as a lorry driver would not enable him to conduct any significant search operation. Furthermore, as Mr Hutton pointed out, Cameroon has a territory of 183,000 square miles and a population of 15.7 million. And, if the suggestion was that her stepfather would be able to exploit contacts in the wider Muslim community, the Appellant plainly identified her own religious persuasion as Catholic. As such, if she feared that having to live in a Muslim area of the country might expose her to a risk of being located by her stepfather or perhaps subjected again to pressure from local Muslims to convert or marry or undergo FGM, Cameroon was a country in which there were several areas where the population was predominantly Christian. The Adjudicator was quite entitled to conclude she could resettle safely in a Christian area.

8. Ms Mallick set much store by the evidence (which included IRB, Canada materials and the CIPU Report of a Fact-finding Mission to Cameroon 17-25 January 2004). She submitted that it indicated:
 - (i) FGM was a widespread and routine practice in Cameroon; and
 - (ii) it was not only practised on young girls but was also practised on women prior to marriage, regardless of her age.
9. We are bound to say we do not consider the objective country materials bear out that FGM is routinely practised on women and girls in Cameroon. It certainly continues to be practised on a significant percentage of the female population, but, even on the highest figures cited by Ms Mallick, it is only inflicted on one in five (i.e. 20%). Furthermore, on her own figures, the main victims were women and girls residing in predominantly Muslim areas of the country. The January 2004 Fact-finding mission report states at paragraph 9.11 that a diplomatic source had stated that FGM occurs in three out of ten provinces in the east, south-west and far north.
10. It is true that even in the predominantly Christian areas of the country, FGM is still practised. We are also prepared to accept that the government has not passed laws to make FGM illegal or

to repudiate the custom. However, whilst we accept that it can be practised on women of any age prior to marriage, it is equally clear that it is normally practised on young girls aged 6-8 years. That is plainly stated in the CIPU Report at paragraph 6.70.

11. Ms Mallick urged us to find that the Adjudicator was wrong (and that we would be wrong) to rely on this passage from the CIPU Report. However, even on the alternative sources she urged us to prefer, the Amnesty International report in particular, there is no suggestion that the practice of FGM is inflicted as often on post-adolescent as on pre-adolescent females.
12. Ms Mallick submitted that, even if we found that the Appellant would not be at risk of being pursued or located by her stepfather or members of his family, we should find that it would be unduly harsh to expect a young woman on her own to relocate within Cameroon. In this regard she drew our attention to passages in the background materials highlighting discrimination against women in a number of areas. She also pointed out the poor record of the authorities in Cameroon: at para 5.28 there was reference to "arbitrary arrests and detentions" and at para 6.1 mention of numerous serious abuses of human rights. However, the background evidence fell well short of establishing a consistent pattern of gross, mass or flagrant violations of the human rights of women. The legal system in Cameroon permitted freedom of movement (CIPU, 6.51). Also relevant was that this particular appellant had shown herself able to turn to Catholic church members for help and support.
13. Whilst, therefore, the Appellant might face hardship in other parts of Cameroon outside her home or other Muslim areas, we do not consider that the evidence justified a conclusion that this Appellant would face a real risk of serious harm.

**H H STOREY
VICE-PRESIDENT**