

# women's asylum news

refugee women's resource project @ asylumaid

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Please send any information that you would like to see published in our next edition by 9 February 2006 (see email or postal address on back cover).

## US Court recognises parents' fear of FGM is well-founded under Convention

The Ninth Circuit Court in the USA reversed a previous immigration panel decision according to which an Ethiopian couple's daughter did not have a well-founded of persecution based on her likely subjection to Female Genital Mutilation (FGM). The immigration panel's decision had been based on evidence that Ethiopian girls are not subjected to the practice against their parents' objections.

The Ninth Circuit Court disagreed with the evidence and ruled that the couple had established that they would be '*powerless to stop [the practice] from being performed on their child and would suffer social condemnation even if they could.*'<sup>1</sup> Judge Clifton found that evidence from the State Department report '*indicated that the probability that [the girl] would have to undergo this ritual greatly exceeded the threshold required to establish eligibility for asylum.*'

<sup>1</sup> Kenneth Ofgan, 'Ninth Circuit Rules: Fear of Genital Mutilation Enough to Support Asylum Grant', 3 January 2006, at [www.metnews.com/articles/2006/abeb010306.htm](http://www.metnews.com/articles/2006/abeb010306.htm). Information on this case was also circulated by the Center for Gender & Refugee Studies, Hastings College of Law (Univ. of California) via [DVasylum\\_updates@yahoo.com](mailto:DVasylum_updates@yahoo.com), 30 December 2005. Case reference: *Abebe v. Gonzales*, 02-72390.

The family belongs to an ethnic group in Ethiopia in which almost all young girls are subjected to the practice. Furthermore the Court held that the '*applicants were not required to prove that the child was likely to be mutilated, only that their fear was well-founded.*'

Whilst elements in the claim referring to political persecution were rejected, the Court concluded that the couple was eligible for asylum in the US. Stephen Knight, Deputy Director of the Center for Gender & Refugee Studies, Hastings College of Law (Univ. of California), which represented the case, wrote that the ruling by the Ninth Court constituted an '*important victory*' for the Center.

**related information** **UN Concerns about EU directive** The UN has expressed concerns about a controversial European Union (EU) directive on asylum procedures, adopted without debate, on 1 December.<sup>2</sup> The directive proposes minimum standards for adjudicating asylum claims and is the last of five documents aimed at harmonising EU asylum law. The UN High Commissioner for Refugees says that it may breach international law if no additional safeguards are introduced.

UNHCR is particularly concerned about clauses which allow the return of applicants to designated '*safe third countries*' outside the EU without having had their claim heard in an EU member

<sup>2</sup> UN News Centre, 'New asylum procedures in Europe may lead to difficulties for Refugees', 2 December 2005, online at: [www.un.org/apps/news/story.asp?NewsID=16778&Cr=refuge&Cr1=asylum](http://www.un.org/apps/news/story.asp?NewsID=16778&Cr=refuge&Cr1=asylum)

state. UNHCR argues that the directive fails to make clear that asylum seekers cannot be sent back to their countries of origin while waiting for the outcome of their appeals. This would remove the right to an effective remedy in the event that an error has been made. In addition the directive permits a number of other restrictive and controversial practices, currently only contained in one or two member states' national legislation, to be inserted into the legislation of all 25 EU states.

Critics such as the UNHCR say that member states should not sign up to the lowest standards permitted by the directive when they implement the agreed rules into their national legislation. They fear the directive may lead to a serious downgrading on asylum standards in the EU and beyond.

### Other international news

#### **New EC Directive spurs Spain to revise asylum legislation re: gender and sexual orientation**

According to newspaper *El Pais*, the Spanish government is currently drafting a '*sweeping*' reform of Spanish asylum legislation, which aims to incorporate parts of the European Union directives along with recommendations from the UN High Commissioner for Refugees (UNHCR).<sup>3</sup> The reform will allow women, gays, transvestites and lesbians to claim

<sup>3</sup> Source: A translated version of *El Pais* article was circulated by the information network [DVasylum\\_updates@yahoo.com](mailto:DVasylum_updates@yahoo.com), 3 January 2006 and can be found at: [www.iht.com/getina/files/300016.html](http://www.iht.com/getina/files/300016.html).

asylum if they can prove they have *'faced severe persecution in their countries of origin because of their gender'* or sexual orientation.

Asylum claims from people deemed to be especially at risk, such as children, the elderly or disabled, will be given higher priority. Temporary protection will be provided to refugees not eligible for asylum status, while the law will also make family regrouping easier.

Under European Community Law, member states of the European Union have to ensure their jurisprudence complies with the Council Directive 2004/83/EC 29 April 2004 on *'minimum standards for the qualification and status of third country nationals or stateless persons as refugees or a persons who otherwise need international protection and the content of the protection granted'* before the end of 2006.

Articles of the EC directive of particular relevance to gender and sexual orientation issues in an asylum claim include:

Article 4 par. 3.: In assessing an application for asylum, member states will have to take into account *'the individual position and personal circumstances of the applicant, including factors such as background, gender and age, so as to assess whether, on the basis of the applicant's personal circumstances, the acts to which the applicant has been or could be exposed would amount to persecution or serious harm'*.

Article 6 recognises that perpetrators of persecution include non-state actors, in

addition to the State and parties or organisations controlling the State or a substantial part of the territory of the State, *'if it can be demonstrated that [State or parties or organisations controlling part or all of the State] are unable or unwilling to provide protection against persecution or serious harm as defined in Article 7.*

Article 7, par. 2., states that *'Protection is generally provided when the [State or parties or organisations controlling part or all of the State] take reasonable steps to prevent the persecution or suffering of serious harm, inter alia, by operating an effective legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm, and the applicant has access to such protection.'*

Article 8, par. 1, refers to what is commonly known as the Internal Flight Alternative. International protection will be denied if *'in a part of the country of origin there is no well-founded fear of being persecuted or no real risk of suffering serious harm and the applicant can reasonably be expected to stay in that part of the country; par.2. [having] regard to the general circumstances prevailing in that part of the country and to the personal circumstances of the applicant.'*

Article 9 defines acts of persecution within the meaning of article 1 A of the Refugee Convention which can, *inter alia*, include acts of sexual violence, discriminatory measures of a legal, administrative, police and/or judicial nature, or measures implemented discriminatorily, and acts of a gender-specific or child-specific nature.

Article 10 provides a definition of what shall be considered to form a particular social group (PSG): *'members of that group share an innate characteristic, or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it, and that group has a distinct identity in the relevant country, because it is perceived as being different by the surrounding society;'*

PSG might include a common characteristic of sexual orientation although this *'cannot be understood to include acts considered to be criminal in accordance with national law of the Member States: Gender related aspects might be considered, without by themselves alone creating a presumption for the applicability of this Article.'*<sup>4</sup>

### Liberia: new legislation makes rape illegal

New legislation has been passed in Liberia making rape illegal for the first time. In a radio interview President elect, Ellen Johnson Sirleaf said *'Nobody will abuse our girls and women and get away with it; any law on rape especially the rape bill just passed into law will be totally implemented under our government.'*<sup>5</sup>

<sup>4</sup> The full text of EC Directive 2004/83/EC 29 April 2004 can be found online at [http://europa.eu.int/lex/pri/en/oj/dat/2004/l\\_304/l\\_30420040930en00120023.pdf](http://europa.eu.int/lex/pri/en/oj/dat/2004/l_304/l_30420040930en00120023.pdf).

<sup>5</sup> IRIN, *'No impunity for rapist, vows President elect'*, 5 December 2005, online at: [www.irinnews.org/report.asp?ReportID=50500&SelectRegion=West\\_Africa&SelectCountry=LIBERIA](http://www.irinnews.org/report.asp?ReportID=50500&SelectRegion=West_Africa&SelectCountry=LIBERIA).

The legislation was drawn up by a coalition of women's groups headed by the Association of Female Lawyers in response to a growing number of cases of rape and sexual assault. Under the law rapists can be sentenced to between seven years and life imprisonment, depending on the gravity of the case. Accused rapists will not be granted bail. Rape was common during Liberia's 14-year civil war, but since the war ended two years ago local media has reported an increase in cases.

**related information** Sexual violence has also been reported to be on the increase in Cote D'Ivoire, which has been embroiled in civil conflict since 2002. Ethnically motivated violations against women occur on both sides of the conflict, perpetrators operate without fear as inquiries are rarely completed. Rape, forced marriage and genital mutilation are increasing as is prostitution among poor women.<sup>6</sup>

**also** The International Federation for Human Rights (FIDH) and its member organisation, Liberia Watch for Human Rights (LWHR) are releasing a joint report entitled *'Ballots not bullets! Will human rights be respected in Liberia?'* This report is the result of an investigatory mission to Liberia from August 21 to September 7, 2005, and is available online at: [www.fidh.org/article.php3?id\\_article=2961](http://www.fidh.org/article.php3?id_article=2961).

<sup>6</sup> Womens eNews, *'Rapes on rise in West Africa'*, 10 December 2005, online at: [www.womensenews.org/article.cfm?aid=2558](http://www.womensenews.org/article.cfm?aid=2558).

### Colombia: Constitutional Court delays ruling on changes to total abortion ban

On 7 December 2005, Colombia's Constitutional Court rejected a legal appeal from a female lawyer, asking for the legalisation of abortion on health grounds and for cases of rape, on technical grounds. The Court said it was not possible to consider a revision of the law when the law provides a total ban on abortion.<sup>7</sup> The lawyer, 29-year-old Monica Roa, was asked to re-file the case accordingly.

According to women's rights activists, she had no choice but to request a legalisation of all abortions in Colombia, which is unlikely to be granted as it is not supported by popular opinion. Despite support from high profile people including officials, and the main media, two million signatures against Roa's challenge were gathered in August 2005 by Catholic groups. Roa argues however that the Court should not bend to popular opinion as it is *'in charge of protecting the rights of the minority, which in this case are poor, young women without access to health care'*.

According to Women's eNews, figures released by Colombia's Social Welfare Ministry show that almost a third of women who have abortions (300,000 a year) suffer complications.

Roa's legal challenge started in April 2005 when she consulted with 15 women's groups who had long

experience of working on decriminalising abortion in the country. The lawyer, who is also director of gender justice for Madrid-based Women's Link Worldwide, proposed a new strategy and presented 400 supporting briefs to the Court from a variety of academic and rights groups such as Yale and Harvard law schools, Human Rights Watch and Planned Parenthood. In parallel, women's activists have worked on a bill to reform the law in cases when the mother's health is at risk.

A vote on this partial reform is expected in June 2006 whilst a decision on Roa's legal case is expected before August 2006. However if the Court rejects the lawsuit, Roa is determined to take her case to the monitors of international treaties: In November the United Nations Human Rights Committee ruled that denying access to a legal abortion to a Peruvian woman is a violation of women's human rights. In the meantime, she will continue to suffer from intimidation, harassment and death threats. Her experience in this respect is no different from that of thousands of human rights activists around the world who are being abused for wanting to defend women's rights (see below, *'Women Human Rights Defenders challenge invisibility of their experiences'*).

### Afghanistan: Women fleeing domestic violence imprisoned

Investigating in Herat, northwestern Afghanistan, the Institute of War and Peace Reporting (IWPR) reports that *'married women who leave their husband's home can be imprisoned for a*

<sup>7</sup> Source: Nicole Karsin, 'Colombians Push Abortion Onto National Agenda', 22 December 2005 at [www.womensenews.org/article.cfm/dyn/aid/2577/content/archive](http://www.womensenews.org/article.cfm/dyn/aid/2577/content/archive).

year'.<sup>8</sup> IWPR mentions the case of a woman who ran away from her husband when he started to beat her after taking a second wife. After he reported to the police that she had fled she was jailed for six months.

Soraya Pakzad, head of a non-governmental organisation called *Voice of Women Organisation* said: '*Many women who fall victim to domestic violence kill themselves, because they have nowhere to go.*' This is confirmed by statistics from emergency services at Herat hospital which received 250 cases within the past six months. The head of emergency services, Dr Barakatullah, also confirmed that most women who came to the hospital '*attempted suicide because of family violence*'. Sixty percent of the cases he saw died.

IWPR reports that there is only one shelter in Herat, a city of about 250,000 inhabitants, which was built by the UNHCR, with plans to build another one with a capacity for 60 women.

### **Egypt: Rights bodies urge laws against FGM**

According to UNICEF 97% of married Egyptian women have been circumcised.<sup>9</sup> In Egypt Female Genital Mutilation (FGM) is more commonly practiced in rural areas where it is traditionally seen as a means of ensuring

female chastity, however the practice is not uncommon in middle class urban families.

There are no articles of Egyptian law explicitly banning FGM. A European NGO '*No Peace without Justice*', co-founded by Member of European Parliament Emma Bonino is urging the Egyptian government to legislate against the practice. Currently most anti-FGM campaigning is done at the local level, the group says lack of legislation is one of the biggest impediments facing local rights bodies and activists.

### **Iran: two men executed for homosexual conduct**

Iran continues a pattern of persecution towards gay men in stark violation of the rights to life and privacy, says Human Rights Watch. A Tehran daily newspaper reported that two men were hung in Shahid Bahonar Square of the northern town of Gorgan. The men were executed for the crime of *lavat*, which is defined under Iran's Shari'a penal code as penetrative and non-penetrative acts between men. Jessica Stern of Human Rights Watch's Lesbian, Gay, Bisexual and Transgender Rights Program says "These abuses have created an atmosphere of terror for lesbians, gays, bisexuals and transgender people throughout Iran".

Human Rights Watch calls upon the Iranian government to decriminalise homosexuality in line with its obligations under *Toonen v. Australia* (1994), the Human Rights Committee's authoritative interpretation of the International Covenant on Civil and Political Rights, to which Iran is party. *Toonen v. Australia*

<sup>8</sup> Sadeq Behnam, Sudabah Belqis, 'No Refuge for Afghan Runaways', *IWPR Women's Perspectives*, No. 17, 22 December 2005, online at [www.iwpr.net/?p=wpr&s=f&o=258824&apc\\_state=he nh](http://www.iwpr.net/?p=wpr&s=f&o=258824&apc_state=he nh).

<sup>9</sup> IRIN, *Egypt: Rights bodies urge laws against FGM*, 28 November 2005, online at: [www.irinnews.org/report.asp?ReportID=50341&SelectRegion=Middle\\_East&SelectCountry=EGYPT](http://www.irinnews.org/report.asp?ReportID=50341&SelectRegion=Middle_East&SelectCountry=EGYPT).

extends recognition of the right to privacy and the right to freedom from discrimination on the grounds of sexual orientation throughout human rights law.<sup>10</sup>

### **US Bill will be devastating to refugee women and children**

The Women's Commission for Refugee Women and Children (WCRWC) says that the US House of Representatives' *'Border Protection, Antiterrorism and Illegal Immigration Control Act'* will be devastating to refugee women and children.<sup>11</sup> The bill will expand the mandatory detention of immigrants, WCRWC says *'This provision disregards the reality that female asylum seekers have often suffered gender-based persecution in their home countries and may be further traumatized by detention... The provision was created to ensure attendance at immigration proceedings, but expert studies done in collaboration with the former INS have shown that 91 percent of immigrants in alternative detention programs attend their immigration proceedings.'*

Further, the bill's provision for expedited removal will cause more women and children to be returned to potentially life-threatening situations. The bill also introduces a new standard for federal court review: As less than half of women and children in detention have

legal representation WCRWC says *'it is extraordinarily unlikely that these asylum seekers will be able to meet this standard. Therefore, this in-depth review, which currently operates as a safety net for these vulnerable populations, will become unattainable'*.

### **European Commission proposes human rights centred approach to fighting trafficking**

The European Commission (EC) has called for an integrated approach in the fight against trafficking.<sup>12</sup> In an October conference the EC presented an action plan to Parliament, focusing on the need for a human rights centred approach in the policies of the EU and its member parties. The communication *'Fighting trafficking'* recommends a coordinated policy response in the areas of freedom, security, justice, external relations, development cooperation, employment, gender equality and non-discrimination.

**Signatories to Council of Europe Convention on Action against Trafficking in Human Beings** A further 7 countries became signatories to the Council of Europe Convention on Action against Trafficking in Human Beings on 17 November; Andorra, Belgium, Germany, Greece, Netherlands, the former Yugoslav Republic of Macedonia and Ukraine. This brings the total number of signatories to 23. The UK has left to sign.

<sup>10</sup> Human Rights Watch, *Iran: Two more executions for homosexual conduct*, 22 November 2005, <http://hrw.org/english/docs/2005/11/21/iran12072.txt.htm>, retrieved 9<sup>th</sup> January 2006

<sup>11</sup> Women's Commission for Refugee Women and Children, *'House Bill devastating to Women and Children Asylum Seekers'*, 13 December 2005, [www.womenscommission.org/archive/05/press\\_releases/121305.shtml](http://www.womenscommission.org/archive/05/press_releases/121305.shtml).

<sup>12</sup> Source: Trafficking Network Newsletter, December 2005.

International actions & events

**Women Human Rights Defenders challenge invisibility of their experiences**

A historic global consultation attended by nearly 200 women rights activists from around 70 countries worldwide took place in Colombo, Sri Lanka, in December last year. The event is linked to an international campaign entitled '*Defending Women Defending Rights: the International Campaign on Women Human Rights Defenders*' (ICWHRD).

The consultation meeting aimed to gather experiences of women who defend a range of human rights issues and in particular the human rights of women, and challenge the invisibility of such experiences. Women who organise themselves to defend women's rights, face a range of abuses because of their gender and their activism, from intimidation and discrimination to harassment and violence.

Sunila Abeysekera, Director of INFORM (Sri Lanka), and a member of the international coordinating committee behind the organisation of the consultation said: '*Every day activists across the world suffer serious abuses in the course of their work as women human rights defenders. Many women have already paid with their lives for their courage and commitment to the defense of human rights. (...) Our advocacy often results in gender-related abuses including rape, psychiatric incarceration, and restrictions on access to rights of expression and association.*

*Yet these violations are frequently not recognized or validated. This meeting has challenged that invisibility and celebrated the efforts of women human rights defenders around the world.*<sup>13</sup>

The consultation also aimed to devise practical strategies to address the vulnerabilities of women's rights defenders in an increasingly hostile climate against social and human rights defenders globally, and specifically in the context of a global rise in fundamentalisms and militarism.

For full details on the International Campaign for the recognition and protection of human rights defenders, in particular women, see the campaign's website at [www.defendingwomen-defendingrights.org/](http://www.defendingwomen-defendingrights.org/).

**Equality Now campaigns for a woman UN Secretary-General**

Equality Now is running a campaign to call for the election of a woman Secretary General as the head of the United Nations when current Secretary-General Kofi Annan's term ends in 2006. The organisation pinpoints that no woman has ever been elected to this position in the sixty years of the international organisation whilst women remain underrepresented in higher positions: '*As of 30 June 2005, women occupied only 37.1% of professional and higher positions and only 16.2% of the Under-Secretaries General were women.*' Equality Now stresses that this inequality

<sup>13</sup> See 'Historic Gathering of Women Human Rights Defenders Closes' 2 December 2005 at [www.defendingwomen-defendingrights.org/day2\\_icwhrd.php](http://www.defendingwomen-defendingrights.org/day2_icwhrd.php).



in women's access to positions of decision-making power around the world *'hinders progress toward all the United Nations' goals, including equality, development and peace.'*

Yet many qualified women from all regions of the world could serve as Secretary-General. Equality Now names a small number of individuals to illustrate this. To ask the Security Council (responsible for recommending a candidate for Secretary-General to the General Assembly) to seek qualified women candidates and support the election of a woman at the head of the UN, visit Equality Now's weblink at: [www.equalitynow.org/english/actions/action\\_1102\\_en.html](http://www.equalitynow.org/english/actions/action_1102_en.html).

### UK News

#### UK Government urged to provide protection to all trafficked people

Four UK charities, Amnesty International, Anti-Slavery International, ECPAT UK and UNICEF UK produced a joint statement urging protection of all trafficked people in the UK.<sup>14</sup> The charities welcome the Government's launch of a public consultation on its national action plan against human trafficking and its continued commitment to tackling trafficking.<sup>15</sup> But they also

<sup>14</sup> UNICEF, 'UK charities urge protection for all trafficked people in government plan', 5 January 2006, online at:

[www.unicef.org/press/news\\_detail.asp?news\\_id=594](http://www.unicef.org/press/news_detail.asp?news_id=594).

See also BBC News, 'Plans to help victims of trafficking', 5 January 2006, <http://news.bbc.co.uk/1/hi/uk/4580746.stm>.

<sup>15</sup> See Home Office weblink: <http://press.homeoffice.gov.uk/press-releases/consult-human-traffic>.

appeal to the Government to sign the Council of Europe's European Convention on Action Against Trafficking in Human Beings as they say this is *'the only international law that provides trafficked people with guaranteed minimum standards of protection. These include at least 30 days to remain in the country to receive support, including emergency medical assistance, safe housing and legal advice.'*

In their statement they recall that *'hundreds of women, children and men are trafficked to the UK each year. They are coerced, deceived and forced, through the threat or use of violence, into sexual exploitation and into other forms of forced labour, including domestic slavery, agricultural work, packing and construction. However, the support that exists here is available only to women trafficked into prostitution and is accessible under narrow criteria.'*

They urge the Government to ensure the national action plan includes a commitment to access to specialist support and medical help as well as safe houses. They also demand that trafficked people be given a guaranteed minimum period of reflection and a temporary residence permit if deemed at risk. These two provisions are the subjects of the current consultation for which the closing date for contributions is 5 April 2006.

### related news

#### **Trials crack down on trafficking gangs**

At the end of December 2005, a gang of five Albanian brothers WERE jailed for a total of 63 years for trafficking Lithuanian women into prostitution.<sup>16</sup> The Demarku brothers ran a chain of brothels in London, exploiting girls as young as 16. The '*business*' was estimated to be worth £1.8 millions whilst girls were sold to pimps for £4,000.<sup>17</sup>

At the end of an 11 week trial at Southwark Crown Court, Agron Demarku, 22 and his brother Flamur, 34 were sentenced to 18 years, Izzet, 32 was given 14 years, Bedari, 22, eight years and Xhavair, 29 got five years. Xhevair had pleaded guilty to trafficking within the UK and conspiracy to control prostitution before the start of the trial. The men will be deported back to Albania at the end of their sentences and the judge has ordered the seizure of some of their assets. Further hearings will be held to decide on the confiscation of other assets belonging to the group.

The police launched their operation after a tip off from the BBC Six O'clock news who were investigating the disappearance of a 16 years old Lithuanian girl. On one occasion police involved in the four month undercover operation filmed the brothers selling a girl in central London for £4,000.

<sup>16</sup> BBC News, *Sex trafficking gang sent to jail*, 1 December 2005,

<http://news.bbc.co.uk/1/hi/uk/4487712.stm>.

<sup>17</sup> Helen Nugent, 'Leaders of sex slave gang jailed for 18 years', *The Times online*, 2 December 2002 at [www.timesonline.co.uk/article/0,,2-1900344,00.html](http://www.timesonline.co.uk/article/0,,2-1900344,00.html).

The sentencing of the gang came on the same day that a report revealed the number of British men using prostitutes has doubled in the last decade. In another trial, in Wales, also in December last year, two men have been sentenced to six and four years' imprisonment in a young offenders' institution for forcing a Lithuanian woman to have sex with up to nine men a day in Cardiff.<sup>18</sup> She had been sold to the gang for £5,000 who was making over £7,000 a month.

The court heard that the woman was threatened with having '*her hands and feet cut off and have her body sent to her relatives piece by piece*' and that her young sister would be kidnapped and sent to Albania if she attempted to escape. One of the defendants' lawyer called for clemency for his client who had pleaded guilty because he had not earned '*large amounts of money from controlling the woman*'.

But addressing the men, Gjergj Mungiovi-Cuka and Akil Likcani Judge Phillip Richards said: '*Both of you were involved in an evil trade which has been described as the 21st century's slavery. You did it on a purely immoral basis. It is intolerable that such a trade exists in a civilised society.*'

<sup>18</sup> BBC News, 'Brothel "slavery" gang sentenced', 8 December 2005, online at:

<http://news.bbc.co.uk/go/pr/fr/-/1/hi/wales/4510940.stm>.

### Over 200 unaccompanied asylum seeker children found in Liverpool streets, some trafficked for sex

Local newspaper Daily Post revealed that the Council in Liverpool has been looking after more than 230 unaccompanied children found living in the streets.<sup>19</sup> Many of the children are said to have suffered torture, deprivation and trauma as well as witnessing their parents being killed. Others simply do not know where their parents are.

Charity worker, Lynn Learman, Co-ordinator of asylum and refugee counselling services for PSS (Personal Service Society) reports that some of the children have been child soldiers and others have been trafficked and sold for sex or other work. According to the Daily Post, Councillor Flo Clucas said: *'We have not had a major problem in relation to the sex trade like London has but my fear is that we are starting to see that now. The numbers we have been getting in have been increasing year on year for the last ten years'.*

The newspaper reports that Liverpool Council is planning to set up a specialist team to deal with the influx of unaccompanied asylum seeker children thanks to a £750,000 grant.

<sup>19</sup> Deborah James, 'Deserted children shelter in city', *Daily Post*, 28 December 2005, found at: [http://icliverpool.icnetwork.co.uk/0100news/0100regionalnews/tm\\_objectid=16525921%26method=full%26siteid=50061%26headline=deserted%2dchildren%2dshelter%2din%2dcity-name\\_page.html](http://icliverpool.icnetwork.co.uk/0100news/0100regionalnews/tm_objectid=16525921%26method=full%26siteid=50061%26headline=deserted%2dchildren%2dshelter%2din%2dcity-name_page.html). Story circulated by IRR News Article, 6 January 2006.

### RWRP News

With a new year ahead of us, RWRP would like to take the opportunity to reflect back on its achievements in 2005. In partnership with the Refugee Women's Association, Refugee Council, Refugee Action and AFRW (and not British Red Cross Refugee Unit, IMECE Turkish speaking women's group and the Iranian Community Centre as stated in WAN 55, p. 3), we held a seminar during Refugee Week in June 2005 entitled '*Why Women Flee: Persecution against women*'. Subsequently the Home Office held a meeting with the organisers to discuss a wide range of asylum issues relevant to women. The report of the seminar is available on our website at [www.asylumaid.org.uk](http://www.asylumaid.org.uk).

Throughout 2005 RWRP also provided workshops or presentations to refugee/women's organisations on topics such as the rights of asylum seeking women and women with HIV at the rate of over one a month. At the same time, we encouraged the UK Government to use its presidency of the European Union to promote gender guidelines across the EU. As a result, the UK Government tabled a paper by RWRP at the Inter-Governmental Committee Asylum Working Group meeting on gender persecution held on 15/16 November in Geneva.

We published research on the extent to which international human rights instruments can benefit women asylum seekers and ran a seminar on this with the Law Society. Started also in 2005, RWRP is currently completing research

into the extent to which the Home Office has implemented its Asylum Policy Instructions on gender guidance in the asylum claims.

And of course we have continued to document women's asylum issues in this bulletin, which continues to receive appraisal for all corners of the world. We would like to thank all our readers for their generous comments and continuous support! In addition we would like to warmly thank our volunteers Margaret Kiloh and Candida Kandeya who helped with the cataloguing and filing materials documenting the experiences of women refugees for our Country Information Library.

A final note: In 2005 also, RWRP welcomed back from maternity leave our asylum support caseworker, Alice Webb, after giving birth to a gorgeous baby daughter!

We start 2006 with more commitment to enable women seeking asylum in the UK to obtain protection and security, to maintain their dignity and to be treated with respect during the process. Already RWRP has contributed to the Joint Committee on Human Rights inquiry into the Human Rights of People Trafficked into the UK:<sup>20</sup> Asylum Aid's policy on trafficking is now available on our website at [www.asylumaid.org.uk](http://www.asylumaid.org.uk).

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<sup>20</sup> See WAN issue no. 55, November/December 2005, p. 6.

### UK projects: Update on '*Women Asylum Seekers from Pakistan*' research project

Sajida Ismail provides us below with the first of several planned updates over the next year on this trans-national action research project on '*Women Asylum Seekers from Pakistan*' (WASP) who seek refugee protection against domestic violence:

'The project is a South Manchester Law Centre initiative, and is being conducted in partnership with Manchester Metropolitan University. The Big Lottery Fund has awarded the Law Centre a research grant to carry out the study. Two research workers have been seconded to the project from the Law Centre: Nadia Siddiqui and Sajida Ismail.

Our aim is 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. Central to this will be the generation of a detailed picture of the processes, options and rights of women at each stage of a journey from fleeing Pakistan, seeking asylum in the UK and on forced return to Pakistan. We seek to convey the complexity and gender-specific nature of the factors that affect the persecution of these women. In instances where women have been successful in their claims we will consult with women as refugees on whether there are additional access issues to their inclusion as members of wider society.

We aim to contribute to the body of evidence on the global extent of violence against women and the extent to which the Refugee Convention and the human rights convention offer real protection to women.

The project was formally and successfully launched on 8 November 2005 at an event held in Manchester. In spite of the wet and grey weather, the event was extremely well attended with broad representation from the legal, voluntary, statutory and education sectors and with women from across the country who themselves have sought asylum based on domestic violence. This fact in itself is indicative of the extent to which women seeking asylum on this issue are reliant on any form support.

Dr. Aisha Gill from the University of Roehampton spoke about the relationship between gender, violence and citizenship with a particular focus on the vulnerabilities that women asylum seekers and refugees encounter. Two Pakistani women also spoke about their experiences of fleeing violent marriages in Pakistan, the factors that led them to seek asylum in the UK, their experiences of the asylum system and their continuing fears of persecution if they had to return.

The event itself generated much debate on a range of issues, from the difficulties of gathering evidence about the risks to a woman's safety in Pakistan, questions about why this particular group of nationals have been targeted by the project and the range of factors which influence decision making by the immigration and authorities in the UK.

The initial stage of the project is two fold. We have started an extensive national audit of existing legal, medical, welfare and other service provision for Pakistani women asylum seekers and refugees. This snapshot will enable us to identify key organisations for a programme of intensive consultation and will provide appropriate avenues for reaching groups of Pakistani women asylum seekers and refugees. The process itself has generated numerous networking opportunities and considerable interest in the project.

We have also started establishing key links in Pakistan. One of the two research workers, Nadia Siddiqui, is now in Pakistan embarking on the first field trip to set up the project in four key 'regions': Islamabad, Karachi, Lahore, and Peshawar, and will examine the feasibility of consulting with women in rural and tribal areas. Attempting to establish a project such as WASP in Pakistan carries with it numerous challenges and risks. This is particularly so at a time when there have been a number of high profile cases there on the issue of violence against women, which have exposed considerable and alarming shortfalls in the extent to which women have any appropriate remedies at all.'

For further information about the project, please contact Sajida Ismail by email at [sajida@smlc.org.uk](mailto:sajida@smlc.org.uk) or by telephone on 0161 248 1884. You can contact Nadia Siddiqui at [nadia@smlc.org.uk](mailto:nadia@smlc.org.uk) or by telephone on 0161 248 1879.

### UK events

#### **'Trafficking – planning for action'**

A conference organised by Garden Court Chambers and the Immigration Law Practitioners Association on 10 March 2006, from 9.30 – 5.30 at the Honourable Society of Gray's Inn, 8 South Square, Gray's Inn, London WC1R 5ET. Followed by a reception at Garden Court Chambers 57 – 60 Lincoln's Inn Fields London WC2A 3LS. Cost: £85 including lunch (CPD points available). For booking form and programme contact Naomi Shogbola on [naomis@gclaw.co.uk](mailto:naomis@gclaw.co.uk).

#### **Free introductory course on counselling refugees for refugees October 2006 – July 2007**

Are you a refugee or asylum seeker? Would you like to help others? Are you interested in learning about counselling? Would you like to work in the community? Yes? Then this course is for you.

The Refugee Therapy Centre is running an introductory course on counselling for people who would like to learn about working with refugees and asylum seekers in the community. This course is free for unemployed refugees and asylum seekers. People already volunteering or working in the community will also be welcomed. The Refugee Therapy Centre is a charity run mostly by refugees for refugees.

The course will run on Friday afternoons from 1.30-6.00 p.m. between October 2006 – July 2007. Each week includes a lecture, a seminar with student presentations, and an experiential

discussion group. Over the year subject covered will include:

- Introduction to Counselling, Psychotherapy & Psychoanalysis
- Attachment, separation and loss
- Common mental health problems: depression as a result of trauma and post traumatic stress disorder
- Issues facing professionals working with refugees & asylum seekers
- Therapeutic approaches to working with refugees
- Working with refugees & asylum seekers in a community setting
- Working with people who have experienced torture or violence
- Working with adolescents, families and groups
- Cultural and gender differences
- Cultural variation and mental illness
- Resilience

If you are interested in applying for this course, or would like more information, contact the course administrator via e-mail: [miriam@refugeetherapy.org.uk](mailto:miriam@refugeetherapy.org.uk) or visit online [www.refugeetherapy.org.uk](http://www.refugeetherapy.org.uk). The deadline for applications for the 2006-2007 course is 15th June 2006.

#### **Free Human Rights Training Courses for Refugees and Asylum seekers in the UK- March 2006**

Education Action International will be running the second in a series of popular human rights advocacy courses for refugees and asylum seekers in March 2006. These courses form part of a wider Refugee Advocacy Project (REAP) which seeks to strengthen the role of refugees and asylum seekers in the community as

active citizens. More details can be found on [www.refugee-advocacy-project.org.uk](http://www.refugee-advocacy-project.org.uk).

The course runs from **13<sup>th</sup> March- 2<sup>nd</sup> June 2006** and provides practical training for refugees and asylum seekers in the UK who are/want to work to advocate for human rights both in the UK and internationally. Course components include presentation skills, lobbying Parliament, visiting MPs, fundraising, working with UK media, presentation skills and many more. The courses will be held in London with accommodation provided for participants from outside London and travel costs reimbursed for all participants.

For a course application pack (the deadline for applications is 13 February 2006, 1pm) or more information please contact Sonia Omar, the Training Officer on Tel: 020 7426 5814/5825 or email [enquiries@refugee-advocacy-project.org.uk](mailto:enquiries@refugee-advocacy-project.org.uk). Application packs can also be downloaded from the web at the above-mentioned address.

### Support for Refugee Nurses and Midwives

The Ethnic Minorities Employability project can help refugee nurses and midwives register with the Nursing and Midwifery Council and write an updated CV to detail qualifications and experiences. If English is your 2nd or 3rd language, you have qualifications or experience in nursing, and would like some help with the above, please contact: Zahra Sabbagh, Tel: 0151 233 1868 Rufus Olaniyi, Tel: 0151 233 6157 or Carlos Pineda, Tel: 0151 233 6157. Or write to them at: Ethnic Minorities

Employability Project, Job Bank, 4 Tunnel Road, Kensington, Liverpool L7 6QD.

### new publications

UK

#### Review of case law on 'Particular Social Group'

June Fraser, Head of the Women's Unit, Refugee Legal Project (Legal Services Agency) in Glasgow, produced this review in the context of an increasing use of the Refugee Convention ground '*membership of a particular social group*' in asylum appeals. The review aims to assist advisors to identify how the courts are construing this ground and to identify the elements of a successful claim when using it. Completed in mid-November 2005, it provides a short summary of cases determined by then, starting with the case of *Shah and Islam* in 1999.

Crucially the author concludes that '*cases that have led to the recognition of a new Particular Social Group have nearly all resulted from high-quality, in-depth research into the law on discrimination in the country in question, and detailed objective [expert] evidence [in addition to the objective evidence from the usual sources] supporting the argument that the appellant would face serious harm if she or he was to be returned to their home country.*'

A copy of the review can be obtained directly from June Fraser at [junefraser@lsa.org.uk](mailto:junefraser@lsa.org.uk). It will also be posted on the Legal Services Agency's website [www.lsa.org.uk](http://www.lsa.org.uk) in the future.

### Publication on Female Genital Mutilation

The focus of this new publication (Comfort Momoh, ed., *'Female Genital Mutilation'*, Oxford: Radcliffe Publishing, 2005) is mostly the UK with chapters like 'Managing the reality of FGM in the UK' and 'Attitudes towards FGM among Somali women living in the UK' but it has a wider audience with other features such as 'FGM and issues of gender and human rights of women' and 'Strategies for FGM prevention in Europe.' It also covers FGM in relation to child protection and the current healthcare provision for pregnant asylum seekers and refugees in the UK.

health provisions were poor and inadequate. Lastly detainees also said they were penalised for speaking out about their rights and conditions in detention. Over 30 women went on hunger strike earlier this year to highlight their plight in the absence of a proper complaints mechanism.

For a copy please contact the publisher, Crossroads Books, Tel: 020 7482 2496 or email:

[booksvideos@crossroadswomen.net](mailto:booksvideos@crossroadswomen.net).

### new publications

### international

### Women's rights violations at Yarl's Wood removal centre

Legal Action for Women, in collaboration with Black Women's Rape Action Project and Women Against Rape, produced the findings of their investigation into the violations of women's rights in the women-only detention centre in Bedfordshire. Entitled *A "Bleak House" for Our Times: An investigation into women's rights violations at Yarl's Wood Removal Centre*, the report is based on records of 130 women from either Jamaica or Africa who contacted LAW, BWRAP and WAR, and telephone interviews with 90 of them. According to the authors, 70% of those interviewed said they had suffered sexual violence in their home countries.

The accounts provided talk of racism (being called '*black monkeys*'), sexual intimidation and brutality in detention as well as during deportation attempts. In addition, women said that food and

### Domestic violence against women in Russia

Recent research has revealed that 70% of married women in Russia have been subject to violence from their husband.<sup>21</sup> Amnesty's report, *Russian Federation: Nowhere to turn to: Violence against women in the family* reveals widespread incidences of domestic violence. In the report women testify to their ordeal of regular beatings, marital rape, harassment, stalking, attempted murder and their difficulties in finding protection and support. Many women fear speaking out against the abuse in case of reprisals from their husband or social ostracism. Amnesty is concerned about the high level of acceptance of domestic violence in the Russian Federation. The violence

<sup>21</sup> Amnesty International, 'Russian Federation: Violence against women must not be ignored', 14 December 2005, at [ai-news@amnesty.org](mailto:ai-news@amnesty.org). For full text of report see '*Russian Federation: Nowhere to turn to: Violence against women in the family*', (AI Index: EUR 46/056/2005) online at: <http://web.amnesty.org/library/Index/ENGEUR460562005>.



is often excused by police, judges and the women themselves as being due to alcohol, poverty or housing problems, many people including its victims fail to recognise it as a punishable crime.

Amnesty's Europe and Central Asia Programme Director, Nicola Duckworth, reminds the federal government of its obligation to protect women from domestic violence:

*'Violence against women in the family denies women some of their fundamental rights, such as the right to life, to physical and mental integrity, to liberty and security of the person and to freedom of expression. No matter what the personal circumstances of the women are, the state can not deprive them of its protection and has to take effective measures to prevent, protect and punish those, who have subjected women to violence in the family.'*

At a regional level some shelters and support lines have been set up to help women, however there is no national policy regarding domestic violence, making it hard for women to gain adequate protection. Amnesty is concerned that there is a lack of political will to address the issue at the federal level.

Moscow is the largest city in the Russian Federation, with over 10 million inhabitants, yet it doesn't have a single shelter for victims of violence against women.

### ***Women's Rights in the Middle East and North Africa: Citizenship and Justice***

This report by Freedom House (October 2005) is a comprehensive study of women's rights and the status of women in Palestine and 16 countries in the Middle East and North African regions. It is based on a 20-month long research project that includes consultations with women's rights leaders and focus groups on women's issues in three countries. The publication also includes two essays, 'Challenging inequality: Obstacles and opportunities towards women's rights in the Middle East and North Africa' and 'Changing public attitude'.

The authors identified '*a complex series of obstacles that prevent women from enjoying the full range of social, political, civil, and legal rights.*' Areas of concerns highlighted in the report are:

- The inferior status of women due to legal discrimination, with women facing legal discrimination in all aspects of their lives; discrimination in Nationality and Citizenship laws (in no country in the region are women given equal status in the citizenship laws).
- Women's inferior status in family laws referred to as family code or Personal Status Law under the Shari'a systems based on Islamic laws. In nearly all countries, women face gender-based discrimination in the family codes.
- Domestic violence deemed serious in all parts of the region with contributing factors including '*lack of legislation criminalizing domestic*

*violence, lack of government accountability and protections for women's rights inside the home, and social stigmas associated with women victims instead of social disapproval of the perpetrators of domestic violence'.*

- Lack of information, absence of voice and lack of complaint mechanisms against gender discrimination in all but one country, Egypt.

The Freedom House report also includes country ratings and recommendations and can be found online at: <http://65.110.85.181/template.cfm?page=148>. A summary of the country reports can be found on the Egyptian Center for Women's Rights website at: [www.ecwregypt.org/English/researches/2005/womenstatusFH.htm](http://www.ecwregypt.org/English/researches/2005/womenstatusFH.htm).<sup>22</sup>

### related news

**Sana'a Convention calls on Arab countries to enforce women's rights** A Conference held in Yemen in December 2005 on '*Women's Rights in the Arab World*' which gathered 300 participants worldwide, collectively called on Arab governments which had not ratified the Convention on the Elimination of All Forms of discrimination against Women (CEDAW) to do so without delay and condemned countries which had added articles '*negating CEDAW principles*'.<sup>23</sup>

<sup>22</sup> Source: Women Living Under Muslim Laws, [www.wluml.org/english/](http://www.wluml.org/english/).

<sup>23</sup> Integrated Regional Information Network, 'Yemen: Womens' conference tackles rights issues, politics', 6 December 2005, online at: [www.irinnews.org/print.asp?ReportID=50512](http://www.irinnews.org/print.asp?ReportID=50512).

### Study reveals exclusion of people without status from Swedish health services

Médecins Sans Frontières (MSF) has published a new report, *Experiences of Godma in Sweden: Exclusion from health care for immigrants living without legal status*. MSF surveyed 102 patients who had used their services and found that immigrants living without legal status in Sweden face significant barriers to accessing health care. This group includes both those who have had their claim for asylum rejected and those who have never claimed asylum. Godma, meaning 'hidden', is a generic term used to refer to this group.

Godma are excluded from accessing primary and maternity health care. Swedish legislation only allows for immediate health care which translates as urgent care at an Emergency department. There is no cost-reimbursement scheme for hospitals who treat Godma patients who have to bear the cost of any treatment that they receive which is often expensive and unaffordable to those on no income. Provision of health care is left to non-governmental organisations who do so on a voluntary basis. The report found that barriers for Godma in accessing health care included; fear of approaching services, feeling they were not entitled to seek care, cost of consultation and medication.

The report recommends that the Swedish government provide a legal framework to allow access to health care for Godma at public health services, that the cost of health care and medication is subsidized for Godma patients and that

the government should set up a cost reimbursement scheme for health care services treating Godma.<sup>24</sup>

### **IRC Mortality study from DR Congo says 38,000 die each month**

The International Rescue Committee-led mortality survey carried out in the Democratic Republic of Congo (DRC) shows that 3.8 million people have died as a direct or indirect result of the conflict – the most deadly since World War II – that has been ravaging the country for six years.<sup>25</sup> The conflict itself contributes to only 2% of the total deaths, the great majority – 70% according to the survey – being due to preventable and treatable diseases in the insecure Eastern areas of the country. However the conflict is a key factor in the levels of mortality as it seriously impedes access to health care facilities. Nationally the crude mortality rate is 40 percent higher than the average for Africa as the country experiences 1,250 excess deaths every day or 38,000 per month.

### **'Inside the Home, Outside the Law Abuse of Child Domestic Workers in Morocco'**

This report by Human Rights Watch documents '*cases of girls as young as five working 100 or more hours per week, without rest breaks or days off, for as little as six and a half Moroccan*

<sup>24</sup> Medecins Sans Frontieres, Experiences of Godma in Sweden: Exclusion from health care for immigrants living without status,

<sup>25</sup> International Rescue Committee, 'The Lancet Publishes IRC Mortality Study from DR Congo; 3.9 Million Have Died: 38,000 Die per Month', [www.theirc.org/news/page.jsp?itemID=27819067](http://www.theirc.org/news/page.jsp?itemID=27819067).

*dirhams (about \$0.70) a day. Current and former child domestics describe frequent physical and verbal abuse, denial of education and of adequate food and medical care, and sexual harassment by employers or their relatives. Some domestics said that employers forced them to work against their will by beating them, locking them indoors, or refusing to pay those who wanted to quit.'* The report can be found online at: <http://hrw-weekly.c.topica.com/maael1eabnbZsbcsUPIb/>.

### online resources

### international

### **UNHCR launches webpage dedicated to European asylum law and policy**

The UNHCR has launched a new web page dedicated to asylum law and policy within the European Union. The page contains a collection of UNHCR observations on EC law and EU policy development on asylum and refugee protection. UNHCR's comments address proposed and adopted texts of the European Council, the European Parliament and the European Commission.

The page also carries news stories, briefing notes, press releases and links to the 'UNHCR Tool Boxes on EU Asylum Matters'. See 'Protecting Refugees' webpage of the UNHCR website ([www.unhcr.org/protect](http://www.unhcr.org/protect)), or directly at: [www.unhcr.org/cgi-bin/texis/vtx/protect?id=43672f0a2](http://www.unhcr.org/cgi-bin/texis/vtx/protect?id=43672f0a2).

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