

Women's ASYLUM NEWS

Refugee Women's Resource Project - Asylum Aid - Issue 29 Feb 2003

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Government proposal to create regional UN 'protection areas' represents a great threat to women and other asylum seekers' safety

An article published by *The Guardian* on 5 February 2003 revealed a confidential joint Cabinet Office and Home Office proposal that would deny the right to seek asylum to a majority of asylum seekers in Britain: instead they would be deported to designated United Nations (UN) 'protection areas' where their applications would be processed by the United Nations High Commission for Refugees (UNHCR).

According to this 'new global asylum system', 'protection areas' would include sites in Turkey, Iran and Iraqi Kurdistan for Iraqi refugees; northern Somalia for refugees from southern Somalia; and Morocco for Algerians: 'Asylum seekers would stay in the UN special 'protection areas' for six months while the position in their home country stabilised'.¹

The proposal to provide protection for asylum seekers in their regions of origin is not a new one. It was suggested by Jack Straw, then Home Office Secretary, in early 2001 ('Lisbon proposal'). At that time RWRP highlighted the dangers and shortcomings of such a scheme, and more specifically for women asylum seekers.² As in 2001, this confidential scheme ignores a number of facts, ultimately putting the life of thousands at serious risk.

First, to suggest that situations that have led refugees to flee their countries will stabilise within six months disregards the experiences of millions of refugees unable to return home sometimes for decades. The great majority, nearly three quarters of the world's refugees flee or seek asylum in neighbouring countries in their region of origin in the South. These countries are poor and, due to the presence of millions of refugees, experience 'severe social economic and environmental strains but may [also experience] threats to [their] domestic and regional stability'.³

¹ Seumas Milne and Alan Travis, 'Safe havens plan to slash asylum numbers', in *The Guardian*, Wednesday February 5, 2003 at www.guardian.co.uk/Refugees_in_Britain/Story/0,2763,889115,00.html

² See RWRP, 'Refugee Women and Women asylum seekers should not be penalised', at www.asylumaid.org.uk

³ James Milner, Gil Loescher, 'New safety or old danger? UN 'protection areas' for refugees', 13 February 2003, at www.opendemocracy.net/themes/article.jsp?id=2&articleid=973.

Adding to their burden by sending them asylum seekers that have sought protection in Europe is *'unrealistic and unethical'*.⁴

Human rights abuses prevalent in 'protection areas'

Crucially the scheme would also put hundreds of thousands of asylum seekers at risk of further human rights abuses in these *'protection areas'* which are known to have poor human rights records: Refugees and asylum seekers face persecution on a regular basis as was sadly demonstrated during events in Egypt only last month.

According to Human Rights Watch, *'hundreds of foreigners, including refugees and asylum seekers, were beaten and jailed during two nights of racially-motivated arrests in Cairo'*, in January this year.⁵ The asylum seekers and refugees were arrested by plainclothes policemen and security forces who repeatedly told refugees that their blue UNHCR identification cards were *'useless'*.

A witness described how during their raids they picked up a woman *'with a nine-month-old baby which was coughing and sick, and a two-year-old girl'*. Along with hundreds of others, they were detained in inhumane conditions in two separate police stations. Evidence confirmed by witnesses showed that the foreigners were targeted because they were Black. Human Rights Watch reports that a Nigerian testified: *'The police and people here do not believe in human rights. And they do not even seem to believe that black people are human'*.

⁴ James Milner, Gil Loescher, 'New safety or old danger? UN *'protection areas'* for refugees', 13 February 2003, at www.opendemocracy.net/themes/article.jsp?id=2&articleid=973.

⁵ Human Rights Watch, New York, 10 February 2003 at www.hrw.org/.

UN: No guarantee for women and children's protection

In such a context, with limited or no legal safeguards for the protection of refugees, it is highly unlikely that the safety of women and children could be guaranteed. Evidence shows that whether living in camps or resettled, women and their children remain vulnerable to violence and abuses, including sexual assaults, rape, sexual enslavement and domestic violence.

The new proposal suggests that UNHCR will be in charge of the administration of the new *'protection areas'*. Yet, although protection is at the heart of UNHCR's mandate, the international agency remains under-resourced for most of its interventions and unable to guarantee the provision of such protection.

For instance, UNHCR produced guidelines relating to the safety of refugee women more than a decade ago but the agency has only been able to implement its principles in a limited number of programmes and only recently, due to a lack of *'interest'* from international donors. In the meantime scores of women and children continue to be victims of sexual aggression or enslavement with no concrete means of protection, even inside UNHCR refugee camps.⁶

Unless meaningful protection forces are implemented, proposals to deport refugees to these regions will not address the issues of their safety and protection as the experiences in

⁶ A notorious situation in Kenyan refugee camps located in remote areas in the north of the country, as we reported in our research publication *'No Upright Words, the Human Rights of Women in Kenya'*, RWRP, February 2001, pp. 43-45.

countries such as Kenya, DRC or Guinea have demonstrated. In these countries, women and their children represent easy targets in terms of sexual abuses and/or killings.

In addition, RWRP believes that in their own regions of origin, women who are fleeing gender-based persecution are unlikely to find the type of protection they need.

The protection of women against gender-based persecution requires the adoption of a gender-based legal framework with specialist knowledge and adequate judicial institutions, which are often lacking in the 'protection areas'. It is doubtful that there will be political will to incorporate such a framework and guarantee the rights of women to be free from their persecutors and/or be able to prosecute them according to international standards. Further, there is a risk that women who disagree with repressive gender social norms will be deported to regions where such regimes exist.

There are other issues too, which we also stressed in 2001: Deprived of community support and any form of income, it is also extremely difficult for women to find economic opportunities in countries with already serious needs in terms of food and other socio-economic activities. Many are living in dire conditions common to all refugees and asylum seekers. Shifting further responsibility to these poorest countries by requiring them to accommodate refugees that have reached Europe, will only aggravate the welfare and security risks faced by the large number of refugees already in these countries; particularly to women and children.

The consideration of asylum claims and identification of refugees in their own regions also raises the issue of confidentiality, safety and protection for all asylum seekers. Refugees who resettle temporarily in sub-regional contexts might still be the target of political activities, military attacks or revenge killings.

Overseas humanitarian aid in decline and discriminatory

Further, the question of funding is of great concern. Two years ago we said that the proposal to provide protection for refugees in their regions of origin and to increase funding to create better conditions there raised also the issue of how European countries' political priorities are driven by their own individual agenda and interests. This argument still stands today.

Over the last decade, official donors' humanitarian aid levels have declined as a share of the Organisation of Economic Cooperation and Development (OECD) wealth (from 0.33% to 0.22% of their GNP according to OXFAM⁷), demonstrating a declining political and economic interest from the wealthiest western governments.

There is also evidence that western governments' aid is distributed in an unequal way that does not respect people's equal rights to assistance. Western aid to support the 1999 UN appeal for Kosovo and the rest of former Yugoslavia was proportionally (per person in need) 13 times higher than in the case of Sierra Leone and almost 26 times higher than the aid

⁷ See Oxfam's briefing paper, 'An end to forgotten emergencies?', May 2000. All figures in this paragraph are also drawn from the information provided in the same paper.

given to support the UN programme in the Democratic Republic of Congo.⁸ Whilst the three regions were hit by devastating civil wars generating millions of refugees, it is clear that European countries concentrated their efforts and interests on those countries closest to their borders. Other areas generating refugee population do not receive any attention at all.

Western geopolitical interests: a source of chaos for millions of refugees

Conflicts are also generated by geopolitical interests from which European countries are not always disengaged (cf. DRC, Congo-Brazzaville, Liberia, Sierra Leone, Angola, Rwanda, etc.) and where the UN has been reluctant to intervene. Yet such interests have created chaos in the life of millions of refugees, the great majority of whom are women and children. These factors mean that provisions for adequate protection in regions of conflict are very unlikely to be met.

RWRP believes that a more effective and efficient approach to the refugee crisis worldwide should include a more comprehensive look at the impact of individual European countries' foreign policies as well as international trade arrangements (including the arms trade).

Such an approach should include an uncompromising commitment to tackle poverty and promote respect for other recognised human rights as well as a greater commitment to prevent crimes against humanity such as genocide and

political killings. Many of the contemporary repressive regimes that are also producers of refugee populations have found, and still find, support from governments championing economic rights, democracy and human rights for their own citizens whilst overlooking such obligations for others.

Women asylum seekers need extra protection, not extra discrimination

Currently, only a tiny proportion of women and children asylum seekers can find adequate protection in Europe and other Western countries. RWRP believes that women asylum seekers and refugees should be allowed to seek such protection in Europe, without restriction, in accordance with their rights established by the Geneva Convention; but also in accordance with Europe's moral obligations and duties under international treaties relating to the protection of women's rights.

European countries have already taken drastic measures and spent considerable resources trying to prevent refugees from entering the European Union. This leaves many women at the mercy of traffickers and contributes to the plight of tens of thousands of women smuggled and/or trafficked for sexual exploitation or domestic enslavement by organised criminal gangs.

As we concluded two years ago, refugee women and women asylum seekers need extra protection not extra discrimination. Europe should not deny them the right to seek such protection by deporting them back to 'protection areas' with doubtful protection safeguards, when no adequate alternative exists to guarantee their safety and that of their children.

⁸ Oxfam, *ibid.*

Trafficked women still failed by the asylum system in the UK

RWRP's experience is that decision makers, adjudicators and tribunal members continue fail to recognise the protection issues of trafficked women.

Despite assurances from the Home Office that women who are trafficked will be treated as victims it is RWRP's experience that young, frightened women who have escaped their exploiters are treated as harshly, if not more harshly than other asylum seekers.

Recently, Home Office decision makers have felt it appropriate to dispute the age of a minor from Asia who was drugged and trafficked half way across the world. She woke up in the boot of a car not knowing where she was. Because the Home Office have disputed her age, she is 17 years old, we are obliged to risk re-traumatising her by trying to obtain an account for her SEF. If the Home Office had accepted her age we would have had 10 months to try and gain her confidence, arrange sanctuary and support, and assist her to come to an informed decision about her future. This decision may have involved her willingness to give evidence to the police to help them prosecute her traffickers. This "reflection period" would also be in accordance with guidance from Europe of the treatment of victims of trafficking.

The risk now is that the Home Office will refuse her and she will be returned to her country of origin where she runs the risk of being caught by her traffickers and re-sold or re-trafficked.

Another disappointment comes from the Immigration Tribunal in the case of Zina Gjoni (2002) UKIAT06307.

The tribunal has been asked to consider the danger of the appellant being "re-trafficked" on return to Kosovo, her country of origin, but have drawn the conclusion that "There are crucial differences between what happened to the Appellant when she was first abducted and now."

Firstly, they find that the appellant's family "were taken by surprise" and could not contact the police quickly enough to obtain assistance. The tribunal suggests she could report the local man who identified her to the traffickers to the police and noted there was no country evidence to suggest her abductors would seek revenge on her or her family.

The tribunal distinguishes the case from Kinuthia and finds that the appellant had not demonstrated that what had happened to her in the past would happen to her again or whether or not the authorities can or would provide protection. Mr Moulden, chairman of the tribunal, dismissed the appeal.

Until we can educate the decision makers on the horrors of trafficking and the modus operandi of criminal gangs who, often work with the complicity of state officials, and almost always operate by terrorising the victim and her family, young women fall to be sold and re-sold, trafficked and re-trafficked and will fail to obtain the protection they need.

The country evidence used by decision-makers rarely refers to any gender persecution or protection issues (the US State being an exception with a small section dedicated to women). The victims of trafficking join a long list of those who suffer gender related exploitation and persecution who continue to be failed by the asylum system in the UK.

UK News

Section 55 temporarily suspended from 20 February 2003 following High Court decision

On 19 February, the High Court ruled in favour of six asylum seekers who had had their claims for state benefits refused under Home Office rules. Under section 55 of the Nationality, Immigration and Asylum Act, 2002, only asylum seekers who apply "as soon as reasonably practicable" are entitled to housing and benefits.

Justice Collins quashed the section 55 decision letters in the cases of four asylum seekers and declared that the decisions taken in two others were unlawful. He said the way that the law was being implemented was 'flawed':

'I am sure that whatever is done must accord with those fundamental rights which are to be found enshrined not only in the European Convention on Human Rights (ECHR) but in the Universal Declaration of Human Rights and in the constitutions of many civilised countries.

Furthermore, Parliament can surely not have intended that genuine refugees should be faced with the bleak alternatives of returning to persecution (itself a breach of the Refugee Convention) or of destitution.

I am satisfied that there will normally be a real risk that to leave someone destitute will violate Articles 3 and 8.1. I am not persuaded that charity offers a real chance of providing support. It would be surprising if the standards of the ECHR were below those believed

200 years ago to be applicable as the law of humanity'.⁹

The decision was immediately condemned by David Blunkett, and the Government will take the case to appeal. The appeal is likely to be heard at the beginning of March.

As a result of the High Court ruling, 'NASS have informed all agencies that they have suspended issuing negative Section 55 decisions with effect from 20 February 2003 and that all those who have received a negative decision can ask for it to be reconsidered'.¹⁰ The decision was taken upon advice from NASS legal counsel and could be overturned by Ministers.

According to the National Coalition Against Deportations Campaign, an estimated 7,000 asylum seekers have received negative decisions since 8th January 2003, the date when the new rules became effective. The problem now is to ensure that asylum seekers already made destitute will be informed about these changes.

UK Events

Action for Refugee Women, International Women's Day event, 6th March 2003 AFRW is a network of individual refugee women activists, women's groups, community organisations and refugee agencies, working together to make a

⁹ Sources: www.asyluminfo.org; also Cathy Newman and Nikki Tait, 'Plan to issue asylum guidelines to judges', in *Financial Times*, 20 February 2003, at www.ft.com/.

¹⁰ Source: NCADC, 'Section 55 suspended', 20 February 2003, at: www.ncadc.org.uk/.

difference to the lives of refugee women in the UK.

The programme includes presentations on the Nationality, Asylum & Immigration Act 2002 and its implications for refugee women, sessions on women in detention, workshops, activities and performances.

The event, sponsored by the Refugee Council, will take place between 10.00 am to 4.00 pm at Conway Hall, 25 Red Lion Square, London WC1R 3RL. For more information or if you would like to contribute to the event, display art work or information about your organisation, contact Elaheh Rambarzini, Tel 020 7820 3022 or email elaheh.rambarzini@refugeecouncil.org.uk

RWRP New Publications

New Research confirms a lack of gender-sensitive approach to women's asylum claims in the UK

This month, RWRP at Asylum Aid is publishing a new research report on women asylum seekers in the UK.

The report, entitled '*Women asylum seekers in the UK: a gender perspective – some facts and figures*', provides a unique study of women asylum seekers in this country, providing details about their sociological backgrounds, the grounds on which they claim asylum and the nature of abuse they experienced in their country of origin.

The research, based on over 100 cases, also analyses the main reasons provided by the Home Office to refuse women asylum seekers international protection in

the UK under the 1951 Refugee Convention.

It uncovers a lack of gender-sensitive approach to women fleeing gender-based and gender specific persecution amongst Home Office decision-makers. This insensitivity is found to be prevalent not only in relation to women's asylum claims, but also in terms of women's access to the asylum system in the first place; this despite the existence in the UK of unofficial gender guidelines but also the publication of gender guidelines at tribunal level.¹¹

The publication includes the results of a questionnaire survey amongst over 30 legal representatives and caseworkers revealing that both sets of guidelines have generally not caused a change of attitude towards women asylum seekers. The stereotypical image of the male asylum seeker continues to result in a lack of understanding of women's needs for protection in a context where poor quality decision-making and a suspicious outlook on asylum seekers in general dominates the determination process.

Some of the main findings are summarised below:

- The profile of women asylum seekers in the UK reveals a group fairly similar to the overall asylum seeking population in terms of age and region of origin.
- The majority are married but there is also a significant proportion of single women. Also the majority had no children at the time of their asylum

¹¹ Refugee Women's Legal Group, 'Gender Guidelines for the Determination of Asylum Claims in the UK', RWRLG, London, July 1998; Immigration Appellate Authority, '*Asylum Gender Guidelines*', IAA, London, November 2000.

application in the UK. Most have completed secondary education but a significant minority (nearly 45%) have also completed higher education/college or degree level education.

■ Most women come from countries with known records of human rights violations either in the context of civil war or under repressive regimes. They have often suffered traditional forms of abuse, in addition to gender-specific forms of abuse such as sexual assault and rape.

■ Women's asylum claims are usually complex and often based on more than one ground under the 1951 Refugee Convention. Yet in many cases, the decision to refuse women asylum seekers protection under the 1951 Refugee Convention is made on the basis of a gender-blind approach to their claim. In the overall context of poor quality decision-making of asylum claims in the UK, three quarters of women are refused asylum at initial decision stage. However over half of cases determined do obtain refugee status or ELR after appealing against the initial decision.

■ Procedural matters are also preventing women asylum seekers presenting their case adequately. They face obstacles in terms of accessing the asylum seeking process; in the course of the 'fact-finding' process in relation to their claims for asylum and also in terms of ignorance of issues re: gender-related persecution. Basic provisions such as childcare and female interpreters and interviewers are often not available. Medical reports are often not considered before an initial decision is made.

The report includes specific recommendations urging the government to take them into consideration in order to guarantee a fair treatment of women asylum seekers' claims in the UK but also to respond to their specific needs throughout the asylum determination process.

Refugee Women and Domestic Violence: Country studies RWRP is also publishing this month its fourth edition of a series of reports on domestic violence, which includes a new section on India and updates on previously covered countries (Albania, China, Colombia, Kosovo).

The reports examine the situation of women facing domestic violence in their country of origin and the level of state protection available. They also look at the political and cultural contexts of women's position within society.

Although the focus of the reports is domestic violence, they also investigate broader occurrences of gender persecution and discriminatory cultural practices, the legal status of such practices and any legal protections afforded against them. The main purpose of the reports is to provide information for legal representatives to substantiate asylum and human rights claims.

Copies of the new RWRP reports will be available from mid-March. RWRP staff will be available to present the findings of their reports to groups and organisations upon invitation. Please contact Diana Mills, RWRP Coordinator, on 0207 377 5123 or email: dianam@asylumaid.org.uk for more details.

International News

Centre of Gender & Refugee Studies and Amnesty International USA launch Urgent Action against denial of asylum to domestic violence survivor¹²

Ms. Rodi Alvarado fled Guatemala and applied for asylum in the United States in 1995, after suffering ten years of horrific domestic abuse. She sought assistance from the Guatemalan police and the courts but was refused official protection.

A U.S. Immigration Judge granted Ms. Alvarado asylum in 1996, finding that the abuse that she suffered, together with the government's unwillingness or inability to protect her, constituted persecution. But the Immigration and Naturalization Service (INS) appealed that decision, and in 1999, the Board of Immigration Appeals (BIA) reversed that grant in Matter of R-A-.

In 2001, Attorney General Janet Reno vacated the decision in Matter of R-A-, issued proposed regulations that recognized gender-related persecution claims, and directed the BIA to decide Matter of R- A- again after the proposed regulations became final. Those regulations never became final, however.

Now, the Center for Gender & Refugee Studies (CGRS) reports that Attorney General John Ashcroft appears poised to issue regulations that may restrict the scope of gender- related persecution claims and to re-instate the BIA decision in

Matter of R-A, denying protection to Ms. Alvarado.

The Centre for Gender and Refugee Studies has been told that the Department of Justice is planning to issue new gender-persecution regulations before March 1, 2003, when the Attorney General will lose his authority to issue such regulations as a result of the Homeland Security Department reorganization.

These new regulations reportedly will be the legal basis for reinstating the 1999 decision of the BIA denying asylum in the case of Matter of R-A-. CGRS, AI and other groups say the new regulations could severely limit women asylum- seekers fleeing honour killing, sexual slavery, domestic violence, and other gross human rights violations from being protected in the United States.

For more details on how to take action, contact AI USA at refugee@aiusa.org or visit: www.amnestyusa.org/stoptorture/women/actions.html#top

From 'Women in the Middle East':¹³

Kurdish women victims of sterilisation policies At least 17 women from the district of Diyarbakir in Turkey were approached by a medical team, set up by the governor, which took them to the hospital for operation:

According to the president of the women's commission of the Bar Association of Diyarbakir, *'the women were sterilised without their knowledge or pressured into allowing the operation to be carried out'*.

¹² All information extracted from correspondence sent by Centre for Gender & Refugee Studies, 20 February 2003.

¹³ The two following articles are extracted from 'Women in the Middle East', No. 10, February 2003. The issue also covers two more recent cases of honour killings in Jordan and the case of a woman at risk of stoning in Yemen.

The cases were publicised during a symposium '*Violence against women and medicine*' which took place... Several human rights and women's rights groups are conducting further investigations on the cases and what amounts to breaches of human rights and medical ethics.

For more details contact: Ceni-Kurdish Women Peace Office via email: zeni_frauen@gmx.de

Malaysian women told to '*hold their tongues*' and not to oppose polygamy

Perlis state authority in Malaysia took the decision to '*ease regulations on polygamy to deter married Muslims from flocking to southern Thailand to marry again*'. It declared, along with other state authorities in the country: '*polygamy is allowed under Islamic law and must be respected despite protests from certain women's rights groups*'. Women's groups and the Women's Affairs Minister described the decision as an insult to women.

The Mufti of Perlis said that denying polygamy's legality under Islamic laws amounts to committing a '*wrong*'. Some women groups call for a debate on polygamy pointing out that '*many Islamic scholars have refuted the right of men to practise polygamy*': examples are found in Tunisia (where polygamy is banned) and other countries in North Africa and the Middle East where marriage contracts allow women to divorce their husbands if they marry again.

(For source, see also Women's Aid organisation at: www.wao.org.my/news/20030101perlis.htm .

Investigative journalism uncovers police secrecy in trafficking of women into prostitution in Romania

A journalist undercover in Bucharest, Romania, found many opportunities to buy a woman, sometimes directly under the nose of the police whom the traffickers described as '*friends*'.¹⁴

'Despite tough laws against it, prostitution is booming in Bucharest. Newspapers, internet sites, city nightlife guides and many of the city's 10,000 taxi drivers all point you towards places where you can buy what they call "paid love".'

The journalist reports that an estimated 200,000 women in the Balkans are victims of human trafficking each year, according to a recent OSCE-sponsored meeting held in Skopje, Macedonia. The US State Department stated that despite the Romanian government's improved efforts to combat the cross-border crime "*it still does not yet fully comply with minimum standards for the elimination of trafficking*"¹⁵ and '*efforts to investigate and prosecute public officials involved in trafficking "remain limited"*'.

Last year, Human Watch Report also described '*inadequate*' the Romanian government's response to both domestic violence against women and trafficking.

Between 700,000 and four million individuals are estimated to have been bought, sold, transported and held against their will worldwide last year by US State Department.

¹⁴ All information below is drawn from Paul Cristian Radu, '*Freedom at Midnight: Human Trafficking in Romania*', January 2003, at www.iwpr.net/index.pl?archive/bcr3/bcr3_200301_ir_eng_rev.txt

¹⁵ US State Department, '*Trafficking in Persons Report*', June 2002, quoted by Radu, *ibid*.

Victims of wartime rapes, prostitution and human trafficking in jeopardy after theft of details of their identity

Thousands of Kosovar women are at risk after the theft of computer hard drives at the Centre for Protection of Women and Children (CPWC), Pristina, on 4th January.¹⁶ CPWC had collected extensive testimonies from women raped by Serb troops during the NATO bombing and has dealt in recent years with cases of domestic violence, trafficking and forced prostitution.

It is feared that the information (over 650 personal testimonies) might be used to blackmail the victims who had agreed to testify against their abusers or to kill them. The United Nations Mission in Kosovo (UNMIK, police) has been criticised for failing to investigate four previous attempts to break in the centre in the two months prior to the thefts. The authorities are also under criticism for failing to take the incident seriously. At the beginning of February, there was no indication that the police had questioned anybody or recovered the hardware.

International Events

Refugee Women and the Law: gender, interculturalism and asylum in Ireland

is a one day International Conference hosted by the Law Faculty at University College Cork on Saturday 8th March 2003, International Women's Day. The conference aims to promote greater recognition of gender-related persecution as a basis for refugee protection.

The conference will bring together lawyers, refugee women, human rights groups, academics, refugee determination bodies, public officials and others interested in ensuring that women fleeing gender-related persecution receive protection. The conference will also highlight the gendered forms of racism that refugee women face in host communities and the need to integrate a gender perspective into intercultural and anti-racism policies.

A full programme and booking form is available online at: www.ucc.ie/law/rlc. Alternatively contact: Fiona de Londras, refugeewomen@student.ucc.ie ; Mags Walsh, m.walsh@ucc.ie or telephone: (021) 4903414

UK Publications/ Resources

The Safra Project launched their '**Report of Initial Findings: Identifying the difficulties experienced by Muslim LBT women in accessing social and legal services**' on 30 January 2003.¹⁷

The '*Report of Initial Findings*' identifies some of the issues Muslim LBT women in the UK face. Most Muslim LBT women

¹⁶ Alma Lama, 'Kosovar Abuse Victims in Jeopardy', at www.iwpr.net/index.pl.

¹⁷ We are grateful to the Safra Project and in particular Anisa de Jong, Safra Project Asylum Coordinator, for writing this contribution on the new report.

struggle to reconcile their sexual orientation or gender identity with their cultural or religious identities. This struggle can lead to mental health problems such as depression and self-harm. In addition, the consequences of coming out (or being found out) can be extremely harsh and can include rejection by family and friends; intensified pressure to get married, sometimes leading to forced marriage; domestic violence; homelessness; losing custody of children and/or abduction of children.

Muslim LBT women seeking asylum in the UK often have had similar experiences. Many suffered official and unofficial discrimination and/or persecution and violence by their families, communities and official authorities before arriving in the UK. Once in the UK, problems with housing, employment, education, mental health and social isolation are often compounded by their legal status, lack of knowledge about the country, language barriers and very limited financial resources.

Many Muslim LBT women, including refugees and asylum seekers, find it difficult to access appropriate social and legal services to address the social, (mental) health and legal problems they face. Because of the lack of awareness and research in this area as well as limited visibility of Muslim LBT women, many service providers are not aware of the issues. Moreover, when using services, many Muslim LBT women encounter Islamophobic, racist, sexist, homophobic and transphobic behaviour, as well as more general culturally insensitive, gender biased and heterosexist attitudes. These are often experienced in combination.

(Muslim) LBT female asylum seekers, as well as gay male asylum seekers, often find it extremely difficult to 'come out' to the

Home Office interviewer, their legal representative and / or in the presence of an interpreter. This is particularly true if the legal representative or interpreter is Muslim themselves or from a Muslim cultural background. Those who did come out often experienced homophobic, heterosexist or gender insensitive attitudes.

In addition, asylum decision-makers often do not believe that an asylum seeker is really lesbian, gay, bisexual or transgender. For example, they may perceive the fact that someone is or was married; is or was otherwise engaged in a heterosexual relationship or has children as indications of heterosexuality. However, many Muslim women marry at a young age and have children, sometimes before they come out to themselves or to others as being lesbian, bisexual or transgender.

As well as highlighting the experiences and needs of Muslim LBT women, the Safra Project's '*Report of Initial Findings*' makes recommendations for ensuring more accessible and appropriate social and legal services. The discrimination and exclusion of Muslim LBT women experience is the result of multiple interrelated factors and therefore needs a comprehensively inclusive approach.

A truly inclusive approach ensures that cultural sensitivity does not ignore diversity within Muslim communities. Service providers too often assume that Muslims are not LGBT and that LGBT people can not be Muslim. One-dimensional cultural sensitivity can result in service providers not raising LGBT issues or women's rights in relation to Muslims because they fear negative reactions or accusations of racism and cultural insensitivity.

Recommendations made by the Safra Project regarding asylum seekers and

refugees include the need for training, education and awareness raising amongst asylum decision makers, legal representatives, interpreters and other working with refugees to increase their understanding of the issues that (Muslim) LGBT asylum seekers face. The Safra Project also stressed the need for more information sharing between legal practitioners on these issues.

The Safra Project has started developing an on-line resource list for Muslim LBT women. This includes a section on asylum signposting asylum seekers and refugees to sensitive and good legal representatives.

The Safra Project is not a faith group and does not seek to promote any one belief. The project welcomes input from all individuals and groups seeking to combat any and all forms of prejudice. If your organisation works with or provides services for lesbian, gay bisexual and transgender asylum seekers and refugees, or is otherwise actively inclusive of them, please inform the Safra Project who will add you to their list of resources. For more information or to download a copy of the 'Report of Initial Findings', please visit the website: www.safraproject.org or email: info@safraproject.org. For information about the asylum work of the Safra Project, please email asylum@safraproject.org.

Related Information:

The **Lesbian Community Project**, in Manchester, has set up a new confidential support group for women experiencing or who have experienced same sex abuse:¹⁸

Loving me c/o Lesbian Community Project,
P.O. Box 153, Manchester, M60 1LP.

Tel: 0161 273 7128 or email : mail@manchesterlcp.org.uk.
For further information please visit: www.manchesterlcp.org.uk/

DO YOU NEED HELP?

If you are lesbian, gay, bisexual or transgender and have suffered domestic violence, you can contact: Broken Rainbow Hotline Number on 07812 644 914

'**No one is illegal (immigration control and asylum)**' by Steve Cohen¹⁹ is an important collection of essays written from an explicit perspective of opposition to all immigration controls. It rejects the notion that there can be 'fair' or 'anti-racist' controls. At the same time it aims to raise controversial debates within the movement against controls – not least as to what 'no controls' means - in respect to political practice.

'**No One Is Illegal**' emphasizes the historic relationship between immigration status and welfare entitlement. The book begins by delineating the main issues and explaining the new Nationality, Immigration and Asylum Act of 2002. It will therefore be of relevance to professionals working within the field of immigration and welfare. The book also looks at the international aspects of control and how a global fortress is being erected against migrants, immigrants and refugees. The book (OISBN 1 85856 291 0) is available from Trentham Books Ltd, Tel:01782 745567/844699 Fax: 01782 745553 or email: th@trentham-books.co.uk, at the price of £17.99.

¹⁹ An immigration lawyer and an activist against immigration controls for two decades. He was previously coordinator of Greater Manchester Immigration Aid Unit.

¹⁸ Source: | Refed news group.

Human Traffic, Human Rights: Redefining victim protection is a new publication by Anti-Slavery International (2002) that looks at measures to protect trafficked people in ten different countries: Belgium, Colombia, Italy, the Netherlands, Nigeria, Poland, Thailand, Ukraine, the UK and the US. Securing prosecutions of traffickers is not the same as protecting victims' rights. The report, written by Elaine Pearson, includes case studies and documents good and bad treatment by authorities. It concludes with 45 recommendations on areas such as investigation and prosecution, residency status, protection, in-court evidentiary protection, support and assistance, and legal redress and compensation. The report is available for the price of £7 (ISBN 0 900918 55 1) or can be downloaded in PDF at www.antislavery.org/homepage/resources/humantraffichumanrights.htm.

A photocopied version is also available in French (for £5).

International Publications/Resources

The **International Initiative for Justice In Gujarat's interim report** (19 December 2002) is available online at: www.onlinevolunteers.org/gujarat/reports/iijg/.

The report follows the violence that erupted against the Muslim communities in Gujarat, India, and in which women were the central target, from the end of February 2002 onward.²⁰ The International Initiative for Justice in Gujarat was constituted following the lack of political will to provide justice for

the victims. A panel of experts, including jurists, activists, lawyers, writers and academics, visited the region in December 2002 and talked to some of the victims as well as lawyers and support workers. The Panel's Interim report denounces the government's decision to refuse to allow international scrutiny of the events. It also condemns the sexual violence which, in the view of the Panel, '*reflects a longer and larger genocidal project, (...) constitutes a crime against humanity and satisfies the legal definition of genocide, both of which are crimes of the most serious dimension under international law*'. The Panel outlines urgent actions to be taken by the state as well as the international community. (Source: '*Women in the Middle East*, No. 10 February 2003).

A Gap in their Hearts: the experience of separated Somali children is a new report by the UN Office for the Coordination of Humanitarian Affairs (Integrated Regional Information Network (IRIN), 2003), about Somali children whose parents are faced with desperate choices and pay smugglers up to \$10,000 to later abandon their children in airports in foreign countries. The report talks about what happens to these unaccompanied children if they are later sent back home by the Somali diaspora.

The case of these Somali children illustrates a wider phenomenon which is believed to affect up to 100,000 unaccompanied children from 60 different countries who are living in Western Europe at any time. Somali children are one of the largest groups of unaccompanied children with estimates of up to 250 children a month sent out of Mogadishu, the Somali capital.

²⁰ See Also WAN Issue 23, July 2002, pp. 6-7.

In Western countries, IRIN reports, *'many are used for benefit fraud [but also] domestic labour, prostitution or fall into the hands of international criminal gangs'*.

Whichever way they are exploited, the consequences for the children are grave ranging from cultural confusion to severe psychological problems and neglect. Many end up in criminalisation or institutional care: A young woman, who arrived unaccompanied in Sweden as part of a group of 15, said *'she was one of only two to make it through the education system: "Some got pregnant, some became alcoholics, some are on drugs, and some ended up in juvenile centers."*

The fate of those who are sent back by the Somali diaspora, because they have *'failed'*, is equally grim: they face daily bullying and isolation and *'at worse meet with extortion, rape and murder in the hands of child-gangs – a consequence of some of the terrible conditions their peers have suffered in the homeland'*.

A copy of the report is available at: <http://www.irinnews.org/webspecials/Somalichildren/default.asp>

Law of Asylum in the United States

(Refugee Law Centre Inc., 2003) is a new book by Deborah Anker of Harvard Law School, including an up-to-date 2002 Law and Procedures Supplement which contains all recent case law (substantive and procedural), the latest in asylum, Convention Against Torture procedures, new rules and instruction on filing deadlines and unpublished Board of Immigration Appeals' decisions. An extensive appendix describes asylum procedures in the USA and also a comprehensive listing of sources for doing country background information research.

For more details and on how to order the book, visit www.refugeelawcentre.org.

The Immigration and Refugee Board has posted on its website the **'Refugee Protection Claim Process'** at: www.irb.gc.ca/en/about/divisions/rpd/claimant/index_e.htm. The Canadian Council for Refugees contributed to the development of this guide. (Source: CCRLIST@YORKU.CA)

Easy access to UN Human Rights Treaties on the web www.bayefsky.com

was designed to enhance the implementation of the human rights legal standards of the United Nations. It is based on the elemental principle that accessibility to UN human rights norms by individuals everywhere, including victims of human rights abuse, is fundamental to their successful realization. This requires both familiarity with the standards and access to remedial mechanisms.

Materials associated with the treaty system are available in electronic and user-friendly form with separate sections on *'Text to the Treaties'*, *'Amendment to the Treaties'* or *'Working methods of the Treaty Bodies'*. Documents can also be accessed by *'state'*, *'categories'* or *'theme or subject matter'*. There is also a section on *'How to complain about Human Rights Treaty violations'* which details the procedure for the four human rights treaties permitting complaint. (Initial source: CCRLIST@YORKU.CA)

Notice Board

● The UNHCR French Delegation and the International Institute on Human Rights of Strasbourg have organized the **6th Session of the Summer Course on refugees** in

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Strasbourg from 16 -27 June 2003. The deadline for sending the application form is 15 April 2003. Further information on the program and the application form can be downloaded from: www.iidh.org

If you want to subscribe to our free bulletin 'Women's Asylum News' by post or by email, please contact Peggy Saint-Auret on 0207 377 5123 or at peggysa@asylumaid.org.uk.

women's ASYLUM NEWS

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