

women's ASYLUM NEWS

Refugee Women's Resource Project - Asylum Aid - Issue 20 April 2002

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'Mothers in Exile' speaks about the ordeal of pregnant asylum seekers as NASS ignores their needs

The Maternity Alliance's latest report '*Mothers in Exile*' reveals shocking conditions under NASS for women asylum seekers who are pregnant or living with infants. Based on interviews with 33 women carried out in 2001, the report reveals that the needs of pregnant women and women with infants are often totally overlooked by the current system. In some cases, NASS seems to penalise pregnant asylum seekers with rules that block easy access to crucial resources and put the health of the baby at very serious risk.

One such rule is that '*asylum seekers supported by NASS or local authorities do not receive milk tokens and vitamins under the Welfare Foods Scheme. This means that they cannot claim free liquid milk for themselves when pregnant or breastfeeding, or free formula milk for their babies if bottle-feeding. They are also unable to buy cheap formula milk at clinics because clinics do not accept asylum vouchers*'.¹

As a result, and according to the British Medical Association, '*doctors have witnessed mothers watering down milk for*

their babies in order to eke out their asylum vouchers and (...) asylum-seeking mothers may introduce cow's milk at a very early age because formula is unaffordable'.²

As stressed by the report, such a measure may also have a serious impact on HIV positive asylum seekers who are advised not to breastfeed to reduce the risk of HIV transmission to their baby. Some HIV positive women have been found to have occasionally breastfed their babies when they run out of formula milk.

As put by RWRP's outreach worker, Alice Webb, who has experience of supporting pregnant women asylum seekers, such measures are '*indefensible*'. She added: '*it is part of the whole deterrent system but it is inhumane to penalise new born babies and their mothers at the most vulnerable time in their life*'.

Yet only when a mother has been granted asylum is she entitled to the milk tokens. In a context where asylum decisions may take months if not years to materialise, this concession appears particularly contemptible (how many will remember that they can claim back their milk tokens?).

Mothers forced to beg in hospital to get nappies for their newborn babies

¹ McLeish, Jenny, '*Mothers in Exile: Maternity experiences of asylum seekers in England*', Maternity Alliance, February 2002, p.12.

² Quoted by McLeish, *ibid*.

The current level of voucher support provided by NASS is clearly inadequate to cover the needs of pregnant women asylum seekers and their newborn babies. In theory, pregnant women asylum seekers are entitled to £300 maternity grant, providing that they apply to NASS in English, from four weeks before the due date to two weeks after the birth. The grant can only be issued from two weeks before the due date.

Such administrative restrictions represent undue harshness for heavily pregnant pregnant women or new mothers who may not have the physical strength to go on shopping for their babies. Many will not have relatives and friends to help them either (19 out of the 33 women interviewed were not accompanied by a husband or partner).

Moreover, lack of information and the conditions of access to the grant often mean that many women do not have access to it. One RWRP client, G., who does not speak English said that, despite being accommodated by NASS, she never heard about the maternity grant. Her sister (a refugee) helped her from time to time and gave her some clothes.

But many were not so lucky: some of the women described to the Maternity Alliance how they went into labour '*with nothing for their babies*'. The study also reports that '*mothers have been forced to beg from strangers in hospital to get nappies for their newborn babies*'. RWRP outreach worker, Alice Webb, says that such deprivation creates '*real anxiety*' for mothers with newly born babies.

Under pressure from a number of voluntary organisations, NASS has just revised its policy on Maternity payments

(starting from 28 March 2002). This includes an agreement that voluntary sector partners may issue a 'Maternity Pack' to the value of £50 per baby, in respect of those in emergency accommodation, in order to meet immediate needs while their application for NASS support is being considered. NASS has left to voluntary organisations to decide what should be included in this pack. This provision will not affect their right to the full £300 maternity grant once they are dispersed.

Health and Safety at risk in NASS-provided accommodation Although this new provision is good news, other NASS provisions are also clearly undermining the physical and mental health of both mothers and babies:

For instance '*Mothers in Exile*' reveals that full-board emergency accommodations (EA) put the health of pregnant women and their babies at serious risk: problems range from the unsuitability of meals provided (in one case the food was also described as '*disgusting*'); the lack of flexibility for meal provisions (which means that women needing to attend hospital appointments miss out); or lack of access to baby meal preparation areas; the filthiness of shared facilities (women are really anxious that they or their infants may catch an infection) and the risk of sexual harassment.

Assault is not uncommon in premises where women are often a minority. According to the Maternity Alliance, '*there were instances of sexual harassment, so serious at one EA that the women-only floor had to be guarded against the men*'.

Alice Webb, RWRP outreach worker mentioned the case of a 7 months pregnant woman expecting twins who was physically assaulted by a fellow resident in the lift and

was subsequently admitted to hospital. One of the staff at the emergency accommodation described the incident as a 'tiff' and said that the woman 'gave as good as she got'.

Physical safety is also an issue in temporary accommodations and dispersal areas.

Indifference, Rudeness and Racism in Maternity care Perhaps one of the most shocking findings of the study refers to the quality of healthcare and maternity services provided to pregnant women asylum seekers. Whilst half of the women interviewed said they had positive experiences during labour and after the birth, half also said that they experienced 'indifference, rudeness and racism from the health professionals'.

Racism amongst midwives, doctors or even receptionists is not uncommon and according to the Maternity Alliance's own study, it was worst in London. Indeed some good practice were found in the regions: RWRP was informed of a GP in Stoke-on-Trent who took the initiative to train staff in order to tackle this problem and encourage the practice's understanding of the specific needs of women asylum seekers.

Indeed many pregnant asylum seekers would need special support and sensitivity from maternity health providers, not the least because they may already feel distressed and powerless by their circumstances: by leaving their country, most have lost the family support (especially female relatives) which they need at a particularly difficult time of their

lives. In addition, many have had a traumatic experience.³

Despite this, sometimes crucial provisions such as adequate interpreters are not provided. G. was told on one of her numerous trips to the hospital that she needed to find an interpreter to help the hospital to deal with her complications. The Maternity Alliance also reports on the case of a woman who had a caesarean without prior consent as an interpreter arrived only after the operation was carried out. Such practices prevent pregnant asylum seekers from feeling in control of what is happening to them and making informed decisions about how their needs should be met.

The testimony of one woman:
'One social worker asked me, "did I tell you to get pregnant?" In many ways, C.'s testimony is representative of the response some women seeking maternity care got, especially when they want to make their own decisions.⁴

'I came from my country where I lost everything. I found I was pregnant late, four months into the pregnancy. I was told that I would not be able to give birth because I had holes in my womb (because of what happened to me at home). They told me to get rid of my pregnancy. When they told me this, it was like a bombshell. **If you are a doctor you should know how to deliver such information.** 'One social worker asked me: "did I tell you to get

³ 'The Black Women's Rape Action Project estimates that at least half of all women asylum seekers have been raped', quoted by McLeish, op. cit., p.15. See also page 9, on Amnesty International's latest report on torture worldwide.

⁴ K. (not her real name) provided her testimony at the launch of the report 'Mothers in Exile' on 21st March 2002.

pregnant?”. I don't know, may be this only happened to me but **these people are quite rude, yet they are not paid to hurt people. They should know that the baby is the only thing I got.** I ran away from them. I thought I might die'.

'My GP told me: "I can't do magic". The doctor at the hospital said: "you don't want to get rid of it, so everything that happens now is down to you". I did not want a caesarean either as I feared that I would lose the baby or die or that they'd take my womb as well. They wanted to give me injections but I refused, I was too afraid. The people were rude'.

While I was having my labour pain the midwife was reading her newspaper telling me: 'You still have a long time'. Then my waters broke, I was too much in pain. I told her 'I think I weed on myself', I did not know that I lost water. This happened at about 1am. The midwife did nothing until the next morning. I gave birth standing up in the corridor'.

Other problems faced by pregnant women asylum seekers are signposting and access to a GP: for instance, the report says that '*no agency had taken responsibility for directing any of the [33] women to primary healthcare and advocacy services – they had discovered these by word of mouth. This was true even for those women who had arrived in England conspicuously pregnant*'. This was also true of RWRP's client, G., who was four months pregnant when she arrived in the UK. She had various complications whilst living in emergency accommodation but when she asked if she could see a doctor, she was told '*only in case of emergency*'. Her sister found a GP

in her area that was at some distance from the emergency accommodation. She also helped with paying the transport fares.

Lack of Emotional support Despite experiencing a range of emotions including sadness, anxiety, loneliness and powerlessness, and suffering postnatal depression, '*Mothers in Exile*' reports that none of the women '*had been diagnosed or offered any assistance*'. Only two were offered counselling when pregnant.

C. testified: 'When I went from GPs to the Hospital, I never got anyone to listen to me or to care for my feelings apart from the midwives...

I was lonely but I decided to volunteer for an organisation from where I got a lot of support, especially from my coordinator. At St Mary they gave me a lot of clothes and money. But **more importantly they cared for me more than where I was supposed to get care. It is not about giving someone money.** I learnt to live with what I had with the support of the community. My life is a story of survival. I can't have a lot of money but I feel good if someone is there to listen whether what I say is rubbish or not'.

Some of the guiding principles set out in the Expert Maternity Group's report '*Changing Childbirth*', are that '*the woman must be the focus of maternity care, ... every woman has unique needs [and] ... the services provided should be attractive and accessible to all women, particularly those who may be least inclined to use them*'.

Yet, as the Maternity Alliance's report and the testimonies of women like C. and G. demonstrate, it is clear that NASS fails too

many pregnant women asylum seekers by ignoring such basic principles.

UK Caselaw: Ethnic Russian Woman granted asylum from persecution in Kyrgyzstan on account of her 'social group'

A woman from Kyrgyzstan recently gained refugee status after a decision by the Immigration Appeal Tribunal which focuses on the issue of a woman's experiences of persecution being on account of her "social group".

The woman is a divorcee and mother of a son, of Russian ethnic background, and had claimed asylum on the basis that as a divorcee of Russian origin she faced persecution at the hands of the indigenous population who were predominantly nomadic farming people. Women were particularly vulnerable to harassment and sexual abuse.

As she could not speak Kyrgyz, she was forced out of her job as an architect and had to find work in a bread factory production line where she worked with a lot of Kyrgyzstani men who were constantly harassing her, touching her and trying to force her to have sex with them. On one occasion she complained to the police. The Superintendent of the police wished to have sex with her and when she declined, tried to rape her. Outside her place of work she would often face Kyrgyzstani men who would taunt her with sexual innuendos and threaten her verbally.

Her initial refusal of asylum had been overturned by an adjudicator who had found that the State authorities often ignored the problem of violence against women. He considered that she could be

regarded as a member of a social group for the purposes of the Refugee Convention. The Secretary of State appealed against this, claiming that it had not been shown that the State was unwilling or unable to provide protection, and that the authorities were doing all they could to see that women and ethnic Russians were not discriminated against. The woman's solicitor argued however that there had been complicity by the State (the police Superintendent) in the persecution, which meant that the Refugee Convention would apply.

The Tribunal noted that the claimant had approached the appropriate authorities for help, and found that when the police officer attempted to rape her, this was an act of persecution. There had been persecution by both State and non-state agents. The social group which the woman belonged to could be best defined as "single, or single parent, women of Russian ethnic background". The Tribunal also found that there were substantial grounds for concluding that there was a real risk that the woman would suffer degrading treatment if returned, and therefore the potential harm feared by her would fall within Article 3 of the Human Rights Act.

Source: *SSH v. Natalia Gromozdina* [2002] UKIAT00390, Immigration Appeal Tribunal, Mr A.R. Mackey (Chairman); Mr C Thursby, Mr C.A.N. Edinboro
Summarised with thanks from Immigration Law Update, Vol 5 No. 6, Immigration Advisory Service.

Other UK Projects, Events, News

Self-Help Workshops on the rights of women asylum seekers Legal Action for Women, in collaboration with Black Women's Rape Action Project and

Women Against Rape, is organising two workshops on preventing the dispersal, detention and removal of women asylum seekers, and in particular those who have been raped.

The aim of the workshops is to share information on resources currently available to the most vulnerable women threatened with dispersal, detention and deportation, and by doing so, to encourage lawyers to take up such cases.

Hence the workshops will be a platform for rape survivors who will talk about their experiences of being dispersed, detained and/or threatened with removal and how they fought against these procedures; it will also be an opportunity for campaigners who have supported individual women and campaigned against such procedures as well as legal representatives who have helped to fight and win key legal cases, to speak about their experiences.

In addition, participants will be informed of current statutory guidelines, international agreements and legal precedents that protect rape survivors but the workshops will also focus on discussing what additional materials need to be gathered or written to increase protection for women.

The first workshop on **preventing dispersal** is taking place on Thursday 18 April; the second workshop on **preventing detention and removals** is taking place on Thursday 25th April, both from 5.30 to 8.00pm at Crossroads Women's Centre, 230A Kentish Town Road London NW5 2AB

Project for Muslim lesbian, bisexual and transgender women organises first Focus meeting

SAFRA, is a **resource project for lesbian, bisexual and transgender women who are Muslim and / or come from a Muslim background** (Muslim LBT women) who encounter obstacles in obtaining fair and equal social services or legal protection because of their cultural/religious/ethnic identity, gender and sexual orientation.

The aims of the project are to act as a resource project on issues such as homosexuality in Islam, mental health, welfare, safety and asylum, disseminate relevant information to service providers, and work with them in these areas.

SAFRA's first focus meeting will include separate workshops on counselling, housing and benefits, safety and asylum and will also cover related issues such as mental health. The aim of the meeting is to discuss with practitioners how Muslim LBT women can obtain fair social and legal services and the objectives of the workshops are to work with agencies / organisations with the aim to improve service provisions to Muslim LBT women by raising awareness on the issues at stake and disseminating information on available resources.

The meeting will take place on 27 April 2002 at Conway Hall, 25 Red Lion Square. London. WC1R 4RL.

Greater London Domestic Violence Project is producing a new monthly newsletter The first informal edition contains an update on the London Domestic Violence Forum, information on accessing funding sources and details of other services. GLDVP is also in the process of setting up a **centralised database** of existing translation/ interpretation service provision in London:

the database will include both organisations and individuals who provide such services and particularly those who have received some training around domestic violence.

Please contact Rachel Carter, Domestic Violence Development Officer, if you would like to help with this project or if you would like your name to be added to the mailing list. Address: Romney House, Marsham Street, London, SW1P 3PY. Tel: 020 7983 5772, Fax: 020 7983 4063 or email: rachel.carter@london.gov.uk

NCB Conference 'Including Refugee Children: Education and social inclusion issues facing children of asylum seekers'

This one-day conference taking place on Thursday 25th April 2002 will bring together all those professionals involved in the education of children of asylum seekers and refugees to explore common issues, consider the diverse problems faced by different areas, disseminate good practice and raise levels of awareness.

A series of workshop will include: meeting English language needs; supporting a mobile school population; curriculum activities to support integration and parent-community participation.

The cost of the conference is £88.13 (Inc VAT). **Venue:** National Children's Bureau 8 Wakley Street, London EC1V 7QE For further information please contact: 020 7 843 1903 or **Email:** conferences@ncb.org.uk

'No more attacks on asylum rights': Asylum Rights Campaign

(ARC) organises a rally to defend asylum seekers rights The rally is taking place on **Sunday 12 May at 1pm at Trafalgar Square** (nearest tube: Charing Cross) in order to campaign against some of the changes to immigration, asylum and nationality procedures proposed by the government in its latest White Paper '*Secure Borders, Safe Haven*' (see Asylum Aid's response to the White Paper on our website www.asylumaid.org.uk).

The campaign aims to raise public awareness of the contents of the government's proposals and the likely impact of these measures on asylum rights and race relations. Speakers include: Ken Livingstone, Mayor of London, Tony Young, President of the TUC, Diane Abbott, MP, and Lee Jasper, National Assembly Against Racism.

International News

Woman journalist reports on rape of Chechen women who cannot 'pay' Russian soldiers The war in Chechnya remains largely unreported by journalists with the exception of Anna Politkovskaya, a Russian journalist who was awarded the Most Courageous Defence of Freedom of Expression (Index on Censorship's Freedom of Expression Awards) on March 21.

Despite official harassment, arrest and crude threats of rape and murder, Anna Politkovskaya has continued to report on the terrorising of Chechen civilians, as well as the torture and barbarities committed on both sides. She has made 40 visits to the Chechen republic, providing Novaya Gazeta - a small, liberal and independent

bi-weekly Russian paper - with meticulously researched reports.⁵

Anna Politkovskaya also recently reported on the cases of Chechen women who are threatened with rape by Russian soldiers requesting money during 'clean up' operations: According to the journalist, two women whose house was visited by soldiers at the end of January did not have the cash requested (about £8) and were told '*then we will screw you in front of your mum and dad*' before being brutally raped.

Whilst women who hand over their earrings and necklaces are spared, the poorest who have nothing suffer the most. Money is also demanded from men who are threatened with being taken away to 'filtration centres' where they face interrogation and torture.

Source: 'Soldier rapists "clean up" Chechnya', *The Observer*, 7 April 2002; Also 'Tribute to a Russian journalist's expose of the Chechen war' online at www.mediaweb.co.za/ArticleDetail.asp?ID=1957. See also Politkovskaya, A., '*A Dirty War: A Russian Reporter in Chechnya*', The Harvill Press, London, 2001.

Nigerian Women still threatened with death by stoning for adultery in Islamic northern states

Safiya Husseini, sentenced to death by stoning for adultery in October 2001, in Sokoto, Nigeria, was acquitted by Shari'a Appeal Court the grounds that the lower

⁵ Russian courts have recently imposed two huge libel fines on the paper, of more than £700,000, in an attempt to force it into bankruptcy and silence its criticisms.

court erred in convicting the woman by not ascertaining her sanity and confirming whether she understood the meaning of Zina (adultery). The judges found that Safiya might not have understood the meaning of the Arabic word and therefore the charges against her before accepting guilt (in contravention of Section 36(b) of the Constitution). The judges condemned the manner in which Safiya was arrested and the fact that she had not been told the reasons for the arrest.

According to the ruling, the lower court further erred in its procedure by not informing the woman that she had the right to withdraw her statement (Section 153, Penal Code): '*In Islamic law, if an accused confesses and withdraws the confession after the judgment, the court should accept the withdrawal*'.

The judges also pointed that after her conviction, Safiya was not told that she had the right to appeal against the judgment. As a result, the final judgment was considered faulty. Furthermore, the lower court had not provided details of the date, time and location where the offence was allegedly committed thus contravening again the provision of the Islamic Sharia Code.

The judgment came after widespread local and international pressure, including an intervention from the European Union. However, on the same day that Safiya was acquitted, another woman was sentenced to death by stoning in Bakori, Katsina State (also in Northern Nigeria), after a court found her guilty of adultery which resulted in the birth of a baby girl out of wedlock.

The divorced woman said that a man whom she dated for over 11 months had lured her into committing adultery after promising to

marry her. Whilst she claims that she had sexual intercourse with him several times, the man denied having had any sexual relationship with her. The woman, whose guilty verdict was based on her confession and the birth of the baby girl out of wedlock, was asked by the court to produce four witnesses. In contrast, the man who pleaded not guilty was only required to swear by oath (see also WAN Issue 16 on the discrepancy of the burden of proof requested from men and women in adultery cases).

This second sentence was also vehemently criticised by human rights organisations and spurred a national debate after the Attorney General of the Nigerian Federation and Minister for Justice, Kanu Agabi, wrote a letter to the governors of the 12 northern states operating the Shar'ia legal system asking them to modify all criminal laws of their states. The Attorney General declared that it was unconstitutional for them to impose punishment that was more severe than that of other Nigerians for the same offence. Other officials urged the Federal Government to intervene to '*stop violations of human rights by the Shar'ia states*'.

Reacting to the letter, some prominent people warned that qualifying the Shar'ia as illegal could provoke religious or civil unrest. One governor however suggested that the Attorney General laid the issue before a court of law who would be responsible to '*make a definitive and binding pronouncement on how constitutional the actions of the "Sharia governors" were*'.

His position was supported by human rights organisations such as the Committee for the Defence of Human Rights and the Constitutional Rights Project: Both called

for the government to take the matter to the Supreme Court which they believe will not support the Shar'ia. They said that Nigeria rules of law should be based on one secular constitution, not two.

One human rights representative declared that the implementation of the Shar'ia will remain controversial as long as it continues to target women and non-Muslims. A journalist also questioned the fact that the rich and influential in the northern states seem to be exempted from punishments as set in the Shar'ia: '*those amputated so far, those visited with horsewhips and the young woman seemingly bound for death by stoning are from the dregs of society*'.

Source: Newspapers *Vanguard* (22, 25 and 26 March 2002, Lagos) and *This Day* (22 and 25 March 2002, Lagos) at www.allafrica.com/religion/bydate/ and femmes-afrique-info.

Chadian woman lawyer receives award for Human Rights Defender

On 11 April 2002, Jacqueline Moudeina, the lawyer for the victims of the former dictator of Chad, Hissene Habre (and one of the few female lawyers in Chad), received the 2002 Martin Ennals Award for Human Rights Defenders. According to Amnesty International, '*she took enormous risks by filing complaints in Chad against a number of Habre's accomplices, many of whom are still in positions of power. She also is one of the lawyers in the case against Habre himself in Senegal, where he lives in exile*'. Jacqueline Moudeina works for a local human rights NGO, ATPDH, an partner organisation of the international NGO, 'Agir Ensemble pour les droits de l'Homme', based in Paris, France (source: www.amnesty.org and www.asi.fr/agir-ensemble/).

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