

Women's Asylum News

Women's Project at Asylum Aid

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'The asylum system must wake up to victims of sexual and domestic violence': Influential committee of MPs calls for urgent asylum reform

article by Debora Singer & Russell Hargrave, Asylum Aid

Asylum Aid and other organisations have lobbied MPs for an in-depth inquiry into asylum for many years. The rights of women seeking asylum have long been overlooked by ministers and politicians, so we called on the Home Affairs Select Committee to make gender rights central to any investigation.

Plans to hold an inquiry were first confirmed towards the end of 2010, but the pressure of the parliamentary calendar meant that written and oral evidence was not invited until this summer. Having read more than 120 written submissions, and interviewed dozens of expert witnesses, the Committee published its findings on 11th October 2013.

The Home Affairs Select Committee is one of the most influential in Parliament. Its cross-party membership of MPs scrutinise Home Office policy and its likely impact, and holds the government to account where its policy is inadequate or ill-conceived. It questions the Home Secretary and senior civil servants several times a year, but this is the first time that it has commenced [a full inquiry into the UK asylum system](#).

The topic of gender was a key theme throughout. In this article, we summarise the findings of the Committee in relation to the rights of women seeking asylum and the relevant recommendations.

Overall findings

Drawing on evidence from Asylum Aid and many others, the Committee identified that the way in which women were treated when they seek asylum fell well short of the standards expected in other areas of public policy. “At a time when the criminal justice system is finally waking up to the needs of victims of domestic and sexual violence”, the Committee insisted, “the asylum system should be doing the same” (para 51)

Women and decision-making

The Committee notes the Scottish Refugee Council’s finding that women wait longer for decisions than men. The possible reasons are poor quality decision-making, poor credibility assessments and lengthy appeals processes (para 6). The Committee also cites Asylum Aid’s research showing a mismatch between the standard of proof used by appeal judges, which reflected official guidance and the higher standard used by caseowners. They refer to our suggestion that this discrepancy is more marked in women’s cases due to the type of persecution experienced (para 16). In terms of quality of decision making, the Committee recommends that there should be performance management to ensure that overturned appeals are used as a learning opportunity (paras 19, 20). In relation to asylum screening, the Committee recommends that any applicant who is disabled or pregnant should be offered a screening appointment in a regional centre. The Committee also recommends that childcare should be made available for interviews and this should be clear in the invitation letter (para 24).

Gender-sensitivity in the asylum system

Based on Asylum Aid’s research report *Unsustainable*, the Committee notes that women are less likely than men to receive a correct initial decision on their asylum claim (para 46). They also recognise our reasoning that lack of concrete proof of non-state persecution often causes caseowners to question an applicant’s credibility because they have to rely on oral testimony which is likely to be affected by the trauma the applicant has experienced (para 49). The report reflects Women for Refugee Women’s concern that caseowners trivialise gender-related persecution whereas judges have more understanding of its nature and impact (para 49).

Credibility

We have long known that, for many women seeking asylum, credibility findings are core to whether or not they are granted refugee protection. The Committee recognised the importance of credibility as an issue, and the particular reasons that officials might reach poor credibility assessments for women:

By its very nature, persecution by non-state actors is likely to be far more difficult to prove than persecution by the state and to apply the same probative criteria is both unfair and inappropriate. At a time when the criminal justice system is finally waking up to the needs of victims of domestic and sexual violence, the asylum system should be doing the same (para 51).

The assessment of credibility is an area of weakness within the British asylum system. Furthermore, the fact that credibility issues disproportionately affect the most vulnerable applicants – victims of domestic and sexual violence, victims of torture and persecution because of their sexuality – makes improvement all the more necessary (para 62)

Destitution

In terms of destitution, the Committee refers to a report from London Refugee Women's Forum and Women Asylum Seekers Together London noting that some women engage in commercial or transactional sex work to avoid homelessness and women remain in abusive relationships to avoid sleeping on the streets (para 86).

Early legal advice

Gender-based asylum claims are among the most complex cases. The Committee called on ministers to make sure such claims were identified as early as possible to ensure that the necessary resources were dedicated to them:

We recommend that the government invest in identifying how to improve the early identification of complex legal cases which would benefit from early legal advice, the front-loading of evidence, and the timely submission of witness statements (para 68)

Saving legal aid

Research including Asylum Aid's *Unsustainable* has drawn attention to the fact the Home Office is more likely to reach a poor decision for women than for men. The cost implications for the taxpayer of this poor decision-making, through ongoing support payments and unnecessary appeal hearings, is considerable.

It was therefore welcome that the Committee concluded:

We suggest that if the Government wishes to reduce the amount of money spent on legal aid within the asylum system then it ought to focus on improving the quality of decision making in both the area of asylum claims and asylum (para 72).

What next?

The report, which was unanimously signed-off by the Committee's cross-bench group of MPs, marks a significant step forward in parliament's understanding of the asylum system. It also represents an important tool in pushing for badly-needed reforms. Evidently, many of the procedural and cultural problems highlighted by experts in the course of the inquiry engaged and persuaded the Committee members, whose key recommendations strongly reflected the evidence that they had heard. These are concerns which charities have raised for many years, and have long tried to impress on MPs and policy-makers. In many areas of the asylum system, the MPs seem to comprehend the problems and frustrations which asylum seekers, refugees, lawyers and campaigners have so long encountered. The report gives us plenty with which to work.

The next step is for the Home Office to respond to the report's findings and recommendations, which it is required to do within two months of publication. We await this response with interest.

Enduring problems with the asylum system – resulting from years in which an insidious 'culture of disbelief' has been allowed to build up, and in which investment to encourage better decision-making has been scarce – have been exacerbated by cuts to frontline staff and growing pressure to deal with backlogs of unresolved cases. The quality of decisions in gender-based asylum claims, which have given officials problems for years, have predictably suffered. But the Home Affairs Select Committee outlines these issues very clearly, and maps a route to making lasting improvements.

Significant Legal Issues

Court of Appeal SQ (Pakistan) & Another v Upper Tribunal IAC & Another [2013] EWCA Civ 1251

An immigration decision regarding a young boy and his mother provides some reasons for encouragement in the rights of women and their families.

In this important case, the Court of Appeal addressed itself to the proper approach to be taken when assessing health-based claims of children, and the interplay with the requirement that a 'primary' consideration will be the best interests of the child, as laid down in Section 55 of the Borders, Citizenship and Immigration Act 2009.

The matter came before the Court of Appeal through a convoluted route, following a series of refusals to grant Permission to Appeal from the decision of the First Tier Tribunal (FTT). Permission to appeal was finally granted on the basis of the "*compelling reason*" of the need for clarity on the issue of '*the conflicting interests of immigration control and the interests of a sick child in a case in which the interests of the child are a paramount consideration*'.

The case concerned (MQ), a 14 year-old boy from Pakistan, who had entered the UK with his mother (SQ) on a visitor visa. He had a serious health condition, Beta Thalassaemia Major, for which he had been receiving treatment in Pakistan. Very shortly after their arrival, an asylum and human rights claim was made.

The human rights claim engaged Articles 3 and 8, and relied on the fact that, on return to Pakistan, MQ would be likely to die in his late teens or early 20s, whereas if he remained in the UK and received specialist medical care, he could expect to live considerably longer and with a much improved quality of life. The asylum and human rights claims were dismissed by the Home Office. The Human Rights claim became the subject of the further appeals.

Dismissing the appeal on human rights grounds, the Immigration Judge (IJ) of the First Tier Tribunal found that "*on the evidence before me I do not find that the Appellant's life is endangered so as to accede the threshold set out in N...*"¹

Further, in assessing the Article 8 claim he found "*no countervailing factors that militate against the removal of this appellant in the context of Article 8 and Section 55*".

The evidence before the Court of Appeal regarding MQ's condition was deemed "*not as clearly presented as it could be*", although some indicated that he required blood transfusions at two or three weekly intervals, without which he would die of 'severe anaemia' and 'associated heart failure'. Adequate lifesaving treatment was not adequate for MQ in Pakistan and was compared to the UK situation in the 1960s. Further, one physician mentioned he was at risk of contracting HIV or hepatitis C from infected blood.

The Court of Appeal reaffirmed the very high threshold for success in an Article 3 claim based on health. However, it also explicitly recognised that the threshold for meeting the exceptionality test may be lower for children than for adults. It quoted with approval Baroness Hale in *E v Chief Constable of the Royal Ulster Constabulary* [2009] 1 AC 536, where she commented that "*The special vulnerability of children is also relevant to the scope of the obligation of the State to protect them from such treatment*". However, in the instant case, the Court found that the IJ's assessment of the Article 3 claim was not flawed and that, even as a child, the threshold had not been met. The Court commented: "*to put it bluntly, MQ would not*

¹ See <http://www.publications.parliament.uk/pa/ld200405/ldjudgmt/jd050505/home-1.htm>

be returning to an early and solitary death in Pakistan... There is no doubt that, on return to Pakistan, MQ would receive treatment inferior to that which he is presently receiving in this country. However, the circumstances fall significantly short of the high threshold”.

However, the court found that the IJ had materially erred in his assessment of the Article 8 claim, in that he had failed to consider the discontinuation of MQ’s medical treatment in the UK as an interference with his private life. Neither had he properly considered his treatment in the context of his best interests. Indeed, it commented that *“it is impossible to escape the conclusion that the Judge never considered MQ’s medical conditions and treatment in the context of his best interests”*. As a result of these failures, the proportionality test as required by Article 8 was not conducted, and this rendered the determination unsafe. The case was remitted by the Court of Appeal back to the Upper Tier Tribunal, as the appropriate body to now carry out the proportionality test.

This case is helpful, both in affirming that the threshold for Article 3 may be reached by a child when it would not be by an adult, and in providing valuable guidance on the proper approach to the assessment of Article 8 health-based claims from children. It is clear that it is incumbent on IJs to carry out a detailed assessment of all factors constituting private life in the UK with which removal would interfere. The discontinuation of medical treatment will be a central factor in this assessment. The health condition of the child and the discontinuation of treatment will also play a critical role in the assessment of the ‘best interest’ of the child, as required by Section 55.

Significantly, the Court noted that the lawful entry of the child to the UK and his status as a child could fall within the protection of the *ZH* approach² and were to be weighed in the balance, although the prior knowledge of the severity of the condition did raise the possibility of ‘health tourism’.

It is worth noting on this point the Tribunal decision in **Akhalu (health claim: ECHR Article 8) [2013] UKUT 400 (IAC) 24.07.13**. The Appellant in that case was an adult who had entered the UK lawfully, with no prior knowledge of her serious health condition. In allowing her appeal on Article 8, the IJ had taken her lawful entry as a relevant factor to be weighed in the round in the proportionality assessment. Whilst the Home Office appealed the decision, the Upper Tier Tribunal found that the IJ had not erred materially in law in allowing the appeal.

IJs who take a cursory approach to the assessment of proportionality and their duty under Section 55 in Article 8 health claims from children are likely to increasingly find their determinations appealed to the Upper Tier. Clearly, however, such cases will turn on the quality of the medical evidence relied upon. The comment of the Court of Appeal that the medical evidence relied upon by the Appellant was *“not as clearly presented as it could be”* should be duly noted by practitioners.

² See http://www.supremecourt.gov.uk/decided-cases/docs/UKSC_2010_0002_Judgment.pdf

Sector update

Questions in the House of Lords: Lord Hylton on women in Afghanistan

On 17th October, Lord Hylton [asked the government](#): “What plans they have to prevent the abduction, rape and torture of women in Afghanistan, when external forces withdraw?”

Baroness Warsi replied: “In June, the Afghan National Security Forces, supported by the international community, took the lead responsibility for security in all areas of Afghanistan, this includes policing.

“The UK’s commitment to Afghanistan and the Afghan people will not end when international combat forces leave Afghanistan after the end of 2014. Tackling violence and discrimination against women is an important part of our work in Afghanistan and is fundamental to upholding basic human rights and to supporting the role of women in securing a stable and prosperous future Afghanistan. We regularly raise respect for women’s rights and the protection of women’s security with the Afghan government and wider Afghan Authorities and will continue to do so.

“Implementation of the Afghan Elimination of Violence Against Women Law was specifically included in the Tokyo Mutual Accountability Framework, the partnership between the Afghan government and the international community. We, along with our international partners, will hold the Afghan government to account for the commitments they have made. Our assistance to the Ministry of Interior goes in part towards helping to improve the Afghan National Police’s role in protecting and upholding women’s rights. It also supports the development of Afghan policy on promoting human rights and protecting women from violence”.

Lord Hylton also asked of the government: “what action they are taking to ensure that women’s refuges remain open in Afghanistan when the government of Afghanistan assumes full responsibility?”

Baroness Northover replied: “DFID recognises the important role of refuges as part of the response to violence against women in Afghanistan. The UK provides funding to NGOs who work to protect women from violence in Afghanistan. Although this funding is not earmarked for any particular activity, their work includes the running of women’s refuges.”

These questions come as the Executive Director of UN Women [reports](#) a 60% increase in violence against women in Afghanistan, and calls for officials in Afghanistan and around the world to listen to the voices of Afghan women in their policy-making.

The Joint Committee on Human Rights: charities’ concerns about women and legal aid cuts

Representatives from a range of charities, including Asylum Aid, The Children’s Society, the Immigration Law Practitioners’ Association and Women’s Aid, [spoke in October](#) at parliament’s Joint Committee on Human Rights (JCHR), to outline the impact of legal aid cuts on women.

Plans to introduce major restrictions on who can access legal aid could place many women and their families in a deeply vulnerable position.

For example, the National Referral Mechanism – through which victims of trafficking are identified – is deeply flawed (see [Women's Asylum News #96](#)). Yet legal aid will not be available to anyone whom the NRM does not recognise as a trafficking victim, potentially freezing out hundreds of women from justice.

Concerns were also raised for women who are victims of domestic violence. As Women's Aid pointed out, the burden of proof already lies with women, which even before legal aid cuts has a negative effect on women reporting these crimes.

The JCHR has announced it is to take further evidence, and is expected to publish its findings on legal aid later in 2013.

Immigration Bill will hit women seeking asylum

The government's new [Immigration Bill](#) has been scrutinised by a Parliamentary Committee throughout November. The Bill looks to reduce the right of appeal against a number of immigration decisions, including restrictions to appeal rights under Article 6 of the Human Rights Act. It is widely viewed as [an attack](#) on asylum seekers and other migrants at a time when Legal Aid cuts are already placing their rights at great risk. The Bill is also likely to have a disproportionate impact on women.

For example, it will extend the enforcement powers available to immigration officers in the course of their duties. The extended use of such power is of great concern given the long, well-documented history of immigration officials and contractors using overwhelming force and inappropriate practices to intimidate, harass and harm women asylum seekers. The recent allegations of sexual misconduct towards female detainees made against guards at Yarl's Wood Detention Centre (see p. 9) are only the latest allegations of abuse against women in detention which have been documented by both the independent [Inspector of Prisons](#) and the charity [Medical Justice](#). This is especially worrying when so many victims of abuse have already fled violence overseas, have survived domestic violence or have been trafficked here.

There is a clear pattern of serious abuse of power by immigration officials, with little evidence that complaints against officials are taken seriously. The Home Office's first priority should be taking action to prevent such abuse happening in the first place. Extending the right to use force is wholly inappropriate.

In addition, the Bill threatens to strip away the right of appeal at a time when the poor quality of initial Home Office decision-making is under particular scrutiny. Women can present some of the most complex of all asylum and immigration cases, where trafficking, domestic violence and sexual violence may all need to be considered to reach a fair, sustainable decision. Instead of ensuring better decisions on these initial claims, the Home Office is focusing on ways to more easily remove women from the UK without fewer chances to have their case heard in full.

A date for the Third Reading of the Bill in the House of Commons has yet to be announced.

National News

Trafficking: Two new reports on the numbers of women forced into the UK for exploitation

As the UK government promises more action to tackle people trafficking and 'modern day slavery', two new reports shed light on the size of the problem in the UK.

The Walk Free Foundation publishes its first [Global Slavery Index](#)

The Foundation ranked the UK 160th on its Index, and found that approximately 4,200 to 4,600 people are 'enslaved' in the UK in 2013. This is defined as "the condition of treating another person as if they were property – something to be bought, sold, traded or even destroyed", and includes people trafficked into the country for exploitation as well as other forms of bonded labour. The Index identified 29m victims worldwide, the majority of whom are women.

The Foundation acknowledges that clear numbers are notoriously difficult to come by, but argues that attempts to establish and publish the best quality data available are crucial to identifying who is being enslaved and where, and how its current and future victims might be protected. The Index is "critical to measuring the scale of the problem on a country-by-country basis," explained the Foundation's Chief Executive Nick Greno, "because that informs policy responses".

SOCA: The number of women trafficked into the UK rose in 2012

The Serious Organised Crime Association (SOCA) has published its [data on trafficking for 2012](#). It found:

- 2,255 potential victims of trafficking (up 9% from 2011), from 78 different countries of origin
- 1,246 (55%) potential victims were women, with a further 5% where gender was not recorded
- The overwhelming majority of all victims were trafficked into the UK for sexual exploitation (53%), criminal exploitation (24%) and/or forced labour (15%)
- 98% of sex trafficking victims were women. Detailed data is scarce, but among these women 25% were forced to work in brothels, 11% in private residences, and 1% on the street. 3% of these women were trafficked internally around the UK
- The most prevalent countries of origin were:
 - Romania (272 victims, up 26% from 2011)
 - Poland (240 victims, up 48%)
 - Nigeria (209 victims, up 22%)
 - Vietnam (133 victims, up 41%)
 - Hungary (125, up 21%)
- Romania, Nigeria, Hungary and Albania have the highest proportions of victims trafficked into the UK for sexual exploitation
- The Philippines has seen the largest rise in victims (up 1,225%), something SOCA attributes to a number of raids in 2012 to free Philippine victims of labour exploitation

It is important to note, however, that this is likely to reflect a low estimate of the number of women trafficked into the UK.

Many trafficking victims remain 'under the radar', and seldom come into contact with UK authorities. In addition to this, SOCA has chosen not to include in its data potential victims who had received a negative Reasonable Grounds or Conclusive decision from the National Referral Mechanism (NRM).

Further allegations come to light at Yarl's Wood

Following from the allegations of sexual abuse at Yarl's Wood Immigration Removal Centre (*Women's Asylum News* #119), two new reports have highlighted further serious problems there.

Deportation of witnesses to alleged abuse

Officials have now been accused of trying to deport the only witness to the alleged abuse before she had the chance to speak with police.

The [Guardian](#) and [OpenDemocracy](#) reported that the woman was detained by immigration officials on the same day that she was due to be interviewed by police. This echoes the reported treatment of the woman who made allegations of abuse against her, and who claims that attempts were made to remove her from the UK shortly after she made her complaints public.

The civil rights group Movement for Justice has accused the Home Office of orchestrating a cover-up.

Criticism by Chief Inspector of Prisons

The Chief Inspectorate of Prisons concluded an [unannounced inspection of Yarl's Wood](#) in October, and raised grave concerns about how much remains to be done to bring the Centre to acceptable standards.

These concerns included the 'inappropriate' use of punishment against women detained there; a failure to refer potential victims of trafficking to the National Referral Mechanism; and inadequate attention to the distress that detention may cause to a woman who has been tortured or otherwise traumatised.

In his introduction, the Chief Inspector Nick Hardwick states: "For the most vulnerable of the women held, the decision to detain itself appears much too casual."

Detainees were clearly affected by the high proportion of male staff, and their presence at sensitive times including during rub-down searches and when checking women's rooms. Basic privacy was compromised, with male guards reported often not to wait for a response before entering detainee's rooms, to the embarrassment and distress of the women detained.

The Inspector's report is clear that the vulnerability of many of the women in Yarl's Wood needs much-improved attention. In addition, access to legal services is largely hindered, both by bureaucratic systems which place time pressures on lawyers and lack of access to up-to-date legal information for detainees. It is also clear that punishment and severe restrictions

on the women's movements should be stopped. Given the nature of the institution and why the detainees are there, the Inspector concludes that these are unnecessary. The issue of pregnant women in detention is also highlighted; there is a clear lack of care for their emotional needs, with a focus on physical health. The provision of adequate maternity clothes also needs to be addressed as well as more flexible eating times.

The Inspector advises for closer inspection on why detainees are reluctant to report incidences of abuse (such as the sexual abuse highlighted in the media) and emphasises the need to put into practice some of safeguarding procedures which exist.

International News

Pregnant women targeted by gunmen in Syria

A British doctor working in Syria has reported [targeted shooting of pregnant women and children by snipers](#).

People living in the [besieged cities in northern Syria](#) have to cross from the government stronghold to the rebel side in order to get supplies. Dr Notts claims it has become clear snipers have been 'playing target practise' on civilians, picking different areas of the body to shoot on different days. The doctor told journalists how the first bodies to come in each day gave an impression of the types of wounds which would be coming in for the next 24 hours. Pregnant women have been targeted, all admitted with wounds in the uterus. Children have also been targeted with disturbing photographs emerging of children as young as four with large wounds on their heads.

Notts believes the shootings are part of a game and that snipers are rewarded for hitting the right amount of targets with packets of cigarettes. He also said he believes the snipers are part of the Assad regime but cannot be sure. David Nott said there "was definitely a game going on between the snipers". "One day we would receive patients who had purely groin wounds, another day purely chest wounds or purely abdominal wounds. Then another day full-term pregnant ladies were coming in having been shot."

[Turkey's foreign minister has also reported](#) the targeted shooting of pregnant women. Kuwait's foreign minister has also sounded alarm over the recent developments, saying Syria is in danger of becoming a 'rogue state.'

Notts has worked as a surgeon in many warzones over the last 20 years, including in Libya, Bosnia and Sudan. Comparisons have been made to the snipers in the Sarajavo, who targeted innocent civilians in the city and UN peacekeepers.

'Multiple layers of discrimination' facing women in Sri Lanka

The charity Minority Rights Group (MRG) has [researched](#) the issues faced by minority women in post-conflict Sri Lanka.

The MRG reports that widespread human rights abuses perpetrated by the large military presence in ex-Tamil strong holds, as well as government complicity in this abuse, are creating a precarious situation for Sri Lankan women. The report focuses on the regions in the north and east of Sri Lanka which have become strongholds for the Tamil Tigers rebel group during three decades of warfare. Women of the minority ethnic groups are heavily affected by the changed structure of the country post-conflict.

The report's key findings cover:

- the insecurity of women in the North and East, particularly widows, and the continued human rights abuses and violations;
- the incompatibility of women's low status and rights, and the increase of female-headed households in the post-conflict situation;
- the governments active contribution to women's insecurity and militarization as well as poorly planned resettlement;
- the on-going work of women activists and how their work is impeded by the situation of the country as a whole

Four years after the official end of the conflict in Sri Lanka, MRG notes that the situation for women in the country is getting worse. Women now face "multiple layers of discrimination", and MRG identifies the prevalence of sexual violence, abusive relationships, and economic exploitation. Women's rights groups face especially heavy suspicion from military and government forces when liaising with international bodies such as the UN.

The report calls for the Sri Lankan government to uphold and reinforce its commitments to various international conventions, and to support civil rights groups within the country. It also calls on the UN to monitor abuses in the country more closely, and to work with the government to implement protocols which further these aims.

Sri Lanka has a history of women advocating for their rights and was the first democratic country to have a female head of state, the erosion of rights and representation of women in the country is seen as a dangerous turn which is undermining the capability of the nation to restore peace after a long and violent conflict.

European Union Court of Justice: countries can't tell lesbian and gay asylum seekers to go home and 'be discreet'

In an echo of a [Supreme Court ruling](#) in the UK in 2010, the European Union Court of Justice has issued a groundbreaking decision on the rights of lesbian and gay individuals who fear persecution on account of their sexuality in their countries of origin.

The [BBC](#) and the [Economist](#) reported the court's ruling that "a person's sexual orientation is a characteristic so fundamental to his identity that he should not be forced to renounce it." The ruling came after three gay men from Sierra Leone, Uganda and Senegal had initially been refused asylum in Holland, after which the Dutch Council of State Advisory Body took its query to the court.

Amnesty International is among those charities raising concerns that [the ruling does not go far enough](#). As it stands, persecution on the basis of sexuality will be acknowledged only where the asylum seeker's country of origin criminalises homosexuality, and the claimant may be imprisoned for it. Amnesty argues that the threat of persecution will remain even if laws have not recently been enforced, and some people might be left without protection simply on the grounds that there are no recent incidences of homophobic laws being put into practice.

The ruling has attracted mixed responses, but overall is seen as a step forward in the reformation of the treatment of LGBTI asylum seekers.

Publications

Asylum decisions for lesbians are still plagued by a 'culture of disbelief': New research from the UK Lesbian and Gay Immigration Group

The UK Lesbian & Gay Immigration Group (UKLGIG) published its [new report *Missing the Mark*](#) in September. The report analyses some of the progress made concerning LGBTI (lesbian, gay, bisexual, transgender and intersex) asylum claims, especially since the landmark case of HJ and HT in 2010; but it also records the particular challenges that lesbians continue to face.

Preconceptions and assumptions about sexuality often lead to disbelief and inappropriate questioning of lesbian asylum seekers, as well as inadequate ruling of their claims. Where women have been subject to violence, such as domestic violence, rape and various forms of gender harm, it is often not considered persecution. This is despite clear evidence that such violence can be both gender and sexuality based persecution. Instances of 'corrective' rape are often used to oppress lesbians as well as forced marriage and other forms of violence and persecution.

UKLGIG argue that lesbians face specific difficulty if fleeing from countries where, although homosexuality is outlawed, only same-sex male relationships are prohibited by law. This does not mean that women are free from institutionalised homophobic threats and violence, but country information used by the Home Office often carries inadequate information about lesbians or none at all. Country guidance for gay men fleeing Jamaica, for example, was available six years before the same was provided for lesbians in 2010.

Ignorance on the part of the authorities means that lesbians are sometimes asked why they did not seek help from authorities after being subject to abuse and violence. UKLGIG argues that this displays substantial ignorance regarding the role of authorities in countries where homophobia is widespread and/or legally sanctioned.

Preconceptions regarding gender also often lead to inappropriate questioning "bordering on the pornographic", which UKLGIG describes as "particularly concerning when interviews also ask detailed questions about experiences of sexual violence and rape."

In addition, some immigration judges were found to undermine the persecution to which lesbians might be returned. One judge concludes his decision in an appeal by a lesbian asylum seeker by stating: 'she is now middle age and less likely to be a focus of sexual

attention than in the past' and that the abuse she may face from men in a society where homophobia is endemic does not amount to persecution.

Missing the Mark recommends that Home Office decision-makers are made aware of the intersection of sexuality and gender in the violence suffered by lesbians, and should not separate their sexual identity from their gender. Decision-makers should take into account information on gender-specific persecution in the country of origin generally, even where not specifically related to lesbians.

UK Training and Events

Child and Adolescent Health and Wellbeing: Safeguarding Children from Sexual Exploitation

5th December 2013
Public Policy Exchange – venue tbc, central London
10.15am - 4.30pm
To book online, click [here](#).

The conference aims to discuss the way in which children's safeguarding practices work, and the possibilities for improving the ways in which strategies for raising awareness, prevention, early detection and disruption operate. The training aims to share practices and approaches that develop better practice and more child-centred approaches.

For further enquiries contact Martina Cicakova, Public Policy Exchange 0845 606 1535

IARS Annual Conference 2013: "Listening to Community Evidence: Race, Gender and Restorative Justice"

6th December 2013
Honourable Society of Middle Temple, Sherrard Room, London EC4Y 9BT
IARS
9:30am – 5.00pm

In a changing social landscape, certain community groups are relegated to the bottom of policy and funding agendas. To prevent the most marginalised voices from being drowned out, the call for action is greater than ever. Without such, our efforts to build a fairer and more inclusive society will prove futile.

The IARS Annual Conference 2013 will bridge this gap by launching new research and debating recent developments in three main areas: race & the criminal justice system, gender & abuse, and restorative justice & rehabilitation.

Academics, community leaders, politicians and representatives of key organisations will come together to explore these issues.

Charter of rights of women seeking asylum



Endorsements: 345

Google group membership: 169

Introducing the Evelyn Oldfield Unit's New Supporting Women Project

The Evelyn Oldfield Unit (www.evelynoldfield.co.uk) has been supporting refugee and migrant organisations for over 20 years. This new women's project, funded by Comic Relief, has been set up building on our previous work with women and with feedback from key stakeholders in order to build the capacity of groups working with vulnerable refugee and asylum-seeking (RAS) women. It recognises and wishes to support the vital role that RAS groups play in supporting women who have experienced violence/ trauma*, summarised by this quote: *"They are at the gates of this dark hell ...we are taking their hands."*

The project is a multi-agency project and will involve RAS groups, mainstream and statutory agencies. The programme activities will include:

- **Building a network** to facilitate peer to peer support
- **Consultancy** support
- **Accredited training** for frontline staff
- **Accredited advocacy sessions** for RAS women
- **Raise awareness** of the issues RAS women face
- Facilitating **dialogue** between agencies
- **Annual conference**
- Building **strategic engagement, collaboration** and **improving access to services**
- Working with mainstream and legal groups **to improve their working practices**
- **Building resources**

We wish to run this project with our values of collaboration and participation at the core and thus we are looking for steering group members, collaborators, advice, tips and new connections, including reaching out to small groups working with women who may be new to the Evelyn Oldfield Unit. Sarah Menzies is the project lead. Please contact her directly on sarah@evelynoldfield.co.uk or on 0207 697 4102 for further information or to express an interest in any of the parts of the project.

* This includes experiences pre-migration, during the asylum process and violence faced by new communities here in the UK.

For more information on the Charter and the Missed Out campaign, please go to www.asylumaid.org.uk/charter

If your organisation would like to endorse the Charter, please send an email simply stating the name of your organisation to charter@asylumaid.org.uk

She was detained without charge

Nobody believed her story and no-one spoke up for her

Her family and friends didn't know where she was

Afraid...isolated...

She had no idea what would happen to her next

**And that was after she
sought asylum in the UK**

Our asylum system is now so tough that, all too often, this is how people seeking help are treated. And that can't be right.

We believe the system should be fair and just and that every asylum seeker should have legal help to make their case - only then can we say in good conscience 'let the law take its course'.

Asylum Aid is an independent, national charity that secures protection for people seeking refuge in the UK from persecution in their home countries.

We provide expert legal representation to asylum seekers and campaign for a fair and just asylum system. Founded in 1990, we have since helped 30,000 people to get a fair hearing. In 2009 85% of our clients were granted leave to stay in the UK when decisions were made on their claims for protection.

Please support us

Your donation will safeguard our independence and enable us to stand up for fair asylum rights without fear or favour.

You can make a donation via our website:
www.asylumaid.org.uk/pages/give_now.html
OR send it to us by post with this form:

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Address:
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I want to make a one-off gift of £

(please make cheques payable to Asylum Aid)

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Please notify us if you are no longer eligible to Gift Aid your donations.

We will not sell or swap your personal details with any other organization. We would like to keep you informed about our work, campaigning and membership. If you do not wish to receive any information from Asylum Aid other than relating to your donation, please tick this box

www.asylumaid.org.uk

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Or, I want to make a regular gift to Asylum Aid by setting up a Standing Order

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Please return this form
in an envelope to:
Freepost RRJJ-BRGA-ZHAR,
Asylum Aid, Club Union House,
253-254 Upper Street,
London N1 1RU



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