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# Women's Asylum News

## Women's Project at Asylum Aid

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## "Just a story?": rape narratives and credibility assessments of women seeking asylum

Helen Baillot, Sharon Cowan and Vanessa Munro

Refugee advocacy and support organisations have long sought to draw attention to the significant proportion of women seeking asylum in the UK who have experienced rape in their country of origin.<sup>1</sup> While a disclosure of rape will not be a determining factor in all asylum applications, it may be relevant to a range of crucial considerations, including the seriousness of the harm suffered and the prospects for safe return 'home'. Despite this, there are still gaps in our knowledge and understanding about the ways in which claims of sexual violence are disclosed by women seeking asylum, and responded to and evaluated by decision-makers.

This Nuffield Foundation funded study<sup>2</sup> sought to address these gaps by exploring the ways in which such claims are disclosed, as well as the obstacles that may prevent their disclosure. We examined the ways in which emerging rape narratives are, or are not, engaged with by decision-makers, the ways in which the credibility of such claims (and of women claimants) is assessed, and the ways in

<sup>1</sup> Ceneda, S. (2003) *Women Asylum Seekers in the UK: A Gender Perspective*, London: Asylum Aid; London School of Hygiene and Tropical Medicine & Scottish Refugee Council (2009) *Asylum Seeking Women, Violence and Health*. London / Glasgow: LSHTM & SRC.

<sup>2</sup> Access to Justice Programme, Reference AJU/36585.

which engaging with such narratives can provoke emotional responses in asylum professionals that require careful management. Though mindful of the important differences between them, it also explored the extent to which experiences in the criminal justice system in relation to obstacles to, and mechanisms for facilitating, rape disclosure, as well as in relation to the (ir)relevance of expectations regarding 'normal' victim responses, might be of relevance in the asylum context.

### Conducting the Research: Methods and Challenges

We commenced the data collection in late 2009, and – with the help of a research assistant during this period – we completed it in late 2010. A mix of methods was used. First, to provide additional context for the study, five UKBA substantive asylum interviews were observed by the team. Second, two fortnightly periods of random sampling of UKBA Case Owners' initial decisions on women's cases were undertaken in each of the three key regions involved in the study. It was hoped that this sampling would provide useful context in terms of prevalence of rape claims being disclosed and the relevance of such claims to initial decisions. Unfortunately, however, despite the best efforts of the research team and the UKBA points of contact in each region, we could not be confident in any of the sampling periods that the questionnaires had been completed for ALL female applicants. As a result, while this data provides some important background insights, its value is limited.

Therefore, the two primary sources of data remain:

- (1) *Stakeholder Interviews*: Semi-structured interviews (lasting approximately 90 minutes) were conducted as detailed below:

Role	No. of participants
Immigration judge	20
Legal representative	25
NGO practitioner	21
UKBA personnel	24
Interpreter	14

Recruitment posed challenges, but we secured the participation of key gatekeepers, specifically the Tribunals Service and the UKBA, which assisted greatly. We used a combination of mail-shots to solicitor firms as well as email forums in order to recruit legal representatives. We also used snow-ball techniques and left flyers in interpreter rooms in Tribunal centres.

(2) *Appeal Tribunal Observations*: Despite the enthusiasm for the research expressed by many legal representatives, we struggled initially to secure an appropriate number of referrals of relevant cases. To overcome this challenge, we developed referral protocols with key NGOs and the Tribunals Service. Together, this ensured we were able to observe 31 hearings, which were referred to us in advance on the basis of meeting the project's research criteria. We secured access to the surrounding files, including personal statements and UKBA refusal letters, in 12 of these cases and supplemented these referred observations with periods of random sampling. As a result, we observed a total of 48 hearings, the vast majority of which were undertaken across 4 large hearing centres.

### Key Research Findings

The dataset produced is extremely rich, generating a number of important themes. Our recently launched briefing report however focuses on three key areas of research finding:

- (i) Disclosure & Handling of Rape Narratives

There was a wide divergence of views amongst stakeholders regarding the prevalence of rape claims in women's asylum applications – some suggested that it would more often than not be an issue, whilst others maintained it was not a common feature. These variations raise concerns regarding awareness of, and engagement with, issues around rape and their pertinence to the asylum process, which were confirmed when expectations regarding the timing, manner and ease of disclosure were explored. Some judges and most UKBA personnel continued to expect asylum claimants to disclose sexual violence at an early stage; and considered that, otherwise, the credibility of the claim (and the claimant) could be brought into question. Such participants expressed this view notwithstanding their own, and others', recognition that there are a number of features associated with the environment in, and methods by, which the substantive UKBA interview is conducted, which might act to deter such disclosures.

'Good reasons' (most commonly those associated with the woman's culture, mental health, language difficulties, or lack of understanding of the asylum process) were apparently required to excuse a late disclosure. Yet the way in which such 'good reasons' were constructed was problematic – culture, for example, was often depicted in monolithic, stereotypical and patronising terms; the impact of trauma was often only accredited when supported by expert mental health assessments; and whilst several legal representatives recounted creative techniques by which they encouraged reluctant disclosures from women (for example, by asking them to draw pictures), the majority of UKBA personnel expressed uncritical confidence that disclosures of rape would be made in a direct and forthright manner, without the need for probing.

In Tribunal cases where a disclosure of rape had previously been made by the appellant, we identified two concurrent but contrasting approaches. In some situations, the appellant was rigorously cross-examined by the UKBA, most often without challenge from the judge and irrespective of the visible distress which this generated. More frequently, however, the claim of rape was marginalised or ignored within the courtroom, notwithstanding its apparent centrality to the narrative of flight provided by the applicant. This seeming reluctance on the part of UKBA and Tribunal personnel to engage with the rape narrative was typically attributed either to an appropriate and genuine concern for appellants or to a deliberate attempt to remove emotion from the account in order to focus attention on peripheral facts upon which a more effective challenge to credibility could be lodged. As will be discussed below, several respondents also intimated that professional actors may feel embarrassed or uncomfortable questioning on the detail of the rape, or avoid dwelling upon it as a strategy for coping with the emotional challenges of hearing such accounts. Though we would not suggest that claimants be gratuitously questioned on their alleged rape, this avoidance is problematic, denying applicants the chance to have their claim heard at its fullest.

## (ii) Assessments of Credibility

Despite the existence of a low threshold, asylum applicants must still convince decision-makers that their claim is credible. Though UNHCR and domestic UK guidance exists on how to assess credibility, this leaves considerable discretion regarding what counts as either coherent or plausible in individual cases. While some respondents, particularly judges, expressed confidence in their ability to accurately evaluate the credibility of claims, many others pointed to what they saw as individualised, arbitrary findings on credibility, and described the asylum application and appeal process as a "lottery".<sup>3</sup> Confirming the findings of previous Asylum Aid research, there was limited awareness evidenced in the present study, even amongst UKBA personnel, of the existence and content of UKBA gender guidelines specifically designed to facilitate improved decision-making in women's cases.<sup>4</sup>

<sup>3</sup> Ramji-Nogales, J., Schoenholtz, A. & Schrag, P. (2009) *Refugee Roulette: Disparities in Asylum Adjudication and Proposals for Reform*, New York: NYU Press.

<sup>4</sup> Ceneda, S. and Palmer, C. (2006) *Lip Service or Implementation? Home Office Gender Guidance and Women Asylum Seekers*, London: Asylum Aid.

The environment, both of the asylum interview and of subsequent appeal hearings, was described by many as “hostile”. Legal representatives and NGO respondents frequently tied this to the perceived existence of a ‘culture of disbelief’ in relation to asylum claims. Though abstract claims to a ‘culture of disbelief’ risk over-simplifying the myriad complex dynamics at play, it is true that, in the present study, a number of UKBA Presenting Officers asserted that most asylum claims (including those involving an allegation of rape) are “fabricated”. Moreover, it was apparent that such scepticism could be particularly strong in relation to women’s claims of rape vis-à-vis similar claims made by men: indeed, participants were generally more disposed to accept men’s rape allegations, on the basis that sexual victimisation was seen to be a more shameful and difficult thing for a man than a woman to disclose to officials.

It was evident that, notwithstanding social science and psychological research which disputes their relevance to veracity, asylum decision-makers frequently invoked factors such as delayed disclosure, narrative inconsistencies, and a calm (or, conversely, an ‘overly emotional’) demeanour on the part of the female applicant, to cast and justify suspicion regarding the credibility of her (rape) claim.<sup>5</sup> Such an approach is particularly problematic in the context of asylum where the impact of trauma can adversely impact on recall and the ability to recount a coherent narrative, particularly in the stressful environment of the UKBA interview or Tribunal hearing. It also underplays the significant obstacles which can be posed by cross-cultural communication, not only in terms of linguistic accuracy but also in terms of social convention, modes of narration and ‘appropriate’ forms of behaviour.

### (iii) Emotional Labour & Coping Strategies

Participants frequently described their work as “really very distressing”, “upsetting”, “soul destroying” and “incredibly difficult emotionally”. To deal with this, many participants felt that an ‘objective’, ‘matter of fact’ approach had to be taken. As noted above, however, this often translated, not into a controlled balance between detachment and empathy, but into a marked reluctance to engage with the asylum-seeker’s narrative (of rape) altogether. Moreover, the way in which this ‘detached’ approach was described betrayed a problematic tendency towards disengagement and disbelief. Various participants, including legal representatives and UKBA personnel, spoke of ‘treating it all as just a story’ and ‘not thinking about the reality’. They suggested that these stories could become routine and mundane over time, with the applicants involved becoming increasingly interchangeable and with it becoming more difficult to avoid creating hierarchies of suffering that demand ever higher levels of abuse in order to incite their sympathy.

For other participants, the act of determining asylum claims itself generated emotional difficulties. Some dealt with this by embracing the importance of their task and becoming ever more conscientious. Many more managed it, however, by denying or shifting responsibility elsewhere. UKBA personnel frequently sought consolation in the fact they were not the final decision-makers, whilst First Tier Tribunal judges emphasised that their decisions were not beyond review by the higher courts. Others dealt with this by hiding behind formal legal principle, designating the law as having its own intention, irrespective of their necessary function in its operation. In one hearing observed during the study, for example, a judge responded to an appellant’s assertion that “if the decision is that I be deported to Pakistan, it is your right to kill me here” by maintaining that “It is not my duty to send you here or there. That is for the Home Office. My duty is to decide if you qualify to stay here in light of the law of this country. I have to work in the law. That is my job and all I can do.”

While these strategies of detachment and denial may assist decision-makers in coping with the emotional demands of their work, they provide an artificial barrier that can too easily slip into a lack of engagement with, and ownership over, their decisions. A better way forward may involve providing

<sup>5</sup> Ellison, L & Munro, V (2009a) ‘Reacting to Rape: Exploring Mock Jurors’ Assessments of Complainant Credibility’ *British Journal of Criminology* 49(2) pp. 202–219; Bögner, D, Herlihy, J & Brewin, C (2007) ‘The Impact of Sexual Violence on Disclosure during Home Office Interviews’ *British Journal of Psychiatry* 191 (7) pp. 75-81.

professionals with mechanisms – through formal support - for managing these emotional burdens in less maladaptive ways. Yet this study suggests that such support may be reluctantly received unless and until the 'emotional culture' of organisations is modified and the formalist notion, often harboured by lawyers and judges, that rationality insulates from emotionality is challenged.<sup>6</sup>

### Concluding Remarks

The complexity of the substantive and procedural issues addressed in this research, together with the emotionally challenging nature of its subject matter, made this a challenging project. We were able to negotiate these challenges in part due to the invaluable assistance of an expert advisory group. With help and guidance from this same group, we hope now to disseminate our findings as widely as possible. We have already delivered a series of twelve sessions to immigration judges as part of the First Tier Tribunal's annual training programme; and plan to engage with other key stakeholders in a similar fashion. Thus we hope that our findings will have an impact not only in the academic realm but can contribute to improving the treatment of women rape survivors who seek asylum in the UK.

*Women's Asylum News would like to thank Helen Baillot, Sharon Cowan and Vanessa Munro for writing this article.*

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## Legal Issues

### Historical status for victims of trafficking under the Convention on Action against Trafficking in Human Beings is relevant

#### **Y, R (on the application of) v Secretary of State for the Home Department [2012] EWHC 1075 (Admin) (20 April 2012)<sup>7</sup>**

This case involved a challenge to a decision taken by the Secretary of State for the Home Department (SSHD) in December 2009 that Y was not a victim of trafficking. Y entered the UK from China when she was 20 years old. Her father had been involved in prohibited activities and she decided to leave China to escape the authorities and her father's creditors. She paid an administration fee to the Snakeheads (organised criminals) on the understanding that the remaining balance would be paid by her father on her arrival in the UK. Passing through Sweden, she was sexually abused by the Snakehead leader and was then brought to another unknown European country where she stayed for 18 months. She was locked up with about 30 to 40 people and raped about twice a month by three Snakehead men. She was given pills to procure an abortion. She was told that if she refused sex she would be sold instead of being taken to the UK, and when she did not comply she was beaten. She was then taken to the UK and expected to obtain the remaining funds from her father. When it became apparent that she was no longer in contact with him, she was locked up, made to do the housework and raped by two or three of the Snakeheads. After six to seven months, Y was released to her now husband in exchange for some money. It was accepted that she had not been sold to him and that they are now in a consensual and loving relationship.

There was no disagreement between the parties as to the facts of the case, and Y's credibility was not challenged. The differences between the parties were about whether Y could rely directly on the Convention against Trafficking or only on the SSHD's Asylum Process Guidance, and the purpose for which she had been transported and kept by the Snakeheads in various countries. The SSHD had concluded that Y was not a victim of trafficking on two grounds. First, the actions carried out by the Snakeheads were not "for the purpose of exploitation" and second, even if they were, Y had had

<sup>6</sup> Bandes, S. (2006) 'Repression and Denial in Criminal Lawyering' 9 *Buffalo Criminal Law Review* 339-390.

<sup>7</sup> <http://www.bailii.org/ew/cases/EWHC/Admin/2012/1075.html>.



sufficient time for reflection and recovery, had moved on with her life, and was therefore no longer a victim of trafficking.

The High Court considered two issues in this application for judicial review:

- (i) Was any of the transportation or harbouring of Y "for the purpose of exploitation", or was it for the purpose of people smuggling with exploitation occurring on an opportunistic basis incidental to that? Was the decision by the SSHD that the Snakeheads' actions were not for the purpose of exploitation irrational?
- (ii) Was the SSHD entitled to look at Y's current circumstances to assess whether she was still a victim of trafficking entitled to the protection and assistance as set out in the Convention against Trafficking? As the domestic guidance requires the SSHD to consider whether potential victims of trafficking are still at the time of the decision victims, can the Court consider the Convention against Trafficking directly and if there is a conflict between them, apply the Convention instead of the domestic Guidance? If the Court can do so, is Y correct in arguing that it is contrary to the Convention to consider these elements before the Conclusive Decision stage?

Considering the first point, the Court concluded that there had been no consideration by the SSHD in the decision letter of the 18 months spent in the unknown country and the decision therefore could not be justified. The period spent with the Snakeheads in the UK had not been considered either by the SSHD, and the Court concluded that properly applying the low threshold of the Reasonable Grounds test, there was a period of trafficking involved. The Court found that Y had been detained and harboured for six months during which time she was being kept for the purpose of exploitation amounting to trafficking. The Court held that the section of the SSHD's decision which concluded that Y was never subject to trafficking was irrational.

On the second point, the Court held that by December 2009 Y no longer qualified for Convention assistance. The Court considered that the domestic Guidance sought to adopt and apply the Convention against Trafficking domestically but the Court was not convinced by Y's argument that the Convention against Trafficking prevented the conclusion that victim status may cease. The Court identified the key concept in the Convention, namely that after the recovery and reflection period, the assistance and protection is not absolute or never-ending but is limited to the need to assist victims in their physical, psychological and social recovery and must be tailored to their personal situation. The Convention considers that victim status may be limited but that the time will vary from case to case. Thus, far from barring the consideration of current circumstances at the Reasonable Grounds stage, the Convention requires that consideration to take place in order to comply with the duties regarding assistance and renewable residence permits. On this basis, the Court concluded that there were no grounds to challenge the decision of the SSHD that Y was no longer a victim of trafficking within the terms of the Convention.

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## **National News**

### **UK signs Convention on Violence against Women**

On 8<sup>th</sup> of June 2012, the United Kingdom became the twentieth state of the Council of Europe to sign the Convention on Preventing and Combating Violence against Women and Domestic Violence. The Convention contains important provisions regarding asylum, namely state parties' duties to ensure that gender-based violence is recognised as a form of persecution under the Refugee Convention, that a gender-sensitive interpretation is applied to each of the Convention grounds, and that gender-sensitive reception procedures, support services and gender-sensitive asylum procedures are adopted.

For more information, see: <http://www.endviolenceagainstwomen.org.uk/news/38/uk-signs-european-treaty-on-violence-against-women>.

For a list of signatures and ratifications, see:

<http://www.conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=210&CM=8&DF=19/06/2012&CL=ENG>.

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## Victims of torture being held in detention

A UK organisation is spearheading a high court case against the UK Border Agency alleging it falsely imprisoned victims of torture in immigration detention centres.

Medical Justice, a network consisting of former detainees, doctors, lawyers and other experts have released a report claiming that despite Home Office rules prohibiting the detention of victims of torture, evidence suggests it is still frequently occurring.

The report *The Second Torture* draws on a dossier of 50 cases which include women who suffered rape or instrumental rape and despite medical evidence of this torture, were not released. This contravenes Rule 35 of the 2001 Detention Centre Rules designed supposedly to prevent torture victims being locked up except in the rarest cases. The dossier shows detainees were held for an average of 226 days at a cost to the taxpayer of about £23,000 per detainee. Of the 50, 2 were returned to their home countries while the other 48 were eventually released. This has raised questions over the original reasons for their detention.

The case actually consists of five coordinated applications for judicial review and was lodged in the high court on behalf of five torture survivors. Outcomes sought include release from detention, compensation from UKBA for distress caused during detention, or both.

For the full article, see: <http://www.guardian.co.uk/uk/2012/may/22/torture-victims-immigration-detention-centres?INTCMP=SRCH>.

For the full report, see: <http://www.medicaljustice.org.uk/mj-reports,-submissions,-etc./reports/1953-qthe-second-tortureq-the-immigration-detention-of-torture-survivors-220512.html>.

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## International News

### Afghanistan: Spotlight on Afghan police as President intervenes in rape case

The case of Bibi puts the spotlight on the Afghan Local Police which has been accused of extortion, petty harassment of villagers and human rights abuses, including rape, arbitrary detentions, and forcible land grabs. Bibi's case is just one of a series of incidents involving the local militia in the northern province of Konduz. Bibi, a 13 year-old girl, was abducted by an armed group in her house. She was forced to marry one of her captors in an illegal ceremony and endured a week of torture, beatings and rapes. She was eventually dumped outside her house. Bibi was targeted because her cousin had sexually assaulted the daughter of a local militiaman. When Bibi's cousin disappeared and a settlement was rejected, she became vulnerable. Bibi says being raped is like a death sentence in Afghanistan where women must be virgins in order to marry. Bibi is considering ending her own life if the perpetrators are not brought to justice but Bibi's mother says she will kill her own daughter unless justice is done. The military prosecutor in Konduz has issued a dozen arrest warrants and all the suspects are members of the Afghan Local Police. Bibi's case has led to an intervention by President

Karzai who ordered the Interior Ministry to arrest the suspects and disarm the police unit in Konduz. However, it remains to be seen whether justice can be obtained for Bibi and other women in similar situations.

For the full article, see: <http://www.rferl.org/content/rape-case-tests-afghan-justice/24604549.html>.

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### **China: Women Petitioners Risk Rape**

Women who are petitioning the Chinese government are being subjected to rape and sexual assault. For decades, many women have travelled to Beijing to try to seek redress from the national government for crimes they claim have been committed by local authorities and they have become part of the large 'petitioner' community. Complaints relate to forced evictions, violence suffered during time in custody, land-related corruption either suffered by the petitioner or by members of their family, and for which they could not access justice in their home area. Justice also proves elusive in Beijing. Many petitioners claim they have been detained in "black jails" and suffered physical and verbal abuse from Beijing authorities trying to block them making their complaint. Female petitioners are even more vulnerable, subjected to abductions during which they are sexually attacked. Abductees claim that their attackers say they were acting on behalf of the local authorities against whom they were making a complaint. Rights lawyers have confirmed that Beijing or local criminal gang members are being hired by officials to try and prevent people from pursuing these petitions but few women have been able to speak out about it.

For the full article, see: <http://www.rfa.org/english/women/rape-04202012104328.html?searchterm=None>.

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### **Kenya: African and European experts agree to further protect the rights of female migrants and domestic workers**

A meeting to discuss best practice in further securing the rights of migrants, particularly those of female migrants and domestic workers took place in Nairobi, Kenya in May, co-chaired by the European Commission (EC) and African Union Commission (AUC). The meeting was part of the Africa-EU Partnership on Migration, Mobility and Employment, currently being implemented by the International Centre for Migration Policy Development (ICMPD), the International and Ibero-American Foundation for Administration and Public Policies (FIIAPP) and the African Institute for Economic Development and Planning (IDEP).

During the two day meeting experts from African and European States, civil society and international organisations came together to discuss how this group of people, some of whom can be among the most vulnerable of migrants can best be protected. A key focus of discussions was the need to put in place adequate legal frameworks and effective implementation measures for the International Labour Organisation Convention on domestic workers. The meeting strongly recommended that the latter goal should entail exercising control over the work of recruitment agencies as well as educating migrants about their rights, through awareness-raising campaigns, information centres in both countries of origin and destination, and consular services.

For the full article, see: <http://allafrica.com/stories/201205211303.html>.

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### **Pakistan: No justice for children victims of sexual abuse**

There are concerns that children who are victims of sexual abuse, including incest, remain unprotected from their own families and the State in Pakistan. Sidra, for example, suffered sexual



abuse at the hands of her paternal grandfather and has lived with the trauma since. She is convinced her family discussed the issue and chose not to act because the truth would destroy the family and her grandfather was a respected elder. The media reports that sexual abuse is not uncommon in Pakistan and ranges from harassment to incest. A spokesperson for Sahil, an anti-child abuse NGO based in Islamabad, explains that families tend to cover up stories of sexual abuse because of the social stigma and pressures involved. Experts add that it can be extremely traumatic for victims to remain silent about their ordeal. There are also obstacles to obtaining justice for those victims who do report sexual violence. A study by an international human rights monitoring NGO, Equality Now!, found that the police, medical examiners and others were reluctant to believe stories about incest due to societal stigma. This also affected families' support for victims who are often treated in a dismissive manner and accused of lying or bringing this upon themselves.

For the full article, see: <http://www.irinnews.org/Report/95595/PAKISTAN-Coming-clean-about-child-sexual-abuse-or-not>.

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### **Philippines: Rise in gender-based violence**

There is widespread concern regarding the sharp increase in gender-based violence cases seen in the Philippines since 2006. The Philippines National Police Women and Children's Protection Centre have released figures saying that in 2011 there were 12,948 reported cases, up from 4,954 in 2006, a rise of more than 150 percent. From January to April of 2012, 5,629 cases have been reported. The Philippines and international authorities have expressed their distress at these figures, with the World Health Organization describing the level of sexual violence in the Philippines as "a serious cause of concern". There are some indications that the rise in cases is actually due to women having the confidence to report where before they may have stayed quiet, backed by legislation which has broadened the definition of gender-based violence. The Republic Act (RA) 9262, known as the Violence Against Women and their Children Law, passed in 2004 now includes physical, emotional and economic harm as abuse. It also made violence by an intimate partner (anyone with whom a woman has a sexual relationship) a public crime, and made it possible for anyone, not just the victim, to file a case against a perpetrator. Measures have been brought in to try and tackle this issue, such as the Women and Children Protection Centres, of which there are now 1,800 throughout the country, staffed by 3,038 policewomen trained in the laws that protect women, such as RA 9262, and gender sensitivity. However, there is still a long way to go if these levels of violence are to decrease. According to NGOs in the country, there is too much tolerance for violence in the culture of the Philippines.

For the full article, see: <http://www.irinnews.org/Report/95549/PHILIPPINES-Steep-rise-in-gender-based-violence>.

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## **New Publications**

### ***The Road to Safety: Strengthening Protection for LGBTI Refugees in Uganda and Kenya***

**Human Rights First, May 2012**

This report aims to engage specifically the American government in protecting the rights of LGBTI refugees in Uganda and Kenya but has important relevant messages for all.

The report highlights that for LGBTI individuals fleeing persecution, making a new home can mean facing equally terrible treatment, particularly in Uganda and Kenya. Constant relocation is the fate of many of these refugees, constantly fearing for their lives and those of people who try to help them. In 2010, two refugee women in Uganda were abducted and raped because they had been assisting LGBTI refugees. Rape is used to “correct” individuals, the report notes that five cases of “corrective rape” of lesbian or transgender male refugees in Uganda were reported by nongovernmental organizations (NGOs) between June and November 2011. Public policies do nothing to help them, instead reinforcing their discrimination: Uganda already ‘punishes’ same-sex relations with life-imprisonment and has seen several attempts for an Anti-Homosexuality Bill to be introduced. While Kenyan public rhetoric may be more lenient, legal sanctions still exist, a conviction in Kenya for consensual sexual conduct between men carries a five-year jail sentence.

Human Rights First aims in this report to provide clear guidance with practical steps for the US government, the UN and other key global actors on how best to protect LGBTI refugees. These recommendations first ask UNHCR and other NGOs to help LGBTI refugees to report violence to the police and access the criminal justice system. They argue that access to safe shelter is supremely important, specifically a ‘scattered housing approach’ giving LGBTI housing options away from other refugee populations. More effective mechanisms should be brought in, in order to identify vulnerable LGBTI refugees, so that they may see their resettlement hastened. The UNHCR and the United States are called upon to make more expedited resettlement places available for these refugees.

While specifically dealing with the situation in East Africa and with this particular group of vulnerable refugees the authors of the report are keen to stress that sadly a very similar story applies to other locations and to other groups, such as those suffering from sexual or gender-based violence. They hope that if key actors were to follow the measures laid out in the report, this would ‘improve the protection environment in host countries over the longer term, while also addressing the dire threats to the safety of individual refugees now’.

For the full report, see: [http://www.humanrightsfirst.org/wp-content/uploads/pdf/RPP-The Road to Safety.pdf](http://www.humanrightsfirst.org/wp-content/uploads/pdf/RPP-The_Road_to_Safety.pdf).

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## ***“If You Come Back We Will Kill You”***

**Human Rights Watch, May 2012**

This report, drawing on 211 interviews, 100 with migrants (49 women, 51 men), focuses on the continual abuse of migrants, female migrants in particular, by the Angolan authorities. Since 2003 there has been a continual expulsion of migrants, the majority of whom are from the Democratic Republic of Congo (DRC), on the grounds that the government is protecting all parts of the country from a “silent invasion.” Migrants are now also being interned in temporary detention centres designed specifically to house them. Women and girl migrants have been victims of sexual abuse including gang-rape, and of sexual exploitation. Their children have been forced to witness sexual abuse in custody. HRW say the most serious of these kind of crimes that have been reported to them by expelled migrants took place in these detention centres, carried out by members from across Angolan security forces, the Rapid Intervention Police (PIR), the border police (GPF), prison guards, as well as Angolan Armed Forces (FAA) and immigration officials (SME).

While there is no evidence that agents responsible for such atrocious acts did so under official orders, HRW say there are clear indications from the testimony of victims that agents were complicit with each other in this abuse, rather than this being a series of isolated incidents. The report also claims that many in custody were deprived of essential items, including food, water, and sanitation facilities, though not always deliberately. This increased the vulnerability of migrants, particularly women and

girls, to sexual abuse and exploitation, and exposed female inmates to health risks, such as HIV and other sexually transmitted infections.

These are not the first allegations of serious human rights abuses during the expulsion of migrants made against Angolan officials; credible evidence has been previously gathered by the United Nations, international and local nongovernmental organisations, and the African Commission on Human and Peoples' Rights. Yet, as this report points out, the Angolan government has continued to refute these claims and has refused to initiate investigations into these abuses or prosecute the perpetrators. This report makes a series of recommendations to the Angolan government, that of the DRC, the UN and other international organisations. Fundamentally though, the key issue is that Angola should finally acknowledge these past abuses, provide remedy to its victims and punishment to the abusers.

For the full report, see: <http://www.hrw.org/reports/2012/05/20/if-you-come-back-we-will-kill-you>.

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### ***Asylum Seeking Victims of Human Trafficking in Ireland: Legal and Practical Challenges***

**Immigrant Council of Ireland, November 2011**

This report highlights the Immigrant Council of Ireland's concerns regarding the identification and treatment of victims of trafficking within the Irish State's current system. It notes that the rights of victims of trafficking in Ireland are not enshrined in legislation but are only found in Administrative Arrangements. The report shows that a two-tiered system has been implemented through these arrangements, in particular with regards to Recovery and Reflection periods and Temporary Residence Permits and assistance and protection that discriminate against victims of trafficking who have also claimed asylum. Currently victims of trafficking who also claim asylum are simply not granted a Recovery and Reflection period and Temporary Residence Permits because the State considers they do not need it having been granted temporary admission in Ireland while their claim is being decided. The report argues that asylum seeking victims of trafficking are discriminated against as they do not enjoy the same set of rights as other victims of trafficking in contravention of the Council of Europe Convention against Trafficking. The report also notes concerns with the accommodation provided to asylum seekers which the Immigrant Council of Ireland considers is not suitable for victims of trafficking. The report concludes with a series of recommendations in relation to asylum seeking victims of human trafficking.

For the full report, see: [http://www.immigrantcouncil.ie/images/stories/18.11.2011UN\\_Gift\\_report.pdf](http://www.immigrantcouncil.ie/images/stories/18.11.2011UN_Gift_report.pdf).

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## **UK Training and Events**

### **Human Trafficking and the Law: Legal Arguments and Practical Legal Tools**

Date and Time: **Monday 2nd July 2012**

Location: **Royal Scots Club, Edinburgh**

The AIRE Centre are pleased to invite you to a second, free, one day conference for lawyers, NGO workers, local government staff, and any other front-line staff wanting to learn about or expand their knowledge on legal arguments and tools to protect and support victims of human trafficking

The day includes a case studies workshop, sessions on Family Law & Care Provision, Presentation of Claims, Criminal, EU and Immigration Law with a final practical session with helpful tips and legal arguments. There are "beginner" and "advanced" sessions so everyone should be able to find something that will fit their existing knowledge/experience.

Contact [events@airecentre.org](mailto:events@airecentre.org) for more information or a registration form.

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## Human trafficking in the 21st century: Challenges and opportunities

Date and Time: **5 July 2012 - 9:00 - 17:30**

Location: **University of West of England, Bristol**

This is a co-sponsored event between the Criminal Justice Unit and International Law and Human Rights at UWE Bristol, supported by the Centre for Legal Research.

Human trafficking is now seen as the fastest growing form of organised crime in the world. The London Olympics will see an increase in trafficking for sexual exploitation and street crimes and consequent increase in policing and criminal justice operations. It will provide an opportunity for the development of further best practice and assessment of the impact of human trafficking in the UK and the EU.

This conference is unique in bringing the current state of law and policy of all four corners of the UK into focus, within the EU framework.

### Who should attend?

Academics, lawyers, practitioners, NGOs, police, other professionals practicing in the fields of criminal justice, human rights, asylum and immigration.

### CPD Accreditation application made for 7 CPD points

**Price:** Standard rate: £60 / Charities, NGOs, Students: £32

For more information and to reserve a place visit:

<http://www1.uwe.ac.uk/bl/bls/research/internationalhumanrights/humantraffickingconf5july.aspx>.

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## Women Asylum Seekers Together Solidarity Sponsored Cycle Ride & Awareness Raising Event

**28/29 July 2012**

Vicky Marsh and Hannah Berry are looking for sponsors for their cycle ride which follows the journey many WAST members have had to make in a Home Office van - from Dallas Court Reporting Centre in Salford to Yarl's Wood Detention Centre in wasteland outside Bedford. Many women are arrested after reporting to Dallas Court, and are transported *like criminals* to Yarl's Wood. This journey is 130 miles long.

The proceeds will go to **WAST Destitution fund**, with 10% going to **Sustrans**, who have helped organise this venture. **Please make cheques payable to WAST, or donate via PayPal – please use the link at [www.wast.org.uk](http://www.wast.org.uk).**

WAST's address: Ada House, 77 Thompson St, Manchester M4 5FY, [womentogether@wast.org.uk](mailto:womentogether@wast.org.uk).

Many WAST women have:



- Experienced gender/sexual violence and trauma in their countries and then faced further trauma in the asylum process instead of emotional and practical support.
- Had their asylum claims refused and been unable to secure legal advice or representation to challenge in a court of law the initial decisions made by Home Office case workers.
- Been made completely destitute and vulnerable to exploitation and further violence in their struggle to survive.
- Been made to report daily, weekly or monthly in Salford, travelling from locations across Greater Manchester at their own expense, even when destitute.
- Had to live on vouchers (redeemable only at 1 or 2 shops), sometimes for years.
- Been arrested while reporting and removed to a detention centre, with no notice and only the belongings they were carrying.
- Once detained, had great difficulty ascertaining their rights and accessing legal support.
- Been left in detention frightened, stressed and without hope, not knowing for how long they will be locked up, or if they will be deported the next day.

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## Facilitating Justice for Traumatized Women Seeking Asylum

Date: **13 September 2012, Time: 11am-4pm**

Place: **Amnesty Human Rights Action Centre, 17-25 New Inn Yard, London EC2A 3EA**

The event organised by the Centre for the Study of Emotion and Law will bring practitioners with different expertise together to find ways to bridge the support service gap experienced by asylum-seeking women who have experienced sexual violence. The day will involve:

- Presentations and case studies from key expert speakers about the intersectionality of gender, violence and forced migration; the gap in services for women seeking asylum who have experienced sexual violence; and therapeutic frameworks to support the complex and specific needs of these women.
- Carefully facilitated workshops to explore ideas for ways to bridge the gaps in services.
- A networking session and ideas marketplace.
- A final plenary session to share feedback on the ideas generated during the day.
- The launch of CSEL's toolkit for training in understanding the psychological needs and challenges of traumatised women seeking asylum.

Speakers include Vicky Canning, Liverpool John Moores University; Nina Murray, Scottish Refugee Council; Anna Musgrave, Refugee Council; Southall Black Sisters.

CSEL will follow up actions and networking from the event with the aim of turning the day's ideas into real solutions.

### Who should attend?

- Managers and practitioners in organisations supporting women seeking asylum
- Managers and practitioners in organisations supporting survivors of sexual violence (e.g. Rape Crisis centres)
- Funders developing the capacity of these organisations to work with women seeking asylum who have experienced sexual violence

**Places are free, but limited**, and we hope to attract a range of participants from different organisations with a range of expert knowledge. To book a place, please email Clare Cochrane at [c.cochrane@cseel.org.uk](mailto:c.cochrane@cseel.org.uk) for a form. **Deadline for bookings is Monday 23 July 2012**

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## *Charter of rights of women seeking asylum*



**Endorsements: 293**

**Google group membership: 153**

### **UKBA Chief Executive responds to letter from Women's Asylum Charter endorsers**

It is eight months since 161 Charter endorsers put their organisations' names to a letter to the UK Border Agency's Chief Executive, Rob Whiteman, when he took up post in early October 2011. His response was received by Asylum Aid on 21<sup>st</sup> June 2012.

Charter endorsers were asking for gender equality in the asylum process to be made a strategic priority for the UKBA. In his letter, Rob Whiteman does acknowledge the issues raised and says he takes very seriously the letter's comment that the steps taken so far "are not being matched by evident change on the ground." He states that the UKBA is prioritising work on gender sensitivity. However, he has not picked up on the concern that this needs to be at a strategic level. He mentions the work programme on gender sensitivity which a number of Charter endorsers have commented on but this is restricted to operational matters.

The Gender Champion role which was the first recommendation of the *Charter of rights of women seeking asylum* has been vacant for a number of months now. This letter announces that Emma Churchill has recently been named as the Gender Champion. Emma is the UKBA's Director of Strategy and Intelligence so this can be seen as an appropriate role for the Gender Champion. Emma has shown a keen interest on gender issues in the past so it is hoped that endorsers can build on this.

In response to other specific issues raised by the Charter endorsers, Rob Whiteman also stated that performance management information with key statistics disaggregated by gender is now public, that the Public Sector Equality Duty is regarded throughout the projects of the Asylum Improvement Programme and that he is keen to promote the work they are doing on gender sensitivity in the asylum system.

For more information on the Charter and the Every Single Woman campaign, please go to [www.asylumaid.org.uk/charter](http://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](mailto: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](http://www.asylumaid.org.uk/pages/give_now.html)  
OR send it to us by post with this form:

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[www.asylumaid.org.uk](http://www.asylumaid.org.uk)

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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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Produced by the Women's Project at Asylum Aid  
(for more information on this issue, please contact: Christel Querton)

Asylum Aid  
Club Union House  
253-254 Upper Street  
London N1 1RY

Tel: 020 7354 9631  
Fax: 020 7354 5620  
Email: [womenasylumnews@asylumaid.org.uk](mailto:womenasylumnews@asylumaid.org.uk)

[www.asylumaid.org.uk](http://www.asylumaid.org.uk)

