

# Women's Asylum News

## Refugee Women's Resource Project

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### **New Research Report Launched: Asylum Seeking Women, Violence and Health**

*The Scottish Refugee Council along with London School of Hygiene and Tropical Medicine have published a new report which is discussed below. This article has been written by Gary Christie and Karin Goodwin at the Scottish Refugee Council.*

It is almost three years since Mary, a 40-year-old mother of two, arrived in Scotland from Zimbabwe to seek asylum. She was hoping to find sanctuary and peace. But, as she waited in limbo for her asylum claim to be decided, she found herself living in mental torment and in constant fear of being returned.

Sadly, she is not alone. A new study by Scottish Refugee Council and the London School of Tropical Medicine has revealed that asylum seeking women in Scotland are experiencing high levels of violence, depression and stress that is potentially not only affecting their physical and mental health, but the success of their asylum claims too.

The report – ‘*Asylum Seeking Women, Violence and Health*’ - sought to explore this through interviewing women seeking asylum about their experiences of violence and its after effects.

While there has been much work done on women's experience of violence on a global scale, less has concentrated on asylum seeking women who on fleeing their country of origin, are ever more vulnerable to violence.

Away from the support of family and friends, and often in crisis situations, women on the move are especially at risk of abuse at the hands of individuals such as smugglers, traffickers, detention facility personnel and border guards. These individuals frequently hold the 'keys' to vital resources and women with children may be at even greater risk, as they try to protect their children and meet their daily needs.

Findings for this research focused on the results from interviews with 46 women using Scottish Refugee Council services and women who were interviewed in Belgium as a comparison.

The report revealed that 22 per cent of the women had attempted suicide, while one in five had considered ending their own life in the last seven days. Fifty seven per cent were suffering from Post Traumatic Stress Disorder – which may make it difficult to remember important details of their asylum claim.

Figures relating to violence were just as shocking: 70 per cent of women surveyed had suffered physical and/or sexual violence in their lifetime. Over half had been victim to violence inflicted by someone other than their partner. One woman told researchers: *"I complained to the detention centre staff about the abuse, rapes and mistreatment [by many perpetrators, multiple times in detention / refugee centre in home country], but they did not pursue it further and nothing was done."*

Violence was also a feature of some women's lives after arriving in Scotland with 31 per cent of women claiming that they had been abused by their partner while in Scotland. Another woman revealed: *"He beat me like a prostitute. I was hospitalised. They refused to treat me unless the police intervened. I filed a report but withdrew it on request of my father. It was shameful for this to be occurring in our community."*

The implications of this are worrying given that less than half of the women interviewed had been told that they were entitled to make an independent claim. It raises important questions about the level of domestic violence that women accept because they believe making a complaint may jeopardise their claim.

Cathy Zimmermann, researcher from the London School of Tropical Medicine's Gender Violence Unit, said: *"It is alarming that seven in ten women reported physical or sexual violence. It is particularly disturbing that a number of these women were abused while in the UK - a place they came to for safety. Women's high levels of post-traumatic stress, depression and history of suicide attempts indicate that asylum-seeking women are suffering symptoms similar to torture victims."*

Tellingly over half of the women surveyed stated that the asylum process had adversely affected their health. Women consistently spoke of the stress that the faceless and bureaucratic asylum system put them under, the difficulty in dealing with the culture of disbelief and the way that played havoc with their mental health.

Over half the women reported having difficulty sleeping, and those who did manage to sleep often suffered recurrent nightmares. Many said they were jumpy, anxious, prone to panic attacks and outbursts of anger.

A small but significant percentage said they were unable to remember part of most traumatic events. With asylum claims often refused due to inconsistencies in the telling of their story during interview this finding was deeply concerning.

Mary's experience of that process is typical of many women interviewed. *"The stress [of going through the asylum system] almost kills you,"* she explained. *"I was referred to the hospital once because I was losing it completely, and I ended up going to counselling. Before that I never wanted to talk about what I was feeling. Among women, that's common, I think."*

Her children were affected as well. *"As long as I'm suffering my children are suffering as well,"* she said. *"There are times when I just cry for no reason – that's not good to cry in front of the children. I lose my temper because of the stress – there's so much stress that sometimes I can't even think. You feel you are nothing, and you can't do anything. But the Home Office don't see that. They will bring your experiences back to you again and again. Sometimes you can be asked just a simple question but it will be very difficult for you to respond like a normal person, or to get the right answer, because you are so stressed."*

In response to the findings, Scottish Refugee Council and report authors are making some clear policy asks. Firstly they are calling for the Home Office's UK Border Agency (UKBA) to proactively identify vulnerable women who have experienced violence - as well as those suffering from stress or depression - from the outset, and treat them appropriately in the asylum process.

They also recommend training in women's issues for both UKBA staff and immigration judges, making them fully aware of the specific issues facing asylum-seeking women in order to respond to female asylum seekers who have experienced violence. This training should be at the same level as that required in the criminal justice system for those dealing with women who have experienced violence.

Finally they recommend the Scottish Government review all current health and domestic violence services to ensure that they are meeting the particular needs of asylum-seeking women highlighted in the report.

John Wilkes, Chief Executive of Scottish Refugee Council, said: *"This report's conclusions sadly come as no surprise to us as we witness first-hand the sometimes intolerable stress that those going through the asylum process suffer. The study helps illustrate the violence women seeking asylum are exposed to, the way they are made more vulnerable to abuse in their home countries, in transit and in the UK and the effect of that on their physical and mental health. On arrival in the UK they enter an often bewildering and faceless asylum system while over half are struggling to cope with symptoms including high levels of depression, flashbacks, anxiety, fear and difficulty remembering traumatic events, which may negatively affect the outcome of their asylum claim. We hope that the research will lead to discussions and actions that will see an improvement in the way the current system addresses women's health and protection needs."*

**Women's Asylum News would like to thank Gary Christie and Karin Goodwin from the Scottish Refugee Council for contributing this article.**

**If you would like further information about any issue raised in this article or to discuss the report please contact Gary Christie Email: [gary.christie@scottishrefugeecouncil.org.uk](mailto:gary.christie@scottishrefugeecouncil.org.uk) or Tel: 0141 248 9799.**

**For a copy of the 'Asylum-Seeking Women, Violence and Health' research report see: [http://www.scottishrefugeecouncil.org.uk/pub/Women\\_health](http://www.scottishrefugeecouncil.org.uk/pub/Women_health)**

## Sector Update

### Profile of Women Asylum Seekers Represented by Asylum Support Appeals Project

The Asylum Support Appeals Project (ASAP) specialises in providing advice on asylum support law. This is the term used to describe the benefits and housing provided to asylum seekers and some groups of refused asylum seekers. ASAP provide free representation to asylum seekers who are appealing against the decision by UKBA (formerly NASS) to either refuse or terminate their support. These appeals are heard at a special tribunal (Asylum Support Tribunal) which is now based in London Docklands.

In April 2008 ASAP received funding from Comic Relief to work with destitute female asylum seekers who were victims of sexual violence. The funding has enabled ASAP to target more destitute women who were appealing against UKBA's decision not to give them support. Asylum seeking women who are destitute are particularly vulnerable to violence and exploitation so it is very important that they are assisted to access support and informed about their right to appeal if support is refused. The funding from Comic Relief has also enabled ASAP to raise awareness of support issues amongst women's organisations and to provide training to these groups. Our training is delivered in partnership with Rights of Women.

In August this year ASAP conducted an in-depth profile of the women they had assisted at the tribunal between April and June 2009. Although ASAP are aware that many of the women assisted at the tribunal are vulnerable, conducting the profile provided an invaluable opportunity to look in more detail at the range of problems they were experiencing. The findings showed that a substantial number of the women (34%) had experienced violence and over half were suffering from health problems. In addition, over 60% of the women ASAP assisted had children or were pregnant so had the added pressure of trying to manage the responsibility for dependents whilst being destitute or surviving on very limited means.

ASAP will be carrying out more research on the needs of destitute asylum seeking women in the future and will focus on the barriers women face when trying to appeal against a decision to refuse them support. If you would like to read a copy of ASAP's profile please go to: [www.asaproject.org.uk](http://www.asaproject.org.uk). If you would like more general information about ASAP's women's project please contact Gerry Hickey on 020 8686 1888.

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## Significant Legal Issues

### Country Guidance Case – Lesbians in Albania MK (Lesbians) Albania CG [2009] UKAIT 00036

The Tribunal has now issued its first Country Guidance case on lesbians in Albania. The appellant was a young lesbian woman from Tirana whose sexuality had come to the attention of her family and who she claimed had disowned her as a consequence.

The Tribunal accepted that *'lesbianism is a comprehensive cultural taboo in Albania'* and that generally, lesbians tended to engage in relationships *'privately and without any public advertisement of their sexual orientation'*, they did not frequent known 'gay' locations and did not join LGBT (Lesbian Gay Bisexual Transgender) organisations. As such, *'there is lacking the opportunity for them to be harassed or persecuted by police'*. Consequently, the Tribunal

concluded that, in general, lesbians in Albania lacked a well-founded fear of persecution on the basis of their sexuality.

The Tribunal acknowledged that, whilst *'patriarchal and heterosexually-defined norms still underpin the attitude of the authorities and of society at large'*, Albanian society was undergoing rapid modernisation, particularly reflected in life in Tirana. Whilst immigrants to Tirana from the North may be likely to cling to traditional values, this was not so for ordinary residents in Tirana who are not themselves from the North or family members of recent immigrants. Hence, in assessing risk to a lesbian woman in Tirana from her family, it would be necessary to give careful consideration to *'the degree of 'traditionality' of the family'*.

However, the Tribunal went on to conclude that, in the event that a woman was at serious risk of harm from her family on the basis of her sexuality, there was a Sufficiency of Protection available. Importantly, the Tribunal was of the opinion that, in the event that a woman made a complaint to the police of her family being violent, her family would not be likely to disclose her sexuality to the police. As such, the complaint would be treated as one of domestic violence from which sufficiency of protection existed, following the earlier CG case of DM (Sufficiency of Protection - PSG –Women –Domestic Violence) Albania CG [2004] UKIAT 00059.

The Tribunal accepted that lesbians in Albania would meet the requirements to be defined as a Particular Social Group (PSG). However, as lesbians in general were not at serious risk of persecution as a consequence of their membership of the PSG, they would not meet the requirements of the Refugee Convention. The Tribunal declined to elaborate further on the application of the concept of PSG to lesbians in Albania.

Finally, the Tribunal considered the issue of the extent to which a lesbian returning to Albania could be expected to live discreetly. Whether this would be 'reasonable' in her particular case would need to be assessed in the context of both her personal background and the prevailing cultural and religious norms governing Albanian society. In order to succeed in a refugee claim, an applicant would need to make out a serious risk to her fundamental rights on return.

The Tribunal then went on to consider whether a woman without family support would be at serious risk of destitution. The Tribunal found that this was generally not the case as there were opportunities for employment in Tirana, even for unskilled women. Further, there were a number of NGOs in Tirana which women could turn to for assistance to secure accommodation. However, each case would need to be considered on the particular facts.

Applying these general conclusions to the appellant's case, the Tribunal concluded that she would not be at serious risk of persecution or breach of her human rights on return.

Whilst accepting that the appellant's sexuality had come to the attention of some members of her family and that she had suffered some violence as a consequence, the Tribunal found that, due to the taboo around lesbianism, it was highly unlikely that her sexuality had been disclosed to anyone else. Further, her family was not mired in traditionalism and she could live away from her family without fear of pursuit. Finally, the Tribunal concluded that the appellant would be able to engage in discreet lesbian relations on return, as she had done in the past and noted that, in the UK, she had not become part of the 'gay scene'.

The Tribunal therefore dismissed her appeal under the Refugee Convention and her claim for humanitarian protection under Articles 3 and 8 of the ECHR.

Importantly in reaching its findings, the Tribunal commented on the near complete absence of information on lesbians in Albania and it relied heavily on the expert evidence before it. Given the Tribunal's comments on the changing nature and modernisation of Albanian society, particularly

amongst the young in urban Tirana, it remains to be seen whether lesbians may eventually begin to emerge to some extent into the public sphere. If so, it is likely the question of risk to lesbians in Albania will be the source of further litigation.

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### **Country Guidance Case: Risk of illegal exit loan sharks in China ZC and Others (Risk – illegal exit- loan sharks) China CG [2009] UKAIT00028**

This is a case about a woman (the appellant) and her twin sons (under 18 but soon approaching adulthood) who fled from loan sharks in China whom her husband had borrowed money from to fund his gambling habit. The loan sharks had visited their house and made threats on more than one occasion as the debt was outstanding. The police failed to take action to protect this family despite a complaint being lodged which gave the loan sharks an opportunity to attack the appellant's home and burn the appellant's son's arm with a cigarette. The appellant and her sons fled to a relative's home in another town and in their absence their home was burnt down. The appellant's relative paid an agent to assist the appellant and her twin sons to flee from China which they did by air from Beijing to Holland and then by lorry to the UK. The appellant argued in her first instance appeal (before an Immigration Judge) that she would suffer persecution in China:

- i) As she would face imprisonment in harsh and degrading conditions for leaving China unlawfully
- ii) As her sons would be left to fend for themselves whilst she was serving her prison sentence
- iii) From the loan sharks as the debt was still outstanding
- iv) As the loan sharks would be able to trace her if she internally relocated wherever she went to

At the appeal of first instance, the Immigration Judge allowed the appeal by finding that the appellant and her sons:

- I) Were members of a particular social group
- II) Were at risk from loan sharks in their home area for the debts
- III) Could internally relocate but as the main applicant was likely to be imprisoned for leaving China illegally, internal relocation was not an option

The Respondent applied for reconsideration. The application was granted on the grounds that the Immigration Judge had erred in law by finding that internal relocation was an option which could not be exploited as the Appellant on return would be imprisoned for her illegal exit; but had failed to consider whether this imprisonment would be persecutory.

At the reconsideration:

**For the Appellant** it was argued that it would be unduly harsh for the appellant and her sons to return and face imprisonment for exiting China illegally. First time offenders would receive prison sentences of 3 months and prison conditions were harsh and degrading. Her children were under 18 and as their father's whereabouts were unknown, they would be left to fend for themselves if their mother was imprisoned on return.

**For the Respondent** it was argued that going by guidance given in previous cases, it was unlikely that the appellants would be imprisoned for having left China unlawfully as there was no evidence that returnees were routinely prosecuted. Reliance was placed on objective evidence such as the US State department report which stated that imprisonment for illegal exit was not an inevitable result however there were alternatives such as fines. In respect of the loan shark issue, an argument was made that the loan sharks would most likely pursue a wealthier relative of the

appellant rather than the appellant herself and if this were not the case, the appellant could relocate and there was no evidence to suggest that the loan sharks would trace her if she did. Any term of imprisonment would not impact on her ability to subsequently relocate and relocation would not be unduly harsh. As for her children's survival whilst their mother was in detention, as this would only be for a short period and they were approaching adulthood, this would be temporary and not breach any Article 8 (family and private life) rights.

**The Tribunal's findings** at the reconsideration focused on these two issues:

- i) Consequences of Illegal departure- here it found that Chinese authorities were unlikely to take a harsh approach towards the appellant and her sons. The evidence did not support the submission that imprisonment of returnees who had exited illegally was routine or that there was even a risk that it would happen. Alternatively, even if the appellant was imprisoned, there was no evidence to show that this would be persecutory. As for her sons fending for themselves, it was reasonable to expect that the relative who had assisted them in fleeing China in the first place would support them and as they were approaching adulthood their circumstances could not be viewed in the same light as minor children who would be subject to certain vulnerabilities such as abduction and trafficking.
- ii) Internal relocation- the Tribunal found that the appellants had produced no evidence to suggest that loan sharks had a network which extends throughout China; it was therefore unlikely that they would be able to trace the appellants wherever they went. The Tribunal found that the appellant's wealthy relative in Guangzhou could assist them; and if not, the appellants were nonetheless fit and healthy and there was no reason why they could not relocate to another part of China.

**Problems with the Tribunal's findings-** The Tribunal's consideration of internal relocation was narrow and lacked an understanding of gender issues. As the appellant had a wealthy relative who had assisted in the past it was presumed that this assistance would be offered on return if the appellant was to relocate. However if the opposite was true and the appellant could not obtain assistance from relatives, she would be on her own (as her husband's whereabouts are unknown). Consideration of internal relocation requires an assessment of whether it is reasonable to expect one to relocate against the backdrop of their circumstances. In the present case, the main issue appears to be whether it is reasonable to expect a single woman with two children in China to move from one town to another without any assistance, any history of employment or promise of employment, any money or support system to rely on, any relatives (willing) to assist or any accommodation? To conclude that the appellant and her children could relocate shows that these questions were not asked and/or submissions were not made. The conclusion that it would be reasonable for them to relocate because they were healthy shows a clear misunderstanding of internal relocation issues.

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## Right to Family Life A (Afghanistan) [2009] EWCA Civ 825

A number of cases considered by the House of Lords and the Court of Appeal which concerned the rights to family life of refugees and asylum seekers who were granted leave to remain in the UK were reported in WAN Issues 77, 80 and 81. In particular those cases considered when the right to respect for family life, guaranteed by Article 8 of the European Convention of Human Rights, prevented the state from removing a spouse of a refugee without immigration status or where that right could compel the state to permit a spouse or other family member to join a person settled in the UK.

In **A (Afghanistan)** the Court of Appeal considered the situation of a recognised refugee who had been granted asylum in the UK and who had subsequently married and had a child with an Afghan woman living in Pakistan. Due to a change in Home Office policy in 2005, the refugee had been granted a limited period of 5 years leave to remain. The previous policy had been to grant recognised refugees indefinite leave to remain. The consequence of that change means there is no provision of the Immigration Rules that permits refugees recognised after August 2005 to bring spouses from abroad where the marriage post-dates the refugees' flight to the UK. Rather, refugees in that position must wait a minimum of 5 years before applying for indefinite leave to remain. If successful in their application for indefinite leave to remain they could then apply for post-flight family members to join them under the Immigration Rules.

The Secretary of State argued that the appellant did not enjoy family life with his spouse protected by Article 8 ECHR, because although the marriage was genuine, the couple did not cohabit. It was also argued that there were significant public policy reasons to justify the approach taken after August 2005, which the Asylum and Immigration Tribunal had not been aware of. The Court of Appeal found that, contrary to the Secretary of State's position, Article 8 protected family life between a husband and wife who did not cohabit and who wished to live together in the UK. Because the Secretary of State had failed to abide by court deadlines causing one adjournment of the case, the Court of Appeal took the unusual step of preventing him from putting forward the significant public policy reasons that was said to justify his general approach to this situation. The appeal was thus allowed, leaving unresolved the question of whether those public policy reasons justified the Secretary of State's general approach.

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## International News:

### **Pakistan: Women fearful in Swat Valley**

Many women in Pakistan's Swat District fear Taliban militants due to "*fear of threats and targeted killings*" according to Sahar Gul, research coordinator for the government's National Commission on the Status of Women. Recent violence targeted against women has left many women fearful of leaving their homes. One woman discusses how she has stopped teaching "*after a militant followed me home, knocked threateningly at our door and warned my husband to stop me going out to work.*" She believes even after the army's recent military campaign in the area "*Those who associated themselves with the militants are still around. I have lost confidence, even after eight years of work, and am scared to go out.*"

Sahar Gul comments that many women were employed in cosmetic factories before the Taliban however those factories have now closed and the women are unemployed. Women without husbands face even more difficulties. One woman, whose husband is missing, feared dead, talks of the difficulties finding a job. She states: "*no one gives me a job now. Some say they do not employ women. How am I to feed my children?.*" Like other women she feels unsafe going out without a male escort stating: "*this means I must ask my elderly father or a brother-in-law to help [me] even buy a few vegetables... Our life has become very difficult.*"

Additional humanitarian concerns specific to female headed-households have also been raised. Pakistan's National Database and Registration Authority (NADRA), which has been collecting data on internally displaced persons (IDPs) since May 2009, believe 12.2 percent of all registered IDPs are female headed households. However, World Food Programme (WFP) data show that only 10.4 to 11.3 percent of the monthly food distribution goes to women. These statistics suggests a disproportionate number of female-headed households are not receiving their food



entitlements each month. The UN Office for the Coordination of Humanitarian Affairs (OCHA) has raised this issue as an ongoing concern.

For full article see:

<http://www.unhcr.org/refworld/docid/4aaf4cd81e.html>

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### **Nigeria: Rise in Trafficking**

Italian human rights organisations report a rise in women who have been trafficked from Nigeria arriving on the island of Lampedusa. Lampedusa is 205 km off the Italian coast and is used as a holding centre for migrants wishing to enter Italy. In 2007 166 women arrived reportedly trafficked from Nigeria. However in 2008 this number increased to 1,782.

The UN Office on Drugs and Crime (UNODC) believes 80% of people trafficked are women for the purposes of sexual exploitation. They also believe many women who were once trafficked become involved in the trafficking industry themselves. One Nigerian woman states *"these women, who we call maman, force us on the streets for days without pause, also when we have our periods, also when we are pregnant...and a few days after childbirth we are pushed on the streets again, or the maman would steal babies from us."* This woman was originally from Nigeria and was promised a job in London. However upon arrival she was sold to criminal gangs who sent her to Italy and forced her into prostitution. She states: *"here I found my true hell .... a world of daily violence perpetrated by men, and by other women, and also by our own families who pretend they're not aware, and take their part of money."* For this woman, the criminal gangs paid for her trip to Italy and then she was forced to pay back this money through prostitution. For many women this level of debt often takes years to pay back. The woman also talks about how women who escape from their traffickers or report their violence are often found by traffickers and severely beaten or killed.

For full article see:

<http://www.ipsnews.net/news.asp?idnews=48405>

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### **Bangladesh: Dowry violence**

Unpaid dowries in Bangladesh can result in disturbing levels of domestic violence and abuse for women. One woman recalls how her physical abuse began after her parents retracted their promise of payment. She later died of injuries.

Hong Kong based Asian Legal Resource Centre (ALRC) believes violence associated with dowry payments including torture, acid attacks and murder are not new in Bangladesh. Mohammad Ashrafuzzaman, an ALRC programme officer says: *"This is a social cancer. It continues unabated and everybody suffers."*

Local NGO ASK report 119 cases of dowry related violence within the first six months of 2009 in which 78 women died.

Peter Davies, Development Studies lecturer at Bath University reports dowry payments as being one of the main causes of chronic poverty in Bangladesh. His study states: *"Some families face a 'double whammy', having to pay wedding expenses and dowry for their daughters at the same time in life as elderly relatives are needing more expensive medical care."*

Since the 1980s the government has banned dowry payments and sanctions have been imposed stating *"those taking or demanding dowry face imprisonment, a fine or both."* The practice however continues. Ashrafuzzaman from ALRC believe the government are not effectively implementing the law: *"Of course there is a law, but this law has been ineffective given the dysfunctional nature of the country's judicial system."* Ashrafuzzaman believes perpetrators often pay off officials to avoid arrest. *"They manipulate the system and ultimately the problem continues."*

In addition, many NGOs believe some women do not want to receive legal advice. Elina Khan, executive director of Bangladesh Manabadhikar Bastobayan Sangstha (BSEHR), a local NGO working for human rights states *"Some victims do not want to continue the legal battle against their husbands for fear of their husbands"*. Many women affected by dowry violence come from poorer families and losing the shelter of the husband's home is a frightening prospect.

For full article see:

<http://www.irinnews.org/Report.aspx?ReportId=86100>

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### **Afghanistan: Differentiate rape from adultery**

Human rights groups are calling upon the Afghan government to identify rape as a criminal offence. Currently, rape is predominantly regarded as consensual adultery which is considered a serious punishable crime in Afghanistan. Ajmal Samadi from the Afghanistan Rights Monitor (ARM) states *"rape needs to be legally recognised as a heinous crime and must be dealt with separately from Islamic adultery penal codes"*. The UN Assistance Mission in Afghanistan (UNAMA) recent report *'Silence is Violence'* states that judicial officials and the police are unaware that rape is a serious crime and *"the reality for most female victims is that state institutions fail them."*

Cases of adultery and rape are processed under Article 422-433 of the 1976 Penal Code which prescribes jail sentences of 7-14 years. Human rights groups state this Penal Code does not distinguish between rape and adultery. Sonya Merkova from Amnesty International states *"Women in Afghanistan, victims of rape, are often at risk of being convicted of 'zina' (fornication outside marriage) under Article 427 of the Afghan Penal Code, and are denied justice. Indeed, the crime of rape committed against them, through no fault of their own, is compounded by further victimization in being prosecuted by the state for 'zina.'"*

UNAMA's report also discusses issues around marital rape. Many judges believe that even if a man forces his wife to have sex with him this is not considered rape. UNAMA's report states *"the issue of marital rape is never considered or reported, since women have no choice in terms of consenting to sexual intercourse with their spouse."*

On 27 July 2009 the government published in the Official Gazette a controversial law for the country's Shia minority which, according to Human Rights Watch (HRW), deprives women of many basic rights. Human Rights Watch have published a statement on this law which they say *"effectively allows a rapist to avoid prosecution by paying 'blood money' to a girl who is injured when raped."*

For full article see:

<http://www.irinnews.org/Report.aspx?ReportId=85978>

For Human Rights Watch statement see:

<http://www.hrw.org/en/news/2009/08/13/afghanistan-law-curbing-women-s-rights-takes-effect>

For UNAMA's report *'Silence is Violence- End the Abuse of Women in Afghanistan'* see:

<http://unama.unmissions.org/Portals/UNAMA/vaw-english.pdf>

### **South Africa: Law failing lesbians who have experienced 'corrective rape'**

South Africa has received international publicity regarding its horrifically high levels of rape and sexual violence. The South African Police Service (SAPS) report over 36,000 cases of rape and attempted rape between April and December 2007. It is also estimated cases of unreported rape are ten times that amount. The issue of 'corrective rape' of lesbians however, who are specifically targeted and raped because of their sexual orientation has received less publicity. Bernedette Muthien, co-founder and director of a project supporting lesbian women in Cape Town states: *"From New York to Afghanistan, to the Balkans, across Africa, Latin America. I've been to many conferences and asked the questions. (Curative rape is) a global phenomenon....It has always been in society since the onset of patriarchy and been used as a tool to control people's sexuality, women in particular ways and also some men. Many, many of my women friends and comrades themselves are survivors of curative rape."*

Ndumie Funda, who runs a project supporting young lesbians in Cape Town believes young lesbians aged 16-25 are most vulnerable and often get evicted by their parents. She states that when women report cases of corrective rape the *"cases are not taken seriously, the police laughs, they'll tell you you've asked for it because you behave like a man."* Emily Craven, Joint Working Group co-ordinator explains: *"Police are often remiss in their investigation and victims are often subjected to secondary victimisation from homophobic police officials, the justice system is slow, struggles to cope with cases of gang attacks and it is hard to convince prosecutors of the importance of hate as a motivation for crimes"*.

Craven outlines peculiarities within the South Africa legal system which actually permits same-sex marriage yet fear and violence remains a dominant reality for LGBT communities. She states: *"people trust those laws and their decision to come out on the basis of them in fact places them in danger by making them targets..... Townships and rural areas are seen as having higher levels of homophobic hate crimes....This is where we find that schools show high levels of corrective rape and other abuses ..... the outlook with regards to support for survivors is bleak."*

For full article see:

<http://www.ipsnews.net/news.asp?idnews=48279>

### **Somalia: Fear and rape in Galkayo**

Reports of growing incidence of sexual violence and rape in Galkaya, Somalia are emerging. Many women fleeing the violence in Mogadishu are escaping to the perceived safety of Galkaya in the self-declared autonomous region of Puntland. However, women in the displaced persons camps are reporting cases of rape and sexual violence. Hawa Aden Mohamed of Galkayo Education Centre for Peace and Development (GECPD), an organisation helping internally displaced people states *"apart from a lack of basic needs, the displaced women also have to deal with the constant fear of rape"* which is becoming one of the biggest security issues in Galkayo. Mohamed states: *"it has reached epidemic proportions and needs to be addressed as a matter of urgency."*

Women are frequently being attacked and raped when they go to collect firewood or grass to help supplement their incomes. Recently however, women are also being targeted in the displaced persons camps. Mohamed reports *"in the last month or so, the rapists came into the camp at night and took women by force"*.

A local journalist believes many women will not report the crime stating *"if a woman went to the police to report an attack, first she faces ridicule and secondly, she is then asked to pay for the expense of holding the attacker in police custody, and these are people who cannot afford to feed themselves."*

For full article see:

<http://www.irinnews.org/Report.aspx?ReportId=86257>

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### **Global: Killing and persecution of women accused of being a witch**

United Nations representatives, NGOs and civil society organisations are calling on governments across the globe to acknowledge the rising levels of persecution and killing of women and girls accused of being 'witches'. Aides to UN special investigators report that women, especially elderly women are particularly vulnerable to being accused of being a 'witch.' According to the UN, this type of persecution and killing of women is a common occurrence in countries ranging from South Africa to India.

Ulrich Garms from the office of the U.N. High Commissioner for Human Rights reported at a recent UN seminar that there were no reliable statistics on how many women and child 'witches' were killed annually around the globe. Also, young children are often abandoned by families and communities if they are suspected of being a 'witch.' Other U.N. officials at the seminar said deaths ran into at least tens of thousands, and beatings, deprivation of property and banishment and isolation from community life meant the victims of the "witch frenzy" ran into millions. Seminar delegates agreed women are often blamed and considered scapegoats for other individuals' misfortunes and illnesses.

For full article see:

<http://www.reuters.com/article/worldNews/idUSTRE58M4Q820090923>

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## **UK Courses**

### **Women and Girls Network and the Women's Resource Centre Young Women and Violence Seminar London, EC1V, 22<sup>nd</sup> October**

This free seminar will showcase agencies that are working with young women and are at the forefront of best practice in the field. These agencies deal regularly with the issues of sexual exploitation, forced marriage, female genital mutilation, domestic violence and gang violence, along with other forms of abuse.

The speakers include:

- Baljit Banga, Director, Newham Asian Women's Project
- Nicola Weller, Head of Children and Young People's Services, The Nia Project
- Carlene Firmin, Policy Officer, ROTA

The seminar will provide attendants with a deeper awareness and understanding of the issues around young women and violence and a range of useful tools and creative ways to engage in working with young women

To book or for further information please contact: Ellen Storrar at [Ellen@wrc.org.uk](mailto:Ellen@wrc.org.uk)  
or Tel: 020 7324 3047 or download a booking form from [www.wrc.org.uk/sharingourstrengths](http://www.wrc.org.uk/sharingourstrengths)

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## New Publications:

### **Sexual and gender based violence in Africa ACAS Bulletin 83**

This journal includes a range of articles relating to gender based violence in Africa. Articles include '*Sexual and gender based violence: everyday, everywhere and yet...*' by Daniel Moshenberg. This article takes an historical and global perspective on gender based violence and introduces the need for, and intention of the journal. The journal aims to bring together concerned African scholars, advocates and practitioners to address issues of sexual and gender based violence in the continent. Other articles include '*Zanzibar GBV Advocacy: Important lessons for future legal reform strategies*' by Salma Maoulidi; '*To be a Woman in Kenya: A look at sexual and gender based violence*' by Ann Njogu and Michelle McHardy and '*Trans-hate at the core of gender based violence*' by Liesl Theron. For a copy of the journal please see:

<http://concernedafricascholars.org/docs/Bulletin83.pdf>

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### **Serbia: Human Rights Defenders at Risk Amnesty International**

This research report explores how human rights defenders (HRD's) in Serbia are at risk of attack by state and non state actors as well as the media. The report illustrates how the government are failing to protect HRD's and specifically documents the experience of women who are deliberately targeted and branded "witches", "snakes" and "whores."

The research also highlights concerns regarding lesbian, gay, bisexual and transgender (LGBT) activists who are both marginalised within civil society and subject to physical assaults and attacks by the media. The report documents a number of attacks and killings of LGBT people and activists and discusses the lack of police action and accountability for the crimes. The report outlines key recommendations for the Serbian government, the EU and EU member states.

For full report see:

<http://www.amnesty.org/en/library/asset/EUR70/014/2009/en/62eed1a1-0150-4999-aca5-6909720e053b/eur700142009en.pdf>

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### **Caring for Trafficked Persons: A Guide for Health Providers International Organisation for Migration (IOM), UN.GIFT and London School of Hygiene and Tropical Medicine**

This report aims to provide practical guidance for non clinical health professionals working in the field of human trafficking. The report explores appropriate approaches to providing health care and looks at the health provider's role when working with people who have been trafficked. The report starts with three key chapters which cover: background information on human trafficking; current knowledge on the health risks and consequences of trafficking and guiding principles in the care of trafficked persons. The chapters are followed by 17 different action sheets, each outlining the key rationale and specific guidance on that particular area. The report recommends the need for a greater knowledge and evidence base of both the health care needs for women who have been trafficked and practical approaches to improving the health of people who have been trafficked. For research report please see:

[http://publications.iom.int/bookstore/free/CT\\_Handbook.pdf](http://publications.iom.int/bookstore/free/CT_Handbook.pdf)

## *Charter of rights of women seeking asylum*



**Total Endorsements: 162**

**Google Group Membership: 98**

**Gatwick Detainees Welfare Group** and **Maternity Action** share their reasons for endorsing the *Charter of rights of women seeking asylum*:

At **Gatwick Detainees Welfare Group (GDWG)** we support men, women & children detained at Tinsley House IRC & males only at Brook House IRC.

Tinsley House has the capacity to hold 116 males, 5 females & 4 families. The families are detained in a separate unit to the males; the single women have separate bedrooms but share other facilities with the males in the centre. With such a disproportionate number of females to males, we often hear that women feel intimidated, scared & isolated at Tinsley House. A woman is often the only female detainee surrounded by 116 males, I believe that any women would feel intimidated in such an environment. Being in detention is difficult enough without this added burden. There doesn't seem to have been any consideration of this on the part of UKBA & G4S. We hear reports from women who do not eat properly during their detention at Tinsley House as they feel intimidated to eat in the dining hall with so many men. They spend most of their time isolated in their room. The Charter is important as it raises awareness of the plight of women, not only in detention but in the asylum system as a whole. We hope to use it when necessary, to bring the complex issues faced by women & their children in detention to the forefront. These are issues which I believe are largely unreported to the general public. Through feeding significant information back to the charter, we would hope this could be of some use when lobbying to the Home Office and creating awareness amongst hard to reach members of society.

Louise Peim, Gatwick Detainees Welfare group

**Maternity Action** works to challenge inequality and promote wellbeing for all pregnant women, new mothers and their families. We are particularly concerned about the situation of asylum seeking women. These women, who have left their home countries because of persecution, encounter a complex, alienating immigration system in the UK and a life of poverty. It is unsurprising that asylum seeking women have some of the worst maternal health outcomes of any group in the UK. We endorsed the Women's Asylum Charter because it challenges some of the worst excesses of the asylum system. We are active supporters of the Charter and are working to end detention of pregnant and breastfeeding women and to improve access to section 4 support.

Rosalind Bragg, Maternity Action

**For further information on the *Charter* please see [www.asylumaid.org.uk](http://www.asylumaid.org.uk). Look out for the next stage of our campaign for the rights of women seeking asylum in November's edition of **Women's Asylum News**.**

### Donations to Asylum Aid

Asylum Aid provides free legal advice and representation to asylum-seekers and refugees, and campaigns for their rights. We rely on the generosity of individuals to help us continue our work. Your support would be greatly appreciated. A gift of just £5 each month could support our free legal advice line.

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Signature

Date

Your declaration covers all donations you have made to Asylum Aid since April 2000 and any donations you might choose to make hereafter. You must have paid as much tax (or more) in this year as we will reclaim on your donation.

To support Asylum Aid's work, please complete and return this form to: Asylum Aid, Club Union House, 253-254 Upper Street, London, N1 1RY

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