

# women's asylum news

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## RWRP initial response to the 2004 Asylum & Immigration (Treatment of Claimants, etc.) Bill

RWRP believes that the Bill, which is still being debated in the House of Commons, fails to address the main reasons for the government's continued failure to deal with and determine women's asylum claims adequately. Above all else, this failure is the combined result of the continuing poor quality of initial decision-making and the continuing failure to finalise and adopt clear gender guidelines at the initial decision-making stage.

With regard to the specific provisions of the Bill we would argue that almost all of the measures introduced would disproportionately affect women asylum seekers. We have not addressed in detail the provisions of Clause 7, which deals with the withdrawal of support from failed asylum seekers. This clause has been widely discussed in the press, and we unreservedly condemn it. However, we feel that the less widely publicised provisions below will in fact have a far more fundamental and insidious effect on the determination of women's asylum claims.<sup>1</sup>

<sup>1</sup> In addition to the profound changes in immigration and asylum law and policy that will be brought about if this Bill is enacted, the changes to publicly funded immigration and asylum work being proposed by the Legal Services Commission will further compound the lack of access of the most vulnerable asylum seekers to effective legal representation. Asylum Aid's response to the LSC proposals is

### Restriction of appeal rights

Clause 10, the most radical and dangerous but least publicised of the Bill, would completely remove a whole tier of the existing asylum appeals process (the Tribunal), and exclude the judiciary from any oversight of government decisions to refuse asylum and remove asylum seekers from the UK.

This reduction of appeal rights and the exclusion of JR will have a massive and disproportionate impact on women's cases. At the moment, Home Office procedures and a narrow interpretation of the Geneva Convention fail to recognise, or at best marginalize, the experiences of refugee women. The current appeals process allows women the opportunity to challenge decision-making that does not recognise the gender-related and gender-specific characteristics of their cases.

An analysis of our own caseload<sup>2</sup> showed that, of a sample of 102 claims by women, 23% (n= 23) were granted status on initial application and 77% (n=79) were refused. Of these, 55 cases went on to appeal against the Home Office initial decision and 29% were successful at adjudicator level. Of those which were not, 37% pursued their appeal to the tribunal or Court of Appeal and at least 40% of these cases were successful.<sup>3</sup>

The higher courts have been crucial in allowing a consideration of gender in

set out in a separate paper: see our website for further details: [www.asylumaid.org.uk](http://www.asylumaid.org.uk).

<sup>2</sup> RWRP: Women Asylum Seekers in the UK: A Gender Perspective [2003]

<sup>3</sup> The remaining cases were still pending a tribunal or judicial review hearing at the time of publication of our research.

women's experiences of persecution, where the Home Office and lower courts have failed to do so. In the case of *Shah and Islam* [1999], for example, the Tribunal initially refused leave to appeal in the case of *Islam*, and *Shah* sought a judicial review of the Tribunal's refusal to grant leave to appeal in her case.

In the event, the House of Lords found that both women could be considered members of a particular social group under the terms of the Refugee Convention, and both were granted asylum. The case set a hugely important precedent for the way the Convention could be interpreted to include the experiences of women.

If Clause 10 had then been law, neither *Shah* nor *Islam's* case would have been able to proceed further once their first appeals had been dismissed. Both women would have faced the prospect of forcible return to Pakistan, where they would have been liable to criminal proceedings for sexual immorality and, if found guilty, flogged or stoned to death.

### Entry without a valid passport

Clause 2 makes a new criminal offence of entering the UK without a valid passport. It criminalizes *anyone* travelling without a valid passport, but in our view will disproportionately impact on and criminalize women and children.

The clause as it currently stands states that it is a defence to prove that a person has 'a reasonable excuse' for not being in possession of such a document, and that it is a defence to destroy a travel document if it can be shown that

the destruction was 'beyond the control of the person charged with the offence'.

However, the clause also states explicitly that it will not be considered 'a reasonable excuse' or 'for reasonable cause' to have destroyed a travel document because you are complying with an agent's instructions.

Our own research shows that women and girls in general are less likely to own or to have access to their own passports or identity documents in their country of origin, or to be able to arrange such documents before travel. They are also more likely to travel with children. For these reasons the reality is that they will almost always be the most vulnerable to exploitation by their agents and the most likely to comply with the advice, instructions or threats they have received in order to safeguard their own and their children's safety. For a woman in this situation, the agent quite literally has the power to control her every move.

If this is the case for women asylum seekers in general, it is even more true for women and girls who are victims of trafficking. The arrangements made for the victims of trafficking to travel or to enter the country are *by definition* beyond the control of the woman or girl being trafficked. But if, on the instructions of or under threat from her trafficker, she destroys her travel document herself, she will fall foul of Clause 2 and have no defence.

Article 31 of the Refugee Convention states that no penalty should be imposed on refugees seeking surrogate protection who have good cause for using false

documents, provided that they come here directly and present themselves without delay. Section 31 of the 1999 Immigration & Asylum Act was introduced to provide an assurance that those Article 31 rights would be respected and unlawful prosecutions minimised.

But it is our experience that many women and girls fleeing persecution continue to be charged with these offences and are frequently imprisoned for up to six months even when they have a Section 31 defence.<sup>4</sup>

Clause 2 unnecessarily increases the powers which already exist in law to prosecute those travelling without documentation. It fails to protect women asylum seekers and victims of trafficking, and instead criminalizes those who are most vulnerable to exploitation by unscrupulous agents.

### Credibility issues

Clause 6 says that certain types of behaviour will damage an asylum seeker's credibility in the eyes of a decision maker. Decision makers include immigration officers as well as the Secretary of State, Home Office interviewing officers and special adjudicators.

In particular, a decision maker can 'take account' of any behaviour he or she thinks is designed or likely to mislead or to conceal information, or to obstruct or delay the handling of a claim. As the clause currently stands, the types of behaviour listed include failing to produce a valid passport, using false

<sup>4</sup> See WAN issue No. 24, August 2002.

documents, failing to claim asylum while in a 'safe' country, or failing 'without reasonable explanation' to answer a question asked by an immigration officer of decision maker.

As with Clause 2, Clause 6 fails to take account of the means by which most asylum seekers, but particularly women and victims of trafficking, are obliged to leave their country of origin and to enter the UK. It also fails to take account of the fact that a number of countries considered 'safe' by the government are both source and transit countries for traffickers.

Clause 6 has huge implications for the assessment and determination of gender-based asylum claims. The procedural and evidential barriers for women in accessing the asylum system and having their cases fairly heard have been well documented<sup>5</sup> but are nowhere acknowledged or addressed in this Bill.

In cases where there is late disclosure of rape or where, for example, a woman has been instructed by her trafficker to give a false account of her situation on or after entry, not only will her credibility be damaged by Clause 6, but Clause 10 will severely restrict her right to a legal remedy at a later stage – however strong her claim and however compelling and germane the reasons for her actions. Clause 6 is the only section of the Bill to deal specifically with the issue of initial decision-making, but it singularly fails to make provisions to improve the quality of initial decisions, particularly with regard to gender-based claims. Instead

it enshrines in legislation the current practices against which we have been campaigning, and gives legal license to immigration officers and Home Office decision makers to justify poor decisions simply by referring to a checklist of perceived credibility failures.

### **Co-operation with removal**

Clause 14 makes it an offence for an asylum seeker not to co-operate with her own removal or deportation by providing documents, filling in forms, attending interviews, or answering questions 'accurately and completely'. The maximum sentence for failure to comply is two years on indictment or six months on summary conviction.

In our view the clause further criminalizes those most at risk and most in fear of persecution, including trafficking or re-trafficking, if they are returned to their countries of origin. It fails to take account of the reasons, stated above in the notes on Clause 6, why women asylum seekers might be reluctant to provide documentation, attend interviews, or answer questions 'accurately and completely'.

### **Trafficking for exploitation**

Clause 4 makes trafficking into, within or from the UK for the purposes of exploitation an offence punishable by up to 14 years imprisonment.

We broadly welcome both this provision of the Bill on trafficking for the purpose of labour exploitation and the provision in the Sexual Offences Act 2003 on trafficking for the purpose of prostitution.

<sup>5</sup> See e.g. IAA: Gender Guidelines [2000], and RWRP: Women Asylum Seekers in the UK: A Gender Perspective [2003]

However, we believe that the potential impact and effectiveness of Clause 4 is crucially undermined by provisions elsewhere in the Bill which are in danger of failing to protect and instead further criminalizing the victims of trafficking rather than the traffickers themselves.

In particular, as set out above, Clause 2 (on failure to provide a valid passport), Clause 6 (on credibility issues), Clause 10 (the removal of further rights of appeal) and Clause 14 (on co-operating with removal) all have serious and wide-ranging implications for the capacity of the UK to offer effective protection to trafficking victims.

### Recommendations

RWRP would urge the government to omit Clauses 2, 6, 10 and 14 from the Bill altogether, and to produce and enforce policy and guidelines to improve the quality of initial decisions as a matter of urgency.

In particular, we would urge the government to take into consideration in the Bill the issues raised in the Home Office's own chapter on gender guidelines and officially to introduce these guidelines into its Asylum Policy Instructions without further delay. Minister of State Beverley Hughes gave a commitment in a letter to Asylum Aid in September 2003 that the gender guidelines would be published in the autumn. To date they still have not been.

We would also urge the government to consider the adoption of an independent

documentation centre to produce country-specific reports containing gender-specific information. This would go some way to alleviate the current shortage of information on women's rights in many countries, as well as other shortcomings of the current Home Office CIPU assessments.<sup>6</sup>

An updated version of RWRP's response to the Bill will be posted on our website in the near future. For this and more details on the provisions of the Bill and how to oppose it, check Asylum Aid's website at [www.asylumaid.org.uk](http://www.asylumaid.org.uk); also, the National Assembly Against Racism Website at [www.naar.org.uk](http://www.naar.org.uk).

### Other UK news

#### Women give evidence against sex slave trafficker who gets 10 years' imprisonment

Seven women were brought back to the UK from Romania and Moldova in autumn 2004 to testify against 26 year-old Albanian Luan Plakici who had forced them into prostitution after promises of a wealthy life in the West.

He was the leader of a trafficking ring which coerced women into prostitution after smuggling them into the UK on false documents. He told them they

<sup>6</sup> As highlighted in IAS' reports '*Home Office Country Assessments: An Analysis*', October 2003 and '*IAS Addendum to report 'Home Office Country Assessments: An analysis*', December 2003) and described as '*dangerously inaccurate and misleading*' by its authors.



would work in bars and as waitresses but on arrival in the UK the women were told they had a debt of £8,000 to repay for transportation and passport costs and were forced to work as prostitutes entertaining up to 20 men a day, seven days a week. At the time of his arrest, he is said to have made up to one million pounds, owned luxurious cars and had started to build properties around Europe, whilst claiming to be unemployed.

Detective Chief Inspector Holmes described the Albanian as *'merciless in his exploitation of women for financial gain, terrifying his victims by beating and threatening to kill them if they did not comply with his demands'*.<sup>7</sup>

One woman who had been kept in a house in Palmers Green escaped her harrowing ordeal and had the courage to report it to the police. Her sister also escaped but presented herself to the police as an illegal immigrant. Both had been beaten and one was raped when they refused to work as prostitutes. Another woman was trafficked when aged 16: Plakici married her and within hours had forced her into prostitution.

After a four month trial during which the victims gave evidence via video links, Plakici was found guilty of seven counts of facilitating illegal entry between July 2000 and October 2002; three counts of kidnapping; one count of procuring a teenager to have unlawful sex; one count of incitement to rape, and three counts of living on the proceeds of prostitution.

<sup>7</sup> Quoted by the BBC, BBC News, *'Prison for sex slave gang leader'*, 22 December 2003, available online (see next page) <http://news.bbc.co.uk/1/hi/uk/3340921.stm>

He could not be charged with trafficking for prostitution as the law came into effect only after he was charged, in February 2003. Under the new Sexual Offences Act 2003<sup>8</sup> which defines trafficking for sexual exploitation as a crime and which will come into force in May 2004, Plakici could have faced up to 14 years' imprisonment.

The Crown Prosecution Service said they were pursuing Plakici's assets, as *'the fight against this and other gangs making huge profits from vulnerable people will not end solely with the conviction and imprisonment of the traffickers'*. The CPS stated they will always take this course of action *'to ensure that crime does not pay'*.

There are currently no accurate estimates of the number of people trafficked into the UK (for sexual exploitation or other purposes such as domestic labour): Kelly and Regan estimated that in 1998 between 142 and 1,420 women were trafficked into the UK.<sup>9</sup> A nationwide taskforce, Operation Reflex, comprising the National Crime Squad, the National Criminal Intelligence Service, Crown Prosecution Service and police forces, was set up in May 2000 to fight the trade. It has disrupted 20 criminal gangs and led to 24 individual convictions since April 2003.

### Government increases support to protection for trafficked women

<sup>8</sup> See full text at [www.hmsso.gov.uk/acts/acts2003/30042--b.htm#57](http://www.hmsso.gov.uk/acts/acts2003/30042--b.htm#57).

<sup>9</sup> Liz Kelly and Linda Regan, *'Stopping Traffic: Exploring the Extent of, and Responses to, Trafficking in Women for Sexual Exploitation in the UK'*, Child and Woman Abuse Studies Unit, London, 2000 ([www.cwasu.org/researchreports.htm](http://www.cwasu.org/researchreports.htm)).

Following the conviction of Plakici, the Home Office Minister, Beverley Hughes, announced that the Government will provide £700,000 of funding to expand the 'Poppy Project' for a further year. The project, run by Eaves Housing for Women, provides protection to women victims of trafficking (see box below). The project will also be reviewed to find out how to encourage women to come forward. The Minister also announced in November 2003 that £60 million will be invested to help fight this inhumane trade.

The Poppy Project was a pilot project initially set up for six months, then extended until 31st Dec 2003. It provides a two-tier level of housing and support for up to 25 adult female victims of trafficking for sexual exploitation, providing they fulfil a number of Home Office Criteria, including being forcibly exploited as a prostitute in the UK and being willing to co-operate with the authorities (RWRP has campaigned for these restrictive criteria to be lifted, see WAN issue No.31, April 2003).

In an effort to collect information on the needs of trafficked women in the UK, the Poppy Project is asking agencies and individuals to refer all women who they suspect may have been trafficked, even if the individual woman may not fit the Home Office Criteria.

### Referral information

If you, or someone you know, has been trafficked into the UK for sexual exploitation, please contact Eaves for Housing on 0207 735 2062 between 9.30am and 5.30pm; or on the 24 hour Helpline on 0207 840 7129. Or consult [www.poppy.ik.com](http://www.poppy.ik.com).

For more information on human trafficking, UK trafficking law and how to take action against trafficking, visit the Anti-Slavery International website at [www.antislavery.org](http://www.antislavery.org)

### Related news

The Greek government has made a provision of 2.4 million Euros in grants to finance six shelters for trafficked people in Greece.<sup>10</sup> The first shelter has opened in Athens and is being run by Doctors of the World. The Greek government is also assisting NGOs in the Balkans with a 600 million Euro aid package to help rehabilitate trafficked women who have chosen to return home.

At the Third Committee of the UN General Assembly, several West African delegations expressed deep concerns about the increasing incidence of child trafficking in their region and highlighted national and regional actions they had taken to fight the problem. For the full UN press release, go to: <http://www.un.org/News/Press/docs/2003/gashc3748.doc.htm>]

On 10 January, the United Nations launched 2004 as the International Year to Commemorate the Struggle Against Slavery and its Abolition in Cape Coast (Ghana), one of the slave trade's most active centres and

<sup>10</sup> Source: Trafficking Network Update, December 2003 at [www.antislavery.org/homepage/traffic%20news/decemberind ex.htm](http://www.antislavery.org/homepage/traffic%20news/decemberind ex.htm). See also iAbolish, 'Criminals exploit Euros 2b business' at <http://www.iabolish.com/news/press-coverage/2003/ft11-11-03.htm>, 11 November 2003

today a World Heritage site. Slavery was recognized as a "crime against humanity" at the Durban World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (2001), and it is hoped that the commemoration should 'help humanity accomplish its duty of remembrance and fight all forms of slavery and racism in the world'.

UNESCO writes:

'Slavery was first abolished in Saint Domingue (1793) and last in Cuba (1886) and Brazil (1888), and is banned by the 1948 Universal Declaration of Human Rights and by the 1956 UN Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery. Nevertheless, it still exists in various forms, including bonded labour for debt, forced labour of adults and children, sexual exploitation of children, trafficking and displacement of human beings and forced marriage'.<sup>11</sup>

Details of UNESCO's programme for the 2004 commemoration can be found on the web at: <http://portal.unesco.org>.

### Asylum seeking mother granted damages for unlawful detention<sup>12</sup>

A High Court Judge ruled that the detention of Jacqueline Konan and her two-year-old daughter for a period of six months between 25 June and 23 December 2002 was 'manifestly'

<sup>11</sup> UNESCO, 'Launch of International Year for the Commemoration of the Struggle Against Slavery and its Abolition', 5 January 2004 at <http://portal.unesco.org>.

<sup>12</sup> Source: Edited from News.Scotsman.com, 'Damages awarded to asylum seeking mother', 21 January 2004, circulated by [frank.Corrigan@asylumpolicy.info](mailto:frank.Corrigan@asylumpolicy.info).

contrary to Home Office's own policy according to which the detention of families should be a last resort and for as short a period as possible; and that both mother and daughter should get damages as a result. A previous detention period between 10 June and 24 June 2002 was not deemed unlawful as the Home Office had said their removal from the UK was imminent.

Jacqueline Konan fled the Ivory Coast as she feared for her life there and sought asylum five days after her arrival in the UK in February 2001. She said she fled after police came to arrest for a second time due to her involvement with an opposition party. The Home Office did not accept that membership of an opposition party in Ivory Coast would lead to persecution and questioned her credibility as she entered the UK in possession of her false passport. They rejected her claim but she later won on appeal in October 2003.

### FGM Act 2003

The commencement date for the FGM Act 2003 is the 3rd March 2004. It was initially planned to come into force at the end of January.<sup>13</sup>

### RWRP news

### RWRP emergency appeal update

In April 2003 we launched an emergency appeal to members because the Community Fund had declined - only two weeks before the end of the financial year - to fund two of our RWRP casework

<sup>13</sup> Source: WNC FGM subgroup.



posts. We needed time to secure alternative, long-term funds, and we needed short-term cash to avoid making anyone redundant.

The response from members and friends was magnificent. In a matter of three weeks you stumped up over £9,000 that, together with substantial emergency grants from Oxfam UK, Doughty St Chambers, the Servite Sisters Charitable Trust and the Goldsmiths Company, enabled us to retain all posts and keep all services up and running.

We then made successful applications to the Lloyds TSB Foundation, the Sigrid Rausing Trust and to Comic Relief and, as a result, the future of the RWRP is secure. Thank you to all who contributed so generously.

### UK events & projects

#### Dance movement therapy for refugee women

is an event organised by the South London Refugee Association to help refugee women develop their self-confidence, relax, exchange ideas with others, and enjoy themselves. It is taking place on Tuesday evening 6.15-7.15pm – starting February 2004 in the meeting room, Unit B/006, Trident Business Centre, 89 Bickersteth Road, Tooting Broadway SW17 9SH.

If you would like to take part, please contact the South London Refugee Association on 020 8682 4350 and leave your name and phone number for Céline

Butté or Fatouma Kone, or contact Céline directly on 07947 074 507.

### Capitalwoman2004

The annual London conference for women organised by the Mayor of London is being held on Saturday 6 March 2004 from 10am to 5.30pm at the Queen Elizabeth II Conference Centre, Broad Sanctuary, Westminster, London SW1P 3EE.

The conference is free and there is a limited number of crèche places. It is advised to book early. For enquiries tel: 020 7983 4302, fax: 020 7983 4890 or email [capitalwoman@london.gov.uk](mailto:capitalwoman@london.gov.uk).

### International news

#### Flogging of girl convicted of adultery suspended<sup>14</sup>

The Sudanese Chief Justice suspended the flogging sentence against a 16-year-old girl pending her appeal against it. Intisar Bakri Abdulgader, from Khartoum, was convicted of adultery by Kalakla District Court in July 2003, for having had illegal sexual intercourse. She gave birth to a son in September 2003 but the man she accused of having raped her denied any involvement. According to the Koran, a man or woman convicted of adultery is to receive 100 lashes.

<sup>14</sup> Sources: Amnesty International, AFR 54/106/2003; UN Integrated Regional Information Network, 'Sudan: Chief justice suspends flogging of girl', IRIN-Horn of Africa Weekly Round-up 176 for 17-23 January 2004; full story at [www.irinnews.org/print.asp?ReportID=39090](http://www.irinnews.org/print.asp?ReportID=39090).

The punishment had been postponed several times because of Intisar's pregnancy and poor health. In December 2003 it was postponed to the 23rd January 2004 but a stay of execution was ordered two days earlier, on 21<sup>st</sup> January, after the Chief Justice promised to look at her appeal.

Her lawyer, Ghazi Sulayman, said that the appeal had been lodged on the grounds that Intisar was a Christian, therefore not bound by Shari'ah (Islamic law), and a minor. He also stated he would lodge a separate suit against the man who allegedly raped Intisar: "*I will ask for more evidence against the man and even, where possible, a DNA test to prove the paternity of the child*".

Amnesty International said her trial was unfair and had launched an international campaign appealing to the Sudanese authorities to immediately commute the sentence on the minor. After hearing the news of the suspension, the human rights organisation urged the authorities to deal with the case in accordance to their international obligations under international human rights law, including the UN Convention on the Rights of the Child. It considers punishments such as flogging, torture, amputation and execution as cruel, degrading and inhuman.

### **New constitution grants equal citizen rights to Afghan men and women<sup>15</sup>**

<sup>15</sup> Source: the Institute of War and Peace Reporting, Afghan Recovery Reports, no. 87, 88, 95, 96 and 99 available online at [www.ipwr.net](http://www.ipwr.net).

The new constitution of Afghanistan adopted after 22 days of heated debate gives men and women equal rights as citizens. This follows pressure by women delegates, who constituted 20 per cent of the 500-member constitutional assembly, as well as local gender pressure groups who pushed for women's rights to be fully enshrined in the new text and complained about the traditional treatment of women by men in the country.

Article 54 provides women with some protection: it states that with regard to women and family issues, the government will take necessary measures to eliminate 'traditions contrary to the principles of the sacred religion of Islam'. Such 'traditions', it is perceived, include domestic violence but also the elimination of forced marriages and the practice of paying for brides.

The constitution grants women greater political powers than originally proposed: two women will be elected from each province to the Wolesi Jirga or 'House of people' (the draft version stated one woman from each province). Otherwise, it retains Afghanistan's compliance with the Universal Declaration of Human Rights. One of the most significant changes is Article 3 which reads: '*No law can be contrary to the beliefs and the provision of the sacred religion of Islam*'.

Debates were however marred by threats and intimidations on some of the delegates and their families, as well as journalists. The Institute of War and Peace Reporting reported that '*several female delegates said they [felt] silenced by the atmosphere in the assembly*,

*where conservatives have power.' One of the female secretaries of the assembly commented: 'the number of women is few and the fundamentalists are in the majority. If the environment remains in the hands of such people, the chances for women [to have influence] are slight'.*

A female delegate also said that women and pro-democratic men were afraid to speak up as they feared they would be killed by the majority of mujjahedin faction leaders and commanders'.

However a 25-year-old female delegate from Western Afghanistan dared to break the silence and caused a storm when she said that mujjahedin leaders were '*criminals*' who '*destroyed the country*' and should face international trial. She described herself as '*a Muslim, a person who has suffered, and the delegate of a distressed nation*' but was accused of being a communist and the chairman of the assembly tried to remove her. He was prevented from doing so when other delegates, and in particular women, objected. He asked her to apologize but she refused declaring '*I said the facts; I defend it and I reckon that this is my proven right. Even if it costs my life I will defend my speech*'.

### **Palestinian mother who killed raped daughter appears in court<sup>16</sup>**

A 17-old-girl from the West Bank, Rofayda Qaoud, who was raped and

<sup>16</sup> Source: Edited from Soraya Sarhaddi Nelson, '*Killing family member to save honor on the rise*', 18 November 18, 2003, Detroit Free Press, [www.freep.com/news/nw/honor18\\_20031118.htm](http://www.freep.com/news/nw/honor18_20031118.htm).

impregnated by her two brothers, was murdered by her mother who said it was '*the only way [she] could protect [her] family's honor*'. Rofayda who gave birth to a boy on 23 December 2002, refused to commit suicide when her mother bought her razor blades to slit her wrists. She was killed a month later.

The mother appeared in front of a three-judge court on 3<sup>rd</sup> of December after she confessed to the crime. It is expected that she will be sentenced to 3 to 5 years in prison because, whilst premeditated murder is punishable by death under Palestinian law, the fact that she is a mother who was trying to protect her family's honor mitigates the crime. The two brothers are in jail each serving a minimum 10 year sentence for statutory rape.

In Arab culture, the family reputation is based on the virtue and virginity of its female members: when these are sullied, women have to pay the price. But Leading Muslim clerics in Jerusalem and Jordan have denounced such killings. Amira Qaoud's own husband told her the Koran forbids such killings but she reported the shame was unbearable after her daughter returned to the family home after the birth, and relatives and friends refused to speak to her family, let alone visit them. After her daughter's death, she erased all traces of her existence and that of her brothers from the family home.

According to the Women's Centre for Legal Aid and Counselling in East Jerusalem, the number of honor killings are climbing in the West Bank yet they attract little attention from Israeli and Palestinian authorities alike as they are

*'too busy with political and military issues to notice what they dismiss as domestic disputes'.* Statistics gathered by the Centre show that police in Israel investigated at least 18 honor killings in the past three years whilst Palestinian police reported 31 cases in 2002 (up from five during the first half of 1999).

Yousef Tarifi, the Ramallah prosecutor assigned to Qaoud's case, said her past research showed the number of honor killings is likely to be 15 times higher than the number of reported cases as only reported crimes are investigated by the police.

### **'King of the beasts' on trial for war crimes in the Netherlands<sup>17</sup>**

A former colonel in Mobutu's civil guard who had applied for asylum in 1998 in the Netherlands has been charged with crimes against humanity. His alleged crimes during the civil war in the Democratic Republic of Congo in the 1990s include torture, rape and cruel treatment. Sebastian Nzapali was only granted temporary status by the Dutch authorities as they suspected he was guilty of crimes but was arrested when three Congolese nationals filed charges against him.

According to BBC, in 1999 prosecutors in the Netherlands *'set up a special genocide and war crimes team in order to seek out war criminals and try them under Dutch law'*. It is hoped that the

<sup>17</sup> Source: BBC News, *'Dutch hold Congo war crimes trial'*, 7 January 2004 at <http://news.bbc.co.uk/1/hi/world/europe/3374913.stm>.

prosecution of Nzapali will send a clear message that there is no refuge for war criminals in the Netherlands.

## International projects & events

### **CEDAW opens three-week session<sup>18</sup>**

The Committee on the Elimination of Discrimination against Women (CEDAW) opened its thirtieth session in New York on the 12<sup>th</sup> January 2004 when it will review the reports of the following 8 States parties: Belarus, Bhutan, Ethiopia, Germany, Kuwait, Kyrgyzstan, Nepal and Nigeria. 23 experts of CEDAW monitor the implementation of CEDAW, which was adopted by the General Assembly in 1979 and came into force in 1981.<sup>19</sup>

### **Women without Borders demand the implementation of UN Resolution 1325<sup>20</sup>**

Women without Borders and women's initiatives from several countries call for the urgent implementation of [UN Security Council Resolution 1325](#). The [participants from Afghanistan, Iraq, Iran, Israel/Palestine, Kosovo, Kurdistan \(Iraq\), South Africa, Senegal and Austria](#) composed a mutual Declaration demanding the urgent implementation of

<sup>18</sup> Edited from UN Press Release WOM/1421, *'Women's Anti-discrimination Committee holds thirtieth session'*, 8 January 2003 at: [www.un.org/News/Press/docs/2004/wom1421.doc.htm](http://www.un.org/News/Press/docs/2004/wom1421.doc.htm).

<sup>19</sup> The Convention requires States parties to eliminate discrimination against women in the enjoyment of all civil, political, economic and cultural rights; states parties are also encouraged to introduce affirmative action measures designed to promote equality between women and men.

<sup>20</sup> Source: Women Without Borders at: [news@women-without-borders.org](mailto:news@women-without-borders.org).

Resolution 1325. The main focus of this resolution is the role of women in the prevention and resolution of political conflicts and war, their role in peace-keeping and their heightened integration in political and civil decision making processes, especially in war and crisis regions.

Click on the following link to view the Declaration: the [Women Without Borders Vienna Declaration](#) and sign it by 8<sup>th</sup> March 2004, International Women's Day, date on which the declaration will be delivered to the UN Security Council as well as the 191 foreign ministers of all UN member states, the UN Women's Commission and UNIFEM.

### Film recounts life of Afghan woman seeking asylum in the USA<sup>21</sup>

Human rights organizations across the USA have thrown their support behind this eye-opening TV drama inspired by a real asylum case handled by the Lawyers Committee for Human Rights, who weighed in on the film to ensure an accurate depiction of detention since 9/11. The film stars Juliette Lewis as an ambitious corporate lawyer who takes on the pro bono political asylum case of a young Afghan woman whose life is in grave danger under the repressive Taliban regime.

The Family Violence Prevention Fund and the Centre for Gender and Refugee Studies have joined the Lawyers

Committee, Active Voice, Amnesty International, the American Immigration Lawyers Association and a host of other groups in a national campaign to use this film to move viewers to action around issues of asylum, detention and refugee policy. Other previews of the film are planned in the USA (go to [www.activevoice.net](http://www.activevoice.net) to find out more where you can also download the Chasing Freedom Action Guide online. For further details on the movie, visit the website: [www.courttv.com/movie](http://www.courttv.com/movie).)

### Plight of women with HIV/AIDS exposed in Ethiopia<sup>22</sup>

*Hidden Tears* is a new film by director Kidane Yilak which portrays the plight of women in Ethiopia stigmatised and discriminated against because they are HIV positive. The film was broadcast on national television in early January and is planned to be used as an educational tool across the country, in a bid to raise awareness on the scale of the pandemic and the plight faced by women in particular. It is estimated that 2.2 million people are living with the virus in Ethiopia. It is estimated that Ethiopia will account for 10% of global deaths due to AIDS, leaving one million orphans.

Yilak says that women infected with the virus are more victimised than men in a society where they are already oppressed socially, economically and politically. As a result, HIV positive women hide themselves from people or remain in their home. The film is a

<sup>21</sup> Source: Edited from Family Violence Prevention Fund, 'Sneak Preview of Court TV's Original Movie: *Chasing Freedom*', at <http://endabuse.org/programs/display.php3?DocID=260>.

<sup>22</sup> Source: IRIN Horn of Africa, '*Ethiopia: New Film depicts the suffering of women living with HIV*' 6 Jan 04; also from IRIN-HOA, '*Interview with director of HIV/AIDS film Hidden Tears*', 15 Jan 04.



powerful portrayal of the lives of these women. Two women have died during the film as a direct result of stigma: one of them was abused and expelled from her home by her mother and sister and left deprived of food or any other form of support. When she fell sick she was not brought to hospital for treatment.

### New publications

*'Slave'* by Mende Nazer and Damien Lewis (January 2004), recounts the story of Mende who was kidnapped by Arab traders to be sold as a domestic slave for eight years both in the Sudan and in the UK where she was trafficked to work for a Sudanese diplomat.

Mende had claimed asylum in the UK but was refused protection because the Home Office deemed that the violations of her human rights by enslavement did not amount to persecution. The decision was later overturned in November 2002 by Minister Beverley Hughes after a high profile media campaign and the publication of her story in Germany (see WAN issue No. 28, January 2003 for more details). The book is published by Virago Press (ISBN: 1-84408-114-1) at the price of £10.99.

### *'The Migration-Trafficking Nexus: Combating Trafficking Through the Protection of Migrants' Human Rights'*

This report by Anti-Slavery International considers the links between migration and trafficking. It particularly highlights

the growing demand for migrant labour in developed countries and argues that the promotion and protection of migrant workers' rights could reduce trafficking and boost development. The report includes case studies, examples of good practice, and an analysis of international standards relating to migrant rights, forced labour and trafficking. The 28 page report can be accessed free as a PDF or bought (£3.50 plus p&p) at: [www.antislavery.org/homepage/resource/publication.htm](http://www.antislavery.org/homepage/resource/publication.htm).

### *'Victims of Trafficking in South Eastern Europe'*

is the first Annual Report from the International Catholic Migration Commission (ICMC) now available in PDF format on the ICMC web site.

The report provides verified figures regarding the number of trafficked people identified and assisted in the region, including Albania, Bulgaria, Moldova, Romania, Bosnia-Herzegovina, Kosovo, Macedonia, Montenegro and Serbia. The report also assesses existing protection measures, identifies areas for improvement and gives examples of good practice. The report can be accessed in the publications section at: [www.icmc.net/docs/en/programs/cotraff](http://www.icmc.net/docs/en/programs/cotraff).

See also:

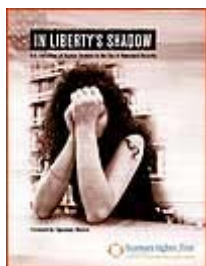
### *'Trafficking, Migration, and the Law: Protecting Innocents, Punishing Immigrants'*

Author(s): Wendy Chapkis, *'Gender & Society'*, volume 17, number 6, pages 923 to 937 (2003).

### International online resources

#### New Report on Asylum Detention in the USA

On January 15, the Lawyers Committee released a report, *[In Liberty's Shadow](#)*, which details the lack of safeguards in the asylum detention system, the shift in U.S. policies and practices since September 11, and the changes that should be made to improve the plight of detained asylum seekers.



*'...In the aftermath of the September 11 attacks (...) asylum seekers have been caught up in a web of new laws (...) in the name of national security that have left refugees more vulnerable than ever. The lack of basic safeguards in the U.S. asylum detention system has meant that victims of religious and political persecution, rape and torture are unnecessarily detained for months and sometimes years in the United States.'*<sup>23</sup> (email recipients: click here to [Read the full report](#)).

### UK online resources

A working paper called *'Addressing the Root Causes of Forced Migration: A European Union policy of containment?* is now available on the website of the

<sup>23</sup> Lawyers Committee for Human Rights, at [http://www.lchr.org/about\\_us/events/Chasing\\_Freedom/asylum\\_report.htm](http://www.lchr.org/about_us/events/Chasing_Freedom/asylum_report.htm)

Refugee Studies Centre of Oxford University, UK at:  
[www.rsc.ox.ac.uk/WP11.pdf](http://www.rsc.ox.ac.uk/WP11.pdf).

### Notice board

UK Lesbian & Gay Immigration Group London Meetings on February 21st., March 20th, April 17<sup>th</sup>.<sup>24</sup> The **general advice meetings** are held on the third Saturday of every month (apart from August) at the University of London Union, Malet Street, London WC1 at 2.00pm (Underground Goodge Street). You will have an opportunity to discuss your own situation on a one to one basis with one of the solicitors at this time.

Please send any information that you would like to see published in our next bulletin by 17<sup>th</sup> February 2004 (see email address on back cover)

<sup>24</sup> Source: [frank.corrigan@asylumpolicy.info](mailto:frank.corrigan@asylumpolicy.info), Thursday 22 January 2004

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Asylum Aid provides free legal advice and representation to asylum-seekers and refugees, and campaigns for their rights. Registered as a charity no. 328729. To support Asylum Aid's work, please complete and return the form below to Asylum Aid, FREEPOST LON18836, London, E1 6BR (however, using a stamp will save us money)

## Membership Form

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I would like to become a **MEMBER** of Asylum Aid

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### Benefits

- Receive a copy of our annual report free of charge
- An invitation to attend Asylum Aid's AGM
- Opportunity to stand for election to the board of trustees
- Right to vote at the AGM election
- Free subscription to our quarterly newsletter
- Access to member- only section of website
- Up to date campaigning information emailed directly
- Invitations to Asylum Aid events, eg. open evenings
- Buy copies of Asylum Aid's reports at a reduced price

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and debit my account no. \_\_\_\_\_

sort code: \_\_\_\_\_ starting on (date) \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Postcode: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

[FOR OFFICE USE] To: NatWest Bank plc, PO Box 3AW, 104  
Tottenham Court Rd, London W1A 3AW. Sort Code: 56-00-31,  
account no. 63401711

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If you are a UK taxpayer, Asylum Aid can claim back 28p for every £1 you donate, making your donation worth almost a third more at no extra cost to you. Please complete and return this declaration.

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