

# women's asylum news

refugee women's resource project @ asylumaid

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## Jamaican mother repeatedly targeted by gang violence not persecuted says Home Office

Joan Shurland fled to the UK after gangsters attacked her and her family on two occasions including an incident which left her in a coma for three months. She also lost an eye in the attack, her son was murdered in front of her and her house was later burned down.<sup>1</sup>

The family was targeted after her daughter fled to the United States in 1999: she had been warned that a gang of men were planning to rape her for being 'disrespectful' by dating a man from another neighbourhood. The mother recalled the attack:

'The first [attacker] threw up the mattress off the bed to see if she was hiding under the bed. When he saw she wasn't there he just turned and shot my son in the face. Can you imagine, you stand there and see your child dying? ...The police didn't take no action (sic) and there was nothing I could do. Because we were poor and couldn't afford a lawyer they were still free walking up and down and my life was still in jeopardy.'

<sup>1</sup> Source: Tania Branigan, 'Woman who fled gunmen refused asylum', in *The Guardian*, 16 August 2004, at [www.guardian.co.uk/print/0,3858,4993934-103690,00.html](http://www.guardian.co.uk/print/0,3858,4993934-103690,00.html).

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After the incident, her daughter's boyfriend was later subjected to an attack that required 42 stiches to his face. Joan Shurland believes the family was also targeted because they supported a different political party from the gunmen. In 2002, she fled to the UK after hearing that the gangsters were still looking for her.

Echoing the situation faced by Joan Shurland's family (besides being targeted for political opinion) a report by Amnesty International published in 2004 comments: *'the forms of (...) violence that garrison [i.e. inner city areas] communities are subject to are gender-specific. Local communities allegedly resort to violent means to control women's sexuality and bodily and mental integrity as part of the larger garrison system.'*<sup>2</sup> Joan Shurland's daughter had fled such an ordeal and instead the family was victimised. Yet as testified by the mother, state protection against gang violence in Jamaica remains scant<sup>3</sup> and the killer of her son has remained unpunished. She and her family are convinced she will be killed if returned to Jamaica.

Despite this and her past ordeal, including the death of her son, the flight of her daughter to another country and the loss of her house in addition to her grave injuries (she is now partially disabled and has been diagnosed with post-traumatic stress disorder), the

<sup>2</sup> Amnesty International, *'Reports of violence against women in inner-city garrison communities'*, 30 March 2004.

<sup>3</sup> See also RWRP report, *'Safe for whom? Women's human rights abuses and protection in "safe list" countries: Albania, Jamaica and Ukraine'*, Asylum Aid, June 2004.

mother aged 45 was denied asylum in the UK. In a shocking assessment of her need for international protection, the Home Office claims that her experience does not constitute persecution under the terms of the 1951 UN Refugee Convention.

Join the campaign to support Joan Shurland's case in the UK

Women Against Violence are holding a candle lit vigil for Joan Shurland outside the Home Office on Thursday 16th September at 5.30pm (Home Office, Queen Anne's Gate, SW1, opposite St James's Park underground - District & Circle line).<sup>4</sup> Contact details: Tina or Cheryl on (020) 7582 1990. You can also sign the online petition to Home Secretary David Blunkett on: [www.blink.org.uk/savejoan](http://www.blink.org.uk/savejoan)

## RWRP/Asylum Aid's responses to new health proposals

### Excluding 'failed' asylum seekers from free NHS primary services in UK is inhumane and unethical

In its consultation paper *'Proposals to exclude overseas visitors from eligibility to free NHS primary medical services: A consultation'*, the Department of Health is proposing to exclude so-called failed

<sup>4</sup> The vigil is organised and supported by: Women Against Violence / The 1990 Trust / Community Victim Liaison / Rasta HQ / Living in Harmony / Ethiopian World Federation.

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asylum seekers from access to routine primary health care services.

Asylum Aid has serious concerns about the impact of these proposals and urges the government not to proceed with their implementation.<sup>5</sup>

### Health as a fundamental right

We believe that access to health services is a fundamental right and that the proposals to remove access to these services are both unethical and unwarranted. Restricting access to free health care will have a negative impact on the health of the community as a whole, as well as on the health of individuals.

Asylum seekers often have health needs related to the experiences that have forced them to leave their countries of origin. This may include physical and mental health needs caused by experiences of war, imprisonment, torture, rape and the journey into exile.

At Asylum Aid we have projects dedicated to working with asylum seekers who are HIV+ and with those who have serious mental health problems. These long-term conditions require close medical supervision and monitoring. Many of the women that we help at Asylum Aid have experienced sexual violence and require specialist medical support to help rebuild their lives. The need for medical treatment remains and often intensifies when someone receives a negative decision on his or her asylum claim. The experience of being refused asylum often exacerbates pre-existing health conditions and leaves people in even

<sup>5</sup> Our response to the proposals focuses on their likely impact on asylum seekers, as this is our client group.

greater need of medical support to deal with mental and physical health problems.

Many of our clients are caring for children and the effect of withdrawing or refusing treatment to these parents will inevitably have a negative impact on their ability to care for their offspring. We are concerned that these people will also lose their entitlement to free health care and have their ongoing essential treatment terminated. Presumably, it will also mean that the children of failed asylum seekers will also be unable to access free primary healthcare services, such as immunisations and treatment for ordinary childhood illnesses.

At Asylum Aid, we have worked with many asylum seekers who have had refusals on their asylum claim. At this point, they are often denied any further state benefits or accommodation and are not permitted to work despite the fact that, in many cases, the government cannot return them to their country of origin because there is no safe route back or because of bureaucratic difficulties. Already marginalised in our society, they become further excluded and are in even greater danger of experiencing poor mental and physical health. At the moment, they can still access GP services and receive essential treatment that may prevent serious deterioration of their medical conditions.

### Case study:

A 60-year-old Ethiopian woman was referred to us because she had been refused asylum and her solicitor had closed her file. She had attempted to commit suicide by jumping off a bridge but had been stopped by the police.

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She was referred to community mental health services and was diagnosed with severe depressive illness with prominent features of post traumatic stress disorder and put on medication. She was destitute and homeless and was housed by a local authority under the National Assistance Act because of her poor mental health. We managed to find her a new solicitor who was able to take further action on her claim.

If these proposals are implemented vulnerable people like this woman will be denied the essential ongoing medical treatment that they need to prevent them reaching a crisis point.

This case study also highlights the fact that some failed asylum seekers can lodge fresh claims if new information emerges about their risk of return to their country of origin. This is dependant on them being able to find good legal advice and representation, both of which are in short supply due to the recent government legal aid restrictions. We are concerned that failed asylum seekers who could lodge fresh claims will be refused healthcare services.

### Inability to pay for treatment

The proposals state that people who are refused free primary healthcare will be offered treatment for which they will be charged. The majority of Asylum Aid's clients are destitute and are in receipt of subsistence-level state benefits. Most asylum seekers are not allowed to work and are, therefore, forced to be dependant on benefit with no possibility of building up any financial independence. Clearly, people in this situation will be unable to fund private

healthcare if and when they are refused asylum.

### Complexity of asylum process undermines clarity about eligibility criteria

We believe that it is unfair and unrealistic to expect frontline health workers to have the necessary knowledge to be able to determine whether or not an asylum seeker has exhausted all appeals and has no further ongoing action on their claim. We have had experience of clients who have been turned away from GP surgeries by receptionists because they do not believe that they have an entitlement to free health care, despite the fact that they have ongoing asylum claims.

The complexity of the asylum process means that asylum seekers themselves sometimes do not have a full awareness of the stage of their asylum claim. As a result, we believe that both asylum seekers who have come to the end of the process and those with ongoing claims are likely to be affected by these restrictions. Also, we have experience of working with clients who are unaware that they have strong grounds for lodging an asylum claim. This is often due to a lack of good legal advice. These potential asylum seekers are also likely to be affected by this legislation and will be excluded from healthcare services.

And despite provisions for free emergency and immediately necessary treatment free of charge to all, we are concerned that GP receptionists, rather than trained medical professionals, will be making decisions about whether a medical condition constitutes an emergency.

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### Communication problems

Lastly, language problems will make it additionally difficult for asylum seekers to be able to convey complex information about the status of their claim. Women asylum seekers are likely to be the hardest hit by these proposals as they are often dependants on their partners' asylum claims. This means that they often have less awareness of the stage of the claim. They are also likely to have a lower level of English than their male counterparts and find it more difficult to explain their immigration status.

We believe that these proposals are inhumane, impractical and amount to a public health risk. They are likely to leave the most vulnerable in our society without essential health treatment and push them even further into a socially excluded underclass. These proposals will affect children and pregnant women. They risk turning our health service into an extension of the immigration service with serious implications for our community relations.

The full text of Asylum Aid's response to the consultation paper can be found at: [www.asylumaid.org.uk/Press%20statements/aug\\_2003.htm](http://www.asylumaid.org.uk/Press%20statements/aug_2003.htm).

**related information** Article on doctors 'rebellious over plans that would lead to thousands of refugees being refused life-saving treatment for HIV on the National Health Service'. See *The Observer*, 8 August 2004, online at: [http://observer.guardian.co.uk/uk\\_news/story/0,6903,1278754,00.html](http://observer.guardian.co.uk/uk_news/story/0,6903,1278754,00.html).

### Other UK news

### Destroying or disposing of your passport becomes a criminal offence

It will now be an offence not to have a valid passport at an interview for leave to enter or remain in the United Kingdom unless you have a reasonable excuse. This new offence was created by Section 2 of the Asylum and Immigration (Treatment of Claimants) Act 2004 and comes into force towards the end of September 2004.

The government has brought in this new offence to try to prevent people from destroying or disposing of their documents to hide their true identity or frustrate their removal. They state that people will not be penalised for having a false document or if they have a credible explanation for not having a document.

Although this section criminalizes anyone who destroys their passport, we believe it will disproportionately impact on and criminalize women and children.

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

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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 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 or under threat from her trafficker, she destroys her travel document herself, she will now have committed a criminal offence under section 2.

The guidance that has been drafted relating to the new offence states that a person will be able to cite as a defence that they have a reasonable excuse for not having a valid document where they can show that they were threatened or intimidated to such an extent that they could be reasonably considered to have been forced to have destroyed or disposed of their document. We believe that two factors related to women need to be made explicit in the guidance as follows:

Some women will not have control of their own documents; they will be in the possession of the male family members they are travelling with so they will not be able to control whether they are destroyed or disposed of. When considering people who have been threatened or intimidated, it must be recognised that people who are trafficked are by definition threatened or intimidated.

As part of determining whether a woman has a satisfactory defence, we believe

that the following needs to be ascertained:

- Whether the woman had control of her immigration document or not
- If she destroyed or disposed of her own immigration document, what her reasons were for doing this
- Whether she was requested to do this by a male family member
- Whether she was instructed to do this by the person who facilitated her entry into the United Kingdom

This information will help to clarify whether women were under pressure to comply either with male family members or with traffickers. We are particularly concerned that the defence of a reasonable excuse will not be sufficient to protect women from being convicted under this new legislation. The reasons for our concern are based on the fact that women continue to be charged under section 31 of the 1999 Immigration and Asylum Act.

This was introduced to provide an assurance that a person's rights under Article 31 of the Refugee Convention, that no penalty should be imposed on refugees using false documents, should be respected. However, it is the RWRP's experience that 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. Those convicted of the new offence face a fine and/or imprisonment for up to two years.

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### Nigerian wins court reprieve against deportation

A Nigerian woman, who was sentenced to death in her home country in August 2002, was refused asylum in Ireland where she fled after escaping from prison.<sup>6</sup> However Nimota Kate Banidele, aged 38, succeeded in her 11<sup>th</sup>-hour High Court bid to halt her deportation when she was granted a temporary injunction against her deportation until 9<sup>th</sup> September 2004.

Ms Banidele appealed for the public to phone or fax the Minister for Justice, Michael McDowell, to ask for her to be granted asylum. Commenting on the support she received so far she said: 'They have been helping me and the residents against racism led by Rosanna, they have been trying their best. I do hope that the minister should please help me.'

### Trafficking ring leader jailed

Kingsley Ojo, 35, from Stratford, east London, was sentenced to four and a half years in prison at Southwark Crown Court at the end of July 2004 for his involvement in a trafficking ring which smuggled young people into Britain.<sup>7</sup> The Nigerian-born man was at the head of a 'substantial' network of people who have trafficked hundreds of young people and adults into the UK to work in the sex trade, as domestic slaves, or for benefit fraud. The judge rejected defence pleas for 'non-custodial leniency' due to the seriousness of the offences.

<sup>6</sup> Source: online.ie, 'Nigerian wins court reprieve against deportation', 12 August 2004, circulated by [www.asylumpolicy.info](http://www.asylumpolicy.info).

<sup>7</sup> Source: BBC News, 'Man jailed for child trafficking', 26 July 2004, available online at: <http://news.bbc.co.uk/1/hi/england/london/3926371.stm>.

related publication see under UK publications 'Sex in the City: Mapping Commercial Sex Across London'. To read more about trafficking and how it affects women, please click here [www.poppy.ik.com](http://www.poppy.ik.com).

### RWRP/BID Event

#### Women in immigration detention

##### in the UK: A public meeting

on Tuesday 19 October 2004 (5-7pm)  
 BID and RWRP have conducted research into women asylum seekers' experiences of immigration detention in the United Kingdom. The report of our study focuses on in-depth interviews with 13 women affected by detention. Women were detained for periods ranging from seven days to 20 months. Many of the women are still in the UK having obtained their release from detention.

'It is something I can't describe, it is awful. Freedom is important'  
 Woman detained for more than one year

'I just felt like it's better to die than to live. I never thought I could take it. The problem is "for how long?"'  
 Woman detained for more than three months

Currently immigration detention is used without sanction by a court, is without time limit and has serious implications for the physical and mental health of those detained. Many thousands of asylum seekers and migrants are affected by detention each year.

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Our report, which will be published this month, aims to present women's views of their experiences, in their own words. It then compares their experiences with the stated policy and rules and makes recommendations for action.

The purpose of the meeting on the 19 October is to discuss the findings and to hear from women themselves about their views and experiences. The meeting will be chaired by Baroness Shirley Williams. We encourage anyone interested in civil liberties, human rights, and the rights of women to attend. Venue: the Boothroyd Room, Portcullis House, at the corner of Bridge Street and Victoria Embankment. Nearest tube Westminster.

### Other UK events

#### Conceptualising women's human rights in the African context

is a one-day Conference by Akina Mama wa Afrika, Tuesday 28th September 2004, 9.30am - 4.00pm.

African women are invited to speak for and on behalf of African women on the following topics: Tradition & Culture, Domestic Violence, Sexual Trauma, Gender Violence In War and Conflict situations, FGM & Other Harmful Traditional Practices, Support Services, Counselling/Psychotherapy, Trafficking in African women, Cultural Healing, Government Policies. Amongst others, the objectives of the conference include the creation of links between mainstream service providers and women from African communities who

have experienced violence; and the creation of networks of African women who can provide support and advocacy for other African women experiencing violence.

This event will be of particular interest to women who have experienced domestic violence or other forms of violence; mainstream service providers with African women clients; African organisations that are service providers; African women's organisations; Students/Researchers; Counsellors/Psychotherapists and mental health link workers; and anyone interested in African women's mental health issues.

Venue: Methodist International Conference Centre, 81 -103 Euston Street, London, NW1 2EZ, United Kingdom, 020 7691 1438. Nearest tube stations: Euston Square and Euston. Buses 73, 30, 10, 68, 91, 253.

#### Study Day on Female Genital Mutilation

This event is organised by Comfort Momoh - FGM/Public Health Specialist - specifically for Midwives, Doctors, Nurses, Health Visitors, Social Workers & other Professionals. The programme will include the following topics: Why is FGM performed? Background and Prevalence; Types of FGM - implications for women, health & social care; Assessing and counselling women with FGM; Child Protection Issues/Forward; International Experience. Date: Friday 29th October 2004, from 09:00 - 16:30 at Cowdray Hall, Royal College of Nursing, 20 Cavendish Square, London W1G 0RN. Cost: £65.00 (Concession £55.00)

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If you would like to attend this meeting, please request a participation slip from Comfort Momoh, Mobile: 07956 542576 or email: [cmomoh@hotmail.com](mailto:cmomoh@hotmail.com).

### Muslim Women and the Family:

#### Lecture by Shirin Ebadi

Shirin Ebadi, lawyer, judge, writer and activist, is the first Muslim woman and the first Iranian to receive a Nobel Prize for her promotion of civil and human rights. One of the most respected legal experts in Iran she has worked tirelessly to introduce an alternative and modern interpretation of Islamic law and justice. Her work has won her international recognition.

This lecture on Monday 4 October 2004 6.30-8.00pm, will be in Farsi with English translation. Early booking is strongly recommended. Tickets £7, Concessions £4, Students £2, Asia House Members £4. Tickets are available from Asia House, Tel: 020 7899 1287. For more details, contact by email [Enquiries@asiahouse.co.uk](mailto:Enquiries@asiahouse.co.uk) or visit [www.asiahouse.org](http://www.asiahouse.org) on the internet.

### Old Stories, New Lives: Raising Standards to Tackle Violence Against Black and Minority Ethnic Women

Southall Black Sisters is organising a day conference on 15th November 2004. The conference will cover issues concerning domestic and sexual violence, incorporating culturally specific forms of harm such as forced marriage, honour killings and female genital mutilation. For more information on the conference see:

[www.oldstoriesnewlives.org.uk](http://www.oldstoriesnewlives.org.uk), contact Upward Curve PR on 020 8240 0501, or email [SBSCConf@upwardcurve.co.uk](mailto:SBSCConf@upwardcurve.co.uk)

### UK Lesbian & Gay Immigration Group meetings

The next general advice meetings will be held in London on 18 September, 23 October and 20 November 2004 (at the University of London Union, Malet Street, London WC1 at 2.00 pm). These meetings start with a talk by solicitors, then general questions, followed by an informal session in the Duck and Dive Bar on the 1st Floor. You will have an opportunity to discuss your own situation on a one to one basis with one of the solicitors at this time. The nearest tube is Goodge Street (Northern line). For more, go to:

[www.stonewall-immigration.org.uk/](http://www.stonewall-immigration.org.uk/).

### No laughing matter! -

#### September's comedy nights

for the Refugee Council, in London (at the Comedy Store on 20 September) and Leeds (at the Wardrobe on 29 September). For more details visit:

[www.refugeecouncil.org.uk/news/aug2004/relea176.htm](http://www.refugeecouncil.org.uk/news/aug2004/relea176.htm).

Also to check: the European Social Forum 2004 (London 15-17 October) is organised around 6 key themes including war and peace; democracy and fundamental rights and social justice. To register or for more information, go to [www.fse-esf.org/](http://www.fse-esf.org/).

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### UK courses

#### Rights of Women's courses

Rights of Women is organising legal courses in lesbian parenting, women and Islamic law, domestic violence, sexual violence, sexual harassment, partners and the law, children and the law. For more on these courses, please contact Ranjit Kaur on 020 7251 6575/6 or email at [info@row.org.uk](mailto:info@row.org.uk).

#### Women's Trust courses on domestic violence

'Legal and housing options for women experiencing domestic violence' (13th September 2004) will cover the criminal justice system; short term occupancy rights for women whose relationships have broken down; civil law injunctions (non-molestation orders and occupation orders); Protection From Harassment Act; temporary and long term housing options; housing legislation (applicants should have previous training in domestic violence awareness).

Two other courses on 'Domestic Violence Awareness training' (18th November 2004) and 'Children and Domestic Violence' (2nd December 2004) are aimed at all staff working in agencies that work with women and children experiencing domestic violence. Contact Heidi Sabrautzky on 0207 7956444, or email [kyria@wtrust.entadsl.com](mailto:kyria@wtrust.entadsl.com).

Please send any information that you would like to see published in our next bulletin by 8 October 2004 (see email or postal address on back cover).

### International news

#### Threat of FGM enforced on daughter not a well-founded fear of persecution says court in USA

A couple from Ethiopia who sought asylum in the USA on the grounds of political opinion and for fear of their eight year old daughter being subjected to female genital mutilation (FGM), if forced to return to their country, were denied asylum on appeal.<sup>8</sup>

The Circuit court found that the couple failed to demonstrate that they suffered past persecution. The court also found that the fear of the couple's daughter undergoing FGM did not rise to the level of a well-founded fear of persecution because the parents testified that they were opposed to the practice, even though they said they would be ostracized by their families for not enforcing it. The court referred to the United States Department of State 'Ethiopia - Profile of Asylum Claims Country Conditions 5', (Dec. 1994) which states: "Women are able to prevent their daughters from being subjected to [FGM] by relatives".

A judge on the court panel disagreed with the court's majority decision. He said that the practice of FGM is 'pervasive' in Ethiopia (he referred to the US State Department Ethiopia Country Report on Human Rights Practices for 1996). He also said that the parents did not state that they could prevent FGM from being performed on their daughter: they merely stated their opposition to the practice and the pressure they are likely to get from society and their extended family. Such

<sup>8</sup> Metropolitan News- Enterprise, 16/8/04, Case Ref. *Abebe v. Ashcroft*, 02-72390

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pressures may result in the daughter being subjected to FGM against the parents' wishes.

Referring to the case of *Olowo v. Ashcroft*, the dissenting judge also pointed to the dilemma faced by asylum seeking parents who want to protect their USA born daughter (thus with legal permanent resident status there) from FGM, like the Ethiopian couple: 'on the one hand, if they suggest that there is some chance they could prevent FGM, their asylum claims may be denied for absence for a well-founded fear (as in this case). They accordingly expose their daughters to some risk of FGM. On the other hand, if parents insist that the FGM decision is beyond their control, but their asylum claim is nevertheless denied (as in *Olowo*), they risk being stripped of custody of their daughters'.

He went on: 'This Circuit has not addressed whether the parents of a daughter at risk of FGM may qualify for asylum. (...) In *Abay v. Ashcroft*, 368 F.3d 634 (6th Circuit 2004), the Sixth Circuit found that a mother who feared that her daughter would be forcibly subjected to FGM in Ethiopia qualified as a refugee. The Court noted that the Board of Immigration Appeals has on several occasions granted relief to the parents of girls who would face the threat of FGM in their home countries.'

**related news** **Women to be hit by new power granted to US border control agents** The Bush administration is planning to extend its policy of enabling border patrol agents at the country's borders with Canada and Mexico to turn back would-be

immigrants without their claims being heard by immigration judges. The officers would in effect be determining applicants' asylum claims on the spot without proper consideration and could well send refugees back to face serious danger. The Women's Commission for Refugee Women and Children fears that many women's and children's lives could be endangered by decisions on their cases being taken by over-worked and probably inadequately trained officials:

*'It will be extremely difficult for refugee children and women who are escaping serious abuse, torture and trauma to voice their asylum claims. Highly specialized skills are needed to interview women and children asylum seekers and it defies logic that border officials can gain these skills in a few days of training.'*<sup>9</sup>

See also USA campaign to preserve asylum for women victims of gender persecution under 'International events & actions' section in this WAN edition.

### Burundi

#### Gutame massacre kills 160

160 Tutsi refugees were murdered in a camp in Gutame, near the Congo border in western Burundi on 13 August, apparently by Hutu rebels. Many women and children were among those killed. Ten years of civil war in the region has resulted in the deaths of 300,000 people and the displacement of 700,000. A recent ceasefire agreement has broken

<sup>9</sup> Women's Commission for Refugee Women and Children, 'New Immigration Policy Will Endanger the Lives of Refugee Women and Children', 11/8/04, at [www.womenscommission.org/newsroom/press\\_releases/081104.htm](http://www.womenscommission.org/newsroom/press_releases/081104.htm).

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down and fighting has been occurring on a daily basis with all side committing human rights abuses in a climate of impunity, according to both Amnesty International and Human Rights Watch, which comments:

'The cycle of impunity in the Great Lakes region is one of the most fundamental causes of the ongoing crisis. Since the early '90s, HRW have reported on numerous crimes against humanity, including genocides, whose perpetrators have benefited from the weakness of international engagement and a kind of impunity. For reasons of diplomacy, people are sitting at the same table as war criminals, and in some cases granting them immunity. If the atrocities are to end there must be at least some indications that justice will be done.'

According to AI, perpetrators of human rights abuses are often in positions of power within the government or rebel groups and enjoy immunity from proper investigation and punishment.<sup>10</sup> A UN's initial inquiry has tentatively concluded that the attack was carefully planned and that Congolese Mai Mai tribal fighters and extremist Hutu fighters, who were part of Rwanda's armed forces during the 1994 genocide in which some 800,000 Tutsis and moderate Hutus were slaughtered, assisted the FNL (the Hutu rebel group who claimed responsibility for the massacre). Only Congolese Tutsis were targeted.<sup>11</sup>

<sup>10</sup> Reuters Alertnet, 'Burundi massacre highlights 'cycle of impunity'', 17/8/04, at [www.alertnet.org/thefacts/reliefresources/109276385281.htm](http://www.alertnet.org/thefacts/reliefresources/109276385281.htm).

<sup>11</sup> Reuters, 'UN finds 3 armed groups staged Burundi massacre', 3/9/04, at

### 16-year-old girl 'hanged' in Iran for offence against chastity

It has been reported that the public execution has taken place in Iran of a 16-year-old girl accused of 'acts incompatible with chastity'. This is the tenth execution of a child offender recorded by Amnesty International since 1990. Although a law has been passed by Iran's parliament outlawing capital punishment for under 18 year olds, which would bring Iran in line with its international legal obligations, the law has yet to be approved by the Council of Guardians. The man who was accused as co-defendant was reportedly sentenced to 100 lashes and released after the punishment was carried out.<sup>12</sup>

### related information Iranian women targeted for dress code violations

Police officers have carried out raids on shopping centres in Tehran, picking up many women for violating Iran's strict dress code. Apparently women were targeted for wearing coats that were too short, too close fitting and of the wrong colours. Women are required to wear a veil and long coat or face fines or imprisonment.

Conservatives, encouraged by victory in Iran's elections earlier this year, have been putting pressure on the authorities to fight any perceived erosion of Islamic values. Elsewhere in the country, women who were improperly veiled have been

[www.alertnet.org/thenews/newsdesk/N03171024.htm](http://www.alertnet.org/thenews/newsdesk/N03171024.htm)

<sup>12</sup> Amnesty International, 'IRAN: Amnesty International outraged at reported execution of a 16 year old girl', 23/8/04, at <http://web.amnesty.org/library/Index/ENGMDE130362004?open&of=ENG-IRN>.

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banned from public buildings, and the playing of live music at public events has also been prohibited.<sup>13</sup>

### Occupation 'main cause of violence against women' in Palestinian Territory

UN Special Rapporteur on Violence against Women, Yakin Erturk, has highlighted the disproportionate effects on Palestinian women of the occupation of their territory by the Israelis, making direct links between the occupation and violence against women. After a visit to the Occupied Palestinian Territory (OPT) in June she commented:

'...The Palestinian people (...) have been living under occupation for too long. This has generated an atmosphere of legitimized violence as a method of conflict resolution. As a consequence, an integrated system of violence which disproportionately singles out women in both the public and private spheres has emerged. Women are both direct and indirect victims of the occupation: they may be killed, targeted for arrest, detained and harassed for being related to men suspected of being linked to armed groups; women suffer demolitions of their homes, which are also often accompanied by loss of lives, arrests and harassments. The frequency, arbitrariness and unpredictability with which the attacks are conducted exacerbate the trauma of a life in constant uncertainty.

<sup>13</sup> BBC News, 'Iran police in fashion crackdown', 12/7/04, at [http://news.bbc.co.uk/1/hi/world/middle\\_east/3887311.stm](http://news.bbc.co.uk/1/hi/world/middle_east/3887311.stm)

'Restrictions on the freedom of movement; differential residency status and travel permits, military check points and the construction of the wall, separate families and fragment identities; undermine traditional support systems; constrain access to health services and education; and destroy sources of water and livelihoods. Women are also subjected to heightened violence in the home and stringent patriarchal control by their family, the wider kinship network, local power groups and the community at large.'

Erturk calls on the Israeli government and the Palestinian National Authority to protect and promote women's rights and asks Israel to include information on the Occupied Territories in its reports to the UN's CEDAW Committee, where states report on their compliance with the Convention on the Elimination of Discrimination Against Women.<sup>14</sup>

### Call for change to family law in Algeria

Women's rights activists in Algeria are campaigning to improve the Family Code, which they see as discriminatory for women. The law, based on Islamic tenets, which dates from 1984, includes unequal inheritance rights for girls, a ban on adoption of children, men's right to polygamy, unequal divorce rights and a requirement for women to seek permission from a male relative before marriage. Women claim that the code is outdated and out of step with social

<sup>14</sup> UN Information Service, at Miftah.org, 'Occupation Main Cause of Violence Against Women', 24/6/04, at [www.miftah.org/Display.cfm?DocId=4084&CategoryId=2](http://www.miftah.org/Display.cfm?DocId=4084&CategoryId=2).

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realities. Conservative politicians oppose changes, but President Abdelaziz Bouteflika claims that reform of the law is one of his top priorities.<sup>15</sup>

**related information** **New Family Code yet to be implemented in Morocco** According to women's rights activist Leïla Rhiwi, the implementation of the new Family Code (the 'Moudawana') adopted by Parliament on 16 January still faces a number of obstacles. In an interview, Rhiwi said that follow-up measures such as an awareness campaign amongst the public and women in particular (80% of women living in rural areas are estimated to be illiterate) and training amongst the judiciary need to be taken for the law to become effectively implemented.<sup>16</sup>

Although a new procedural guide on the Family Code has just been issued for magistrates, the text remains open to interpretation and most of the magistrates are deemed very conservative. Leïla Rhiwi estimates that it may take as long as a generation for the new legal provisions to be used in a progressive way.

In addition, there are still shortcomings in the current legislation in relation to divorce and child custody, with discriminatory provisions for women: a divorced woman can obtain custody of her children but not the automatic right

<sup>15</sup> Daily Star, 'Reformers Face Uphill Battle in Changing Algeria's Family Laws', 9/6/04, at [www.dailystar.com.lb](http://www.dailystar.com.lb).

<sup>16</sup> Source: 'Femmes encore un effort!', in *Jeune Afrique/L'intelligent*, 27 June 2004 available online at: [www.jeuneafrique.com/gabarits/articleJAI\\_online.asp?art\\_cle=LIN27074femmetroffe0](http://www.jeuneafrique.com/gabarits/articleJAI_online.asp?art_cle=LIN27074femmetroffe0).

to be their legal guardian too. Furthermore if a divorced mother chooses to remarry, she will lose custody of her children if/when they are over seven-years-old whilst if a divorced father remarries, he will retain custody of his children. Polygamy is not totally abolished either – a woman has merely the right to divorce if her husband takes a second wife – and women's right to inheritance is still half that of men's.

Leïla Rhiwi contends that the law needs reforming in other areas too, such as the Nationality Code which is also discriminatory: a Moroccan woman married to a foreigner cannot pass on her nationality to her children, unlike a Moroccan man in the same situation.

### Georgia: women and children displaced by conflict

Nearly 800 women and children have fled fighting in Georgia between government troops and separatists in Southern Ossetia. The families have been temporarily rehoused in sanatoriums in the south and west of the country and are being assisted by UNICEF.<sup>17</sup>

**Zanzibar criminalises gay sex** Zanzibar's president Amani Karume has ratified a law passed by parliament in April which bans gay sex, with penalties of 25 years for men and 7 years for women convicted. Local gay rights organisations have opposed the ban and

<sup>17</sup> UN News Centre, 'Georgia: UNICEF provides aid to women and children fleeing fighting', 17/8/04 at [www.un.org/apps/news/story.asp?NewsID=11660&Cr=georgia&Cr1](http://www.un.org/apps/news/story.asp?NewsID=11660&Cr=georgia&Cr1).

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travel agencies that specialise in trips for gays and lesbians have threatened to boycott the country, a semi-autonomous part of Tanzania.<sup>18</sup>

### Saudi Arabian women excluded from municipal council elections<sup>19</sup>

The elections are planned for April 2005 and are the first in more than 40 years. However only men aged 21 or over will be able to vote for representatives in 178 communities; only literate men aged 26 or over and with no fraudulent bankruptcy record will be able to stand. The country is run by an absolute and non-constitutional monarchy founded by the current royal family in the 1930s.

## International events & actions

### Women and human rights organisations campaign for Rodi Alvarado to get protection

Rodi Alvarado Peña was brutally abused by her husband but could get no protection from the authorities in her country, Guatemala, for more than a decade. She fled to the United States and was granted asylum, a decision which was later overturned.<sup>20</sup> The Women's Commission for Refugee Women and Children and Amnesty International USA have launched a

<sup>18</sup> The Guardian, 'Zanzibar brings in gay sex ban', 21/8/04, at [www.guardian.co.uk/gayrights/story/0,12592,1287876,00.html](http://www.guardian.co.uk/gayrights/story/0,12592,1287876,00.html).

<sup>19</sup> Source: circulated by *Sexism and Women's rights* Bulletin 12, 2004, original article by Women without borders, 'Saudi Arabia - Elections exclude women', at [www.frauen-ohne-grenzen.org/](http://www.frauen-ohne-grenzen.org/) in 'news' section.

<sup>20</sup> See WAN issue no. 29, February 2003.

campaign to preserve asylum for women and girls fleeing violence and persecution.

According to AI, 'Attorney General John Ashcroft is poised to issue new regulations that would restrict the scope of gender-based persecution claims and reinstate the Board of Immigration Appeals' decision, denying asylum to Rodi Alvarado and other women like her seeking gender-related asylum. These regulations could keep female asylum-seekers who are fleeing "honor killings", sexual slavery, domestic violence, and other human rights violations that they suffer because of their gender from being protected in the United States.'

The organisations are calling on supporters to urge Attorney General Ashcroft to grant Rodi Alvarado asylum immediately, and to preserve the opportunity for other abused women and girls to be granted asylum in the United States. In order to take action go to AI's 'take action' weblink at <http://takeaction.amnestyusa.org/action/index.asp?step=2&item=11050> or go to the Women's Commission for Refugee Women and Children campaign link at: <http://capwiz.com/wc/issues/alert/?alertid=1485641&type=AN>.

### 'Everyday violence and human rights' conference

This event is taking place from 23 to 26 September in Osnabrueck, Germany and will include a presentation on the results of the first German prevalence study on violence against women (*Life situation, personal safety and health of women in Germany*). A full day will also be

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dedicated to the subject of '*Human rights and health in a gender perspective*'. For full details of the programme and contacts for registration, visit the web:

[www.cahr.v.uni-osnabrueck.de/conference/Conference23-26\\_04.pdf](http://www.cahr.v.uni-osnabrueck.de/conference/Conference23-26_04.pdf).

<http://assembly.coe.int/Main.asp?link=http://assembly.coe.int/Documents/AdoptedText/ta04/EREC1663.htm>.

### new publications

#### international

#### Book calls for prosecution of sex traffickers

A new book, '*The Natashas: The New Global Sex Trade*', by Victor Malarek, published by Vision, looks at worldwide trafficking in women, focussing mainly on trafficking from the former Soviet Union countries. Its aim is to turn attention from the victims to the perpetrators of the trade, both traffickers and customers. For more information, see [www.guardian.co.uk/g2/story/0,,1281156,00.html](http://www.guardian.co.uk/g2/story/0,,1281156,00.html).

**related information** The Council of Europe has called for zero tolerance for domestic slavery in Europe. Their June meeting passed a resolution calling for the setting in place of an accreditation system for agencies that find jobs for au pair girls, domestic workers and mail-order spouses; granting of a temporary residence permit for victims of domestic slavery; adoption of a Charter of Domestic Workers' Rights guaranteeing such workers social rights; and compensation for victims. For further information, see

### new publications

UK

#### Study found many trafficked women forced to work as prostitutes in London

The POPPY Project, part of the London charity Eaves Housing, have published a report on prostitution across all London boroughs. The study shows that three out of four sex workers in London are foreigners, many of whom are brutally exploited by criminal gangs who have trafficked them into the UK. Nearly two-thirds of them came from Eastern Europe.

'*Sex in the City: Mapping Commercial Sex Across London*' looks at off street prostitution and aims to promote understanding of the scale of the sex industry in London and to improve services for the women involved. The report is priced £4.95 + £1.00 postage and packaging.

To receive a copy please send a cheque made payable to 'Eaves Housing for Women' to: Natalia Dawkins, Poppy Project Manager, Eaves Housing, 2nd Floor Lincoln House, 1-3 Brixton Road, London, SW9 6DE. For more information visit [www.poppy.ik.com](http://www.poppy.ik.com) or call 020 7840 7130.

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### online resources

#### international

#### Victim's guide to the International Court

Reporters Sans Frontieres have produced a Victim's guide to the International Criminal Court. Available at [www.rsff.org/IMG/pdf/guide\\_CPI\\_A4\\_en.pdf](http://www.rsff.org/IMG/pdf/guide_CPI_A4_en.pdf). (Source: [www.asylumpolicy.info](http://www.asylumpolicy.info))

#### Trafficking in Estonia

A recent report on trafficking in Estonia highlights the fact that hundreds of girls each year are sold abroad for sexual exploitation. The report documents the situation in Estonia both as a source, transit and receiving country, looks at relevant legislation and notes that there is no state strategy or any government services directed at the issue. The report is among many other publications on children's and young people's rights on the website of The Child Centre for Children at Risk in the Baltic Sea Region, and can be found at:

[www.childcentre.baltinfo.org/research/researchpr/estonia/dbaFile10780.htm](http://www.childcentre.baltinfo.org/research/researchpr/estonia/dbaFile10780.htm).

#### New guide to monitor detention places

The Association for the Prevention of Torture (APT) has published 'Monitoring places of detention: a new practical guide'. This new guide (available at [www.apr.ch/pub/library/Monitoring%20Guide%20EN.pdf](http://www.apr.ch/pub/library/Monitoring%20Guide%20EN.pdf)) deals with issues such as: who monitors places of detention; the principles of monitoring; how to prepare a visit; the visit itself; how to follow-up on a visit; what aspects of detention to examine; the relevant standards.

### resources

#### UK

#### Signpost to health issues faced by asylum seekers

ICAR, the Information Centre about Asylum and Refugees in the UK, has produced a new internet signpost to health issues faced by asylum-seeking and refugee populations. Download the document (PDF file) at: [www.icar.org.uk/pdf/sign007.pdf](http://www.icar.org.uk/pdf/sign007.pdf).

ICAR has also updated its navigation guide to UK asylum law and process in order to reflect changes about to take effect as a result of the new Asylum and Immigration [Treatment of Claimants, etc.] Act [July 2004]. See [www.icar.org.uk/pdf/ng002.pdf](http://www.icar.org.uk/pdf/ng002.pdf).

#### Red Cross Guidelines for restoring family links

The British Red Cross International Tracing and Message Service has issued '*Guidelines for restoring family links for unaccompanied and separated children*' (June 2004) to clarify the role of the organisation in providing tracing services for unaccompanied and separated children. See more at: [www.redcross.org.uk/pdfheavy.asp?id=19230](http://www.redcross.org.uk/pdfheavy.asp?id=19230).

#### Latest UK statistics on asylum

Find the 'Asylum Statistics United Kingdom 2003' and 'Asylum Statistics Second Quarter 2004' published on 24 August 2004 at the Home Office website: [www.homeoffice.gov.uk/rds/](http://www.homeoffice.gov.uk/rds/). Or see Home Office Statistical Bulletin, 'Control of Immigration Statistics United Kingdom 2003' in PDF file at:

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[www.homeoffice.gov.uk/rds/pdfs04/hosb1204.pdf](http://www.homeoffice.gov.uk/rds/pdfs04/hosb1204.pdf).

### BID's 'Notebooks on Bail'

Bail for Immigration Detainees (BID) has published 'Notebooks on Bail' to give support and information to people detained by the Immigration Service. Detainees can use the notebooks to prepare their own bail applications if they do not have a legal representative. The Notebook on Bail comes in two parts: Part One is called "Preparing Applications for Release" (available in English and French), Part Two is called "Representing yourself in a Bail Application" (available in English only).

Copies are available in detention centre libraries, or contact BID at 28 Commercial Street, London, E1 6LS, Telephone: 020 7247 3590 (Monday to Thursday 1:30 to 4:30pm), Fax: 020 7247 3550

### Refugee Resource Library & Information Centre

There is a new library at the Refugees in Effective & Active Partnership (REAP) office, created to make available books and other publications on issues facing refugees and asylum seekers. Professional and voluntary workers, general readers, students, and religious or political organisations can use the library. The library is small but has a range of very topical and current books covering a wide range of themes. Books are now available for free personal loan. If you would like to join please contact Mike at REAP for an application form.

Email: [mike@reap.org.uk](mailto:mike@reap.org.uk) or go to: [www.reap.org.uk](http://www.reap.org.uk).

### NCADC Campaigning Guide on CD Rom

'*NCADC Campaigning Guide*' includes basic information on setting up an Anti-Deportation campaign. The CD-Rom is free for Anti-Deportation campaigns and individuals/families wanting to start a campaign. The cost is £5 (five pounds) including postage and packaging for all others. To order a copy contact your nearest NCADC Coordinator:

- London and South East England: Allison Bennett, 020 8808 6865 [ncadc-london@ncadc.org.uk](mailto:ncadc-london@ncadc.org.uk).
- North East England and Scotland: Kath Sainsbury, 01642 679298 [ncadc-north-east@ncadc.org.uk](mailto:ncadc-north-east@ncadc.org.uk).
- North West England and Greater Manchester Emma Ginn, 0161 740 6504 [ncadc-north-west@ncadc.org.uk](mailto:ncadc-north-west@ncadc.org.uk)
- Midlands, Wales and South West England John O, 0121 554 6947 [ncadc@ncadc.org.uk](mailto:ncadc@ncadc.org.uk).

### notice board

#### Vacancies at BID's London office

BID is recruiting a financial worker and a fundraising volunteer at its London Office. For more information, see the following weblinks (PDF file):

Financial worker (salaried position):

[www.biduk.org/pdf/jobs%202004/fin\\_worke\\_r\\_part\\_time\\_23\\_08\\_04.pdf](http://www.biduk.org/pdf/jobs%202004/fin_worke_r_part_time_23_08_04.pdf).

Fundraising volunteer

[www.biduk.org/pdf/job\\_description\\_fund\\_ing\\_coordinator.pdf](http://www.biduk.org/pdf/job_description_fund_ing_coordinator.pdf). Or contact BID on

020 7247 3590.

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### Somali Speaking Advice Worker

The Advice Worker will be based at the Hayes CAB and required to work in both Hillingdon and Ealing (£22,797 - £24,204 inc OLV). 12 month's full-time (or part-time equivalent) of advising clients and carrying out casework or the Certificate in Generalist Advice Work is required. An understanding of the needs of refugees and asylum seekers and commitment to social policy work is essential. Closing date for application: 10am, Monday 18 October 2004. For application packs please contact Hillingdon & Ealing Citizens Advice, Key House, 106 High Street, Yiewsley, Middlesex UB7 7BQ, fax: 01895 422510, e-mail:

[recruitment@hillingdoncab.org.uk](mailto:recruitment@hillingdoncab.org.uk) or:  
[www.hillingdoncab.org.uk/recruitment.htm](http://www.hillingdoncab.org.uk/recruitment.htm)

### Project Co-ordinator for SCF's Brighter Futures project

The selected candidate will be responsible for the management, co-ordination, and development of the Brighter Futures Self-Advocacy Project for young refugees in London, Newcastle and Manchester. The candidate will have knowledge and understanding of the social situation and the range of issues impacting on young refugees. Experience of working with young refugees is desirable. This fixed-term post for one year (maternity cover) at £26,961 p.a. is based in Hammersmith, London W6. You can apply directly online at [www.savethechildren.org.uk/jobs](http://www.savethechildren.org.uk/jobs) or contact Samantha Brangeon on telephone 020 8741 4054, email [s.brangeon@savethechildren.org.uk](mailto:s.brangeon@savethechildren.org.uk) for

an application pack quoting ref. BFCO1. Closing date is 22nd September 2004.

### Community Integration & Project Development Worker

Kent Refugee Support Group is recruiting for the above post in Kent (Salary: £18,000). Closing date for application 22nd September 2004. See weblink :

<http://jobs.guardian.co.uk/browse/charities/advice/vacancy-785290.html>.

### CARA recruits for oral history archive project

The Council for Assisting Refugee Academics (CARA) is embarking on a unique project to create an oral history archive that will be housed at the Museum of London and will be celebrated with an exhibition there. The archive will be composed of the stories and recollections of current and past CARA scholars. CARA will be hiring a full time person for 10 months and would be especially pleased to accept applications from refugees or those with experience in refugee issues. For job application details, contact CARA, London South Bank University, Technopark, 90 London Road, London SE1 6LN, UK. Direct Line: (0)20 7021 0883. Main Line: (0)20 7021 0880. Fax: (0)20 7021 0881. Email: [cafferty.cara@lsbu.ac.uk](mailto:cafferty.cara@lsbu.ac.uk). Web: [www.academic-refugees.org](http://www.academic-refugees.org).

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