

women's ASYLUM NEWS

Refugee Women's Resource Project - Asylum Aid - Issue 13 August 2001

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Trafficking: Criminalisation or lack of protection for victims, the examples of Greece and the UK

Victims of Trafficking punished in Greece Human Rights Watch (HRW) has condemned the Greek government's approach to addressing the problem of trafficking of women for forced prostitution (New York, 24 July 2001). Whilst traffickers are rarely prosecuted and enjoy impunity, HRW state that the victims of trafficking are '*treated like criminals*'. They are often '*apprehended by the police, detained, and deported without getting justice for the abuses they suffered*'.

HRW says that Greece has already been criticized by the United Nations and a number of European institutions for not taking any action against the trafficking of women for forced prostitution. A recent U.S. State Department Report (12 July 2001) also classifies Greece as one of half a dozen countries which are failing to take any action to tackle the problem. There is currently no anti-trafficking legislation nor a witness protection programs for trafficking victims in Greece. As a result, there have been few prosecutions (under criminal laws) in a country where there is also evidence of a '*continuing complicity of police officers*' in the trafficking of women.

(☞ Source:

www.hrw.org/press/2001/07/greece0724.htm)

UK fares no better in the war against trafficking of women and children

Greece is not the only country in Europe where there is a serious gap in legislation against trafficking. Belgium and Italy are currently the only two countries which offer witness protection programs in order to encourage victims to give evidence in order to prosecute their traffickers.

In the UK, the gap in legislation means that the police have little power to prosecute traffickers and the current criminal legal provisions will not secure heavy sentences. In addition, most criminal investigations will also fail due to lack of intelligence and credible witnesses. The government is currently drafting anti-trafficking legislation although this is not expected to go before Parliament until 2003.¹ This delay is incomprehensible for many people working alongside victims of trafficking or researching the issue, including the police. As a result of the lack of legislation, very few women come forward and victims of trafficking have few avenues in trying to escape their abusers who can still carry on their shocking trade.

Hard Facts and Figures remain difficult to obtain due to the illicit nature of the industry. However, according to the International Organisation of Migration, 4 million people are trafficked or smuggled

¹ According to DI Paul Holmes, of Metropolitan Police, in a meeting organised by the Refugee Arrivals Project on Trafficking of women and girls for sexual exploitation, Heathrow Airport, 6th July 2001.

each year. The number of women and girls trafficked for sex to Western Europe alone is estimated at 500,000 annually. In the UK, intelligence puts the number at hundreds rather than thousands, although it is rising.² 80% of prostitutes in off-sex parlours in Soho are foreign, 70% of whom are Albanian or Kosovan.

Victims of trafficking seeking asylum

As far as trafficking and asylum in the UK are concerned, one can distinguish two very separate situations: There are growing numbers of young women and girls entering the UK claiming asylum before being taken by traffickers (recent media stories on the phenomenon include that of several Nigerian girls who '*disappeared*' from social services).

On the other hand, cases of women seeking asylum for fear of trafficking remain rare, yet there is evidence that the great majority of victims have suffered serious harm at the hands of traffickers and have not been provided with adequate state protection. Although it is admitted that most trafficked women are '*willing victims*', they are however not prepared for the '*slave-like*' conditions in which they are forced to work. Many are also kept from escaping or protesting by way of threats to their family.

RWRP has been informed of two cases in recent months. One case was that of a Serbian woman abducted in Kosovo where she was forced into prostitution. Despite taking the case to court there, the men who were charged for the crimes were released almost immediately and attempted to kidnap the woman again. She had to live

under 24-hour protection and eventually fled to the UK where she was granted ELR.

Another case recently brought to the attention of RWRP was that of a young woman who has just been granted ELR after her file was examined by the Unaccompanied and Accompanied Minor (UAM) Section of the Asylum Group. The young woman was claiming asylum in the UK on the basis of Article 3 of the Human Rights Act (prohibition of torture, inhuman and degrading treatment) and 'membership of a particular social group' as a young Romanian woman at risk of being trafficked. Her case was supported by strong evidence on the current prevalence of trafficking and the sex industry in Romania.

HO Refusal to view trafficking cases as grounds for asylum

The HO has claimed that its staff was aware of the issues surrounding claims of trafficking victims. However, there seems to be discrepancies in the handling of trafficking cases depending on individual decision-makers, which is clearly unacceptable when the life and well being of a particularly vulnerable individual is at stake. Also as our examples demonstrate, victims only get ELR, not full refugee status.

In the Romanian example mentioned above, the handling of the case by one HO decision-maker cast serious doubt about the level of awareness relating to trafficking experiences. Despite the fact that her legal representative wrote a letter highlighting the highly sensitive nature of the issues at stake, including protection issues, the young woman was laughed at during her screening interview: The male interviewer saw fit to comment that she had '*done the full works*' when she mentioned the countries that she '*had been to*'.

² Some of the information is drawn from a background paper and the summaries of presentation papers distributed to participants to the meeting mentioned in footnote 1.

Also, although the health service, local authority, and the police had identified the young woman as a minor, the Home Office maintained their suspicions and treated her case as that of an adult (which is not given the same priority and considerations, hence, it seems, the HO's persistence in denying her minor status).

Yet, when the case was brought to the attention of a senior woman from the UAM Section who has a particular interest in trafficking, the HO decision was overturned. However, the Home Office still did not accept the 'social group' argument (unlike in a successful Thai case in the USA, see our previous issue No. 12, July 2001) and made no reference to Article 3 of the ECHR. ELR was granted because of the 'particular circumstances of her case'.

Special Team at the IND The UAM Section of Asylum Group is a team of 20 staff at the Immigration and Naturalization Directorate (IND) who deal exclusively with unaccompanied and accompanied minors seeking asylum, including (increasing) numbers of trafficking victims. The Asylum Group has indicated that it would like to establish better working relationships with interested parties and offer assistance. Given the current HO approach to trafficking cases, this might be crucial.

In fact, one senior member of the UAM team who talked to RWRP earlier this year indicated that it had been a struggle to get senior officers at the IND to recognize the specificity of the victims of trafficking who should not be treated as criminals by Immigration Officers. Sussex Police who launched Operation Newbridge few years ago, to fight the growing trafficking of West Africans, promoted such an approach. Sussex Police said they learnt not to treat women as criminals and how it was vital for them to understand the motives behind

victim's reluctance to disclose details of their stories.

The fear of traffickers is a significant factor. As the Kosovan case (above) and many other testimonies illustrate, '*traffickers do not give up victims easily.*' This fact alone should inform Home Office decision-makers on the sensitivity of such cases and the need to thoroughly examine individual claims, including the reluctance to disclose all facts in an asylum interview.

✉ Contact details: Suzanne Gooch, Leader of UAM Section, 4th Floor Advance House, Whitgift Centre, Wellesley Road, Croydon CR9 3LY.

Asylum Case: Mexican Lesbian couple granted refugee status

According to the website www.gay.com, the Canadian government has for the first time in history granted a lesbian couple asylum. The women from Mexico arrived in Toronto in 1999 and told an immigration board that they had fled the country due to homophobic persecution. The couple testified that in 1999 they were arrested, beaten and sexually assaulted by Mexican police hired by the one of the women's ex-husband. When he heard of her lesbian relationship he also took away her child. The mother also said that two men had attacked her in 1998. The couple was granted refugee status in Canada after the board agreed that the violence the women had been subjected to equalled persecution. Source: www.gay.com UK 13 August 2001

RWRP Event: Launch of 'Domestic Violence Report'

'*Refugee women and Domestic Violence: Country Studies*' is a new report produced by RWRP, which covers Albania, Bosnia


and Herzegovina, China, Iran and Pakistan. The report looks at the crucial issue of legal protection for women fleeing from domestic violence as refugees to the UK. The country studies focus on women's human rights, the law relating to domestic violence, the reality of any available protection, and the situation for a woman forced to return to her country of origin.

The report will be a valuable resource for legal practitioners representing women claiming refugee status or protection under the Human Rights Act, as well as adding to the growing campaign to ensure women's experiences of persecution are recognised within UK and international law.


 The launch of the report (**see enclosed invitation**) will take place on Monday 24 September 2001, at 4.30 pm at Toynbee Hall, 28 Commercial Street, London E1 6LS Tel: 020 7377 5123 Speakers will include Professor Haleh Afshar, of York University, and expert on women in Iran.

Readers receiving our WAN bulletin by email (based in the UK) will receive an invitation by post; otherwise do contact us if you would like to come to the event.


Other UK News, Projects, Events

Bedfordshire Refugee and Asylum Seekers Support (BRASS) provide monthly group advice sessions for women in conjunction with **RWRP** (Asylum Aid). The next scheduled meeting is on Tuesday 18 September at 11.30 and the discussion will focus on **access to health care**. Another session on **education training and employment** is planned for Tuesday 2nd October and is open to both men and women.  The sessions take place at St. Luke's United Church, 26

St. Peter's Street, Bedford MK40 2NN. Tel: 01234 211 381/219 229, email: dave_tantem@lineone.net.

First Words and Phrases is a series of Community Language Booklets for newly arrived pupils, literate in their own language but with little or no English. The series is currently available in six languages: Albanian, Czech, French, Portuguese, Somali and Spanish.  The booklets can be obtained on www.refugeeproject.free-online.co.uk/. More information can be obtained on Tel: 020 8489 5076/7 or by emailing Nbradley@refugeeeducationproject.freeerve.co.uk

Also **Welcome leaflets and booklets to Enfield and Haringey's National Health Service (NHS)** are available in Albanian, Arabic, Farsi, French, Polish, Romanian, Somali and Turkish on  www.beh.nhs.uk/pubsreps/pubsreps.htm

Scottish Asylum Seekers Consortium set up a new website to support local authorities in their dealings with asylum seekers and refugees. It provides facts and figures about the numbers of asylum seekers and their country of origin. In addition, SASC is producing a quarterly magazine 'Asylum Briefing' for distribution to councillors and local authority officers in Scotland.  For full details, see www.asylumscotland.org.uk

New Vision, 'a veritable voice for the refugee community'
The Refugee Media Agency project New Vision has been attracting huge interest since its launch in February, according to the PressWise project, RAM. New Vision co-ordinator, Abebe Gellaw says that the

project *'signals the rise of a veritable voice for the refugee community at large which has been denied fair treatment by the mainstream media. (...) New Vision [also] echoes the voices of the marginalized in the UK'*. 📄 See www.newvision.org.uk (source: www.ramproject.org.uk).

Grants to conduct research available for exiled academics The Council for Assisting Refugee Academics (CARA) is finalising awards for the coming academic year that can amount up to £8,000 per person. 📄☎ For more information, consult the website www.academic-refugees.org, email: cara@academic-refugee.org or contact John Akker on 020 7836 8963

International News

UNHCR Consultation on Persecution and Gender Issues As part of its global consultation on International Protection, UNHCR is organising a series of events relating to the protection of refugee women and children. The first consultation on gender issues will take place in San Remo from 6-8 September (co-organized by the International Institute of Humanitarian Law) and will focus on the following:

- Membership of a particular social group
- Gender-related persecution
- Internal protection / relocation / flight alternative

📄 In preparation to the roundtable, draft papers on each of the above topics are available on UNHCR website at www.unhcr.ch/prexcom/globalcon.htm and open to comments and suggestions from both participants and non-participants.

📄☎ Please pass on your comments (however brief) to Eve Lester, NGO Liaison Officer, Tel: +41 22 739 8279, Fax: +41 22 739 7354, email: lester@unhcr.ch.

Other roundtables particularly relevant to women asylum seekers are the fourth roundtables which will examine the scope and content of article 31 of the 1951 Convention, as well as the question of 'family unity'.

A Conference on Refugee Women's Physical Security in Camps is on the agenda (tentatively for mid-September) and planned to take place in Oslo (☎📄 for more details, contact the Secretariat in Switzerland on: Tel +41 22 749 24 40, Fax + 41 22 749 25 88 or email:

secretariat.51convention@eda.admin.ch

The issue of protection of refugee women and children will also be discussed in 2002.

Ugandan woman case deemed 'classic example of a worthy asylum seeker running up against a system' A woman who fled Uganda in fear of persecution has been detained in American immigration detention centres and county jails for over 4^{1/2} years. The woman had fled her country after her involvement in an opposition party. She was arrested three times and beaten and tortured on one occasion. She managed to escape on the third occasion in fear for her life, and was persuaded to leave the country by friends who bought her a fake passport. She was arrested when the authorities realised she was travelling on false documentation. She said that at the time she did not know what was 'asylum'.

Another factor undermining her case was that her lawyer was a former president of her country and she did not trust him. She declared: *'I kept trying to tell the judge about what had happened to people I knew, to my friends. But nothing about what happened to me.'* When she was persuaded by the interpreter to write down her experiences in her own language, it

was too late. The judge said that the case had too many contradictions and questioned the fact that the applicant had not told her story when she was first asked about it.

Her claim was rejected by the Board of Immigration Appeal. The case has been submitted to a Federal Court in Philadelphia. According to those who are familiar with the case, this is a common example of an asylum seeker running up against a system that *'turns on the applicant because of the lack of English and unfamiliarity with U.S. asylum procedures'*. It is believed that many asylum seekers lack legal representation in the USA.

The issues highlighted by this case are particularly common in other women asylum seekers' claims where both legal procedures and lack of sensitivity regarding the impact of gender related persecution contribute to the case being turned down. Despite being held in grim surroundings in the USA, the woman said that it was still better than what she would face if she was forcibly sent back home (she resisted such attempts twice): *"Every time I think about Uganda, I say it is better to be in an American prison. (...) I can't go back home. If my stay is denied, I have to give up life and go home. I may be killed or I may be put in jail. And for us women to be put in jail, you know what they do to us there."* (📄 Source: Dallas Morning News, 22 July 2001, www.dallasnews.com/)

Request for Sexual Violence charges against Slobodan Milosevic The Coalition for Women's Rights in Armed Conflict Situations wrote to the Chief Prosecutor of the International Criminal Tribunal for the Former Yugoslavia, Justice Carla Del Ponte, requesting that charges of

sexual violence be included in the indictment against Milosevic.

The letter (dated 14 August 2001), written on behalf of a number of organisations and individuals, recalls that *'historically, crimes against women have been under prosecuted because of the mistaken belief that these crimes are not as serious as crimes that occur primarily to men'*. It adds that there is *'sufficient evidence of sexual violence crimes committed by troops under Mr Milosevic's authority or with Milosevic's countenance in Kosovo, Bosnia-Herzegovina and Croatia'*. Milosevic not only allowed crimes such as *'rape, sexual torture, sexual enslavement, forced pregnancy and other forms of sexual violence'*, he also *'encouraged [them] to be committed as part of his war strategy.'*

According to the request, *'the failure to prosecute him for such crimes (...) would convey a damaging message that sexual violence is not considered equal in gravity to other war crimes and crimes against humanity.'* 📄📞📧 For more details, contact the Coalition for Women's Rights in Armed Conflict Situations, 1001 de Maisonneuve Blvd. East, Suite 1100, Montreal, Quebec, Canada H2L 4P9; Tel: + 1 (514) 283 6073, Fax: 283 392 or email Ariane Brunet at abrunet@ichrdd.ca

Reference to the 1951 Convention deleted from World Conference Against Racism A week only after the 50th anniversary of the 1951 Refugee Convention, participating states decided to drop any reference to the Convention from the UN World Conference Against Racism. Yet, in the last few years alone, there has been an alarming rise in racism and xenophobia towards refugees and asylum seekers around the world, as the latest events in the UK have sadly illustrated. In

addition, many asylum seekers and refugees have fled violence related to 'ethnic' conflicts.


This decision means that such issues as well as current issues on board (such as the protection of minority rights, racism against indigenous people or gender and racial discrimination), will not be fully examined. Likewise, proposals to provide redress and protection for people victims of discrimination cannot be comprehensive if the provisions of protection outside one's country of origin (some of which are guaranteed by the 1951 Convention) are not given space for discussion.

Gender and racial discrimination, for instance, would include the experiences of women who, during ethnic conflicts, may be viewed as propagating ethnic identity through their reproductive role. As a result, they may be persecuted through sexual violence such as that experienced in the last decade alone by thousands of women in the former Yugoslavia or Rwanda (see 'Request for sexual violence charges against Milosevic').

RWRP condemns this decision and feels it constitutes a setback in the fight for protection of women's rights and the rights of minorities. The Conference in Durban, South Africa starts on 31 August to 7 September 2001.

The Refugee Convention 'Where to from here' is an international conference organised from 6-9 December 2001 by the University of New South Wales, Australia. It will include discussion workshops on all issues affecting refugees and asylum seekers with a legal and historical perspective, but also looking at the current interpretations of the Convention, its

effectiveness and impact, as well as identifying gaps and future directions.

 Details can be obtained from Catherine Chalk, Outscore, Locked Bag 15, Camper down NSW 1450, Australia, tell: + 61 02 9565 9107, fax: 61 02 9550 4509 or email: catherine.chalk@austcare.org.au

Funding opportunity for Women's Group Worldwide The Global Fund for Women (GFW) provides small and flexible grants from \$500 (c. £750) to \$15,000 (c. £22,000) to women's organizations based outside of the United States. The fund supports organisations that demonstrate a commitment to women's equality and female human rights and show concern about the way women are viewed and view themselves in society. Applicant organisations need to be governed and directed by women and to consist of a group of women working together. There is no deadline for applications which can be submitted in any language and in any form (hand-written, typed, sent by mail, fax or email).

GFW also administers the **Preston Education Fund for Girls**, which supports schools, teacher training and curriculum programs but also locally based community organisations, non-governmental organisations, local women's associations and women's rights organisations and coalitions focused on the issue of girls education.

 Application guidelines can be obtained from Global Fund for Women, 1375 Sutter Street, Suite 400, San Francisco, California 94109. Tel: +1 (415) 202 7640, Fax +1 (415) 202 8604, email: grants@globalfundforwomen.org, website: www.globalfundforwomen.org/.

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