



KNOWLEDGE-BASED HARMONISATION OF EUROPEAN ASYLUM PRACTICES

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Case Summary

Country of Decision/Jurisdiction	United Kingdom
Case Name/Title	AA (Uganda) v Secretary of State for the Home Department
Court Name <i>(Both in English and in the original language)</i>	Court of Appeal
Neutral Citation Number	[2008] EWCA Civ 579
Other Citation Number	
Date Decision Delivered	22/05/08
Country of Applicant/Claimant	Uganda
Keywords	Internal Protection
Head Note (Summary of Summary)	Applying the guidance on assessing internal protection found in AH (Sudan) and Januzi (see separate summaries), it would be unduly harsh for an applicant to have to survive in the area of internal relocation through forced prostitution even if this was widespread in the country of origin. An applicant's individual vulnerability should be taken in to account in assessing internal protection.
Case Summary (150-500)	AA was born in Northern Uganda and was 22 years old. She was an orphan, both of her parents having been killed by the Lords Resistance Army. She lived, first with two aunts and, then, an uncle. They treated her brutally and abusively. An aunt in the UK financed her trip to the UK. When the applicant told her aunt in the UK about how she was treated in Uganda, her uncle threatened to kill her. Whilst living with her aunt, she was raped by her aunt's husband resulting in her having to have an abortion. When she told her aunt of what has happened, she was ridiculed. The aunt's husband was not prosecuted, but it was accepted that the rape occurred.
<i>Facts</i>	AA's asylum claim was refused. She appealed on the basis that she was entitled to subsidiary protection or should be allowed to remain in the UK as a result of Article 8 of the ECHR. It was accepted that she would suffer serious harm in Northern Uganda. The Tribunal found that she could be expected to internally relocate to Kampala. Permission to appeal was granted by the Court of Appeal on the internal relocation issue.
<i>Decision & Reasoning</i>	The Court of Appeal considered two parts of the guidance of the House of Lords in Januzi and AH (Sudan) in considering the internal relocation issue. The first was from Lord Hope's speech in Januzi: "[i]f the claimant can live a relatively normal life there judged by the standards that prevail in the country of his nationality generally, and if he can reach the less hostile part without undue hardship or undue difficulty, it will not be unreasonable to expect him to move there". The second was from Lord Brown's speech in AH (Sudan): "[i]f a significant minority [of persons in the home country] suffer



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	<p><i>equivalent hardship to that likely to be suffered by a claimant on relocation and if the claimant is as well able to bear it as most, it may well be appropriate to refuse him international protection.....For these respondents, persecution is no longer a risk. Given that they can now safely be returned home, only proof that their lives on return would be quite simply intolerable compared even to the problems and deprivations of so many of their fellow countrymen would entitle them to refugee status. Compassion alone cannot justify the grant of asylum."</i></p> <p>The Tribunal was found to have implicitly accepted the evidence of an expert witness which stated that "<i>[w]ith little education, no training and no job experience [the applicant] will be reduced to working in the informal sector in the slums. The most likely employment option she will be reduced to will be that of sex worker. This will put her at great health risk of contracting HIV/AIDs. She will be unable to find secure and decent housing. She will find it difficult to obtain counselling or medication for her psychological conditions</i>". The Tribunal had therefore erred in holding that the claim should be dismissed because in Kampala "<i>[t]here are...many young women in [the appellant's] situation</i>".</p> <p>The Court identified a number of specific errors that the Tribunal made:</p> <ul style="list-style-type: none"> i) considering that enforced prostitution came within the category of normal country conditions – "<i>[e]ven if that is the likely fate of many of her fellow countrywomen ...there must be some conditions in the place of relocation that are unacceptable to the extent that it would be unduly harsh to return the applicant to them even if the conditions are widespread in the place of relocation</i>"; ii) failing to take the applicant's individual vulnerability appropriately into account in assessing the area of proposed internal relocation. It held that she was "<i>manifestly less able than most to bear the conditions that await her in Kampala</i>"; iii) comparing the appellant's specific circumstances to those who shared the same characteristics in assessing whether internal relocation was unduly harsh when the specific circumstances did not affect all the population in the same way, and; iv) finding, without any evidence to support the finding, that the applicant could receive support from a Church in Kampala.
<p><i>Outcome</i></p>	<p>The appellant's appeal was allowed on the basis that she was entitled to subsidiary protection.</p>