

# women's asylum news

refugee women's resource project @ asylumaid

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*Asylum Aid needs your support to launch new services p.15*

## In this issue

Leading article: FGM in Kenya

p.1-3

RWRP news:

New Publication: COI and Women  
Legal Advice for Women Asylum  
Seekers

p.3

Sector Update: Women in Yarl's Wood  
Entitlement to Maternity Care  
Access to Health Care

p.4-5

UK & International news, conferences  
and courses

p.5-10

New UK and international publications

p.11-13

Noticeboard: events

p.13

Asylum Rights Watch Update

p.14

New Services at Asylum Aid

p.15

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would like to include in the next edition  
to [Claireb@asylumaid.org.uk](mailto:Claireb@asylumaid.org.uk) by the 4<sup>th</sup>  
January 2008.

## An Unreported Case: FGM in Kenya

The Immigration Advisory Service recently represented a young woman from Kenya at risk of Female Genital Mutilation (FGM). The appeal was granted on both asylum and human rights grounds. Significantly, the Immigration Judge dismissed arguments for internal relocation within Kenya. This article will outline key issues, considerations and evidence submitted that influenced the decision.

### Case details

In 2003 the female Appellant claimed asylum in the UK as an unaccompanied minor. She is from the Kikuyu tribe in Kenya and fled after her father and his family wanted both the Appellant and her elder sister to be circumcised. After the police refused to offer protection, the Appellant, together with her mother and her sister left the village. An associate hid the family from their father and then arranged to bring the Appellant to the UK. Within a month, the Appellant experienced harsh treatment and an attempted rape from the family associate in the UK. At this point, the Appellant claimed asylum but was refused and granted Discretionary Leave to Remain until aged 18. The Appellant has since been refused Further Leave to Remain post 18. This appeal is based upon that decision. Since claiming asylum the Appellant has undergone counselling sessions and is reportedly "severely depressed and suicidal."

Immigration Judge Oakleys assessed both the Appellant's and Respondent's arguments for this case. Judge Oakley asserts that in his opinion the Appellants case is "credible"

and dismisses the Home Office assertion that the age of the Appellant rules out a risk of FGM. Referencing the Country of Origin Information Report for Kenya<sup>1</sup> Judge Oakley states, "there is no evidence contained in that objective information that FGM is limited to girls under a certain age."

In addition, Judge Oakley also considered evidence submitted from a country expert regarding patriarchal power structures and kinship networks within Kikuyu tribal areas. The Appellant has no knowledge of her mother's or sister's whereabouts so she would be expected to survive alone. In addition, in order to avoid contact with her father or his family the Appellant would have no access to kinship ties. The country expert concluded "without an ability to utilise those networks the Appellant will find herself at a real disadvantage."

After stressing the credibility of the Appellant's claims, Judge Oakley considers issues around internal relocation and whether it would be reasonable to expect the Appellant to relocate to another part of Kenya, taking the Country Guidance Case of **FK**<sup>2</sup> into account.

Significantly, Judge Oakley made distinctions between the Appellant and **FK**. He states whereas **FK** was a mature woman with children, the Appellant was a "relatively immature" young girl. In addition, Judge Oakley noted further disparities in relation to the level of support the Appellant would be able to access. The Tribunal for **FK** rejected evidence that "women fleeing from FGM could not survive without recourse to prostitution" and concluded "they could...turn to a number of organisations which could potentially provide assistance." The Immigration Advisory Service on behalf of the Appellant contacted a range of NGOs and churches, specifically those that the Respondent sought to rely on in **FK** to

<sup>1</sup> 15<sup>th</sup> January 2007

<http://www.homeoffice.gov.uk/rds/pdfs07/key-documents-kenya-150107.docH>

<sup>2</sup> **FK** (FGM Risk and Relocation – Kenya CG 2007 UK AID 0041) also see Women's Asylum News Issue 67, June/July 2007

ascertain whether protection would be available for women escaping FGM in Kenya. Their evidence suggests that no organisation provides this level of assistance, protection and practical support for this particular group. Judge Oakley states, "the conclusions therefore on which the Tribunal placed their reliance upon do not appear from the evidence before me to be in a position to provide the type of practical support that the Tribunal considered would be available to the Appellant in the case of **FK**".

When considering internal relocation within Kenya, Judge Oakley refers to **Januzi**<sup>3</sup>. Judge Oakley quotes Lord Bingham's analysis that "*if for instance an individual will be without family links and unable to benefit from an informal social safety net, relocation may not be reasonable unless the person would otherwise be able to sustain a relatively normal life at more than just a minimum subsistence level.*" Lord Bingham asserts, "*in many parts of Africa... common ethnic tribal religious and cultural factors enable access to land, resources and protection. In such situations, it would not be reasonable to expect someone who does not belong to the dominant group to take up residence there*"

Therefore, from the evidence presented and internal relocation assessments, Judge Oakley concludes that:

*"in the particular circumstances of this Appellant, who I would emphasise is ...immature ...with no family ties or kinship to which she could return in Kenya and would have to rely on outside organisations for support and protection, that it would be unreasonable for her to relocate....that given her age and that she is female that it is more likely that she will be subjected to some forms of low grade employment that would most likely be in the sex industry and certainly she would be vulnerable to persons wanting to assist her finding employment. ....The Appellant on return would not only face the dangers*

<sup>3</sup> **Januzi v The Secretary of State for the Home Office and Others** 2006 UK HL 5

*of being located by her father if she was to return to the area in which she lived, but that if she relocated to an area a long way from her tribal area she is then in danger of unemployment or employment at the lowest levels where it is likely she will be required to live in conditions of severe hardship."*

This case raises several key issues within asylum and human rights law. Notably, Judge Oakley granted the Appellant's claim as 'credible' and dismissed reliance placed upon Country Guidance case regarding support and protection available for women escaping FGM in Kenya. Moreover, this ruling distinguishes between the Appellant and **FK** and demonstrates how the internal relocation of some young women escaping FGM would be unduly harsh.

### RWRP news

#### **Country of Origin Information and Women: Researching gender and persecution in the context of asylum and human rights claims.**

New publication available from RWRP

It can be difficult to find country of origin information (COI) to support women's asylum claims. Recognising this gap RWRP has drawn together practical guidance on undertaking research on women's gender related claims, based on our experience of working directly with women asylum seekers, their legal representatives and supporters.

This guide will be useful for legal representatives, COI researchers, information professionals and volunteers involved with supporting women asylum seekers.

The report provides structured information in approaching research, rather than legal matters, in a woman's case. It covers: what COI is and how it is used within the determination process, the difficulties women experience in substantiating their

claim, types of gender related harm and their impact on women and strategies for researching COI specific to your client's individual circumstances.

Copies of this guide are available to download from our website, free of charge <http://www.asylumaid.org.uk/>

#### **Legal advice for women asylum seekers**

The Refugee Women's Resource Project at Asylum Aid has specialised in providing legal advice and representation to women asylum seekers since 2000. Our particular focus is on women and girls who are seeking asylum because of their political activities or because of gender persecution such as domestic violence, forced marriage, female genital mutilation or honour crimes.

The cases we take on are 'protection claims'. This means where a woman is seeking protection in the UK and her claim is based on a real risk of serious harm if returned to her home country. We represent cases from initial application to the appeal tribunal stage, including bail hearings. We offer our services to anyone anywhere in the UK.

To get legal advice anyone can call our free advice line (details below). There is always a female caseworker available on the advice line. If we are able to take on a case, we will be able to allocate a female caseworker for representation.

**Advice Line: 0207 354 9264**

Monday 2.00 pm – 4:30pm  
Thursday 10.00 am – 12:30pm



#### Sector Update

### Women in Yarl's Wood Demand Investigation

Women in Yarl's Wood detention centre have approached the Black Women's Rape Action Project and asked them to circulate a letter insisting upon an independent investigation into widespread beatings, abuses and detention of women who have experienced rape.

The letter outlines how many women are detained without proper explanation and reasoning, are treated like prisoners and were sent to removal centres before their asylum interview. The women describe their detention as 'double torture' as the women "continue to suffer physically, mentally, spiritually and medically in this detention centre". The women state, "pregnant women have been brutally beaten, mistreated and handcuffed in the presence of their children." The letter also describes a 'systematic refusal' of asylum and human rights claims and depicts how there is little access to free legal advice for the women.

One of the signatories has been detained in Yarl's Wood for eleven months, even though she cannot be returned to Somalia.

This letter raises several important issues regarding the detention and treatment of women asylum seekers in the UK.

For related article see:

<http://www.blackbritain.co.uk/news/details.aspx?i=2579&c=uk>

For further information contact Black Women's Rape Action Project  
[bwrap@dircon.co.uk](mailto:bwrap@dircon.co.uk)

### Information on National Health Service (NHS) Maternity Care for Pregnant Women from other Countries

Because not every woman is entitled to free NHS maternity care, Medact has produced a document explaining the NHS regulations that are applicable to all pregnant women from other countries. Based on the NHS Charges to Overseas Visitors 1989<sup>4</sup> the document outlines the situation in England.

The policy briefing covers the main rules, provides explanations to terminology, exemption categories and answers key questions which pregnant women from overseas may consider.

The main rules are:

- Women who are an 'Ordinary' resident in the UK are entitled to free maternity care
- 'Overseas visitors' may be liable to pay for NHS maternity care
- 'Overseas visitors' that have been living lawfully in the UK for over 12 months prior to maternity care are entitled to free NHS maternity care
- 'Overseas visitors' that have been living in the UK for less than 12 months prior to maternity care are liable to pay for NHS maternity care (exceptions apply see document)
- People who are liable to pay do not have to pay in advance as maternity care is classed as 'immediate necessary treatment'.

Contact details for the Department of Health Overseas Visitors Policy Team and access to legal advice are also provided in the document.

In addition please note: The Department of Health is currently reviewing entitlement to NHS care for foreign nationals that may result in changes to the entitlement to maternity care. Please regularly check the Medact website for latest information and any changes.

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<sup>4</sup> amended further 1991,1994,2000,2002,2004

For full document see:

<http://www.medact.org/content/advice%20August%202007.pdf>

### **Access to Health Care for Vulnerable Migrants**

The Government is currently reviewing access to NHS health care services and are expected to publish a review in December 2007.

One of the key considerations involves refused asylum seekers for NHS primary health care. If introduced, this could prevent many vulnerable people including pregnant women and children from accessing vital medical care.

A number of NGOs are lobbying and have launched a petition against introducing this scheme.

For further information see Medacts briefing paper:

[http://www.medact.org/ref\\_entitlement\\_page.php](http://www.medact.org/ref_entitlement_page.php)

Petition details can be found on:

<http://www.ipetitions.com/petition/access/>

## **UK News**

### **Zimbabwe refugees are returned via Malawi**

The Independent reports that the UK government are deporting many Zimbabweans who arrive with false Malawian passports, back to Malawi where they are deported back to Zimbabwe. The article outlines how many political opposition members flee persecution by obtaining fraudulent Malawian passports. This is for many the only means of leaving Zimbabwe. Upon arrival in the UK the Zimbabwean asylum seekers are deemed to be Malawian, despite providing ID cards and MDC membership cards stating the contrary.

The Independent states that since 2004 the Home Office have sent 11 Zimbabweans to Malawi and of these, five are known to have been returned to Zimbabwe. Patson Muzuwa, from the Zimbabwe Association states "the Malawian government imprison people with fraudulent travel document and then returns them to Zimbabwe".

Five Zimbabwean women due to be deported to Malawi have been on a hunger strike in Yarl's Wood detention centre since September 2007 in protest. This includes Maude Lennard, an MDC member who was gang raped and tortured and Faina Pondesha who was deemed too ill to fly by the pilot. One of the women, Rose Phekani, has since been deported to Malawi.

David Banks, co-ordinator of the all-party parliamentary group on Zimbabwe states, Zimbabweans "find themselves at the mercy of Home Office officials who have little understanding of their plight and who seem to be motivated primarily by meeting targets for refusal and removal of asylum-seekers."

For full article see:

<http://news.independent.co.uk/uk/politics/article3098868.ece>

### **Trafficked women face deportation**

Home Secretary Jacqui Smith stated at the launch of Pentameter 2 that some women who are 'rescued' from trafficking might still face deportation and be considered illegal migrants. Although she describes sex trafficking as a 'modern day form of slavery' she stated that a blanket position that women will not face deportation would "be likely to act more generally as a pull factor." Ms Smith said that as part of the European Convention against human trafficking a 30-day 'reflection period' will be piloted before women are removed against illegal entry. Pentameter 2, a victim-focused police operation involves all police forces across Britain and Ireland. The police project specialises in human trafficking, providing protection for people who have been kidnapped, imprisoned and raped. Tim Brain, of the Association of Chief Police Officers said that trafficked women forced to

work in brothels is not only an issue for big cities but also towns and villages across the UK. Pentameter 1 led to the establishment of The UK Human Trafficking Centre and it is hoped Pentameter 2 will build on this experience and lead to further arrests and prosecutions and provide victim support.

For full article see:

<http://www.guardian.co.uk/crime/article/0,,2182973,00.html>

### **Brothel owners sentenced**

Southwark Crown Court found seven men guilty of forcing teenage girls into sexual slavery. The charges against the men from Lithuania, China and the UK include controlling prostitution, forced imprisonment, drug possession, supplying drugs, possession of a prohibited handgun and ammunition. The case revealed that the international gang established brothels and threatened, abused and beat girls who tried to leave. The police were notified about the gang and its brutality after a girl from Latvia escaped from the brothel on her 17<sup>th</sup> birthday in October 2006. She had been beaten and forced into prostitution for a year. Until that point, the police were unaware that some of the women who worked in the brothels had been tricked into the UK. The Court heard that the gang earned £5000 a day from the brothels.

For full article see:

<http://news.bbc.co.uk/1/hi/england/london/6995152.stm>

### **Prosecution for Honour killing**

Bachan Athwal and her son Sukhdave were sentenced to life imprisonment for the killing of Sukdave's wife Surjit Athwal. Surjit, a Customs Officer at Heathrow airport vanished after going to a family wedding with her mother-in-law in India in December 1998. Bachan reportedly told her family that she had arranged for her brother to strangle Surjit and dispose of the body in a river. Bachan had discovered that Surjit wanted to ask for a divorce from her husband and that she had been involved in another relationship. To date, Surjit's body has never been recovered. Since 1998 the police

struggled to gather sufficient evidence for any prosecutions until some family members approached the police and revealed the family conversation.

For full article see:

<http://www.guardian.co.uk/crime/article/0,,2172489,00.html>

## **UK conferences and courses**

### **'A study of Women Asylum Seekers from Pakistan who seek refugee protection against domestic violence'**

**South Manchester Law Centre  
Friday 7<sup>th</sup> December 2007, Manchester**

### **One day Conference to launch WASP research report**

South Manchester Law Centre's Women Asylum Seekers from Pakistan (**WASP**) project are pleased to announce the launch of their research project. The WASP project is a large trans-national research project and has included conducting interviews across England and Wales as well as across four regions in Pakistan. This complex study has focused on identifying the key issues relating to the nature of domestic violence issues as they affect Pakistani women who become entangled in the asylum system in the UK. The research pays particular attention to the nature and extent of protection in Pakistan; the difficulties associated with internal flight; the difficulties Pakistani women have experienced with their attempts to access justice within the asylum system and ongoing problems with access to services in the UK.

A one-day conference is being organised to present and discuss key findings. Keynote speakers at the conference will be: Hina Jilani, human rights lawyer based in Pakistan and UN Special Rapporteur on Freedom of Religion; Pragna Patel, chair of Southall Black Sisters; Melanie Plimmer, barrister at Garden Court North specialising in asylum and women's rights issues; and Alison

Stanley, solicitor and Head of Immigration at Bindmans and Partners.

For further details about the conference contact the project workers Nadia Siddiqui by email: [nadia@smlc.org.uk](mailto:nadia@smlc.org.uk) or by telephone on 0161 248 1879 or Sajida Ismail by email on [sajida@smlc.org.uk](mailto:sajida@smlc.org.uk) or by telephone on 0161 2481 884.

### Two Courses run by Ashiana

#### Basic Domestic Violence Course 14<sup>th</sup> November 2007, London

The one-day training course is aimed at developing a basic understanding and knowledge of domestic violence.

The course will cover:

- What is Domestic Violence
- Why do women stay
- Impact of domestic violence on victims
- Myths and stereotypes
- Statistics
- Providing support

The course costs £90

#### Forced Marriage Course 29<sup>th</sup> November, London

This one-day training course aimed at professionals will develop a greater understanding of forced marriage.

The course will cover:

- Definitions of forced and arranged marriage
- Understanding the differences and similarities of the two
- Knowledge of the cultural roots surrounding forced marriage
- Information on marriage law
- An insight into the effects of forced marriage
- Tips on how to deal with forced marriage situations

The course costs £90

For further information and booking for either the Domestic Violence or Forced Marriage Ashiana courses please telephone: 020 8539 0427 Fax: 020 8539 6800 or email: [info@ashiana.org.uk](mailto:info@ashiana.org.uk)

### International News Articles

#### Swaziland: Violence against women

IRIN report on the findings of the first national survey in Swaziland exploring the prevalence of violence against women and girls. 1300 women and girls were randomly selected from 1900 households nationwide. The research conducted by the government, UN agencies and NGOs concludes that: one in every three women had experienced sexual violence before the age of 18 and two out of three women had experienced sexual violence between the ages of 18-24. In addition, the findings outline that six in every ten women in the survey reported that their first sexual experience was 'forced.' Swaziland has the highest HIV prevalence rate in the world. 40% of men are HIV positive and cultural myths persist where it is believed that sleeping with a virgin will prevent the development of AIDS. In addition, traditionally women have had a very low social status in Swaziland. Prior to a Constitution (adopted in 2006), women were given the same legal status as minors and unable to open bank accounts and own property without male permission.

Primrose Tsabedze, a counsellor for abused women commented: "we knew it was bad for women in Swaziland; we just did not have the statistical evidence to show how bad." The findings also reveal that 67% of women who participated in the survey reported they felt depressed.

For full article see:

<http://www.plusnews.org/Report.aspx?ReportId=74387>

#### **Related news**

##### **Swaziland: Reproductive rights**

Approximately eight fetuses have been found in a stream in Logoba, Swaziland. The findings raise further questions around women's reproductive rights in a country where unwanted pregnancies are common and abortions are illegal. Logoba residents have accused local sex workers of leaving the fetuses and evicted them from the area. Swaziland has witnessed an increase in sex workers primarily due to deteriorating economic and humanitarian conditions. The Swaziland Action Group Against Abuse report that many women offer sexual favours in return for a meal. Alicia Dlamini, a counsellor to abused women stated, "these women are not prostitutes per se. They are starving human beings forced by circumstances to degrade themselves. The men who command them do not use condoms, and the women are powerless to make them. The risk of contracting HIV is high, and when pregnancies result there is nothing the woman can do."

For full article see:

<http://www.irinnews.org/Report.aspx?ReportId=74505>

##### **Syria: Iraqi women refugees turn to prostitution**

Omar Sinan writes that many women refugees from Iraq living in Damascus are forced into prostitution in order to survive.

The article states that the current policy in Syria disallows Iraqi refugees to work. As more women flee violence in Iraq they are increasingly forced to enter the sex trade. Although there is little data available, Sinan reports that there is a noticeable increase of Iraqi women refugees working on the streets and in bars.

Amnesty International report that many young Iraqi girls are being pressurised by family members to enter prostitution. Similarly, Bassam al-Kadi, Syria Women's Observatory states how Iraqi women whose husbands or fathers have been killed or

badly injured from the war are most at risks. He states "these women are being left with no support, under tremendous pressure and severe conditions....they are being forced to do that, to fetch bread for their families." Recently some Iraqi women were deported back to Iraq as they were suspected of being involved in prostitution.

For full article see:

<http://www1.pressdemocrat.com/article/20071024/API/710240559>

#### **Related news**

##### **Cambodia: Demand for young girls fuels sex trade**

The International Organisation for Migration (IOM) has recently conducted research on the current demand for young virgins in the commercial sex trade in Cambodia. This article states that men who pay for sex with women and girls in Cambodia are demanding virgin girls, thus fuelling the recruitment and entry of younger girls into the commercial sex industry.

The research included in-depth interviews with 203 women and children who worked in brothels, bars and nightclubs in Siem Reap, Koh Kong and Sihanoukville, areas known for trafficking. Many of the women and girls reported that they were tricked and/or forced into the trade. 18 per cent of the women and girls stated they were incapacitated with drugs or alcohol, with 10 per cent stating they were completely unconscious during commercial sex. 38 per cent of women interviewed for the study reported that they had their virginity sold.

For full article see:

[http://news.aol.com/story/\\_a/report-demand-for-virgins-brings-girls/n20070914081109990009?ecid=RSS0001](http://news.aol.com/story/_a/report-demand-for-virgins-brings-girls/n20070914081109990009?ecid=RSS0001)



#### **Other international news**

##### **Zimbabwe: State violence against women**

Women of Zimbabwe Arise (WOZA) conducted research on state violence, including torture and unlawful detention experienced by its members. Of the 2200 women interviewed, 75 percent had been subjected to humiliating and degrading treatment, 50 percent of women had experienced assaults and psychological torture and 40 percent reported physical torture. The research outlines how the police frequently physically and verbally abuse WOZA activists and some women are subjected to inhuman and degrading treatment alongside their children. The report concludes: "on most occasions the [police] riot squad assault members on instruction from their superiors, and it is often not random violence perpetrated by individual officers."

For full article see:

<http://www.irinnews.org/Report.aspx?ReportId=74763>

##### **Afghanistan: Child marriage and domestic violence**

IRIN report on the increasing vulnerability of girls who are married at a young age in Afghanistan and become subjected to domestic violence. The article outlines the story of a fifteen-year-old girl who was married at twelve to an elderly violent man. The girl has been arrested and may face the death penalty or 10-15 year sentence after requesting a divorce and eloping with another man. Although the legal age for marriage in Afghanistan is 16, the Afghanistan Independent Human Rights Commission (AIHRC) states that over half of all marriages in Southern Kandahar are child marriages. The research also reveals "up to 70 percent of registered cases of violence against women have their origins in early marriages." AIHRC conclude that child marriages are agreed due to conservative cultural traditions, poverty and high illiteracy rates (70% of the population are reportedly illiterate). Suraya Subhrang, a women's rights expert working for the AIHRC believes

long term educational, economic and cultural development is needed alongside protection for women and girls.

For full article see:

<http://www.irinnews.org/Report.aspx?ReportId=74793>

#### **Other international news**

##### **Burkina Faso: Girl dies from FGM**

A 14-year-old girl died and seven were hospitalised after their FGM operations. It is reported that separate villages in Pabre, 20km from Ouagadougou conducted the ritual on many girls aged between 4 and 14. According to Romaric Sawadogo a male nurse, four of the hospitalised girls had their clitoris and both layers of the labias removed. They have been treated for infections and haemorrhaging.

Burkina Faso outlawed the practice of FGM in 1996 and people found guilty of conducting FGM can face imprisonment of up to five years. Aina Ouedraogo, The National Committee against Female Genital Mutilation (FGM) states, "Despite our campaigns of awareness, despite our efforts against circumcision, the practice continues."

For full article see:

[http://www.news24.com/News24/Africa/News/0,9745,2-11-1447\\_2187633,00.html](http://www.news24.com/News24/Africa/News/0,9745,2-11-1447_2187633,00.html)

##### **Lebanon: Women domestic workers exploited and abused**

The International Press Service reports there are over 30,000 African domestic workers in Lebanon who are frequently abused and exploited. The women are mainly from Ethiopia, Eritrea, Nigeria and Sudan and supply the bulk of household and cleaning services. This article outlines the situation of Amira, a domestic worker originally from the Democratic Republic of Congo. For four years her movements were completely restricted as she was only allowed to go outside to take the rubbish out. She worked 18 hours a day without any time off and also suffered racial abuse from her employer. Similarly Elisa, a sixteen-year old from Ethiopia states she was frequently sexually abused and threatened by the house owner's

father and beaten everyday by their children.

Many employers confiscate domestic workers passports and other identity documents until the end of the contract. This leaves many women dependent on their employer and faced with a decision to either continue with the abuse and exploitation for the duration of their contract, or flee and face arrest by the police for illegal entry.

Lebanon is a member of the advisory committee to the UNHCR, but it has not signed the 1951 Geneva Convention that deals with migrant labourers. This means that unlike the Lebanese, migrant workers have no rights to access public services.

For full article see:

<http://www.ipsnews.net/news.asp?idnews=39245>

### **Burundi: Rape laws will help ensure lasting peace**

As Burundi negotiates a reconciliation process, women's right advocates state the country must address issues of sexual violence committed during the conflict. During the war many women were subjected to sexual violence and rape that has resulted in incidence of HIV and childbearing through rape. The women continue to suffer stigma, shame and alienation along with physical and emotional conditions. Currently there are no rape laws in Burundi and many women have no access to support and legal prosecutions. Eugene Nindorera, Burundian activist and former Human Rights minister states that people who commit petty theft are given longer prison sentences than those who are convicted of rape. He argues the lack of rape convictions may partly be due to government officials concern of their own involvement in crimes they committed during the war. Burundi is moving into post war rehabilitation based largely on South Africa's truth and reconciliation committee and Nindorera hopes that rape and sexual violence cases are judged seriously. Together with other women's right groups, Nindorera asserts that Burundi will not achieve lasting peace until sexual violence

against women is criminalised as a matter of priority.

For full article see:

<http://www.womensenews.org/article.cfm/dyn/aid/3312>

Also see Research Publication:

**Burundi: No Protection from Rape in War and Peace**

**Amnesty International,  
International Secretariat 2007  
AI Index: AFR 16/002/2007**

[http://web.amnesty.org/library/pdf/AFR160022007ENGLISH/\\$File/AFR1600207.pdf](http://web.amnesty.org/library/pdf/AFR160022007ENGLISH/$File/AFR1600207.pdf)

### **Related news**

### **Sierra Leone: Women raped during war get little support**

Amnesty International is urging the Government of Sierra Leone to provide more help and support for women who experienced rape during the civil war. A third of the female population is estimated to have experienced rape and/or sexual violence during the brutal decade of conflict since 1991. Amnesty report that there is still little support available to help women deal with the long-term medical and psychological effects of rape. The article mentions the situation of a young girl who was gang raped aged 10. Now aged 17 she is still unable to walk properly and cannot pay for medical operations.

Amnesty reveals there is still much shame and stigma associated with rape in Sierra Leone. They want the Government to ensure justice for the many victims and establish a fund to assist women.

For full article see:

<http://news.bbc.co.uk/1/hi/world/africa/7072235.stm>

#### **New Publications - UK**

##### **Pathways to Justice: *BMER Women, Violence and the Law* Rights of Women**

This practical, accessible guide explores the legal rights of black, minority ethnic and refugee (BMER) women including women seeking asylum. It sets out the key legal facts in an easy to read style. It aims to inform and empower women by providing comprehensive coverage of issues affecting women, namely:

- human rights law
- the violence against women framework
- marriage and civil partnership
- refugee and asylum seeking women and immigration
- domestic violence and immigration law
- violence experienced by BMER women including domestic violence, forced marriage, female genital mutilation, trafficking and honour crimes.

The key audience for this book include individuals, voluntary and community organisations, lawyers, policy makers, practitioners, academics, etc.

*Pathways to Justice* is available for £12 (includes P&P) from Rights of Women, 52-54 Featherstone Street, London, EC1Y 8RT or online at [www.rightsofwomen.org.uk](http://www.rightsofwomen.org.uk)

##### ***Sexual Health, Asylum Seekers and Refugees - A handbook for people working with refugees and asylum seekers in England***

**Ruth Wilson with Marsha Sanders and Hildegard Dumper  
The Family Planning Association**

This book is aimed at organisations and individuals working with refugees and asylum seekers on sexual health issues. It provides key resources, information and references to help foster good practice, inform individuals and develop future work and services. Each chapter contains

information on relevant organisations, websites and publications.

The document covers the following:

- Sexual health – includes definitions, policy context and services
- Asylum seekers and refugees – includes definitions, health issues asylum seekers may face and UK government policy
- Sexual health and human rights – covers human rights, sexual rights, reproductive rights, women's rights, lesbian, gay, bisexual and transgender rights
- Sexual health and the asylum application – explores UN and EU Conventions and various asylum and human rights claims including women and persecution, FGM and trafficking
- General good practice guidelines
- Refugees, asylum seekers and sexual health – highlights different issues women, men, young people, lesbian, gay, bisexual and transgender people, new arrivals and detainees may face
- Sexual health issues – explores the health issues and needs of people who have experienced rape, forced marriage, FGM; have been trafficked or fearing honour killings
- Into action – suggests a range of practical works and services that could be introduced to promote sexual health among refugees and asylum seekers

The document can be downloaded at:

<http://www.fpa.org.uk/community/refugees/index.cfm?contentid=40>

Or telephone the Family Planning Association: 0845 122 8600 for hard copies

##### ***Al-Nisa – Issue 11, October 2007* Middle East Centre for Women's Rights (MECWR)**

This newsletter covers a range of issues relating to violence against Middle Eastern women in the UK and Middle East. It is available in both English and Arabic

Articles include a review of Banaz Babakir's honour killing, updates on new government policies and an interview with Sawsan Salim,

Coordinator of the Kurdish Refugee Women's Organisation on the emergence of FGM in Iraqi Kurdistan.

Information is also included on MECWR's 'honour based violence forum' that meets to exchange ideas and raise awareness of women's human rights and honour-based crimes. Contact and membership details are included.

For full newsletter (English) see:

<http://www.mecwr.org/resources/Alnisaa+1+English.pdf>

### **New Publications – International**

#### ***Asylum From Trafficking: A Failure of Protection***

**Stephen Knight**  
**Gender and Refugee Studies**

American-based Centre for Gender and Refugee Studies (CGRS) has produced a briefing paper reviewing the legal and political background of trafficking. The report covers 93 cases where CGRS have advised or tracked the decision and where trafficking had formed a key part of the asylum application. The research outlines and discusses key issues within asylum law including claims based on future fear distinguished from past persecution. The briefing uses examples of cases and highlights Immigration Judges and Border of Immigration Appeals decisions, many of which were previously unpublished.

The report raises questions on the decision-making surrounding trafficking cases and the availability of support and protection for women who are trafficked into and around the US.

For full report see:

<http://www.docuticker.com/?p=16540>

#### ***Stolen smiles: the physical and psychological health consequences of women and adolescents trafficked in Europe.***

**C Zimmerman, M Hossain and K Yun**  
**London School of Hygiene and Tropical Medicine , 2007**

This report explores the physical health and mental well-being of women who have been trafficked into Europe. The research provides statistical evidence of women's current physical and psychological needs as well as circumstances that may have contributed to their trafficking. 207 women who have recently been 'released' from trafficking situations formed the sample. The women were aged between 15-45 (majority aged 21-25) and from 14 different countries. 39 percent of the women had children. Women were interviewed across a range of destination, transit and home countries.

The statistics reveal that 60 percent of women had been physically and/or sexually abused before they were trafficked. Also, somebody known to their family had recruited one in five women. 95 percent of women reported that they had experienced physical and or sexual violence whilst in the trafficking situation. In addition, post-trafficked women reported extremely high levels of persistent depression, anxiety and stress. The report highlights the necessity for medical care and psychological support for women who have been trafficked.

For full research report see:

[http://www.lshtm.ac.uk/hpu/docs/Stolen%20Smiles%20-%20Trafficking%20and%20Health%20\(2006\).pdf](http://www.lshtm.ac.uk/hpu/docs/Stolen%20Smiles%20-%20Trafficking%20and%20Health%20(2006).pdf)

#### ***Promising democracy, imposing theocracy: gender-based violence and the US war on Iraq - Examination of gender-based violence in Iraq since the US-led invasion***

**Y. Susskind , MADRE, 2007**

Human rights organisation Madre, have published research exploring the incidence and causes of gender-based violence in Iraq since 2003. Madre argue that current data generated from Iraq on civilian fatalities and attacks do not distinguish or represent the rising abuses, fatalities and violence against women. The report states human rights abuses against women are commonplace in Iraq and women are increasingly targeted. The research discusses a rise of violence within the home including 'honour killings', violence against women in detention, the use of 'death squads' and argues Iraq is moving towards a 'gender apartheid.' As part of the analysis, the document questions the role, influence and consequences of US policy and initiatives on Iraqi women.

For full research report see:

<http://www.madre.org/articles/me/iraqreport.pdf>

#### **Noticeboard: events**

##### **Public hearings**

The final Independent Asylum Commission public hearing will be:

- **The National Hearing, London**

29<sup>th</sup> November 2007  
Lambeth Town Hall, 14.30-17.30  
Roadshow 18.45

A full report will be published in 2008 making key recommendations for reform based on the evidence presented from all public hearings. For further information see:  
<http://www.independentasylumcommission.org.uk/>

##### **"Random Acts" - new play**

Debora Singer, the coordinator of the Refugee Women's Resource Project, has written a short play based on the experiences of women asylum seekers who were represented by Asylum Aid.

Entitled "Random Acts," the play lasts 15 minutes and tells the story of a woman tortured because of her human rights activities. She escapes detention in her home country only to find herself in detention in the UK whilst her asylum claim is considered. Forced to represent herself, she encounters the baffling process of the asylum tribunal. Her future hangs in the balance: will she be able to stay in safety in England or be returned to danger in her home country?

The intention is for the play to provide a way of reaching a wider audience to raise awareness of the difficulties women face when they come to the UK seeking protection from human rights abuses abroad. The play forms part of Asylum Aid's campaign promoting the need for gender sensitivity in dealing with asylum claims. This includes recognising that women's experiences of persecution may be different from men's, ensuring that women have female interviewers and interpreters and providing childcare during asylum interviews.

Asylum Aid is working in partnership with Actors for Refugees to get "Random Acts" performed. If you are planning an event where this play could be used, please contact Debora at [deboras@asylumaid.org.uk](mailto:deboras@asylumaid.org.uk) or on 0207 354 9631.

The first performance will be at St Ethelburga's Centre, Bishopsgate, London EC2 on Tuesday 4<sup>th</sup> December at 6.30pm.  
[www.stethelburgas.org/event.htm](http://www.stethelburgas.org/event.htm)

There will also be a performance at Asylum Aid's AGM on Thursday 31<sup>st</sup> January (details to follow).

#### Asylum Rights Watch Update

In June 2007 Asylum Aid launched its '**Asylum Rights Watch**' survey, in order to collect testimonies of asylum seekers' experiences in the UK.

During this period we received 161 completed surveys. Responses came from across the UK. The majority of respondents (47 percent) were asylum seekers/refugees. Others included faith communities, social workers, healthcare professionals, local authority workers, friends of asylum seekers, and legal representatives.

Many women asylum seekers raised issues regarding:

- Insensitive treatment by asylum officials of particularly vulnerable applicants, including victims of rape, domestic violence and trafficking.
- Sub-standard accommodation being given to asylum seekers, such as without heating or hot water, affected by dampness, and rodent infestations
- Destitution and the difficulties of surviving on section 4 vouchers, particularly for those with babies and young children.
- Witness accounts of heavy-handed and aggressive enforced removals of women and children
- Experiences of immigration detention, including unannounced intrusions by male staff, being denied access to healthcare, and the psychological impact of detention on asylum seekers and their children

Examples of the testimonies include:

*".... Despite the fact that she may have been a victim of trafficking, the Home Office did not seem interested in investigating how she was brought into the country and confined against her will for years. Instead they were seeking to expel her... The HO lawyer said her account of her servitude, escape and survival on the streets were 'not credible'"*

**Independent researcher, London and the South East**

*"They took us from Liverpool to Cambridge's Oakington Detention centre in a van no food no water and my wife pregnant and my children one was 5 and 3 and 1 year old. We left the Liverpool at around 2pm via London we reach around 8.30 and they give us water and sandwich and finally we reach Oakington at 11.30. My wife is epileptic she got fits when we reach there but nobody bother. We stay there for two weeks and when their Doctor see my wife condition deteriorate they let us go".*

**An asylum seeker/refugee, Midlands**

*"We have had several cases where clients have relied entirely on financial support and accommodation provided by voluntary agencies (who cannot sustain funding on a long term basis). We have also had the scenario where mothers ...have relied on voluntary funding to buy formula milk to prevent maternal transmission of HIV by being forced to breast feed due to lack of finance's.*

**A healthcare professional, Southampton**

*"It's too difficult to rely on voucher and as I'm expecting a baby soon, don't know how I will manage to buy all baby stuffs with 35 pounds voucher (cot bed...)"*

**Female asylum seeker, Midlands**

Any individual who has experiences of the UK's treatment of asylum seekers is encouraged to use the Asylum Rights Watch survey in order to share those experiences with us, so that we can continue to use the information in support of our lobbying, media and campaigns work. We have already used the testimonies as part of our submission of evidence to the Independent Asylum Commission, and in support of specific media enquiries.

A summary report of the submissions received and The Asylum Rights Watch survey can be accessed at: [www.asylumaid.org.uk](http://www.asylumaid.org.uk)

For further information contact: [policy@asylumaid.org.uk](mailto:policy@asylumaid.org.uk)

#### **New services at Asylum Aid**

#### **Asylum Aid needs your support to launch new services**

Although only one third of people applying for asylum in their own right are female, over half of the cases where Asylum Aid provided representation over the past year involved female clients. Our experience demonstrates that gender issues are still not always dealt with appropriately by the Border and Immigration Agency's (BIA) Case Owners. The Refugee Women's Resource Project at Asylum Aid continues to make demands on the BIA to improve how they handle women's cases.

We know from our daily experience that obtaining good legal representation is a critical factor in determining whether an asylum claim succeeds or fails. We are launching three new projects to reach out directly to the most vulnerable and excluded asylum seekers.

#### **The Children's Legal Team (CLT)**

Some unaccompanied child asylum seekers are trafficked into the UK for prostitution or slavery, others are sent to safety by families desperate to remove them from danger and conflict. Asylum Aid's new Children's Legal Team will provide a dedicated legal service for young asylum seekers. One of the caseworkers will join the RWRP team and deal solely with girl children. Using this casework experience as our evidence base, we will then be in a position to advise and lobby Government on asylum law and policy as they affect these vulnerable girls.

#### **The Destitution Advice and Representation Project (DARP)**

Recent research suggests that a substantial proportion of refused asylum seekers, both male and female, who are threatened with or experiencing destitution, received inadequate or no legal help for their asylum claims. Developed with the Jesuit Refugee Service, the DARP will provide outreach legal advice for destitute asylum seekers and

generate data about their unmet protection needs to strengthen our call for increased funding for asylum legal advice.

#### **The Asylum Tribunal Representation Project**

Immigration Judges report that up to 50% of asylum seekers are unrepresented at appeal. Therefore, we will be running a regular advice desk at a Tribunal centre, seeking adjournments in cases that merit full representation and then helping the appellant to prepare and present their case.

**Please consider supporting these projects. You can make a donation using the form at the end of this bulletin or you can visit our website ([www.asylumaid.org.uk](http://www.asylumaid.org.uk)) to make an on-line donation. With your help we will be able to sustain our projects, making legal advice and representation more accessible to women, men and children who need it.**

# women's asylum news

## Asylum Aid launches new services p.15

Produced by RWRP (for more information on this issue, please contact: Claire Bennett)  
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Asylum Aid provides free legal advice and representation to asylum-seekers and refugees, and campaigns for their rights. We rely on the generosity of individuals to help us continue our work. Your support would be greatly appreciated.

A gift of just £5 each month could support our free legal advice line.

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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

### Gift Aid Declaration

**Asylum Aid**  
**Registered Charity no. 328729**

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

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