

women's ASYLUM NEWS

Refugee Women's Resource Project - Asylum Aid - Issue 6 January 2001

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RWRP launches two major research reports on Kenyan women

Sophia Ceneda, Research and Information Officer at RWRP has just completed 2 substantial reports on the experiences of Kenyan women asylum seekers.

The first report focuses on the experiences of women in Kenya, and the second on Kenyan women's experiences as asylum seekers in the UK.

The aims of the research were to document and publicise women's human rights abuses in Kenya and identify the availability of protection, to review and challenge Home Office decisions on the cases of Kenyan women asylum seekers based on the research evidence, and to provide recommendations and resources for use by Home Office representatives, legal practitioners and other advisers.

The research was based upon analysis of written reports on women's rights in Kenya, published both in Kenya and the UK, analysis of 35 Home Office refusal letters provided by participating legal representatives in order to identify patterns for refusals of Kenyan women cases, and in-depth interviews with 6 Kenyan women asylum seekers who had been refused asylum at first instance, and one interview with a Kenyan refugee.

Widespread abuse of women's human rights
The research places the experience of Kenyan women within the broader human rights context in the country, where oppression, brutality and violence are not only perpetrated by the state, but are widespread at all levels of society.

In this context, the position of women in Kenya is particularly vulnerable. Traditionally, as well as legally, their rights are restricted whilst they can be subjected to various forms of harassment and brutality at all levels of the society without guarantee of being protected either by traditional institutions, or by the law. As for men in the same situation, women who are involved in opposition politics or members of an ethnic group not known to be supportive of the KANU ruling party are potential victims of police torture and other political forms of persecution, including sexual assault. Moreover women cannot rely on the law or law enforcement agents to protect their rights to freedom of expression, association or their right to be free from persecution either from state agents or family members.

Kenyan women denied asylum

Despite this however, the research also found that the overwhelming majority of Kenyan women who claim asylum in the UK are refused and thus denied any form of protection. Although the statistics made available by the Home Office are not broken down by gender, the overall statistics for Kenyan asylum seekers speak for themselves: Between 1994 and 1999, almost 93% of cases decided were refused asylum or Indefinite Leave to Remain (ILR) or Exceptional Leave to Remain (ELR) at first instance whilst only 1.25% were granted asylum and 5.80% Exceptional Leave. There was a slight improvement in 1999 when 2.90% of cases considered were granted asylum. Over 30% were given Exceptional Leave. The figures for Kenyan women are not expected to be higher, and it is clear from the cases considered by the research, that their claims are rarely taken seriously.

The reasons appear to be multifaceted, including procedural factors that reflect a lack of consideration for gender issues, a lack of knowledge or recognition of the gravity of the human rights situation in Kenya, and as far as women are concerned, a lack of understanding of the extent to which Kenyan women are even more deprived of fundamental human rights for social and economical reasons but also simply because of their gender.

The reports are due for publication in February, and will also be available on our website. For further information, please contact Refugee Women's Resource Project.

Other New Publications

Immigration Appellate Authority Gender Guidelines

Last December the Immigration Appellate Authority (IAA) published its "Asylum Gender Guidelines", in order for the IAA judiciary to incorporate an understanding of gender (both male and female) into their asylum claim assessments.

In particular the Guidelines emphasise how The Refugee Convention should be interpreted to reflect women's experiences of persecution, harm, political activity or resistance, and how these experiences affect their asylum claims. They also recognise the need for the asylum determination process to be sensitive to gender, by ensuring that practice does not discriminate (either deliberately or inadvertently) against women.

The guidelines are however, applicable to all levels of decision making in the asylum process, and are useful for asylum seekers and their representatives. Whether they achieve their aims is something that will only be borne out in practice.

The guidelines are available in full on the Internet at the following address:

www.courtservice.gov.uk/tribunals/tribs_home.htm

If you do not have Internet access, then please contact RWRP and we will send you a copy.

Human Rights Watch World Report

Human Rights Watch, the independent human rights organisation published their World Report 2001 in December, which documents the findings of their research throughout the year 2000. The report includes a substantial section on women's rights and gender based human rights abuses such as violence against women, and women's rights abuses during conflict. Women continued to experience serious violations both during armed conflict, as refugees, and on return to their countries of origin.

The growth in trafficking of women and girls was also allowed to "flourish with near impunity". Many women who became victims of trafficking not only experienced discrimination or abuse in countries they left, whether of their own accord or otherwise, but also in destination countries, where "women encountered violence, state complicity, detention, and deportation", often treated as criminals.

The report also details Human Rights Watch's current campaigns, including details of their research to substantiate their campaign for equal access to education. Human Rights Watch found widespread discrimination against women and girls in their access to education. They highlight how this discrimination is not only the denial of education, well documented in countries such as Afghanistan, but also included prevalent sexual violence towards girls in schools, in South Africa for example, which prevents girls from pursuing their education. The report also highlights how students are widely discriminated against according to their sexuality, in the United States amongst many other countries.

The report is available on line at www.hrw.org/wr2k1/women/index.html

International Helsinki Federation for Human Rights

The International Helsinki Federation for Human Rights published "Women 2000" last November, containing extensive and invaluable information on women's rights in nearly all Central and South-Eastern European countries.

The report is available on the Internet at www.ihf-hr.org/publicat.htm, but can also be ordered by non-profit organisations and students for a small cost to cover postage and packing. Details are given at the above web address, or are available from RWRP.

Other News on Women's Rights

High Court ruling in Bangladesh

Amnesty International announced that earlier this month the High Court in Bangladesh ruled that fatwas are illegal and must be made punishable by a parliamentary act. Most fatwas are issued against women by rural clergies following complaints that women have been "too" assertive in family or community life. Women are often flogged, beaten, publicly humiliated and even executed. The ruling recognises how fatwas are particularly used against women in a country where violence against women, trafficking and honour killings are widespread. It will however, be important to monitor how the ruling is implemented.

In the United States

US Attorney General Janet Reno, ruled this month that the US Board of Immigration Appeals must wait until gender sensitive guidelines (currently under review) are finalized before reconsidering the case of a Guatemalan woman fleeing domestic violence.

Mrs Alvarado's legal representatives had argued that she should be granted refugee status on the grounds that she is a member of a persecuted social group, i.e. a woman living in a patriarchal culture that tolerates violence

against women. However, the Board of Immigration Appeals refused the claim. Janet Reno's action to void the Board's decision represents a major positive development in interpretation of the Refugee Convention to recognise gender based human rights abuses.

Events & Campaigns

Widows Without Rights Conference:

This two-day conference is being held by Empowering Widows in Development, an organisation that works with widows' groups in Africa and South Asia. The purpose of the conference is to highlight the issues that are raised by EWD's membership organisations, whose representatives will be attending. The focus will be upon how widows' Human Rights are violated and the need to develop supportive policies.

The conference will be held on 6th & 7th of February in London. For more information, please contact Karen Garvin on 020 8442 1362.

Action For Refugee Women – International Women's Day Event

AFRW will be holding their annual International Women's Day event on the 8th March. Please see details over.

If any other organisation is planning International Women's Day events and would like them publicised in our next bulletin, please contact us.

The European Women's Lobby (EWL)

launched a campaign last December that aims to highlight gender-based persecution as grounds for women to claim refugee status in their own right. The European Women's Lobby consists of almost 3000 organisations. For more information about membership, contact the Lobby via their website:

www.womenlobby.org

Women's Rights in the Middle East Conference Report

RWRP staff attended a conference in December, "Women's Rights are Human Rights, Women's Rights are Universal", run by the Middle East Centre for Women's Studies. The conference was well attended by women and men from many different countries and a wide range of (often conflicting) opinions were voiced during discussions with the audience.

The phenomenon of cultural relativism was one of the main themes of the event. Several speakers stressed their view that women's human rights are universal and should not be abused in the name of "culture", arguing that a woman born in Egypt, Iran or Algeria should not enjoy lesser freedoms than a woman born in Britain or France purely due to the land of her birth.

The Egyptian writer and activist Dr. Nawal el Sadawi, founder of the Arab Women's Solidarity Association, spoke of how her research into the history of her country had revealed a tradition of struggle against oppression which, in her view, demonstrated that moves towards liberal or progressive values of freedom and equality did not have to be seen as "Westernisation", but were very much a part of Egypt's history and culture.

Azar Majedi and Azam Kamguian, women's rights activists from Iran, spoke against cultural relativism and argued that the opposition secular movement in Iran is growing. Sawsan Salim from Kurdistan showed some distressing video footage of young women who had been imprisoned and abused by family members, and spoke movingly of their plight.

Zahia Salhi from Algeria spoke of her country's discriminatory Personal Status Law, and of women's efforts to protest. Aida Toma Sulaiman, a Palestinian woman from the Occupied Territories, talked about her work

with the NGO Women Against Violence, which runs women's refuges and a helpline for women experiencing domestic violence, as well as other women's support services.

For us the conference re-emphasized the need for an international, cross-cultural perspective on human rights, and the rights of women in particular. In a climate where Western countries have condoned young women being abused or forcibly sent back to their home country for marriage in the name of "cultural values", this approach has never been more important.

RWRP website launched:

We have now published our website at www.asylumaid.org.uk - just click on Refugee Women's Resource Project and you will see our home page. The site contains information on our project, the aims and the work we do. This bulletin is also on the site as well as information on asylum rights, news of our research work and useful links to other organisations. In future we plan to have a discussion forum, a database containing details of the materials in RWRP's library and information on resources for women asylum seekers across the country. Please visit and let us know what you think feedback is welcome.

Action For Refugee Women - Human Rights Seminar, December 2000

Staff from RWRP also attended AFRW's seminar on the 1998 Human Rights Act, which focussed on the possible implications of the Act for women asylum seekers and refugees. Sarah Cooke, from the British Institute for Human Rights, and Monireh Moftizadeh from RWRP both spoke and opened discussion. The seminar was well attended by representatives from both statutory and voluntary sector services for asylum seekers and refugees.

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