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Refugee Women's Resource Project - Asylum Aid - Issue 16 Nov/Dec 2001

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Domestic violence and women asylum seekers in the UK

Domestic violence has been one of the main issues on which refugee women and their advisors have contacted RWRP for advice since the project was set up. This has included enquiries about the rights of refugee women from all ages and backgrounds who are experiencing abuse within the UK.¹

Domestic violence in refugee communities There are no figures available on the prevalence of domestic violence amongst women refugees and asylum seekers. Domestic violence in the UK in general accounts for almost a quarter (23%) of all violent crimes² although just under 1/3 of incidents are actually reported.³ In any one day nearly 7,000

women and children are sheltering from violence in refuges in the UK.⁴

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There is no reason to assume prevalence amongst refugee communities is any lower than in the population as a whole, and indeed there may be factors present which increase the probability of abuse occurring. This is not to say that the factors described below are the "causes" of violence. However, particular pressures and problems may tip the balance of a relationship and mean that abuse is more likely to occur.

For example, Rachel Wareham notes in her report on violence against women in Kosovo, that data from interviews revealed that a connection could be made between the increase in conflict in Kosovo in 1998, and a rise in domestic violence:

"(...) [domestic violence] is not a new phenomenon in Kosovo but that it appears to have increased since the conflict. Possible explanations for this are: increased acceptability of violence as a

¹ The issue of inadequate protection for women in their countries of origin, and thus that of domestic violence as a ground for asylum, has been discussed in our recent report, "Refugee Women and Domestic Violence: Country Studies". This and a full version of this article is available from our website at www.asylumaid.org.uk then click on 'Refugee Women's Resource Project'.

² The British Crime Survey: England and Wales. London: Home Office, 2000.

³ *ibid.*

⁴ Women's Aid Federation of England. The above information compiled by Hilary Abrahams of the Domestic Violence Research Group, University of Bristol, and Women's Aid Federation of England. For further details see www.womensaid.org.uk

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way to solve problems, the breakdown of tight family and social structures, a general rise in instability and uncertainty, the increased sense of powerlessness amongst the community, decreased income in many families as workers sending back remittances from abroad are returned by governments, general levels of unemployment, increased inequalities in society.”⁵

The factors listed above may well be present to a great extent among refugee communities. Certainly the poverty into which refugees are forced by inadequate welfare may increase the likelihood of domestic violence. Francine Pickup notes in her study of violence against women that:

“Conflicts over decisions about money and food are a source of violence within poor households. In contexts where violence against women is permitted or condoned, it is often exacerbated as a result of unstable working conditions, unemployment, financial insecurity, and the resulting difficulty of providing household necessities (...). The UN has recognised [this]. Much of this violence has been linked to the challenges that economic difficulties pose to men's role as household head, and their control over women.”⁶

Legal options for women experiencing domestic violence⁷

⁵ Wareham, Rachel (2000), No Safe Place: An Assessment on Violence against Women in Kosovo, Prishtina, Kosovo, United Nations Development Fund for Women (UNIFEM), p 37

⁶ Pickup, Francine with Williams, Suzanne and Sweetman, Caroline (2001), Ending Violence Against Women: A Challenge for Development and Humanitarian Work, Oxford, Oxfam, p 126

⁷ Information on legal provisions provided by the Women's Aid Federation and Hermione McEwen, Asylum Aid.

Women asylum seekers and refugees have the same rights to protection from domestic violence as any other person under UK jurisdiction. Equally the perpetrators of abuse are subject to the same sanctions as any other person in the UK.

▪ **The police and criminal law**

In the past police have not always taken domestic violence seriously; however recent changes aim to improve this, mainly the introduction of specialist domestic violence units in most police stations. Assaults are normally dealt with under the Offences Against the Person Act 1861 and there are various offences according to the gravity of the assault. The arrest and removal of the offender can provide the woman with 'breathing space' to consider her future actions. However, a suspect, once arrested, cannot usually be held longer than 24 hours. In theory, conditions cannot be attached to police bail, therefore the abuser could return to the home address; however it is unlikely that bail would be granted and the offender released if the assault took place in the '*matrimonial*' (or family) home.

Criminal charges may then be laid. A guilty plea in a magistrate's court (usually the day after the charge) will result in an immediate sentence but this may only be a fine or an anger management course, leaving the woman unprotected.

If the abuser pleads not guilty, a trial will be arranged which may be weeks ahead. While awaiting trial, bail conditions may be imposed, for example that the abuser is not allowed to reside at the family home. The abuser may put in a plea for the charge to be reduced to a lesser offence. The Crown Prosecution Service (CPS) then decides whether to accept this (more commonly) or to go ahead with the trial. If a trial is held, the woman has to appear as a witness and

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the abuser has the right to cross-examine her. If the abuser is convicted, he may receive a prison sentence, which again, removes the immediate threat, but may increase a woman's fear of violence on his release.⁸

▪ **Part IV of the Family Law Act 1996** (civil law) provides a single set of remedies available in all Family Courts including the High Court, County Court and Family Proceedings (Magistrates) Court. There are two main types of orders - commonly known as injunctions - under the Act: *occupation orders*, which prohibit a violent person from residing at the matrimonial (or family) home and *non-molestation orders*, for protection from all forms of violence and abuse and which prohibits the offender from having any contact with the victim. Powers of arrest may be attached to the orders.

Both criminal and civil action can be, and often are, pursued simultaneously. An asylum seeker may be able to approach her existing legal representative for help with legal action, or possibly be assisted by a family law expert in the same firm. Alternatively, she could contact the Law Society for information about representatives in her area. Asylum seekers' legal costs in these matters would normally be covered by legal help, as would the use of interpreters.

⁸ On 28 November 2001, the Crown Prosecution Service (CPS) announced a new policy to ease the prosecution of domestic violence crimes. This policy include the set up of a domestic violence coordinator in each CPS unit in England and Wales and the use of alternative evidence (such as witness statements from neighbours or teenage children, or medical evidence). This means that prosecution will still be possible even when women retract their statements or do not wish to appear as a witness.

▪ **The Protection from Harassment Act 1997** introduced new measures for protection under both criminal and civil law. The provisions include two criminal offences: the offence of *criminal harassment* and a *more serious offence involving fear of violence*. If convicted of either, there is an additional measure for protection: a *restraining order* can also be granted by the court, prohibiting the offender from further similar conduct.

▪ **Protection under housing law**
Due to obstacles in both criminal and civil law provisions (in particular the need to provide evidence to secure prosecution and women's fears of reprisal), for many women, the best chance of avoiding further violence is to seek rehousing away from their abuser.

Refuges provide temporary accommodation at a confidential address (see below), but permanent rehousing is often ultimately necessary. Some women are eligible for rehousing by their local authority under the Housing Act 1996 if they become homeless as a result of domestic violence. However, asylum seekers and people from abroad who are subject to immigration control have been explicitly excluded from this provision, even if they are eligible for social security benefits. Only a woman who has gained refugee status or Exceptional Leave to Remain (ELR) would be eligible to approach her local authority for assistance.

Issues for refugee women

The long history of racism within the police force means many women may be reluctant to enlist their help in situations of domestic violence. In addition, abused women face a number of problems within the legal process: poor access to legal representation; lack of specialist services

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or interpreters; the trauma of the court process; and the lack of training for court staff on the impact of domestic violence on women and children. These factors may influence a woman's decision to stay with or return to a violent partner. For refugee women in particular, these difficulties may be exacerbated by unfamiliarity with the system and the exclusion and hostility which they may have already experienced in the UK.

Refugee women and access to refuge accommodation Women who are experiencing domestic abuse can stay temporarily in a refuge, whilst considering their long-term options. Refuges accept women with their children, although some will not take boys over a certain age (often about 14 years). There are over 250 refuges in England, Scotland, Wales and Northern Ireland, some of which are specifically for women from particular ethnic or cultural backgrounds - for example Black, Asian or South American women - and many refuges have disabled access and workers who can assist women and children who have special needs. Refuge staff will usually help women with accessing medical, education and social services assistance and counselling. Some refuges run outreach services to assist women experiencing abuse who do not wish to stay in a refuge.

Most residents at refuges claim housing benefit to cover the costs of their stay. The fact that many asylum seekers are not eligible for housing benefit means that refuges have often turned them away, mistakenly believing that they will have no means by which to fund their stay. This is however incorrect, as women supported by NASS should be funded by NASS (see below), and the small number of women asylum seekers who are eligible for social security benefits will be able to claim

housing benefit. Women who are supported under the local authority "interim" asylum support scheme, where social services pay for their accommodation, should get their costs covered by the local authority.

Women whose claims have been refused and who have submitted an appeal, or those under removal directions, would continue to be supported under the same system as previously. However, whilst social services support normally continues until removal, NASS support is withdrawn immediately at the end of the appeal process if the woman is refused, or after 14 days if the decision is positive.

Women who are granted Exceptional Leave to Remain (ELR) or refugee status are entitled to the full range of benefits under the "ordinary" rules, which means they can claim housing benefit to pay for a stay in a refuge.

NASS and domestic violence

All forms of violence and harassment are dealt with by NASS Policy Bulletin 18, which defines domestic violence and sets out the procedures that NASS case officers should follow to deal with domestic violence and harassment.

Asylum seekers who experience any form of harassment in their accommodation are entitled to protection by the relevant criminal legislation. The NASS Policy Bulletin clearly states that the role of accommodation providers includes supporting those who have been victims of these crimes to access statutory protection. The policy appears to recognise that asylum seekers may often have little knowledge of who to approach for help, stating that NASS Case Officers are responsible for informing police and relevant local authorities. It is also clearly

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stated that Case Officers should ensure that the victim is enabled to stay in their property alongside action being taken against perpetrators. It is recognised that it might ultimately be necessary to move those who have suffered violence or harassment to alternative accommodation, although it is clear that this should be an exception, after investigations have identified that *“the case is so severe and that no other remedy would be suitable”*. Guidelines are provided for making an emergency move, including guidance for referrals to women's refuges. NASS suggests that case officers contact the National Women's Aid Helpline.⁹

There are several issues arising from the Policy Bulletin that advisors supporting women asylum seekers should be aware of, and perhaps seek to redress. Whilst the policy sets out clear procedures for dealing with domestic violence and harassment, the procedures appear to fail to consider the views and wishes of the victim throughout the investigation. No mention is made regarding the provision of materials detailing women's rights in these situations or access to female case officers if required. At all stages, decisions appear to be taken by nominated case officers, thus the process does not appear to promote the empowerment of women who have suffered from domestic violence or harassment.

The policy also allows for the removal of support from alleged perpetrators, but does not recognise the potential repercussions this might have on victims of violence, a particular concern given the policy's apparent reluctance to note that a woman experiencing violence or harassment might wish or need to leave her accommodation immediately.

These concerns should be interpreted in conjunction with the provision to remove entitlement to accommodation from asylum seekers who leave NASS accommodation without reporting violence or harassment to the police first, and from asylum seekers who leave their accommodation for over 7 days without prior consent, unless they are able to provide a “reasonable excuse” as to their absence. Those supporting women who have left NASS accommodation in crisis situations following domestic abuse should be aware of these powers, ensure that the relevant NASS case officers are notified as soon as possible, and be prepared to advocate that fear of domestic violence or any form of harassment are a reasonable excuse for women leaving their accommodation without notice.

The effects of domestic violence on a woman's claim for asylum

Domestic violence, experienced either in her country of origin or in this country, may be relevant to a woman asylum seeker's application to remain in the UK. If a woman is initially included as a dependent on her husband's asylum claim, and the marriage breaks down due to his violence, she can seek advice on whether to submit her own asylum claim. If she does not have her own claim and her husband's is refused, she would normally have to return to her country of origin.

If making a separate application, the risk of return for a woman alone needs to be taken into consideration in addition to her grounds for asylum. This risk may be even greater for women due to societies' attitude towards women travelling or living alone: Consequences may include social rejection or stigmatisation (or even *‘honour killing’* in some cultures), loss of status or economic resources. Lack of access to resources in particular may force a woman to work

⁹ *ibid.*

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under exploitative conditions or in prostitution. That may also have consequences for her health and safety.

The issue of domestic violence as a ground for asylum has been accepted by asylum decision-makers, particularly in other jurisdictions such as Canada, where women have succeeded in claiming that they have been persecuted as members of "a particular social group" and that adequate state protection is not available to them. The UK's Immigration Appellate Authority recently published Asylum Gender Guidelines which include domestic violence,¹⁰ but the Home Office has yet to adopt similar guidance, despite lobbying by women's groups.

An example of how an asylum claim and domestic violence can be interlinked is the case of Mrs K who came to the UK with her husband and 2 children.

The couple made individual claims for asylum based on the husband's political activities. Mrs K's claim was refused in 1998 and she appealed against the decision. During the appeal process, Mrs K told her representative that she was experiencing domestic violence from her husband. She had sought help from the police and friends, and had stayed in a refuge. Injunctions had been issued against her husband. Later, her husband returned voluntarily to their home country. Mrs K's claim for asylum is now based on her fear of violence from her husband if she is returned home. Her representative is arguing that Mrs K fears persecution as a member of a social group of women in her country of origin experiencing domestic

violence for whom adequate protection is not available. In addition, Mrs K is seeking protection under the Human Rights Act.

Seeking protection from domestic violence is rarely a straightforward matter. Months or years of staying in refuges and other temporary accommodation, whilst often still being pursued by a violent former partner, can mean huge disruption and add to the long-term effects of abuse on the physical and mental health and economic status of a woman and her children.

For refugee women however, additional difficulties include the poverty and isolation they already experience, as well as possible estrangement from family and community who may well be their only source of support. Agencies and individuals, ranging from housing providers and refuges to legal representatives and immigration decision-makers, need to be aware of the particular needs of these women in order that adequate services are made available for their protection and support.

Related Information: 'Housing and Safety for Women Asylum Seekers' in WAN Issue 7, February 2001.

For information and help contact:

- **Women's Aid National Domestic Violence Helpline** 08475 023468
- **Refuge Crisis Line (London-wide)** (0870) 599 5443
- **Rights of Women Legal Advice Line** 020 7251 6577

¹⁰ Berkowitz, N & Jarvis, C., 'Asylum Gender Guidelines', IAA, London, November 2000, 61p.

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When Gender Guidelines provide an indispensable framework for the determination of gender cases: Recent Examples from Canada.

In a number of women asylum seekers' cases that were granted refugee status in Canada, the Refugee Division (RD) explicitly applied the '*Gender Guidelines concerning women refugee claimants fearing gender-related persecution*' which proved crucial in helping to examine the issues at stake.

Two cases referred – amongst others - to the issue of **lack of state protection in the event of sexual assault** against the claimant or the claimant's relative. A Roma woman from Hungary claimed asylum on the ground of her ethnicity as she had been subjected to humiliating incidents throughout her school years and was unable to find full-time employment as an adult. She and her husband were also subjected to continuous racial discrimination including physical attacks by skinheads and in the case of her husband by the police too. On one occasion, the claimant was sexually assaulted by two men, who made racist remarks during the attack. As a result, the woman suffered from high anxiety and insecurity. Based on the medical and psychological reports and other evidence provided, the RD noted in particular that not only is police abuse of Roma in Hungary common but police attitudes towards victims of sexual abuse are often unsympathetic, and violence towards women is a serious problem. The RD concluded that the claimant had suffered persecution and had she reported her sexual assault to the police, adequate state protection would not have been available to her. Likewise, it was unlikely that she would ever venture to seek state protection or that adequate state protection

would be available to her in the future (CRDD TA0-03961, Ellis, August 23, 2001).

A woman from Haiti was also granted refugee status when the RD accepted her account that she had in vain sought protection and justice from the authorities after her niece had been raped by a close relative of President Aristide. She had contacted people high up in the government, women's groups and the police, who not only refused to help her, but threatened to arrest her if she persisted. She went on to report the rape on a local radio station and accused some government members of reprehensible behaviour. She had also tried to incite listeners to vote against the government in power. The police had gone looking for the claimant and her husband at their home. RD found that her account of persecution was corroborated by the various documents produced describing human rights violations in Haiti. (CRDD MA1-00418 et al., Lévesque, DeBlois, July 9, 2001).

The issue of **Internal Flight Alternative** as examined in the Gender Guidelines was a major element in the decision taken to grant refugee status to a Tamil woman whose father had been forced to collaborate with the Tamil forces. The documentary evidence in Sri Lanka indicates that Tamil women are at risk of serious human rights abuses, including sexual assault and rape, both from rebel forces and as detainees by security forces. According to the RD, '*there was more than a mere possibility that the claimant would be persecuted on the basis of her gender and her ethnicity [and] she would not have an internal flight alternative (IFA) in Colombo as she had no friends and family there and would not be employable*'. In addition, there is '*considerable evidence of*

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mistreatment of women in detention in Colombo where Tamil are routinely rounded-up for identification purposes (CRDD VA1-00226, Gibbs, Aug 2, 2001).

Lack of IFA was also instrumental in the case of a Bangladeshi woman who had reasons to fear persecution but also segregation as her personal circumstances changed since she had left her country. The claimant was accused by a man who wanted to marry her of having illicit relations with [another] man and was consequently sentenced to lashing. She escaped to Canada with her brother who was made responsible for bringing her for punishment. However, the agent who arranged their escape falsely accused the male claimant of rape and the principal claimant of assault; false documentation was also sent from Bangladesh to undermine their refugee claim. The RD found that the claimants faced persecution in Bangladesh by the authors of the false documents. It also determined that the woman claimant who had become an 'unwed' mother with no family support in Canada would have 'difficulties in integrating into a conservative Muslim society'. (CRDD M96-13487 et al., Beaubien-Duque, Berger, July 13, 2001).
Source: www.irb.gc.ca

UK News

RWRP recruits new Coordinator

The Refugee Women's Resource Project is seeking a dynamic, creative Coordinator keen to play a leading role in our exciting and important project.

The RWRP Coordinator will manage the Project's staff and oversee its development as a centre of national importance for women refugees and take a lead in

advocating change in official policy and practice relating to refugee women, based on the experiences of Project clients and users. Experience of campaigning and/or project management in a relevant field is essential. The post is full-time (35 hrs p.w.) but is open to job-sharing if suitable arrangements can be made.

Salary: £26,500 pa

For details and application forms, send an SAE (A4, 57p stamps), quoting reference PD, to: Personnel, Asylum Aid, 28 Commercial St, London E1 6LS, or visit www.asylumaid.org.uk. Please do not telephone, email or send a CV.

Applications to be returned no later than **Tuesday 15th January 2002**; interviews in week beginning 28th January or 4th February (Asylum Aid is an equal opportunities employer).

RWRP also seeks more participation from refugee women

in its Advisory Committee. The role of the A.C. is to provide guidance and advice to the project in order to help maximise its impact as a service provider targeting women asylum seekers and promoting their rights. The A.C. meets every two months on the last Wednesday of the month from 6.00 to 8.00pm. If you are a refugee woman (or if you know one) who is enthusiastic about such issues and would like to become a member, please do contact us on 020 7377 5123 or rwrp2000@hotmail.com

International News

Campaign for Women Asylum Seekers' Rights at the EU on 15 December

If you have not done it already,

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please take two minutes to join the EWL Campaign to pressurise the EU to develop a gender-sensitive 'European Policy on Asylum' by signing the electronic petition (available in four languages) at: www.womenlobby.org/asylumcampaign/EN/REA/form.asp?lang=eng

RWRP, along with many other organisations from all over Europe, will be a participant to the European Union Citizen's Assembly workshop on women asylum seekers on 15 December, to help influence the adoption of an EU asylum policy that guarantees the protection of women fleeing gender-related persecution and also provides for the specific needs of women asylum seekers and refugees in European countries.

Safeguards to protect the rights of asylum seekers are crucial as women who flee persecution can also be subjected to horrendous treatment from the authorities in the country of asylum.

Amnesty International – France (AI) recently wrote of the case of a woman asylum seeker from Cameroon who was deported by the French police, despite fearing for her life. The woman was dragged on the floor by her hair by police officers who also called her 'pig' and 'monkey' and repeatedly stamped on her. She subsequently suffered serious injuries to her legs.¹¹

AI reports that currently most asylum seekers are 'detained' on arrival in French police stations at Roissy airport (where 96% of asylum claims are submitted) and only 8 nominated organisations have the right to visit asylum seekers. However, this

¹¹ Unofficial translation, RWRP. Information drawn from 'La lettre', No.52, AI, Paris, Oct-Dec 2001 (www.amnesty.asso.fr)

right is limited to eight visits per area and per year, thus limiting the scope for monitoring such abuses. Another woman who requested to go to the toilet whilst being held in the police station was told that she could 'piss in her own clothes' instead.

Afghan women call for an end to the war and women's participation in the peace process More than fifty Afghan women from different NGOs and organisations met on 7 November in Peshawar, Pakistan. In a petition addressed to the concerned warring parties and countries and dated the same day, they called for a stop to '*this war in the name of Afghan child, the Afghan mother and a nation who have sacrificed more than enough*' and Afghan women's participation in the peace process. Women Living Under Muslim Laws (WLUML) also calls upon the UN and the international community to support and facilitate Afghan women's involvement in the decision-making and transition processes in the coming months (If you want to endorse the petition, please contact WLUML at wluml@wluml.org for details of whom to write to).

Dramatic deterioration of Afghan women's mental health, says WHO The World Health Organisation (WHO) warns that Afghanistan is grappling with a hidden medical crisis, in particular severe mental suffering resulting from twenty-three years of conflict and repression.¹²

'Women, in particular, have seen a dramatic deterioration in their

¹² WHO Special Report, 'The Invisible wounds: The Mental Health Crisis in Afghanistan', Central Asia Crisis Unit, November 6, 2001. This article is an edited version of WHO's press release.

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psychological, family and social life (...). Excluded from education, and employment, they have enormous difficulties accessing health care while still having to care for other family members. Widows, pregnant women, and survivors of sexual violence are particularly vulnerable.

Since the Taliban took power in 1996, many women, who lost their husbands or without male relatives, had to beg in the streets to survive (60,000 widows were left forced to subsist with no family support¹³).

Many women and children who have seen family members killed or executed in front of them are also suffering mental distress.

The most common symptoms are depression, anxiety, and psychosomatic problems such as insomnia or back and stomach aches.

The deteriorating mental health situation of Afghan women was documented by a research carried out in 1996 in Kabul and Pakistan camps. It showed that '97% of women [had] signs of depression and 86% significant anxiety symptoms'. Children's mental health situation was also revealed by a survey carried out by UNICEF in 1997.

RAWA reported in 1999 that some women were found 'lifeless, unwilling to speak, eat or do anything', in one of the rare hospitals for women.¹⁴ A recent WHO fact-finding mission in Pakistan also found that a third of the Afghan refugees were suffering from psychosomatic conditions resulting from psychological problems.

The problem is compounded by an extremely severe shortage of both medical

staff and facilities to provide psychosocial support. There is for instance an estimated 8 psychiatrists, 18 psychiatric nurses and 20 psychologists for 25 millions people in the country. The international agency calls for an 'immediate and comprehensive response' to what health officials warn is a 'large-scale mental health crisis' in the country.

WHO also appeals for greater international awareness and financial support for psychosocial programmes.

Related Information: 'Mental Health and Refugees: A Women's Perspective' in WAN, Issue 15, October 2001 with references to WHO's Declaration on Mental Health of Refugees, Displaced and other populations.

FGM: Traditions versus Legal Rights in Senegal 8 people were sentenced to four months in prison on 3rd November for having authorised, facilitated or carried out Female Genital Mutilation (FGM) on 18 girls aged 2 to 5 (during a circumcision ceremony). The 8 persons, including 5 local chiefs, who had been denounced by some locals, were arrested and charged on the basis of a 1999 law prohibiting the practice and providing for punishment. Despite this, FGM remains widely carried out in some rural areas and as a result of the sentence, 61 village leaders wrote to the President and local authorities demanding the liberation of the 8 condemned within 3 days.

Worryingly for women's and children's rights, some indicated that they would go to Gambia or Guinea-Bissau where the practice is allowed. According to the local press, the village leaders declared that 'it [was] not a crime to excise children in the

¹³ WHO, op. cit.

¹⁴ WAVE Newsletter, 1/2000, www.wave-network.org/Main_frame.htm/

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*Peul tradition*¹⁵ and they will continue to do so even if they have to fill up Senegalese prisons for it. (Source: femmes-afrique-info).

Nigerian woman sentenced to death for committing adultery On 9 October, a 33 year old mother of four was sentenced to death by stoning for committing adultery, and having conceived outside wedlock, by an Islamic Court in the Sokoto State, Nigeria. The woman was given 30 days grace to appeal against the sentence to the Sokoto Sharia Court of Appeal, which she did (the appeal was due to be heard on 27 November).

The man with whom she was charged committing adultery was freed by the court for lack of evidence. He denied any responsibility in the case: apart from his confession, four witnesses present during the sexual encounter would have been required to prove his responsibility. This clearly underlines the discrimination women face under the law as the Sharia rules of evidence in adultery cases do not extend to include DNA tests. Whilst a woman is condemned to death, her partner in 'crime' is acquitted by simply denying his involvement.

Amidst widespread protests from local and international human and women's rights organisations as well as Nigerian lawyers in the USA, the Federal Government has intervened when its Attorney General, Chief Ige, declared that the FG would not allow the Sokoto State Government to execute the judgment. He declared that 'this type of thing will not happen in Nigeria of 2001' and described the sentence as 'harsh and crude'.

However the State General and Commissioner for Justice said the Federal Government has no constitutional right and no power to stop the death sentence against the woman. In addition both the President and the Attorney General had previously declared that the Sharia legislation being implemented in some states was legal and constitutional.

If the woman's appeal fails and the sentence is carried out, she will be buried in a hole up to her neck and stoned until she dies. Her only option will be to flee the state (www.allafrica.com/stories).

Algerian women victims of widespread rape during liberation war Algerian women were raped on a large scale by French soldiers between 1954 and 1962. Contrary to 'traditional' beliefs, sexual abuses against Algerian women were not isolated incidents carried out by 'undisciplined' soldiers. It was a 'policy' encouraged by senior military officers and underlying it was extreme racism.

One soldier recalls: 'The officer used to tell us: "Rape them but do it discreetly". (...) We did not have any moral qualms. First of all, they were women and second of all, they were Arab women, so you can imagine...'¹⁶. Another soldier said he witnessed a hundred rapes within ten months in one of the most notorious torture centres in Algiers. Women were raped and sexually assaulted both to force them to give out information and for 'comfort'.

¹⁶ Unofficial translation (RWRP). Information quoted by 'Billets d'Afrique et d'ailleurs', drawn from an article by Florence Beaugé in *Le Monde*, 'Le tabou du viol des femmes pendant la guerre d'Algérie commence à être levé', 12 October 2001.

¹⁵ Unofficial translation (RWRP).

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Another admitted: *'we were not aware that we were destroying these women's lives (...). We treated them worse than dogs'*.

It is impossible to determine how many women were affected by these crimes, and how many consequently committed suicide. There is no doubt however that the rapes by French soldiers constituted crimes against humanity just as systematic rapes in the former Yugoslavia and Rwanda were recognized as such in recent international tribunal decisions.

Refugee Rights consolidated in

Egypt¹⁷ Refugees have the right to legal representation during the asylum determination process, but until recently, for thousands of refugees in Egypt, professional legal services have been almost non-existent. Egypt guarantees the right to asylum in its constitution; it has acceded to UN and the Organisation of African Unity conventions on refugees. However, in Egypt, it is the Office of the UN High Commissioner (UNHCR) who determines who gets refugee status, not the Government of Egypt. There is no independent appeal process against negative decisions. There are more than 23 nationalities represented in Egypt's refugee population.

Since July 2000, the Forced Migration and Refugee Studies programme at the American University in Cairo has been providing formal training in refugee law through various courses, as well as 'hands on' practical experience of preparing cases for refugees seeking asylum in Egypt. Through these training activities the programme aims to promote:

- The assistance of refugee clients in preparing their testimony and to write legal briefs based on international refugee and human rights law for each case.
- The training of Egyptian lawyers and students in refugee law and legal practice to take major responsibility for providing legal aid.
- Advocating for the improvement of policies and practices concerning refugees.
- The involvement of other Egyptian and Middle Eastern NGOs in refugee-related work, and the provision of training to their staff.

Three centres are now actively involved in providing legal aid: the Egyptian Organisation for Human Rights (EOHR), the Centre of Studies and Human Development Programmes, the Association for Human Rights Legal Aid, and Musa'adeen (a refugee self-help group situated at four locations in Cairo).

Lawyers and non-lawyers are encouraged to apply to work as volunteers in these programmes to help in collecting information and represent clients who are applying for refugee status or appealing against rejection at UNHCR. Volunteers are also urgently needed to provide intensive English training in legal vocabulary and writing skills. To apply, see: http://www.aucegypt.edu/schools/huss/fmrs/Affiliation_Opportunities/affiliation_opportunities.html.

FIDA-Kenya Online People who have found the RWRP Kenya report *'No Upright Words: The human rights of women in Kenya'* useful will be pleased to learn that the Federation of Women's Lawyers (FIDA-K), committed to fighting discrimination against women in Kenya, has a website where its latest Annual Report for 1999-

¹⁷ Information received from Barbara Harrell-Bond (behbond@aucegypt.edu).

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2000 can be found. FIDA's reports provide an extremely useful update on legislation and court cases that relate directly to women's rights issues. See www.fidakenya.org/

Publications

'Women facing war, ICRC study on the impact of war and conflict on Women' aims to understand ways in which women are affected by armed conflict by drawing lessons from ICRC past and current experiences. The ultimate objective of the study is to enhance the assistance and protection afforded to women affected by armed conflicts by making the relevant actors sensitive to the specific needs of women. The study focused on issues such as physical safety, sexual violence, displacement, access to health care, food and shelter, but also the problem of missing relatives, the impact of war on survivors of conflict (most of whom are women) and access to documentation (www.icrc.org)

The October 2001 Human Rights Watch Report on Women in Afghanistan includes accounts of interviews with women refugees in camps in Pakistan. The document also calls for the participation of women in the peace process.

MSF on the civil war in Congo-Brazzaville *'Une Guerre contre les civils – Réflexions sur les pratiques humanitaires au Congo Brazzaville (1998-2000)'* (*'A war against civilians – Reflections on humanitarian practices in Congo-Brazzaville'*).¹⁸ Although written from a *'humanitarian agency'* perspective, this book will inform the reader about the extent of human rights abuses against the

population in the country and the consequences of the civil war, through carefully selected testimonies and medical records. The threats and violence civilians have been facing on a daily basis include forced displacement, killings, summary executions and large scale rape. Mortality rates and malnutrition are also extremely high.

Between May and December 1999 alone, *Médecins Sans Frontières* (MSF) recorded 1,300 women (including girl children and teenagers) reporting to two hospitals in Brazzaville as rape victims/survivors. In March 2000 the agency recorded 22 rapes of women aged 3-40 who were treated in hospital. In 21 cases, rape was carried out by armed men and in 13 cases, it was gang-rape. 83 cases were treated from March to September.

The book also documents the lack of adequate and sufficient protection and medical care provided, even when international humanitarian agencies are actively engaged. Rape in Congo-Brazzaville (just as in many other countries) was only seen as a priority for MSF due to the sheer scale of the crime. In addition, the Congolese health authorities refused for several months to allow for the prescription of antibiotics and other essential medicine such as antiretroviral, hindering the risks of protection against infections and HIV transmission. As a result, MSF set up a specific unit to deal with such cases. This is unusual: rape victims are usually registered in other categories such as *'sexually transmitted diseases'* or *'trauma'*, thus remaining invisible.

The book can prove particularly insightful for representatives of Congo-B clients because it includes information and data collected by local researchers and students

¹⁸ Unofficial translation, RWRP.

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– which would have not been available to outsiders - highlighting for instance the fact that the population were the victims of violence from all militias, and not only by forces politically opposed to the ethnic group they belonged to.

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The RWRP is funded by the Community Fund, the Joseph Rowntree Charitable Trust, Oxfam, Womankind Worldwide, Servite Sisters and Charitable Trust Fund. Any views expressed in this publication are those of the authors. Any legal information in this bulletin is intended as a general guide only, and should not be used as a substitute for legal advice. Any contributions from, or references to, external sources, agencies or individuals do not necessarily reflect the views of Asylum Aid nor receive our endorsement.

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