

women's asylum news

refugee women's resource project @ asylumaid

issue number 42
may/june 2004

also in this issue

Sex slave trafficker's sentences more than doubled in appeal

p. 3

Asylum seekers' right to shelter upheld by Court of Appeal

p. 3

RWRP news: launch of resource room

p. 4

UK projects & events

From p. 5

UK courses

p. 8

International news from Azerbaijan, Afghanistan, DRC, Sudan, etc...

p. 9

International events and actions

p. 13

New publications and online resources

from p. 14

Notice board

p. 19

If you want to subscribe to our free bulletin 'women's asylum news' by post or by email, please contact Peggy Saint-Auret, email peggyrsa@asylumaid.org.uk or tel: 0207 377 5123. For details of all of our publications to download or order) please go to: www.asylumaid.org.uk.

Woman at risk of FGM not part of 'a particular social group' says immigration tribunal

A woman (M) granted asylum because she is at risk of female genital mutilation (FGM) has had the adjudicator's decision overruled by the Immigration Appeal Tribunal.¹ The Tribunal's reason was that she could not be seen to be part of a particular social group as required under the Geneva Convention. The Adjudicator had been satisfied that she was a member of a social group identified as Kikuyu women under 65 years.

The Tribunal accepted the argument in *Adhiambo*² that this did not count as a social group as such women were under no greater risk than other women in Kenya. RWRP believes that had they considered other cases to those presented to them, they might have found differently. We recognise that, following *Shah and Islam*³, the social group has to exist independently of the persecution.

The Tribunal did note that M was at risk from being closely related to a member of the Mungiki movement with whom her father was very involved but did not consider that this could be a social

¹ Appeal No [2004] UKIAT 00022 M (Kenya) 20th January 2004

² [2002]UKIAT 03536 CC/04325/02 19th July 2002

³ *Shah and Islam* [1999] 2 AC 629

group. The Tribunal noted that the law against FGM in Kenya is not being enforced and that radical members of the Mungiki movement are purposely implementing the practice to challenge Kenya's laws and to exercise power and control over Kikuyu women.

RWRP is very concerned that in this case being at high risk of being subjected to FGM does not amount to membership of a social group and therefore is not sufficient to entitle one to refugee status. Also, the principle that FGM is a sufficiently serious form of persecution to merit the granting of asylum would seem obvious to RWRP. In this case, M has been given exceptional leave to remain until her 18th birthday and one hopes that at that stage her solicitors will use article 3 of the ECHR to prevent her being returned to Kenya.

We are also particularly surprised at this decision as it is inconsistent with a case we were involved with three years ago.

In August 2001 Refugee Women's Resource Project won its first FGM case when a woman from Guinea was awarded asylum (see WAN issue no. 14, September 2001). In that case we argued on a number of points: that the woman was a member of a social group from Muslim families in Guinea who have not undergone FGM and who oppose the practice, and was a member of the Soussou community which practices FGM; that Guinea sanctioned FGM; that as a Jehovah's Witness, she held a religious belief that does not allow body mutilation; and that returning her would be a violation of her body's integrity. We do not know which Convention grounds

the Home Office used in their decision making.

In contrast to the approach in the case of M, the recently published Asylum Policy Instructions on gender issues in asylum claims state:⁴

'Women who may be subject to FGM have been found by the IAT [Immigration Appeals Tribunal] to constitute a particular social group [PSG] for the purposes of the 1951 Convention in some circumstances. Whether a PSG exists will depend on the conditions in the 'society' from which the applicant came. If there is a well-founded fear, which includes evidence that FGM is knowingly tolerated by the authorities or they are unable to offer effective protection, and there is no possibility of an internal flight option, an applicant who claims that she would on return to her home country suffer FGM may qualify for refugee status.

The fact that the particular social group consists of large numbers of the female population in the country concerned is irrelevant.'

Commenting on the situation vis-à-vis FGM asylum cases in the USA, Karen Musalo at the Centre for Gender and Refugee Studies wrote: '*In the US, back in 1996, even though it was anti-immigrant climate, women just would not stand for Fauziya Kasinga, who faced FGM, to be denied asylum and sent back.*' In the USA, a case based on a fear of future FGM will almost always be

⁴ On 3rd March 2004, see WAN issue number 41, march 2004.

granted on the basis of a gender-defined social group.

We are considering how to take this issue further and would welcome ideas and case examples to support this.

Other UK news

Sex slave trafficker's sentence more than doubled in appeal

On 29th April 2004 Albanian Luan Plakici has had his jail sentence more than doubled from 10 years to 23 years after the Attorney General appealed the original sentence.⁵ In December 2003, following a two-month trial, Plakici had been found guilty of three counts of kidnapping; one count of procuring a teenager to have unlawful sex; one count of incitement to rape, and three counts of living on the proceeds of prostitution (see WAN no. 39, January 2004, p. 5 for full story).

This was the first case involving the trafficking of women in the UK but the court of appeal agreed with the appellant that the original 10-year sentence was *'unduly lenient'*.

Attorney General Lord Goldsmith who called the appeal court's decision *'groundbreaking'* said: *'[it] sends a clear message that human trafficking is a despicable trade and one which we will not tolerate. (...) The Court of Appeal has given a clear indication of the need for substantial and deterrent sentences*

in human trafficking cases. 'I hope this judgement, one of the largest increases as a result of my appealing an unduly lenient sentence, will give the victims confidence to come forward.'

Asylum seekers' right to shelter upheld by Court of Appeal

On 21st May 2004, the Court of Appeal ruled against the Home Secretary on the case of three destitute asylum seekers.⁶ The housing charity Shelter intervened in the three cases, which were also supported by the Refugee Council. The three asylum seekers were denied access to government support under Section 55 of the Nationality, Immigration and Asylum Act 2002 because they had not applied for asylum as soon as *'reasonably practical'*, in these cases, within three days of arrival.

Lord Justice Jacob ruled that 'shelter of some form from elements at night' was a 'basic amenity', and that the Home Secretary had implemented Section 55 unfairly by denying them access to support. The ruling also established that the threat of not having access to shelter in the future is enough to prove a breach of Article 3 of the European Convention, and that enquiries into what other support is available do not need to be exhaustive.

A spokesman for the Home Office said the department was *'disappointed'* and indicated they would be appealing to the

⁵ BBC news, *'Vice ring boss's jail time doubled'*, 29 April 2004, at <http://news.bbc.co.uk/1/hi/uk/3670941.stm>

⁶ Sources: Shelter Press Release, *'Shelter is a basic human right, says Court of Appeal'*, 21st May 2004 at <http://england.shelter.org.uk/>. Also: Refugee Council Press Release, *'Refugee Council welcomes Court of Appeal decision to uphold asylum seekers' right to shelter'*, 21 May 2004.

House of Lords on the issue.⁷ The spokesman added that although Section 55 was a 'tough measure' there were 'safeguards' to protect the vulnerable:

'The essential point of section 55 is that we are not prepared to use taxpayers' money on supporting people who make speculative asylum claims or who have some alternative source of support.'

related publication Hungry and Homeless: the impact of the withdrawal of state support on asylum seekers, refugee communities and the voluntary sector (April 2004) is the result of a survey conducted by the Refugee Council with funding from Oxfam, in order to investigate the real impact Section 55 is having on asylum seekers, charities and the refugee community, one year after its implementation. This report presents the findings of this research showing that Section 55 is forcing many asylum seekers into destitution. For a copy (£.4.95 + p&p), contact the Refugee Council on Tel: (+44) 020 7820 3042 or go online to order: www.refugeecouncil.org.uk/publications/pub011.htm. A PDF copy of the report is also available on the RC's website.

Safe House for trafficked children opens⁸

From April last year, ECPAT UK, along with its supporters, raised the concern that the only safe house for trafficked children in the UK was due to be closed. The safe house, run by West Sussex

Social Services closed in November 2003.

A new safe house for trafficked children, based in the South East of England, aged 16 - 17 years old, has now opened on the 1st April. It is being run by an independent service provider, and is not tied to any one local authority. This means that children can be referred to the safe house by social services, no matter where the child has been found in the country. The safe house will offer various levels of care, and for those under 16, the organisation will train specially selected foster carers. For any information or a referral, please contact ECPAT UK on telephone +44 (0)207 501 8927, fax +44 (0)207 738 4110 or email ecpatuk@antislavery.org.

RWRP news

Launch of RWRP Resource Room, a collection of resources for and about refugee women

On Friday 18 June 2004, you are invited to the launch of RWRP's Resource Room! It houses a collection of country of origin information relating to gender and asylum available to legal representatives, support workers, researchers and refugee women.

The launch will be held from 12pm - 3pm and speakers include Helen Bamber, founder of the Medical Foundation, and Catriona Jarvis, asylum and immigration adjudicator. Speakers will start at 12.15pm, followed by presentations from project workers and a tour of the resource room. There will

⁷ Source (henceforth): BBC News, 'Blunkett loses asylum appeal cases', 24 May 2004, available online at http://news.bbc.co.uk/1/hi/uk_politics/3735203.stm.

⁸ The following information is reproduced from ECPAT UK newsletter, 7 April 2004.

also be an opportunity to meet RWRP's new coordinator, Debora Singer. A free lunch will be served from 1.00pm.

On the day we will also launch our latest report, 'Safe for Whom? Women's human rights abuses in "safe list" countries: Albania, Jamaica and Ukraine'.

The event will take place at Toynbee Hall, 28 Commercial Street, London E1 (nearest tube Aldgate East). If you would like to attend, please contact Bethany Collier at bethany@asylumaid.org.uk or telephone 020 7 377 5123.

UK events & projects

Refugee week from Sunday 13 June

with lots of events organised in England, the Eastern Region, Scotland and Wales so do not miss out! For details of events, go to the following website: www.refugeeweek.org.uk.

Visit Asylum Aid and the Refugee Women's Resource Project at the Celebrating Sanctuary Festival, Sunday 13th June, London's South Bank



Following last year's success, Asylum Aid is taking part in the Celebrating Sanctuary Festival again on 13th June, 2pm onwards at London's South Bank; marking the launch of Refugee Week. Last year over 5,000 people attended, enjoying music, dance, food and more. You are warmly invited to attend the festival and visit our stall. If any supporters feel able to volunteer some time on the day to help at the Asylum Aid stall, please contact us on 020 7377 5123 or log onto www.asylumaid.org.uk - we look forward to seeing you there!



In Between - An Art Exhibition for Refugee Week 2004

The exhibition marks a joint celebration by the British Red Cross Refugee Unit and Refugee Women's Association. The work of refugee artists and those working around issues of forced exile will be shown to celebrate creativity and diversity in the context of Refugee Week 2004.

In Between is an eclectic show of works which deal with the appropriation of cultural identity. It connects places and peoples through sounds and images and raises questions around categories and meaning. The participating artists are: Stefan Gec (Ukraine/England), Frances Hegarty (Ireland), Dijana Rakovic (Bosnia), Alia Syed (England), Suzana Tamamovic (Bosnia), Mare Tralla (Estonia) and Raymond Yap (Malaysia).

In Between will run 16 to 19 June 2004. Private View: Wed 16 June 2004, 6-9pm. Exhibition continues from 17-19 June

2004, 10–4pm. Admission Free. Venue: British Red Cross, Aztec Row, 5 Berners Road, London N1 0PW (nearest underground station: Angel). For more information, contact Almir at the British Red Cross Refugee Unit on 020 7704 5670 or Corinna at the Refugee Women's Association on 020 7923 2412.

fun so don't worry about your speed, it is a great event for first-time runners.



Entry is £12 (£13 if you register online) with £5 going to the charity of your choice; all you need to do is indicate on your entry form that you would like Asylum Aid to benefit from your donation.

You could even encourage your family, friends and employer to sponsor you and raise further donations for Asylum Aid. We are happy to provide sponsorship forms, a free Asylum Aid t-shirt and other publicity materials you might need. To join the Asylum Aid team for 2004 please contact Disha Sughand at email dishas@asylumaid.org.uk or call on 020 7377 5123. You can now register on-line at www.floralightchallenge.co.uk

Every finisher will receive a goody-bag including a finisher t-shirt and medal from the organisers

The closing date for entries is Friday 6th August 2004 but last year the entry limit was reached earlier and they had to turn 3,000 people away so register early!



Bosnian artist provides red alert this Refugee Week

Bosnian refugee artist Pero Mandic speaks out for millions this Refugee Week (14-20 June 2004) with 'Crimson Harvest', an exhibition of his paintings of peace and war in the former Yugoslavia.

<http://www.christianaid.org.uk/news/media/pressrel/040524p.htm>

Get fit and raise vital funds for asylum seekers and refugees!

Help asylum seekers seek safety in the UK from persecution by taking part in the Flora Light Challenge for Women 2004! Why not join thousands of other women for this 5 km (3 mile) fun run or walk, taking place in Hyde Park in London and in Birmingham City Centre on Sunday 5th September 2004.

Last year over 25,000 women took part and raised thousands of pounds for hundreds of charities. The Asylum Aid team (seen below) raised over £2,000 which was a tremendous boost for our work. The atmosphere on the day is really enjoyable and the emphasis is on

Festival Against Child Abuse 21-26 June 2004

To celebrate their third year in existence, Africans Unite Against Child Abuse (AFRUCA) are holding this festival from 21-26 June 2004. AFRUCA also expect to further raise awareness of key issues affecting the welfare of African children and their work to address these.

Activities will include a National Conference on 'the Role of the African Community in Combating Child Trafficking'; a film screening on Female Genital Mutilation followed by a moderated discussion session (prior registration requested); a musical evening with the theme of child abuse prevention (open event) and a festival for Young Africans in the UK.

If you are interested in taking part or in finding out more about specific programmes or in attending any of the festival events, please send an e-mail to FESTIVAL@Afruca.org or telephone +44 (0)207 704 2261. To participate in the Festival as a foreign delegate, please send an e-mail at FESTIVAL@Afruca.org with the subject header 'Festival Foreign Delegate' (website at www.afrucu.org).

Tackling the Trafficking of Women and Children

Also organised by Capita, this one-day conference has been designed to address how the trafficking of women and children into the UK can be dealt with at a national level, with specific reference to prevention of trafficking, identifying traffickers, victim support and effective prosecution. It will take place on 30th

June 2004 in Central London. Speakers include:

- David Ould, Deputy Director, Anti-Slavery International;
- Carron Somerset, Acting Campaign Co-ordinator, ECPAT UK,
- Karen Tatom, District Manager, County Asylum Team, Kent County Council,
- Simon Jeal, European and International Division, Crown Prosecution Service,
- Laura Weight, Head of Organised Immigration Crime Section, Police Organised Crime Unit, Home Office

Cost: Charities: £150+VAT, Public Sector £399+VAT, Private Sector £499+VAT. To book contact Conferences & Training Customer Centre, Quadrant Court, 49 Calthorpe Road, Edgbaston, Birmingham B15 1TH. Tel: 0870 400 1020. Alternatively call 020 7808 5301 for a brochure.

related publication Capita is also organising another conference 'Citizenship in Britain Today: The Immigration, Asylum and Nationality Debate' on 23rd June 2004 in Central London. See contact details as above.

Urgent appeal for two destitute young women refugees

Positive Action in Housing (PAIH at www.paih.org) launched an urgent appeal to help two young Muslim women from Somalia who are absolutely destitute and extremely distressed. Kaltuma Ahmed and Shamsa Noor (both 22) have been evicted from their NASS accommodation and support even though their case is going to judicial review.

PAIH, based in Glasgow, Scotland, is helping them and others like them who have been made destitute despite the fact that their asylum claim is still ongoing. For any form of help please contact PAIH on telephone 0141 353 2220 or email home@paih.org. Alternatively you can also donate online by clicking on the link below: www.securegiving.co.uk/acatalog/DonateToPositiveActioninHousing10.html

UK courses

Introductory Course on Counselling Refugees

The Refugee Therapy Centre (RTC) is recruiting for its one-year course: 'Introductory Course on Counselling Refugees'. As part of this programme, RTC is offering young refugee volunteers and workers from refugee community organisations the opportunity to take part in this course. This would be appropriate for young refugees who have some interest in counselling or psychotherapy and who would like to help members of their communities. However, RTC would not restrict the participation of people that are already actively working with refugees in their communities.

Emphasis will be placed on learning within a group and drawing on participants' own experiences as a positive and crucial resource for the Refugee Therapy Centre. The course will commence in October 2004 and run until July 2005. It will take place at the Refugee Therapy Centre on a weekly basis. (Fridays 1.00–5.00 p.m.) The Refugee Therapy Centre is mostly run by

refugees for refugees. If you are interested in this course, please contact RTC on 020 7272 2565/4231.

RWA free courses for Refugee Women

Refugee Women's Association (RWA) offers the following courses over the summer and beyond and they are all absolutely free: Business start-up course on 28-30 June and 5-6 July 2004; Job search skills courses 5-16 July 2004 and Childcare course from September 2004 to May 2005.

You must have permission to work to be eligible. Travel expenses are paid and contributions towards childcare will be provided. For more details on the venues, timetable and to book a place, please contact Ayse or Lucy at RWA on 020 7923 2412 or email at: rwa@refugeewomen.org.uk.

NHS Employment Advice Information Day

This event is also organised by RWA.⁹ If you are a refugee or asylum seeking women with permission to work; and have a qualification in one of the following medical professions from your country: nurse, midwife, radiographer, anaesthesiology, physiotherapy, health care or any other medical profession; you can attend this information day on 10 June 2004, 10.30am-2.30pm at RWA, Print House, 18 Ashwin Street, London E8. Representatives from Guy's and St Thomas Hospital, the Royal College of Nursing and Praxis will be present.

⁹ Information drawn from 'Refugee Women's News', Issue No. 28, May June 2004, published by RWA.

Please contact Anne or Lucy to confirm attendance on 0207 923 2412.

International news

Azerbaijan to take action on trafficking

Azerbaijan is about to adopt a new national programme to combat human trafficking, as the scale of the problem is becoming ever more evident and is threatening to bring international sanctions against the country. At the moment the Azerbaijani Penal Code does not have an article on the exploitation and sale of people and it is virtually impossible to punish those who traffic women and children.

Azerbaijan is both the recipient and source of trafficked people, exporting more trafficked women than it receives. Many of them are women who are conned by promises of work in employment agencies or by marriage agencies. Recent research by Azerbaijan's Centre for Legal Help to Migrants, CLHM, showed that the most frequent destination for the women interviewed, aged between 16 and 30, was the United Arab Emirates. Twenty-eight of the 96 women they saw were trafficked there and there may be more than 1,000 women from Azerbaijan living in slavery or enforced prostitution in the Emirates. Nineteen of the interviewees - eight of them under 18 - were trafficked to Pakistan.

In a study carried out by the Baku office of International Organisation for Migration last year, the majority of 120 media articles written about trafficking over a six-month period adopted a negative tone towards the victims. This is a major reason why many trafficked women feel stigmatised and decide not to report what has happened to them to the police. They also say that they have no faith in obtaining justice.¹⁰

Child trafficking worsens in Afghanistan

Afghanistan's Interior Ministry is calling attention to the growing problem of child abduction. Children from all over the country are being kidnapped and taken abroad for sexual servitude, slave labor, and illicit organ donation. The Interior Ministry last year made 100 arrests in connection with child trafficking, and numbers are increasing. Since 2003, Afghan police have rescued nearly 200 abducted children -- both boys and girls -- in different parts of the country. At the end of April a workshop on combating child trafficking in Afghanistan was held in Kabul. A national antitrafficking action plan was discussed during the two-day workshop, which includes proposed antitrafficking legislation and raising citizen awareness about the problem.¹¹

For more information, see the International Organisation for Migration's 2003 report, *Trafficking in Persons; An Analysis of Afghanistan*, available at www.iom.int/iomwebsite/Publication/Ser

¹⁰ Institute for War & Peace Reporting, *Caucasus News Update*, 21 April 2004 www.iwpr.net

¹¹ RFE/RL, 3 May 2004, 'Afghanistan: Child Trafficking A Mounting Problem'

[vletSearchPublication?event=detail&id=2992](#).

UNICEF fears child trafficking will grow with EU expansion

European Union expansion will lead to an increase in human trafficking as more loopholes open allowing traffickers to smuggle children into EU countries from eastern and southeastern Europe, according to the United Nations Children's Fund UNICEF. Some 120,000 women and children are sold by traffickers each year in EU countries, many of them forced into prostitution. Minors from countries such as Moldavia and Romania were being smuggled into Western Europe and countries such as Poland and the Czech Republic, two of the countries which joined the European Union on 1 May. UNICEF said it was important to focus on the victims and not to criminalize them as illegal immigrants.¹²

Village burned, women and children killed in DRC

The bodies of at least 25 people, mainly women and children, hacked to death by unidentified assailants were discovered in April in Lutwegi, North Kivu Province, according to the UN mission in the area. 150 homes were completely burnt down by the attackers. In addition, a bridge connecting Lutwegi and neighbouring Goma was severed, making it difficult for humanitarian agencies to reach the displaced population.¹³

¹² UNICEF, April 8 2004, reported in ECRAN weekly update 21 April 2004. For more information on child trafficking, see UNICEF UK's website at www.endchildexploitation.org.uk

¹³ United Nations Integrated Regional Information Network CENTRAL & EASTERN AFRICA: IRIN-CEA Weekly Round-up 222 for 10 - 16 April 2004, at <http://www.irinnews.org/report.asp?ReportID=40620>

related information

A national protocol on sexual violence in the DRC is needed to end rapes that are going on despite the end of the civil war, according to a new report, "I have no joy, no peace of mind", by Medecins Sans Frontieres (MSF). The report highlights the medical, psychosocial and socioeconomic consequences of sexual violence in the DRC and the use of rape as a weapon of war.

MSF recommend that political authorities should ensure laws related to rape are implemented so that perpetrators are brought to justice. The DRC authorities should make sexual violence a key element in the improvement of the justice system in the country and in the reconciliation processes that are planned.¹⁴

Sudan - Government commits 'ethnic cleansing' in Darfur

The Sudanese government is responsible for 'ethnic cleansing' and crimes against humanity in the western region of Darfur, Human Rights Watch said in a [new report](#) released on 7 May. The U.N. Security Council should take measures to reverse this ethnic cleansing by creating conditions for the safe return of more than one million people already displaced.

The report, '*Darfur Destroyed: Ethnic Cleansing by Government and Militia Forces in Western Sudan*,' documents how Sudanese government forces have

¹⁴ United Nations Integrated Regional Information Network CENTRAL & EASTERN AFRICA: IRIN-CEA Weekly Round-up 220 for 27 March - 2 April 2004, at <http://www.irinnews.org/print.asp?ReportID=40363>

overseen and directly participated in massacres, summary executions of civilians, burnings of towns and villages, and the forcible depopulation of wide swathes of land long-inhabited by the Fur, Masalit and Zaghawa ethnic groups.

The occupation of burned and abandoned villages by uncontrolled Janjaweed (members of Arab militias) has driven civilians into camps and settlements outside the larger towns. Even in these camps, the Janjaweed kill, rape and pillage with impunity.

For months, the Sudanese government has restricted international media access to Darfur and has limited reports about the conflict in the national press. Recently, the government has allowed minimal access to the region for international humanitarian agencies but has still failed to provide the necessary protection and assistance to displaced civilians.¹⁵

Amnesty International has also highlighted the widespread and systematic rape of women and girls that has been carried out by Janjaweed members. There have also been unconfirmed reports that women and girls have been abducted to be used as sexual slaves or domestic workers.¹⁶

related publication

Human Rights Watch report '*Darfur in Flames: Atrocities in Western Sudan*', April 2004 and the May 2004 report can be found online at www.hrw.org/.

¹⁵ For further information, see Human Rights Watch at <http://hrw.org/english/docs/2004/05/07/darfur8549.htm>

¹⁶ Amnesty International, AI Index: AFR 54/038/2004 (Public) News Service No. 091, 15 April 2004, available at <http://web.amnesty.org/library/Index/ENGAFR540382004?open&of=ENG-SDN>

Pakistan – Honour killings continue, while president promises action

President Musharraf has told a conference on women's affairs that Pakistani males show civilised behaviour towards women and show 'chivalry' while dealing with honour killings, which he said were totally illegal. The Pakistani Human Rights Commission, recorded at least 461 women killed by family members in Pakistan in 2002, and 600 in 2003, and at least as many were raped.¹⁷

The president was speaking at the Regional Steering Committee for the Advancement of Rural and Island Women of Asia Pacific (RSC-AP). Formally established in 1995 as part of the Fourth World Conference on Women, the RSC-AP is involved in mobilising efforts concerning rural women. Human rights activists have accused the president in the past of failing to crack down on honour killings, alleging that he has been reluctant to take action for fear of offending the country's politically influential Islamic hardliners.¹⁸

Meanwhile, Pakistan's National Commission on the Status of Women (NCSW) has declared that honour killings and all other sorts of victimisation of women have no link with Islam, after carrying out a review of the Qisas and Diyat Ordinance (Act II of 1997), and the concept of justice in Islam. This

¹⁷ BBC, 'Musharaff plea on "honour killings"', 10 February 2004, at http://news.bbc.co.uk/2/hi/south_asia/3475189.stm

¹⁸ Ibid. http://news.bbc.co.uk/2/hi/south_asia/3475189.stm

ordinance is a body of Islamic laws dealing with murder, attempted murder, and the crime of causing bodily 'hurt', both intentional and unintentional. The victim, or his/her heir or guardian, has the right to determine whether to exact retribution (qisas) or compensation (diyat) or whether to pardon the accused. Loopholes in the ordinance and leniency of the judiciary have left crimes against women unpunished. According to NCSW's research, the acquittal ratio for people accused in honour killing cases is 43.13 percent in Balochistan, 71.97 percent in Punjab, 91.4 percent in Sindh and 92.9 percent in the North West Frontier Province.¹⁹

A 17-year-old pregnant woman from Sindh has had to flee to Karachi as she has been declared 'kari' and therefore liable to honour killing by her local elders council (jirga). The married woman was declared 'kari' and divorced by her husband after he saw her standing outside her house when a 15-year-old boy walked past. The boy was ordered to pay a fine. 'Karo-kari' (adulterer-adulteress) is a traditional, non-Islamic custom whereby a man who has been 'dishonoured' has the right to kill both his wife and her suspected lover; however women are far more likely to be killed than men.

A spokeswoman from the Aurat [Woman's] Foundation, a women's rights and advocacy organisation in Karachi, has criticised district level officials for allowing jirgas to deliver such verdicts,

claiming the government is refusing to act to protect women.²⁰

Iraq – violence against women increases

Violence against women and girls has sharply increased in Iraq compared to the time before last year's war, according to Amnesty International. After the war, there was a complete breakdown of law and order. Even though the situation has generally improved since those first months, the lack of security still remains a serious threat to the population.

Many women and girls live under constant fear of being harassed, beaten, abducted, raped or murdered. In September 2003 'Aquila al-Hashimi was killed. She was one of only three female members in the Iraqi Governing Council (IGC). In March this year, there was an assassination attempt on Nisreen Mustafa al-Burwari, Iraq's only female cabinet minister.

The increasing militarization of Iraq has resulted in the widespread availability of weapons. This raises serious concerns in relation to women's safety. Women and girls in Basra told Amnesty International that they do not dare go out alone anymore, for fear of rape, abduction and other violence. Parents are frightened to send their daughters to school and university. The number of radical armed groups has increased in Iraq. Many of them have issued threats against women not observing the Islamic dress code or

¹⁹ South Asia Citizen's Wire, 2 April 2004, reported by Women Living Under Muslim Laws, available at [www.wluml.org/english/newsbyregion.shtml?cmd\[53\]=c-1-South Asia](http://www.wluml.org/english/newsbyregion.shtml?cmd[53]=c-1-South Asia)

²⁰ United Nations Integrated Regional Information Network, April 7 2004, available at www.irinnews.org/report.asp?ReportID=40461&SelectRegion=Central Asia&SelectCountry=PAKISTAN

against women human rights activists. In Basra, women and girls not wearing the hijab have been threatened. Now almost all cover themselves.

Under international humanitarian law, the coalition forces, as occupying powers, have a responsibility to guarantee the safety of the civilian population in Iraq. They have an obligation to maintain and restore public order and to provide food, medical care and relief assistance. So far, they have failed in their duties.

They have also failed to let women play an equal role in the political process and the rebuilding of the country. At this stage, only three of the members of the IGC are women. According to Amnesty, being excluded from political decision-making now will jeopardise women's rights in the future.²¹

In an update to our news item in February's WAN, Women Living Under Muslim Laws (WLUML) have reported that the Iraqi Governing Council has cancelled Resolution 137. This resolution proposed the introduction of Sharia law in personal status matters and was to cancel all laws which were incompatible with this decision. WLUML regarded the resolution as a major retreat from previous rights that were guaranteed to women under Iraqi law and had launched an urgent action campaign against the change.²²

²¹ For the full report, see <http://web.amnesty.org/library/Index/ENGMD140092004?open&of=ENG-IRQ>

²² See WLUML at <http://www.wluml.org> under the section 'Calls for Action'

related information Join Amnesty International's **campaign against Domestic Violence in Iraq** by calling on the Coalition Provisional Authority (CPA) and the Iraqi Governing Council to put an end to violence against women by clicking on the following weblink: <http://takeaction.amnestyusa.org/ctt.asp?u=486580&l=8428>.

International events & actions

World Refugee Day

Once again, June 20 will mark World Refugee Day. The theme for this year is 'A place to call home: rebuilding lives in safety and dignity.' The focus will be on the search for durable solutions - voluntary repatriation, local integration and resettlement. The resettlement solution is of particular relevance to Canada as every year thousands of refugees attain a durable solution by being resettled here. This year's theme is also significant as it coincides with the 25th anniversary of the private sponsorship program.

UNHCR has produced a number of print materials (posters, postcards and leaflets and stickers) as well as two videos in both French and English for community groups and NGOs who plan to mark this day:

If you are interested in receiving any of these materials, please provide UNHCR at CHAMPASS@UNHCR.CH with a mailing address and indicate the quantities required. Quantities are limited and

requests should be made no later than June 10th.

WLUML urges a response to the situation in Gaza Strip

Women Living Under Muslim Laws are deeply concerned about the escalation of violence and the repeated violations by the Israeli state of the human rights of Palestinians living in Rafah town and refugee camp in the southern Gaza Strip. WLUML has responded to calls for action from the Coalition of Women for Peace in Israel and The Palestinian Non-Governmental Organizations Network (PNGO), both of which are calling upon the international community to immediately intervene to stop the destruction of lives and homes in Rafah by the Israeli authorities.

Both calls for action can be found at:
www.miftah.org/Display.cfm?DocId=3805&CategoryId=2 and
www.coalitionofwomen4peace.org

new publications

international

Refugee Women

This is the second edition (December 2003) of this publication by Susan Forbes Martin (the first was originally published in 1992) in which the author draws on years of personal field experience and policy work to revisit the particular concerns of female refugees. Martin provides a background for understanding the legal issues and policies developed to protect women persecuted because of their gender. She

also focuses on the specific hardships of internally displaced women who flee their homes but remain in their countries.

The book includes an evaluation of policy and programmatic actions at the international level, with particular attention to the implementation of the UN High Commissioner for Refugees' Guidelines on the Protection of Refugee Women a decade after their promulgation. To order a copy, visit www.lexingtonbooks.com.

Rape as a method of Torture

Launched on 26th May 2004 (ed. By Dr Michael Peel) this book was written by a team from the Medical Foundation for the care of victims of torture (UK) in order to share clinical experiences of helping victims of rape from a range of perspectives, and to transmit that information to help victims of rape and those working with them, whether clinicians, lawyers, advocates or friends.

The publication include an analysis of a sample of women clients referred to the Medical Foundation, with details of the sexual violence they experienced, why they were targeted, by whom and where. Other chapters include the '*psychological approaches to working with political rape*', '*men as perpetrators and victims*' and the '*impact of rape on the family*'. All are followed by a list of references. There is also a section on the legal analysis of rape as torture, both internationally and within the European system, completed by a '*law bibliography*'.

For a copy, visit the MF's website at www.torturecare.org.uk/publications/publicationsIndex.htm or contact Tel: (0) 20 7697 7777; fax (0)20 7697 7799.

Mental Health Services in Kosovo

written by Helen Bolderson and Karen Simpson (Medical Foundation, 2004) is research compiled from a field trip in August 2003 in Kosovo on the availability of mental health treatment in Kosovo, and could be used in relation to enforced returns to Kosovo of those people who are receiving treatment for trauma. See the Medical Foundation's details above for orders.

Colombia's War on Children

This latest publication by Watch List on children and armed conflict (February 2004) reveals that guerrilla, paramilitary forces and government forces have all '*systematically used rape, sexual torture and other forms of sexual violence against women and girls as a tactic to destabilize the population.*'

Other forms of abuse include child labor, children forced into commercial sex work, the use of children as soldiers and kidnapping, disappearances and arbitrary detentions.

Watch list calls on the Columbian government to end impunity for abuses against children by aggressively investigating and prosecuting sexual violence and murders, disappearances, recruitment and kidnappings of children, with meaningful penalty for all crimes. For a copy of the report go to:

www.watchlist.org/reports/index.php

new publications

UK

Right First Time? Home Office Asylum Interviewing and Reasons for Refusal Letters

is a study of cases from Cameroon who received treatment from the Medical Foundation. The publication written by Ellie Smith includes useful insights from Professor Ray Bull, who is a specialist in interviewing techniques and how to interview those suffering trauma. Those interested in receiving a copy should contact the Public Affairs at Medical Foundation. Tel: (0) 20 7697 7777; fax (0)20 7697 7799.

(or see www.torturecare.org.uk).

online resources

international

International Trafficking of Persons Site

Johns Hopkins University School of Advanced International Studies (SAIS) developed www.protectionproject.org to establish an international framework for the elimination of trafficking in persons, especially women and children. The web site contains information about trafficking throughout the world, featuring country reports with statistics and maps of trafficking routes, as well as profiles of survivors.

Trafficking in Persons Poster

The Department of Justice, on behalf of the Government of Canada, is distributing this poster with a cover letter to inform the Canadian public that human trafficking exists in Canada and that it is a serious crime.²³ To get a copy of the poster, go online to: <http://canada.justice.gc.ca/en/fs/ht/pub/poster/poster.html>.



World Refugee Survey, 2004

The report by the U.S. Committee for Refugees (USCR) reviews refugee conditions and government policies affecting refugees, asylum seekers, and displaced persons. The 2004 Survey is 110 pages of thematic articles, regional summaries and statistics with country updates on companion CD.

Included is an article on a small group of asylum seekers left in limbo (*'warehoused and forgotten'*) on Sovereign Base Areas in west Cyprus despite being overseas territories under the United Kingdom jurisdiction. According to the author, Michelle Berg,

'Women perhaps suffer from the isolation most. One described her life in the village: "In the morning, we are waiting for the evening and in the evening, we are waiting for the morning." Although grateful to have homes, and safety, they told USCR that the social isolation is profound and because they have no transportation, they rarely leave [the] village and only see each other.

'(...) The women have requested English classes, but base officials refused citing lack of funds. Some have asked for a female translator to accompany them to the doctor so that they may speak more freely but this was also denied. One woman stated, "*we are deaf and dumb.*"'

To read more, you can view and download the survey online at: www.refugees.org/wrs04/main.html. To order a copy (US\$25), go to: www.refugeesusa.org/store/

Burundi: Rape - the Hidden Rights Abuse

This report by Amnesty International (AI) outlines the rise of rape in Burundi and how it is systematically used against women as a weapon of war.²⁴ According to AI, military combatants raped hundreds of women in 2003, and doctors in Burundi suspect that the number of women seeking treatment for sexual assault injuries is far below the number of women who need it. Many Burundian women are too afraid to take action against their perpetrators.

²³ Weblink circulated by www.asylumpolicy.info, May 2004.

²⁴ Source: Amnesty International, *Women's human rights bulletin*, April 2004.

Furthermore, fear, poverty and a lack of local health centres prevent women from seeking the proper medical treatment they need after being attacked. AI calls upon the Burundian government to take action to prevent violence against women, and to bring soldiers who use rape as a tool of war to justice.

In its annual report released on 26 May 2004, AI's research reveals that twenty percent of the 177 armed groups on which the organisation documented activities had committed rape and other sexual violence in 2003, as did 28 percent of governments.

AI denounced armed groups and governments for committing direct attacks, indiscriminate attacks and torture, including rape - on civilian populations worldwide in what it said was



the most sustained attack on human rights in 50 years. For a copy of the report or to order online, go to: www.amnestyusa.org/.

related news The UN is currently investigating allegations of sexual abuse on minors by UN peacekeepers in Bunia, in northeastern Congo (DRC) See www.un.org/apps/news/story.asp?NewsID=10661&Cr=democratic&Cr1=congo

related publication **AI's violence against women campaign fact sheets** Violence against women is a violation of human rights that cannot be justified by any political, religious, or cultural claim.

As part of its new campaign to stop violence against women, Amnesty International has published a series of fact sheets to help educate people about this human rights violation. The fact sheets can be found on AI's website at: www.amnestyusa.org/stopviolence/factsheets/violence.html.

Turkey's Shame: Sexual Violence Without Redress - the Plight of Kurdish Women

This report by the Kurdish Human Rights Project (December 2003) gives the findings of a trial observation mission in November 2002 which observed the trials of 410 state officials for the rape of Kurdish women.²⁵

According to KHRP, the magnitude of the problem of sexual violence against Kurdish women is widely unappreciated as even most recent statistics concerning incidents of sexual violence are only indicative of number of women affected. Many of the victims of sexual torture dare not speak of their experiences, because of the dishonour associated with rape and sexual violation in traditional communities.

KHRP's report is based on the findings of a November 2003 delegation to Mardin in Southeast Turkey to observe the trials of state officials for the rape and sexual torture of Kurdish women.

Copies can be ordered from the KHRP for £ 5.00: The Kurdish Human Rights Project, 2, New Burlington Place, London, W1S 2HP, United Kingdom Tel:

²⁵ Source: *Kurdish Human Rights Project Newslines*, Spring 2004, no. 25.

00 44 - 20 7287 2772 Fax: 00 44 - 20 7734 4927. khrp@khrp.demon.co.uk. A PDF format can be downloaded online at: www.khrp.org/publish/p2003/03R.htm

Research reveals shocking gender insensitivity in Australian detention centres

Issue 20 of Forced Migration Review (May 2004) includes an article on the experiences of women in Australian immigration detention centres based on a research conducted by Yvette Zurek when she interviewed women who arrived in Australia prior to September 2001.²⁶

The article includes a highlight on the plight of women in need of sanitary products who were forced to approach male officers for lack of access to female officers. The women's testimonies reveal a shocking insensitivity to the women's needs. Furthermore a limited number of toilets within the detention facilities (in one centre, there were only two female toilets) meant women had to queue or get up early to access them.

Furthermore the researcher found that restricted access to showers forced women to adopt measures such as pretending to be the mother of another woman's child in order to be able to wash themselves (children were made to be washed when people were visiting the centre to check on their welfare, so this was an opportunity for mothers to wash too). When found out, one woman explains how the staff reacted: '*some,*

they would say to me, we will help to make you a mother, is that what you want? To be a mother?'

online resources

UK

When Women are Trafficked: Quantifying the Gendered Experience of Trafficking in the UK

This short publication is an attempt by the only provider of accommodation for trafficked women in the UK, the POPPY'S Project, to collect qualitative information about the types of experiences trafficked women in the UK have had before, during and after being trafficked. Click on www.poppys.uk.com/ for access to this 8 page resource.

related information

The Organisation for Security and Co-operation in Europe (OSCE) human rights office will soon launch a handbook on anti-trafficking measures, check the OSCE's website for further information www.osce.org/.²⁷

New ICAR's tools

browse the Information Centre About Asylum and Refugees' early efforts to get to grips with refugee and asylum statistics and identify data gaps at: www.icar.org.uk/content/res/stats/stats.html. Also from ICAR: signpost to EU accession and asylum in PDF: www.icar.org.uk/pdf/sign005.pdf.

²⁶ This information is based on Yvette Zurek, 'The experiences of women in Australian detention centres', in *Forced Migration Review*, no. 20, may 2004, p. 37. Yvette Zurek is a PhD student and can be contacted at yzurek@csu.edu.au.

²⁷ Information circulated by www.asylumpolicy.info.

related information

The Home Office Asylum Statistics: First Quarter 2004 (UK) are now available to download on the HO's webpage at:

www.homeoffice.gov.uk/rds/whatsnew1.html

Detention of families in the UK: an update - May 2004

Bail for Immigration Detainees (BID) has produced this update to highlight recent changes to the policy of detaining asylum seeker and migrant families in the UK. The update also presents information about the families assisted by BID between November 2003 and May 2004.

BID has also published research and briefings on the issue, in particular, calling for an end to the use of detention for families. See:

www.biduk.org/pdf/children/bid_update_may_2004_family_cases.pdf

related information

New resource for anti-deportation campaign

The National Coalition of Anti-Deportation Campaigns (NCADC) has produced a guide to help individuals, families and supporters to set up an anti-deportation campaign.

The guide contains 220 pages of advice, information and resources including getting publicity and dealing with the media and liaising with legal professionals; materials such as model letters, leaflets and petitions. The guide costs £5 if ordered as a CDROM or can be freely downloaded from the website:

www.ncadc.org.uk/campaigns/guide.htm

notice board

Asylum Aid new advice line number is 0207 247 8741, Monday to Friday 2-4.30pm, Thursday 10-12.30pm (Closed on Wednesday and Friday).

Transforming Lives funding programme

The Transforming Lives programme of the Camelot Foundation is looking for small to medium sized organisations across the UK that work with their priority groups including young asylum seekers and young people with mental health problems; young disabled people and young people who are about to be parents.

The deadline dates for applying for Transforming Lives grants are: 12 July 2004 and 11 October 2004. For more information call the Camelot Foundation office on 0207 828 6085 and visit:

www.camelotfoundation.org.uk/

(information circulated by

www.asylumpolicy.info).

Please send any information that you would like to see published in our next bulletin by 24 June 2004 (see email or postal address on back cover).

women's asylum news

Produced by RWRP (for more information on this issue, please contact Sophia Ceneda)
Asylum Aid, 28 Commercial street
London E1 6LS Tel: 020 7377 5123
Fax: 020 7247 7789
Email: sophiac@asylumaid.org.uk
Website: www.asylumaid.org.uk

COMMUNITY FUND
Lottery money making a difference



We are very grateful for the support of Matrix Chambers who have been funding the publication of Women's Asylum News. 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 (including website links), agencies or individuals do not necessarily reflect the views of Asylum Aid nor receive our endorsement.

Asylum Aid provides free legal advice and representation to asylum-seekers and refugees, and campaigns for their rights. Registered as a charity no. 328729. To support Asylum Aid's work, please complete and return the form below to Asylum Aid, FREEPOST LON18836, London, E1 6BR (however, using a stamp will save us money)

Membership Form

Name _____

Address _____

Tel _____

Email _____

I would like to become a **MEMBER** of Asylum Aid

STANDARD

UNWAGED

£4 / month = £48 / year

£20 / year

Benefits

- Receive a copy of our annual report free of charge
- An invitation to attend Asylum Aid's AGM
- Opportunity to stand for election to the board of trustees
- Right to vote at the AGM election
- Free subscription to our quarterly newsletter
- Access to member- only section of website
- Up to date campaigning information emailed directly
- Invitations to Asylum Aid events, eg. open evenings
- Buy copies of Asylum Aid's reports at a reduced price

I would like to become a **FRIEND** of Asylum Aid

STANDARD

UNWAGED

£2 / month = £24 / year

£10 / year

Benefits

- Receive a copy of our annual report free of charge
- Free subscription to our quarterly newsletter
- Invitations to Asylum Aid events, eg. open evenings

I wish to make a gift of £ _____

Asylum Aid - STANDING ORDER FORM

To: The Manager, _____ Bank,
(Address of Bank) _____

Please pay **ASYLUM AID** the sum of £ _____ each

month/quarter/year (delete as appropriate) until further notice

and debit my account no. _____

sort code: _____ starting on (date) _____

Name: _____

Address: _____

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.

Name _____

Address _____

I would like Asylum Aid to treat my donations as Gift Aid donations (please tick)

Signature _____ Date _____

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