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Women's Asylum News

Women's Project at Asylum Aid

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The Feminist Lobby of Parliament and justice for women seeking asylum

Hundreds of women and men from across the UK will lobby their MPs in parliament on 24 October 2012 asking for urgent action to drive forward women's equality at a Feminist Lobby of Parliament coordinated by UK Feminista.¹ Justice for women seeking asylum in the UK will be in focus at the lobby alongside the issues of preventing violence against women and girls (VAWG), investing in childcare provision, tackling the stereotypes, objectification and sexualisation of women in the media, and the need for an abortion law fit for the 21st century.

These are all key issues in building a more equal society for women in the UK and ending the serious injustices that women face because they are women. They are five of the important issues that feminist organisations are seeking to win victories on right now and on which action by MPs can make a real difference.

Why now is the right time for a Feminist Lobby of Parliament

Right now we are in danger of slipping backwards on women's equality. New threats, such as those to

¹ See <http://ukfeminista.org.uk/event-details/feministlobby/>. Some of the organisations taking part are Asylum Aid, Women for Refugee Women, End Violence Against Women Coalition, Fawcett Society, Daycare Trust, Abortion Rights, British Pregnancy Advisory Service, Object and Eaves.

abortion rights and to women's economic independence, compound age-old inequalities that stubbornly persist. Violence against women and girls is widespread, women are still paid far less than men, women's choices in work and care are constrained by a lack of affordable care services, and women remain underrepresented in positions of power and influence across society. The need to tackle all these issues is not being taken seriously enough by our leaders in parliament and we are not seeing the progress that is urgently needed.

These inequalities affect all women but women are differently affected according to their circumstances and positions. Women on the lowest incomes and those already disadvantaged or marginalised through discrimination and prejudice in relation to ethnicity, immigration status, disability, sexuality and age, among other factors, fare worst. It's also vitally important to put women's experiences in the UK into a regional and global context and to recognise that striving for women's equality is of course a global project because women's inequality crosses borders. The experiences of women seeking asylum in the UK bring this into sharp focus.

Why we are calling for justice for women seeking asylum

Across the world women do not enjoy equality of power, influence, autonomy or protection and many women come to the UK seeking asylum from gender-related persecution. Women asylum seekers are speaking out to tell their stories, reveal truths and to use the power of their testimonies to raise awareness and change minds and policy. Their voices are central to the activism across the UK which is striving to secure these women's rights as they seek safety.²

Gender-related persecution includes rape and sexual violence, female genital mutilation, forced marriage and forced prostitution. These are serious human rights abuses which engage the Refugee Convention that the UK signed over 60 years ago. Despite this, gender-related persecution is not adequately understood by the UK Border Agency (UKBA) case owners and there is a culture of disbelief that particularly surrounds women's claims. This leads the UKBA to doubt the credibility of applicants' accounts for no good reason and consequently refuse their claim for asylum. Asylum Aid has documented how country of origin information about the conditions for women in their home countries is not adequately used to inform decisions on many women's claims which contributes to this problem.³

In research conducted by Asylum Aid from a sample of 45 cases, 87 per cent of women's cases where initially refused, the majority because the women were not believed. However, at appeal 42 per cent of these decisions were overturned and this figure rises to 50 per cent when including decisions made after the reconsideration of an initial appeal. This figure is far above average for all asylum cases which stands at 28 per cent. Guidance for UKBA case owners on assessing women's claims appropriately was adopted by the UKBA in 2004 and updated in 2010 yet they have not been implemented adequately.⁴ The experiences of the individual women behind these figures include the examples of one refusal letter referring to an *arranged* marriage when considering the case of a woman who had been *forced* into marriage at the age of fourteen and abused by her husband for many years subsequently; of a case owner stating that they had never before heard of 'female circumcision'; and of a lack of childcare facilities for women with children at the time of their asylum interviews at some of the UKBA's offices.⁵

The poor initial decision making in women's claims is unsustainable.⁶ It leads to a high number of unnecessary, lengthy and costly appeals and moreover it exacts a heavy cost on the individual women whose claims are refused. Women for Refugee Women's recent research into the

² See Women Asylum Seekers Together, an organisation of women asylum seekers of different nationalities working together to fight for their rights and raise awareness of the issues they face in the UK, <http://www.wast.org.uk/>.

³ Asylum Aid (2011) Unsustainable: the quality of initial decision-making in women's asylum claims. <http://www.asylumaid.org.uk/data/files/unsustainableweb.pdf>.

⁴ Ibid., p. 7.

⁵ Ibid., pp. 6 and 40.

⁶ Asylum Aid (2011) Unsustainable: the quality of initial decision-making in women's asylum claims.

experiences of women whose claims have been refused reveals the hardships and challenges that those women face and it makes clear that, “women who have fled to the UK in need of protection are too often caught up a system that compounds their trauma.”⁷ In the study, a sample of 67 women were asked why they had been refused asylum and 76 per cent said that they had not been believed. Sixty seven per cent had been made destitute – this means that they are left with no means of support or accommodation – and 25 per cent had been detained. Sixty three per cent of those refused said they had thought about killing themselves. These figures describe stark, painful realities and these should communicate to those in power the urgency of the change that is needed.

What needs to happen to get justice for women seeking asylum?

Initial decision making for women’s claims by the UKBA must be improved. This can be achieved through ensuring that greater gender-sensitivity is built into the system and monitored on an on-going basis to ensure implementation. There are clear recommendations for change made by Asylum Aid and others over recent years.⁸ These include a need for the UKBA to guarantee that women have female case owners and interpreters at interviews; for single case owners to take women’s cases from start to finish; for case owners to question asylum applicants appropriately; and for country of origin information to be sought out and used appropriately. Asylum applicants need access to free quality legal representation at every stage of the process and current fixed fee schemes that create a disincentive for complex cases need to be changed.

The problems with difficulties in accessing legal representation for women seeking asylum will be compounded by the introduction of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) which comes into force in April 2013.⁹ This Act removes legal aid for most people in civil legal disputes including immigration, with limited exceptions.¹⁰ Legal aid for asylum cases remains under the Act but the practical barriers to accessing this when immigration is removed from the scope of legal aid will have a knock-on effect for those seeking representation in asylum claims.

The legal arguments around gender-related persecution can be complex and so time consuming but the legal fee schemes mean that a set fee is given regardless of the hours worked on a case, apart from exceptional circumstances. Large providers of legal representation for those claiming legal aid have closed, including Refugee & Migrant Justice in 2010 and the Immigration Advisory Service in 2011, and this problem is set to worsen under LASPO. Such closures will reduce the number of providers available to represent asylum seekers and the number of women left without legal representation will increase.¹¹ Research has shown how initial decision-making by the UKBA is fundamentally flawed hence the crucial need for quality legal representation to ensure that women seeking asylum in the UK are granted protection from persecution abroad. We know that women refused asylum often become destitute without access to housing or support and this leaves women especially vulnerable to sexual exploitation and violence.¹²

We need greater political will

The changes necessary to make the asylum system fair for women are known. What is desperately

⁷ Women for Refugee Women (2012) Refused: the experiences of women denied asylum in the UK, <http://www.refugeewomen.com/images/refused.pdf>, p. 4.

⁸ Asylum Aid (2008) The rights of women seeking asylum: a charter <http://www.asylumaid.org.uk/data/files/charter.pdf>; Asylum Aid (2011) Unsustainable: the quality of initial decision-making in women’s asylum claims; Asylum Aid (2012) “I feel like as a woman I’m not welcome” A gender analysis of UK asylum law, policy and practice, http://www.asylumaid.org.uk/data/files/ifeelasawoman_reportv2.pdf; Women for Refugee Women (2012) Refused: the experiences of women denied asylum in the UK, <http://www.refugeewomen.com/images/refused.pdf>.

⁹ <http://www.legislation.gov.uk/ukpga/2012/10/contents/enacted>.

¹⁰ LAG – Legal Action feature/Legal Aid Author Steve Hynes – summary of the Future Scope of Legal Aid, <http://www.lag.org.uk/files/94113/FileName/LASPOact.pdf>.

¹¹ There is already geographical disparity in availability of legal representation. Asylum Aid report that women outside London find it difficult to get legal representation. Asylum Aid (2011) Unsustainable: the quality of initial decision-making in women’s asylum claims, pp. 41-42.

¹² In one study of 67 women, 67 per cent said they had been made destitute by the refusal of their claim for asylum. Women for Refugee Women (2012) Refused: the experiences of women denied asylum in the UK, p. 5.

needed now is greater political will to enact the changes. It is crucial that Ministers and other politicians show leadership on the importance of breaking down the culture of disbelief in the Home Office and add to the pressure on the UKBA to implement further necessary changes. They must also take action to improve access to legal representation. The Feminist Lobby of Parliament offers an opportunity for people to call on their MPs to show this leadership and to speak out in support of justice for women seeking asylum in the UK, because these women deserve the same rights and protections that all women in the UK enjoy.

The Lobby also offers an opportunity for different demands to be made together. This is important because the failures that lead to an asylum system which is unfair for women are of a similar kind to the failures in other institutions that result in the need for urgent action to prevent VAWG, to invest in childcare, ensure access to abortion and to tackle harmful representations of women. There is widespread failure to adequately account for women's experiences and their gendered positions in institutions right across society. Women's equality has been side-lined by decision-makers time and again and to ensure that women's experiences are fairly and adequately taken into account and to achieve equality of outcome, we must call for them to be at the heart of decision-making and at the heart of British politics. That's what the Feminist Lobby of Parliament is about and we hope it will contribute to that on-going, collaborative and vital campaign.

UK Feminista has created a series of four films looking at key areas of gender inequality and what the solutions are, featuring interviews with prominent campaigners and experts. The second in the series consider justice and rights for women including a focus on the challenges of women seeking asylum in the UK and what the changes in legal aid mean for women's equality, they are available [here](http://ukfeminista.org.uk/event-details/feministlobby/the-issues/)

After the day of the lobby it is crucial that MPs stick to the pledges they made to constituents to take action on the key issues of the day. The UK Feminista website, ukfeminista.org.uk, will spotlight what further action activists can take on each of the highlighted issues to hold their MPs and other politicians to account. We want to ensure that all the voices that come together for the Lobby leave a loud and lasting echo inside the Houses of Parliament.

Women's Asylum News would like to thank Elli Moody of UK Feminista for writing this article.

Legal Issues

Asylum appeal from Sri Lankan victim of rape dismissed

SS (Sri Lanka) v Secretary of State for the Home Department [2012] EWCA Civ 945 (11 July 2012)¹³

The Appellant in this case, SS, is a national of Sri Lanka who entered the UK in December 2009 with her two children, then aged ten and four, on a visitor's visa. In January 2010, she claimed asylum and her claim was refused by the UK Border Agency (UKBA). Her appeal was dismissed by the First-Tier Tribunal but she obtained permission to appeal to the Upper Tribunal. In November 2011, the Upper Tribunal held that the First-Tier Tribunal made an error of law.

The Appellant claimed that she was at risk of persecution because she was a Sri Lankan Tamil whose husband acted as a counsellor to Tamil women who had been raped or subjected to other atrocities by the Sri Lankan armed forces. Her husband reported incidents to a Member of Parliament who published press releases covering those cases. In December 2010, the Appellant and her husband's house had been raided by the army who punched and kicked them both and other members of their

¹³ <http://www.bailii.org/ew/cases/EWCA/Civ/2012/945.html>.

family who were present. The Appellant was raped in front of her husband who was then taken away and never seen since. After being treated in hospital she fled to the UK with her children. She has since been told by her mother that armed men have returned to her house in Sri Lanka looking for her. In support of her application she had submitted various medical reports, including a medical report documenting the presence of scarring and a psychiatric report. She was diagnosed as suffering from Post-Traumatic Stress Disorder (PTSD) and was experiencing suicidal thoughts and flashbacks of the incident that had led her to flee to the UK. The scarring report concluded that the scars on her arms were consistent with the story she had given.

The UKBA refused her asylum claim on the basis that she was not credible due to inconsistencies in her account of her husband's activities and of her own experiences in Sri Lanka. The UKBA therefore concluded that there was no risk of persecution on return to Sri Lanka.

The Upper Tribunal, having heard the case in May 2011, was not impressed with the medical evidence. The judge found the scarring report "entirely unsatisfactory" and gave the report no weight. Little reliance was placed on the psychiatric report because the judge considered that the psychiatrist had failed to consider other reasons for the Appellant's mental health condition. The judge concluded that the Appellant had failed to establish that as a result of her husband's activities she had been sexually assaulted and he had been abducted. He went on to say that even if he was prepared to accept her account as true, she would not be at risk of harm on return because her husband had now disappeared and she was therefore no longer of any interest to the authorities.

Permission to appeal this decision was granted by the Court of Appeal on the basis that there may be other compelling reasons why the Court of Appeal should hear a second appeal. The reasons were that (i) the Upper Tribunal had been wrong to discount the medical evidence that the Appellant was suffering from PTSD associated with rape and (ii) the Upper Tribunal had failed to consider the best interests of her children as required by the decision in *ZH (Tanzania)*.¹⁴

The Court of Appeal concluded that the failure by the Upper Tribunal to consider the best interests of the children was a serious error of law but in light of the Tribunal's findings of fact it could not have affected the outcome of this appeal. The Court went on to find that there was no evidence before the Tribunal to suggest that the children had put down any roots in the UK or established any significant private life that would be disrupted if they were to be returned to Sri Lanka. In those circumstances, the Court of Appeal found that the children's best interests would best be served by staying with their mother and that the children's family life would be preserved as they were returning to Sri Lanka with their mother.

In addition, the Court of Appeal found that the Upper Tribunal should have given the medical evidence much greater weight in support of the Appellant's account as it did at least demonstrate that she is in poor health, mentally and physically. However, the Tribunal concluded that medical treatment was available in Sri Lanka and that even if her account was true she was not at risk of harm on return. The Court of Appeal found that the medical reports did provide support for the Appellant's account and that there was no reason to think that the doctors believed she was giving them anything other than a reliable description of her symptoms. Therefore the Court concluded that the Upper Tribunal did not give the medical evidence the consideration it deserved, and had it done so it may have drawn a different conclusion about the Appellant's credibility. However, this would not have affected the outcome of the appeal because the Tribunal's finding that the Appellant was not at risk of persecution or other ill-treatment on return to Sri Lanka even if her account was entirely true had not been raised by the Appellant on appeal, and thus could not be challenged before the Court of Appeal.

¹⁴ See Women's Asylum News, Issue 102, May/June 2011, pp. 5-6, http://www.asylumaid.org.uk/data/files/publications/164/WAN_May_June_2011.pdf.

European Parliament, Main trends in the recent case law of the EU Court of Justice and the European Court of Human Rights in the field of fundamental rights, 2012

The goal of this study is to offer an overview of the case law from the Luxembourg and Strasbourg Courts regarding fundamental rights over 2010 and 2011. This study identifies the main trends and fields of conflict and focuses on the role played by the Charter of Fundamental Rights of the European Union after the entry into force of the Lisbon Treaty. Furthermore, the study examines the nature and intensity of cross-references between both Courts.

An English version of this European Parliament study is now available for download: <http://www.europarl.europa.eu/committees/fr/studiesdownload.html?languageDocument=EN&file=73271>.

European Court of Human Rights, Practical Guide on Admissibility Criteria

The European Court of Human Rights' admissibility criteria guide for applicants has been translated into 16 languages. Please see the link below:

<http://www.echr.coe.int/ECHR/EN/Header/Case-Law/Case-law+analysis/Admissibility+guide/>.

Sector Update

Missed Out – taking stock of the campaign so far

At the end of August, *Charter* endorsers launched Missed Out, the latest campaign to demand the fair and safe treatment of women who seek asylum in the UK.

The coalition government's Violence Against Women and Girls strategy is in many ways an impressive document, promising new resources across government departments to tackle violence here and overseas. On its publication two years ago, the strategy promised a "cohesive and comprehensive" response to violence against women.

But this claim founders on the fact that women seeking asylum are largely missed out. Amid more than one hundred 'actions', the specific needs of women who have already fled violence to claim asylum in the UK are breezed over in one short, heavily-qualified reference. There is no promise to dedicate more resources to helping these women, nor any commitment to badly-needed strategic leadership from the UK Border Agency.

This is why *Charter* endorsers have been working to ensure this gap is closed when the government revisits its strategy next month. And six weeks after this work begun, Missed Out has enjoyed greater reach and influence than any *Charter* campaign before. We have enjoyed unbelievable success lobbying MPs to send this message to the Home Secretary:

- Over **500** people have emailed their MPs from the Refugee Council and Asylum Aid websites, and reached just under **300** MPs and peers
- Asylum Aid has contacted senior coalition figures directly, including the Home Secretary, Immigration Minister, Deputy Prime Minister and Equality Ministers, as well as key figures in the Labour Shadow Cabinet

- Dozens of MPs are now lobbying the Home Office directly on behalf of the campaign, including the Shadow Attorney General, Shadow Justice Minister and the Liberal Democrat Party Chairman
- Campaign literature has been distributed at all three main party conferences, and leading articles calling for action on Missed Out have reached an audience of tens of thousands

And this work continues. As conference season ends, and Members of Parliament return to the House of Commons, we will be on hand to remind them of their promises on Missed Out. We will increase the pressure on the Home Office, and we won't let up until women seeking asylum are assured dignity and safety when they turn to the UK for help.

Charter endorsers and supporters know how big a challenge this is, but there has never been a better time to grasp that challenge. Thank you to all those *Women's Asylum News* readers who have already contacted their MP about the campaign. And for anyone who hasn't done so yet, it's easy. It takes just two minutes to lobby your MP via the Refugee Council website, at www.refugeecouncil.org.uk/campaigning/missedout. Or you can print off the template letter and all the campaign literature from www.asylumaid.org.uk/charter and post it to your MP.

Women seeking asylum don't need special treatment, just the same rights as other women. No woman should be missed out.

National News

The UKBA publishes new instructions on *Pregnancy / New Mothers and Dispersal*

The UKBA have recently issued new instructions for staff when dispersing asylum seekers and refused asylum seekers (in receipt of Section 4) with health needs. This includes women who are pregnant or are new mothers. The instructions can be downloaded at:

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumprocessguidance/asylumsupport/guidance/healthcare-guidance-.pdf?view=Binary>

The instructions, entitled *Healthcare Needs and Pregnancy Dispersal Guidance*, replace the UKBA's Policy Bulletin 85: (Dispersing Asylum Seekers with Health Care Needs) and Policy Bulletin 61: (Pregnancy). Most of the information relating to the dispersal of pregnant women and new mothers can be found on pages 40- 46 of the instructions.

For some time now the Asylum Support Appeals Project (ASAP), along Maternity Action and other colleague agencies, have been lobbying UKBA to improve the situation for pregnant women in the support system. One of our key requests has been to suspend the dispersal of pregnant women who were already tapped into their local maternity services and provide them with accommodation, in that area, so they can continue their care. Asylum seeking women are one group who experience very poor maternal outcomes so it is vital that they receive regular, uninterrupted care from maternity services.

Whilst ASAP are pleased with some of the changes UKBA have implemented, ASAP feel they fall well short of what they consider is needed to reduce the risks faced by asylum seeking women when pregnant.

This bulletin provides an overview of some of the main changes.

Pregnancy / New Mothers

'Protected Period'

UKBA have identified a 'protected period' when the dispersal of pregnant women or new mothers should be deferred. This will normally run from 4 weeks before the woman's Expected Due Date (EED) until four weeks after the birth. During this period women should be allowed to remain in the initial or temporary accommodation provided by UKBA. Whilst this policy change will largely apply to women who have been provided with initial accommodation following an application for Section 95 support, it may also now be applied to pregnant women who make applications for Section 4 on the grounds that they are unable to leave UK due to a physical impediment to travel. (See below)

Temporary Section 4 Accommodation

On page 11 of the new guidance UKBA have stated that:

*'where a heavily pregnant applicant for section 4 support is street homeless, or imminently street homeless (24-48hrs), and is not registered with any maternity services, caseworkers **may consider placing** the applicant in Initial Accommodation'*

This is an important concession as it recognises the risks destitution poses for pregnant women. The wording suggests that women in the late stages of pregnancy, who make an application for Section 4 support and are homeless, can be placed in initial accommodation which is normally reserved for those claiming Section 95 support.

It should also be argued that this concession should be applied to refused asylum seeking women who make an application for Section 4 support earlier in their pregnancy on the grounds that they are experiencing complications which may put the mothers health or that of the unborn child at risk. Again this group will need to provide evidence that they are homeless or are at imminent risk of homelessness.

Those advising pregnant women who are applying for Section 4 support should now push for initial accommodation to be provided immediately, using this part of the instructions to support their request.
Notice Period

The new instructions also state the pregnant women and new mothers should be given at least ten calendar days' notice by UKBA before they are dispersed to new accommodation. Obviously, this notice period should be set in accordance with the 'protected period' outlined above. This notice period is to enable women to obtain their medical records and for care to be arranged in the dispersal area.

Further Delaying Dispersal

If there are complications with the pregnancy, or the mother or baby are not fit to travel, than UKBA will consider delaying dispersal beyond the 'protected period'. Women in this situation will need to provide evidence from her doctor or midwife outlining the problems she is experiencing. Special consideration should also been given to pregnant women and new mothers who are HIV+ to ensure that the risk of transmission is kept at a minimum. Where appropriate, dispersal will also be delayed.

Many thanks to ASAP for this information on the new instructions. For more information on the new instructions please contact Gerry at gerry@asaproject.org.uk or call ASAP's advice line on Monday, Wednesday and Friday between 2-4pm on 020 7729 3042.

International News

China: Forced abortions linked to one-child policy

Recent photographs posted online of a mother lying in a hospital bed next to a bloody foetus have sparked indignation about the forceful enforcement of China's one-child policy. The husband of the woman who alerted the media to her ordeal has now gone missing. It is believed that his disappearance is linked to harassment of the family by thugs and officials following the release of the pictures and interviews with foreign media. Feng, the woman who was forced to abort her seven month old foetus, was told by officials to either pay a \$6,200 fine or have an abortion of her second pregnancy. As Feng was unable to pay the fine, officials dragged her to a hospital while her husband was away, they blindfolded and beat her and made her sign a "consent form". They proceeded to administer a lethal injection into her stomach which resulted in Feng giving birth to a still-born baby girl. Feng and her husband believed they were entitled to have a second child because couples in rural areas whose first child is a girl are often allowed to have a second one. But her household registration document was registered in Inner Mongolia and they were therefore not entitled to their second child. The Family Planning Department told them they had to travel to Inner Mongolia to get their household registration transferred before the second child would be allowed although the very short deadline made it impossible for them to complete the journey. Although this case of forced abortion is not the first the media sensation following the event has led to an online debate about China's family planning policies. Activists who speak out against the measures continue to be targeted by the government.

For the full article, see: <http://www.ipsnews.net/2012/06/chinas-one-child-policy-faces-new-challenges/>.

India: Police responsible for assaults and sexual violence against women

Human Rights Watch has called on Indian officials to immediately open transparent investigations into allegations of assault by police officers. Indian authorities should prevent police interference in investigations and intimidation of victims. A Human Rights Watch researcher notes that the state's response to women who have experienced sexual violence is often characterised by delay, denial, discrimination and disregard for their dignity and explains that the entire system needs an urgent overhaul. Two recent events illustrate the pervasive problems within the Indian police force: two sex workers were beaten by the police resulting in one of them having a miscarriage and a tribal woman and government teacher was arrested, accused of being a Maoist supporter and tortured and sexually assaulted in police custody. There is no evidence that a criminal investigation has been opened in the two cases and one of the sex workers has been pressured to withdraw her complaint. The recommendations of several governmental and expert advisory bodies on how to improve access to justice and services for victims of gender-related violence have not been taken into account by the government. Human Rights Watch and other civil society groups are calling for the creation of a high-level task force to advise the government on an appropriate multi-faceted response to violence, including victim and witness protection.

For the full article, see: <http://www.hrw.org/news/2012/05/14/india-hold-police-account-sexual-and-other-assaults>.

Ivory Coast: Domestic violence legislation ineffective

A recent report by the International Rescue Committee found that more than 60% of women have been victims of domestic violence. The director of a social centre that provides services to battered women in the Ivory Coast notes that women are often afraid to report the abuse fearing amongst other things not to be able to survive if they are financially dependent on their husbands. The relevant legislation, passed in 1981, is in her view ineffective in combating domestic violence. The law requires women to have hard evidence that they have been beaten or the man must be caught in the act of aggression in order to be prosecuted. The vice-President of the National Assembly has stated that the

Personal and Family Code would strengthen the protection of domestic violence victims. However, the head of the National Commission to Fight against Violence against Women and Children at the Ministry of Family believes that efforts should be directed at several fronts. She stated that improving legislation is not sufficient but that the whole population needs to be engaged in fighting against domestic violence and called for an awareness campaign against violence in households and communities.

For the full article, see: <http://www.ipsnews.net/2012/07/cote-divoire-law-offers-battered-women-little-protection/>.

Jamaica: Attacks and threats against LGBT persons continues unabated

The Jamaican media has reported two incidents of violence in June 2012 where individuals were threatened or attacked simply because they were perceived to be gay. Human Rights defenders advocating the rights of LGBT persons are also still at risk in Jamaica. Human Rights Watch is calling for the repeal of anti-buggery laws and for an end to discrimination based on an individuals' sexual orientation. According to Jamaican law, an act of buggery may attract up to 10 years in prison. Human Rights Watch have stated that the frequency and seriousness of attacks on LGBT persons or those who are perceived to be LGBT has not diminished since they published their report "*Hated to Death: Homophobia, Violence, and Jamaica's HIV/AIDS Epidemic*" in 2004.¹⁵ Human Rights Watch is calling on the Prime Minister of Jamaica to bring the country's laws and policies in line with international human rights standards.

For the full article, see: <http://www.hrw.org/news/2012/07/18/jamaica-combat-homophobia>.

Mexico: Violence against women's rights defenders on the rise

Women's rights organisations have said that violence against women's rights defenders and journalists has increased in the last two years. According to activists there have been many reports of violence, threats, sexual abuse and in some cases rape and torture. The international media however has not reported on the issue. Journalists who report on violence against women are said to be targeted by government and organised crime and the government does not investigate violations of women's rights. The Mexican government's control of the media has been identified by a feminist organisation as the reason why violations of women's rights are not covered in the national press. Civil rights organisations are calling for political institutions to apply pressure for existing legal mechanisms to be used for the protection of freedom of expression and women's rights.

For the full article, see: <http://www.ipsnews.net/2012/07/women-rights-defenders-targeted-in-mexico/>.

Slovakia: Phallometric testing of asylum seekers

Slovakia has recently been denounced by human rights organisations and the European Commission for its use of phallometric testing on asylum seekers to establish their sexual orientation. The test was carried out in January 2012 on an asylum seeker from Syria. The Fleeing Homophobia Report¹⁶ also noted that the test had been carried out at least once in Slovakia in 2005.

¹⁵ <http://www.hrw.org/reports/2004/11/15/hated-death-0>.

¹⁶ <http://www.rechten.vu.nl/nl/onderzoek/conferenties-en-projecten/onderzoeksproject-fleeing-homophobia/index.asp>.

The Czech Republic has also been criticised for its use of the practice. A report from ORAM concluded that the practice is inefficient in demonstrating a person's sexual orientation and is a profoundly humiliating and degrading experience.¹⁷

For more information, see: <http://fra.europa.eu/en/publication/2012/homophobia-transphobia-and-discrimination-grounds-sexual-orientation-and-gender> and <http://www.unhcr.org/refworld/docid/4daeb07b2.html>.

South Africa/DRC: Harassment and violence against gays

Junior Mayema fled from the Democratic Republic of the Congo (DRC) to South Africa in order to be able to live openly as a gay man. In DRC his family almost killed him when they deprived him of food for seven days to "exorcise his demon". Instead of finding solace, he has been subjected to verbal abuse and beatings in South Africa. When he attended the police station to report the crime he was laughed at and told to go to the hospital because he was gay. In South Africa, he has been ejected from several shelters because he is a foreigner and a gay man. The case of Mayema is not unique as evidenced by a recent report by the People Against Suffering, Oppression and Poverty entitled "Dream deferred: Is the equality clause in the South African Constitution Bill of Rights just a far-off hope for LGBTI asylum seekers and refugees?". The report found that the main cause of the ill-treatment of LGBTI asylum seekers in South Africa is their lack of legal residential status. The lack of residential status means that the LGBTI asylum seekers are not allowed to work and this has led some to attempt suicides and driven others into sex work. Robinah Kintu, a former Uganda national soccer player, now living in South Africa may no longer be able to play for the football club in Cape Town because she does not have residence status. Kintu says the treatment of lesbians in South Africa is the same as in Uganda and highlights the risk of rape and death for lesbians.

For the full article, see: <http://www.ipsnews.net/2012/06/treatment-of-gays-no-better-in-south-africa/>.

Sri Lanka: Rise in child rape cases

Recent statistics have seen a concerning high rate of child rape in Sri Lanka where unsettled conditions prevail following three decades of conflict. Many of the perpetrators involved are relatives but also teachers, religious dignitaries and local politicians. A campaign organisation, the Women and Media Collective, have denounced these crimes and highlight that many of these crimes are characterised by impunity. The government is looking at improving legislation to bring perpetrators to justice and to reduce prosecution length. The Women and Media Collective also note that Sri Lankan society has become very violent and women and children have become vulnerable as a result.

For the full article, see: <http://www.ipsnews.net/2012/07/child-rape-on-the-rise-in-sri-lanka/>.

New Publications

Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo: Addendum: Mission to Somalia

UN Human Rights Council, May 2012

The report presents the findings of the Special Rapporteur, following her visit to Somalia in December 2011. The report concludes that domestic violence remains one of the most pervasive forms of violence against women in Somalia. Domestic violence remains invisible because of the absence of reporting mechanisms and statistics, and a lack of policies and programmes addressing the issue. The visit also highlighted the prevalence of rape and the report notes the absence of medical assistance and counselling. There is very little access to justice for victims of sexual violence due to the inoperative justice system and the reliance on customary practices to settle incidents, such as forcing victims to marry their perpetrators for example. The report highlights the prevalence of female genital mutilation in Somalia. The report also considers Somalia's responses and measures to address violence against women and makes recommendations.

For the full report, see:

http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-16-Add3_en.pdf.

Draft Resolution on The right to nationality: women and children

United Nations Human Rights Council, 28 June 2012

The United Nations General Assembly has recently adopted a draft Resolution on *The right to nationality: women and children*. The draft resolution, inter alia:

- Reaffirms that the right to nationality is a universal human right
- Recognises that it is up to each State to determine by law who its nationals are
- Call upon States to adopt and implement nationality legislation consistent with their obligations under international law in order to prevent and reduce statelessness amongst women and children
- Urges all States to refrain from enacting or maintaining discriminatory nationality legislation, with a view to avoiding statelessness, in particular among women and children
- Urges States to reform nationality laws that discriminate against women by granting equal rights to men and women to confer nationality to their children
- Call upon States to implement their international legal obligations to combat human trafficking, including the identification of potential victims of trafficking and the provision of appropriate assistance to stateless persons who may be victims of trafficking

For the full draft resolution, see:

http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A.HRC.20.L.8_en.doc

Strategies to End Double Violence Against Undocumented Women: Protecting Rights and Ensuring Justice

Platform for International Cooperation on Undocumented Migrants, March 2012

PICUM's report "Strategies to End Double Violence Against Undocumented Women: Protecting Rights and Ensuring Justice" responds to growing recognition of the need to prioritise women's protection needs and presents a broad range of legislative, policy and practical measures that succeed in putting victims first, migration status second. From partnerships between police and local NGOs, to regional initiatives and national legislation, this report proves how this can be done practically, coherently and in accordance with the duties of law enforcement, legislators, civil society,

and policymakers. The examples are testimony to the agency, capacity and impact of migrant women themselves in bringing about change. Providing an overview of the laws, practices and partnerships that respect rights and ensure justice for all women in Europe without discrimination, it shows what works, where, and how it came about.

For the full report, see:

<http://picum.org/picum.org/uploads/publication/Double%20Violence%20Against%20Undocumented%20Women%20-%20Protecting%20Rights%20and%20Ensuring%20Justice.pdf>.

Cultivating Fear: The Vulnerability of Immigrant Farm Workers in the US to Sexual Violence and Sexual Harassment

Human Rights Watch, 2012

This report examines the treatment of female immigrant farm workers in the United States. Hundreds of thousands of immigrant women and girls face a high risk of sexual harassment and violence in their workplace because the authorities and employers fail to protect them. The report describes rape, stalking, unwanted touching, exhibitionism, or vulgar and obscene language by supervisors, employers, and others in positions of power. Most farm workers interviewed said they had experienced such treatment or knew others who had. And most said they had not reported these or other workplace abuses, fearing reprisals. Those who had filed sexual harassment claims or reported sexual assault to the police had done so with the encouragement and assistance of survivor advocates or attorneys in the face of difficult challenges. Victims of sexual abuse find it very difficult to obtain justice and many do not report any incident of abuse for fear of being deported or because they do not think any action is going to be taken by the authorities. Human Rights Watch said that much more needed to be done although the current US Senate bill reauthorizing the Violence Against Women Act (VAWA) would go some way toward fixing the problem and should be enacted.

For the full report, see: <http://www.hrw.org/node/107044>.

The Criminalisation of Migrant Women

Liz Hales and Loraine Gelsthorpe, University of Cambridge, August 2012

A new report by academics at the University of Cambridge looks in detail at the criminalisation of migrant women, and the extra obstacles this creates to accessing fair and sustainable asylum and immigration decisions.

Liz Hales and Loraine Gelsthorpe published *The Criminalisation of Migrant Women* in August 2012. The report is based on interviews conducted between May 2010 and November 2011 with 103 migrant women, all of whom were then either in prison or held in immigration detention after serving a prison sentence.

The researchers identified 43 women who were likely to have been trafficked into the UK – to work in prostitution, forced labour or cannabis cultivation – and a further 5 women who had entered the UK voluntarily but had ended up in forced labour here. 10 more women had been smuggled into the UK by agents. This created a ‘target group’ of 58 women who had been trafficked into the UK or had been forced to work under duress.

The researchers found:

- 31 women applied for asylum. Of these, only 14 outcomes were known at the publication of the research. Two children were granted Discretionary Leave to Remain in the UK until they were adults, but the other 12 women were all refused asylum
- Every woman reported suffering emotional and/or physical abuse, and reported a variety of problems including: social isolation; trauma; flashbacks; shame; distrust; and fear for the future
- 24 women disclosed that they had been victims of multiple rapes. These rapes had begun in their country of origin for the 31 women who sought asylum, and formed part of their asylum claim
- Only 11 of the 43 women identified as victims of trafficking had been processed through the National Referral Mechanism (NRM). Acting as the competent authority, the UK Border Agency had reached a negative reasonable grounds finding in 4 of these. There was no formal process at all for the other women
- Once imprisoned or detained, women only had inconsistent and limited access to immigration and asylum legal advice

The authors make a series of practical recommendations for ensuring that women imprisoned in the UK who are victims of trafficking receive the help and support to which they are entitled under international law.

For the full report, see:

http://www.crim.cam.ac.uk/people/academic_research/loraine_gelsthorpe/criminalreport29july12.pdf.

Training and Events

Bringing Human Trafficking Out of the Shadows

When: 21 Nov 2012 - 9:00 am

Where: All Nations Centre, Cardiff

Human trafficking is the second largest illegal trade in the world. It is an increasingly disturbing phenomenon across Europe with terrible consequences for victims. Victims of human trafficking are subjected to coercion, exploitation, deception, kidnap, false imprisonment and rape.

Recent reports have highlighted the urgent need to raise public awareness of trafficking, improve training in order to better identify victims, and develop better institutional co-operation and multiagency working – all critical in the fight against trafficking.

Bringing Human Trafficking out of the Shadows takes place in response to the growing need to raise public awareness and improve support for victims. The programme will examine different approaches in tackling human trafficking in Europe; identify emerging trends and strategies to improving the identification of victims.

The conference will seek to provide a platform to bring together case studies and best practices with important contributions from EU policymakers, international organizations and NGOs from across Europe. It will also facilitate policy discussion and explore comprehensive and integrated solutions to fighting the 'hidden' crime of human trafficking.

The conference will be opened by Carl Sargeant AM and chaired by Carmel Napier Chief Constable, Gwent Police.

Speakers

- Petya Nestorova – Secretariat of the Council of Europe
- Convention on Action against Trafficking in Human Beings
- Christine Beddoe – CEO ECPAT UK
- Nathalie Walters – CEO Safe and Sound Derby
- Klara Skrivankova – Anti Trafficking Monitoring Group
- Ann Hamilton – Trafficking Foundation
- Liz Hales – Cambridge University
- Grace Osakue – Coordinator Girls' Power Initiative (GPI), Edo State, Nigeria

Delegate rates:

- £60 (1 place)
- £50 (2+ places)

To book a place or for further information contact <http://www.bawso.org.uk/> or conference2012@bawso.org.uk. For more information see: http://www.migrantsrights.org.uk/files/event/human_trafficking_conference_nov_2012.pdf.

The Culture of Care - Culture, Ethnicity and Healthcare

When: 7 November 2012

Where: The Bull Hotel, Westgate, Peterborough

The East of England Strategic Migration Partnership from the East of England Local Government Association are delighted to announce their first cultural care conference. A fascinating, passionate and pro-active conference exploring the theoretical and practical issues in culture, ethnicity and healthcare.

Objectives:

Participants will be able to:

- Recognize how mental health issues are perceived in different cultures and the necessity of providing appropriate and manageable support by health professionals
- Understand how antenatal and post-natal care can be made more accessible to all cultures and recognize the importance of adapting services to meet the needs of refugees, asylum seekers and vulnerable migrant women
- To understand the impact of cultural influences on people's attitudes and expectations in accessing healthcare services
- To recognize the importance of screening interventions and adapting healthcare services to meet the needs of a diversity society
- To explore how making forced marriage a criminal offence will impact on society in England and Wales. How can professionals ensure they are supporting victims of forced marriage, 'honour' based violence and domestic violence to ensure a timely effective and efficient working approach

Chairperson: Mina Jesa - Assistant Director, Inclusion and Cohesion, NHS Luton

Confirmed Speakers:

Beverley Costa DPsych, UKCP reg. Psychotherapist, Chief Executive Officer, Mothertongue

Dr Jenny Phillimore, Institute of Applied Social Studies, School of Social Policy, University of Birmingham

Rose McCarthy, Volunteer Coordinator for maternity befriending network, Refugee Council , NCT Teacher and Lead of the Maternity Stream of Sanctuary

Forced Marriage Unit, Foreign and Commonwealth Office

Anna Allford, Genetic Alliance UK, Familial Cancer Risk in People from Ethnic Minorities

Who should attend:

- Police Officers
- Neighbourhood Policing Teams
- Family Liaison Officers
- Domestic Violence Coordinators
- Community Safety Teams
- Adult and Children's Social Services
- Education Welfare Teams
- PCTs and NHS Trusts - Managers or frontline staff
- Mental Health Teams
- Midwifery and Maternity Service
- Refuges
- Educational Professionals
- University Lecturers
- Victim Support and Voluntary and Charity Sector / women's groups

For a fantastic networking opportunity reaching a wide range of delegates and promoting your organization please come and exhibit with the East of England Strategic Migration Partnership from the East of England Local Government Association for a very low rate of £50.

Cost:

Bookings from 2 September 2012 - Professional - £125.00 + VAT

Bookings from 2 September 2012 - Charities - £95.00 + VAT

Please book at <http://www.eelga.gov.uk/events/view-event.aspx?ID=2895>.

CAMPAIGN: '16 Days of Activism Against Gender Violence '

25 November 2012 – 10 December 2012

The Sixteen Days of Activism Against Gender Violence is an international campaign originating from the first Women's Global Leadership Institute in 1991. During the sixteen days from International Day Against Violence Against Women on 25 November to International Human Rights Day on 10 December, organisations and individuals from around the world carry out awareness raising activities at local, national, regional and international levels to emphasise that violence against women is a violation of human rights. More than 4,100 organisations in 172 countries have participated in the Sixteen Days Campaign since it began. In 2012, the campaign will focus on the intersections of gender-based violence and militarism, specifically; sexual and gender-based violence committed by state agents, particularly the police or military, proliferation of small arms and their role in domestic violence, and sexual violence during and after conflict.

The global theme announcement is available in 35 languages from the CWGL 16 Days website: <http://16dayscwgl.rutgers.edu/2012-campaign/theme-announcement>.

Take Action Kits on 'Violence Perpetrated by State Actors', 'Sexual Violence During and After Conflict' and other themes are available here: <http://16dayscwgl.rutgers.edu/2012-campaign/2012-take-action-kit>.

Launch of research project on the detention of pregnant migrant women

Seeking basic rights for detainees, Medical Justice has launched a research project aimed at assessing the extent to which the UK Border Agency is meeting its duties to pregnant women in detention. The organisation aims to provide an evidence-based platform to launch and support future campaigns on this issue. On 17 July 2012, Medical Justice held a public meeting entitled "Pregnant Women being detained in violation of UKBA policy – Who is responsible and what can be done?" to launch this research initiative. They have issued a call for all interested organisations to get involved by contacting: Natasha Tsangarides at n.tsangarides@medicaljustice.org.uk.

For more information see: <http://www.medicaljustice.org.uk/events/mj-events/1954-pregnant-women-in-detention-open-meeting-170712.html>.

Volunteering Opportunities for Women from Refugee / Asylum Seeker Backgrounds for both experienced and first-time volunteers

- *Help achieve fairer treatment of refugee and asylum seeking women in the UK*
- *Join a supportive group of women making a difference in the community*
- *Learn new skills*
- *Join the Refugee Women's Action Group Volunteer team!*

About the Refugee Women's Action Group:

Many refugee women experience problems with the asylum process and with accessing mainstream support services in the UK. This project will:

- Promote understanding about refugee women's needs and experiences
- Increase awareness about how violence and trauma may affect refugee and asylum seeking women
- Involve refugee and asylum seeking women in designing special training for professionals and service providers
- Improve the treatment of refugee and asylum seeking women in the UK

The project is led by the charity [Independent Academic Research Studies](#) (IARS) and supported by the [Evelyn Oldfield Unit](#) (EOU).

The Refugee Women's Action Group is looking for project volunteers,¹⁸ mentors for refugees and asylum seekers,¹⁹ interviewees or resource persons. Volunteers will be entitled to training & development opportunities, travel / meal expenses and contribution towards childcare expenses.

To apply as a volunteer or to enquire, please contact: Sam Jennings – sam@evelynoldfield.co.uk / 0207 697 41 06 / 07535 107 421

¹⁸ For more information, see: <https://docs.google.com/file/d/0B61KqjpDHwKbbk12RGo5SEdjZms/edit?pli=1>.

¹⁹ For more information, see: <https://docs.google.com/file/d/0B61KqjpDHwKbU3djQVdnOUtWRlk/edit?pli=1>.

Charter of rights of women seeking asylum



Endorsements: 322

Google group membership: 164

Endorsers of the Charter have taken enthusiastically to the Missed Out campaign.

On 31 August, the day the campaign was launched, the DEWA (Development and Empowerment for Women's Advancement) Project based in Sheffield, a group of women many of who have themselves experienced the asylum system, immediately responded by using their Facebook page to encourage participation in the campaign. Also on that day Mike Lewis, Chief Executive of the Welsh Refugee Council, announced that he would translate the campaign letter into Welsh and send it to all the MPs in Wales. That evening UKLGIG (UK Lesbian and Gay Immigration Group) handed out the Missed Out campaign leaflets at their fund raising performance of drama, poetry and music.

As the days went on further offers of support came in. Engender, which works to make equality a reality in Scotland, gave their support for the campaign, alongside the Scottish Refugee Council. BOAZ Housing Trust, the White Ribbon Campaign and Tender were amongst many organisations highlighting the campaign on their website or through Facebook or blogs.

The Refugee Council, Refugee Action and Freedom from Torture distributed the campaign leaflets at the Party Conferences thus reaching parliamentarians directly. Bridget Phillipson, MP, who is vocal on women's asylum issues in the Home Affairs Select Committee, came to a meeting with Refugee Action's parliamentary officer already clutching the leaflet we had sent her.

The POPPY project mentioned the campaign in an article in the Independent published on Anti-Slavery Day, and the Refugee Council refer to it in the Guardian for their piece as part of the 'One Billion Rising' series.

STAR made the Missed Out campaign an action for students as they started a new term, and a dozen women asylum seekers used their regular meeting of Women Asylum Seekers Together London to write to their MPs about the campaign.

For more information on the Charter and the Missed Out campaign, and the media coverage enjoyed by both, please go to www.asylumaid.org.uk/charter

If your organisation would like to endorse the charter, please send an email simply stating the name of your organisation to charter@asylumaid.org.uk

She was detained without charge

Nobody believed her story and no-one spoke up for her

Her family and friends didn't know where she was

Afraid...isolated...

She had no idea what would happen to her next

And that was after she sought asylum in the UK

Our asylum system is now so tough that, all too often, this is how people seeking help are treated. And that can't be right.

We believe the system should be fair and just and that every asylum seeker should have legal help to make their case - only then can we say in good conscience 'let the law take its course'.

Asylum Aid is an independent, national charity that secures protection for people seeking refuge in the UK from persecution in their home countries.

We provide expert legal representation to asylum seekers and campaign for a fair and just asylum system. Founded in 1990, we have since helped 30,000 people to get a fair hearing. In 2009 85% of our clients were granted leave to stay in the UK when decisions were made on their claims for protection.

Please support us

Your donation will safeguard our independence and enable us to stand up for fair asylum rights without fear or favour.

You can make a donation via our website:
www.asylumaid.org.uk/pages/give_now.html
OR send it to us by post with this form:

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Please notify us if you are no longer eligible to Gift Aid your donations.

We will not sell or swap your personal details with any other organization. We would like to keep you informed about our work, campaigning and membership. If you do not wish to receive any information from Asylum Aid other than relating to your donation, please tick this box

www.asylumaid.org.uk

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I wish to make a regular gift of £
each month/ quarter/ year (please circle) until further notice and debit my bank account:
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Sort code:
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Sort code: 08-02-28,
Account number: 65281262

Please return this form in an envelope to:
Freeport RRJJ-BRGA-ZHAR,
Asylum Aid, Club Union House,
253-254 Upper Street,
London N1 1RU



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