

women's asylum news

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Please forward any information that you would like to include in the next edition of WAN to Claireb@asylumaid.org.uk by the 14th December 2008.

Key International case: New Zealand Refugee Status Appeals Authority (SAA) Decision.

Honour Killing - Political Opinion & Internal Flight Alternative¹

This article will outline the details of a recent reported case in New Zealand. This decision involves an Alevi Kurdish woman from Turkey at risk of honour killing by her husband, his family and her own family. In recognising the claimant as a refugee the SAA has addressed two issues of importance: Political Opinion and the Internal Flight Alternative.

Convention Ground: 'political opinion'

On the facts of the case, the New Zealand SAA found that a woman's actual or implied assertion of her right to autonomy and to control her life may properly be characterised as "political opinion;" particularly when this is seen as a challenge to the unequal distribution of power in her society and the structures which underpin that inequality. The SAA stated:

"Account must also be taken of how power is distributed and exercised in the particular society. The political opinion ground must be oriented to reflect the reality of women's experiences and the way in which

¹ The Internal Flight Alternative – is also sometimes referred to as the Internal Protection Alternative or Internal Relocation. These terms mean exactly the same thing and are often used interchangeably.

*gender is constructed in the specific geographical, historical, political and socio-cultural context of the country of origin*².

This determination referred to several sources of guidance and specific reference was made to the Refugee Women's Legal Group (RWLG) Gender Guidelines:

*The point is succinctly encapsulated by the Refugee Women's Legal Group (RWLG), Gender Guidelines for the Determination of Asylum Claims in the UK (July 1998) (reproduced in Crawley, Refugees and Gender: Law and Process, Appendix 3)*³

4.13 *It is important not to underestimate or overlook the political dimensions of a woman's experiences of persecution even though a woman may not regard herself as making a political statement. She may not directly claim, orally or in writing, that she has been persecuted for reasons of political opinion and may find it difficult to explain the reasons for her persecution.*

4.16 *"Private" issues commonly associated with women are not inherently less political than those taking place in the "public" sphere. Conflicts concerning the demarcation of privacy (for example, freedom to choose to wear the veil or not, to have an education or undertake certain work, to be sexually active or not, to choose her partner, to be free from male domination and violence, to exercise reproductive rights and to reject female genital mutilation) are conflicts of a political nature.*

4.17 *A woman who opposes institutionalised discrimination against women or expresses views of*

independence from the social or cultural norms of society may sustain or fear harm because of her actual political opinion or a political opinion that has been or will be imputed to her. She is perceived within the established political/social structure as expressing politically antagonistic views through her actions or failure to act. If a woman resists gendered oppression, her resistance is political.

4.18 *Where a woman does not directly or intentionally challenge institutionalised norms of behaviour she may nonetheless be imputed (ie attributed) with a political opinion. This can be seen, for example, in the characterisation of a raped woman as adulterous, in the social ostracism of an unmarried, separated, divorced, widowed or lesbian woman, and in the politicisation of (unintentional) violations of dress codes.*

Convention Ground: 'particular social group'

The view is often taken in refugee law that if the claim to refugee status succeeds on the ground of political opinion it is not necessary to examine the political social group category. Notwithstanding this view, the New Zealand SAA briefly explained why the particular case succeeded on that ground too:

In the present case the expert evidence, particularly that of Dr Yakin Ertürk in her report of 5 January 2007, is that honour is an important value in Turkish society generally. While patriarchal power is particularly emphasised in eastern and southeastern Turkey, women generally are assigned an inferior status in Turkish society.

Without re-sifting the country

² Paragraph 84

³ Paragraphs 4.13, 4.16 to 4.18

⁴ Paragraph 93

information earlier set out in this decision, we find that on the facts the appellant has established that she is a member of a particular social group, namely women in Turkey. It is because she is a member of that group that she is at risk of harm from non-state agents (her husband, his family and her own family) and the reason why effective state protection is not available to her. Applying the causation standard discussed earlier, it can properly be said that the risk of being persecuted faced by her is "for reasons of" her membership of the identified particular social group.⁵

Relocation/Internal Flight Alternative (IFA)

A significant part of this case was the issue of an internal flight alternative, whereby a claimant is expected to relocate to a different area away from their persecutor. The New Zealand SAA explained why it did not follow the House of the Lords decision in *Januzi*,⁶ a key legal test within UK caselaw. The New Zealand SAA emphasised the very restricted circumstances in which recognition of refugee status can be withheld on the basis that there is an IFA. The determination states:

Currently there is a division of opinion as to whether justification for the withholding of recognition of refugee status from a person at risk of being persecuted in one part of a country but not in another is to be found in the "well-founded" element or in the words "protection of that country". The issue is whether the analysis is one of risk or one of protection. In the United Kingdom, Australia and the European Union the analysis is referenced to the 'risk' whereas in

New Zealand and in Canada it is referenced to the 'protection of that country.'⁷

The New Zealand SAA position is set as:

Both in principle and in law the Authority is bound to approach the "internal flight or relocation alternative" as an issue of protection, not one of well-foundedness. Once a refugee claimant has established a well-founded fear of being persecuted for a Convention reason, recognition of that person as a Convention refugee can only be withheld if that person can genuinely access domestic protection which is meaningful. There are four elements to this inquiry: an ability to access the proposed internal protection alternative, the absence of a risk of being persecuted in that place, the absence there of other forms of serious harm and the ability to access a minimum level of civil, political and socio-economic rights⁸.

At present, there is no international consensus on these four elements.

This case is significant because it outlines international differences in the application of IFA and why the New Zealand SAA has adopted a different assessment to the UK. The New Zealand SAA decision affirms why they believe, once a person is found to be a refugee, the circumstances in which refugee status should be withheld on the basis of IFA are limited.

For full case determination details see: <http://www.nzrefugeeappeals.govt.nz/srch/res.aspx>

Refugee Appeal No. 76044
(11 September 2008)

⁵ Paragraph 94

⁶ *Januzi v Secretary of State for the Home Department* [2006] 2 AC 426 and *AH (Sudan) v Secretary of State for the Home Department* [2007] 3 WLR 832

⁷ Paragraph 101

⁸ Paragraph 130

RWRP Update

Women's Asylum Charter Launched in Parliament

Parliamentary Launch of the Charter for Asylum Seeking Women

The *Charter of Rights of Women Seeking Asylum* was launched in Parliament on the 22nd October. Over 80 people attended including refugee women, endorsers of the Charter and others. Neil Gerrard MP chaired the meeting in the House of Commons.

Speakers included Helen Bamber, founder of the Helen Bamber Foundation who talked about the failures of the current asylum system to protect victims of torture. She recounted two case studies of women she has worked with who had suffered persecution. It was because of such experience that the Helen Bamber Foundation was pleased to endorse the Charter.

Anne-Marie from Women Asylum Seekers Together, London discussed her experiences of arriving in the UK from the Democratic Republic of Congo in 2002, speaking no English and not understanding the asylum system. She experienced racist abuse when dispersed to Sunderland and currently struggles to survive on s4 vouchers. She suffers mental ill-health due to being tortured.

Debora Singer, from Asylum Aid, spoke about the inception of the Charter in recognition that the UK Border Agency (UKBA) fails to recognise gender issues. While the police and criminal justice system in this country have made great strides in dealing more sympathetically with victims of rape and domestic violence, the asylum system still lagged behind. It was to be hoped that the Charter would focus UKBA on the duties inherent under the Gender Equality Duty (GED). She said the Charter now had 112

endorsements and that Asylum Aid would be meeting UKBA and also the new Chief Inspector of UKBA to discuss it.

Finally, Jonathan Ellis of the Refugee Council spoke saying they endorsed the Charter because of the need to challenge the unacceptable situations women face. He gave examples of women having their children present at their asylum interviews, having male security guards in detention centres, women being forced into prostitution because of being destitute and being separated from their children when being removed. He said UKBA should take women's experiences into account and treat women asylum seekers with dignity. He concluded that the Charter brings the sector together and working collaboratively would make such work stronger.

The speeches were followed by a number of contributions and questions from the floor, with a common theme of supporting the Charter and proposing ways to work within its framework. In particular, Canon Nicholas Sagovsky informed the meeting that the Independent Asylum Commission had plagiarised the Charter for their own reports as they felt it was so well-informed. It was recognised that the Charter is a practical instrument to be utilised by all working directly and indirectly with women asylum seekers.

RWRP Case: Mali woman fearing FGM for her daughter

RWRP successfully represented a woman and child from Mali in an asylum claim.

The woman was escaping a forced marriage in her home country and as a result of having a daughter in the UK she feared that on return to Mali, her daughter would be forced to undergo FGM by her family and her husband's family.

Cardiff regional NAM⁹ team made the decision on the asylum claim in this case.

Our client submitted evidence and a witness statement that she was a survivor of FGM, prior to her asylum interview.

She was automatically allocated a female case owner as this is local policy in Cardiff.

Our client and her daughter were granted asylum on initial application.

This case is significant because it illustrates that adherence to the gender guidelines by the Cardiff NAM office allowed our client to have a fair hearing. It should also be stated that our client was found credible by her NAM caseowner and there are currently no country guidance cases on Mali. The Home Office country information (April 2008) states:

"The practice [FGM] has been carried out on an estimated 95 percent of adult women."

It appears this case was successful because the NAM team accepted that it would be persecutory for a woman who had suffered FGM and didn't want her daughter to also undergo this, to be sent back to a country where her daughter was a risk of FGM.

Direct subscribers to WAN surpasses 1000

RWRP are pleased to announce the number of individuals who subscribe to Women's Asylum News has reached over 1000. This demonstrates WAN is considered a useful tool to disseminate information and a key resource across the sector. Subscribers to WAN include legal practitioners, front line workers, academics, international and UK NGOs as well as UN agencies.

Alongside the direct subscriptions, WAN is also distributed on a range of internet forums and websites including UNHCR's Refworld. WAN is also referenced in certain libraries in London and Australia.

WAN will continue to grow its direct subscriptions and will shortly distribute a 'user survey' to help its development in the future.

For further information or to subscribe please email: Claireb@asylumaid.org.uk

Significant Legal Issues

Trafficking Case – woman arrested for criminal offences

Court of Appeal, Criminal Division – case of R v O [2008] All ER (D) 07 (Sep)

This is an important case for any support organisations who may come across victims of trafficking who have been employed in the sex trade.

'O' had been trafficked into the UK and was arrested and imprisoned for criminal offences after trying to leave the country on false documentation. This principle, may also affect other women who are victims of trafficking.

Support workers should to be aware of this judgment because it shows how easy it is for criminal law practitioners to be unaware of legislation protecting vulnerable women or girls which lies outside their immediate sphere of reference.

In 'O's case, the error was compounded by the failure to recognise she was a minor.

⁹ New Asylum Model

Key facts of the case

'O' was arrested on board a coach at Dover attempting to leave the UK with an identity card that did not belong to her. Custody officers noted that she seemed very young and might be a juvenile. However, she gave various dates of birth, 1985, 1991 and claimed to be 17 years of age. She stated on arrival in this country she had been "given up to be a prostitute". Although her solicitors contacted the Poppy Project whose initial assessment was that she had been trafficked into the UK for the purposes of prostitution, neither this evidence, nor regard to her age were raised in the criminal court as material issues.

As a consequence, 'O' was sentenced to 8 months imprisonment. She was serving her sentence when she obtained different solicitors who were horrified at what had transpired. They obtained bail for 'O' and lodged an out of time appeal to the Criminal Court of Appeal.

At the hearing, the Court of Appeal were critical of the way in which 'O' had been let down by her initial legal team, the police and the CPS. They noted that while there are two protocols in existence relating to immigration offences committed by trafficking victims and immigration offences committed by young people, neither of these had been considered. These protocols had been set in place in order to honour the UK's obligations arising under the Council of Europe Convention on Action against Trafficking in Human Beings prior to ratification (formal agreement to abide by the Convention).

Second, a defence against the offences of duress should have been put forward on her behalf. Third, as it had been put to the Crown Court that she was a minor, the case should have only have been allowed to continue in the youth court. Fourth, her legal representatives had taken no steps

properly to investigate whether she was a victim of trafficking.

The appeal against conviction was allowed and the concern of the Judges is demonstrated in their criticisms that 'O's human rights had not been protected with regard to a fair trial and that the protocols were ignored despite being in the Code for Crown Prosecutors. They ordered that the protocols be incorporated into standard criminal law texts such as Archbold and Blackstones in order to prevent such a situation arising in future.

The decision of the European Court of Justice in the Case of Elgafaji v Netherlands (Staatssecretaris van Justitie) Case C-465/07

Opinion of Advocate-General Poiares Meduro delivered 9th September 2008

This judgment concerns whether or not the European Directive on Minimum Standards for determining Refugee Status (Council Directive 2004/83/EC) should provide protection to those threatened by "indiscriminate violence", under Article 15(c) where there was no evidence to show any individual risk. Individual risk is required in order to obtain protection as a refugee under the 1951 Geneva Convention on Refugees.

The Judge decided it was clear that Article 15(c) did convey additional protection to those not covered by the terms of the Refugee Convention. To obtain such protection it would be necessary to demonstrate that she would be at real risk of threats to her

"...life or person in situations of international or internal armed conflict by reason of indiscriminate violence which is so serious that it cannot fail to represent a likely and serious threat to that person."¹⁰

¹⁰ Paragraph 40

However, while the burden of proving that any threat places a person at individual risk is thus lower, the Judge emphasised that in order to obtain protection under Article 15(c)

" ... it will have to be clearly established so that no doubt remains as to both the indiscriminate and the serious nature of the violence".¹¹

This is a key decision as it means that the European Directive does offer protection other than that currently available under the Refugee Convention and the European Convention on Human Rights (ECHR).

In this particular case, the Elgafajis were an Iraqi couple with a general fear of the levels of violence in Iraq, but had been found not to be at a particular risk and were not given refugee protection under the 1951 Convention. Similar restrictions applied with regard to Article 3 of the ECHR.

Thus in future, anyone seeking protection from serious harm caused by indiscriminate violence will be able to seek protection in an EU state, even where the harm is not specifically directed at them. This may be particularly relevant to people from places such as Somalia, Iraq and other war-torn areas.

However, it should be noted that the concept of Internal Relocation has relevance under the Directive and that therefore, even though the risk may appear in one part of a country, the applicant will still have to show good cause as to why they cannot travel elsewhere within that state in order to be safe.

Sector Update

UK to give up child rights opt-outs

The UK government has informed the UN Secretary General that they will remove the 'reservation' the UK had in place against the UN Convention of the Rights of the Child (UNCRC). For 17 years the UNCRC has not been implemented in full in the UK as asylum-seeking children were not recognised under the convention as part of the 'opt-out clause'. The consequences of these 'opt-out' have meant many asylum-seeking children have been forcibly detained for weeks or months without any judicial oversight. Recently, a report from the Commissioner for Human Rights at the Council of Europe, Thomas Hammarberg, revealed that when he visited the Yarl's Wood Immigration Removal Centre in April there were 31 children incarcerated of whom 10 had been held for more than 60 days. Seven of those were under four years of age.

The CRC obliges signatories to put the "best interests" of a child first but British ministers have always argued that the rule should not apply to refugee or migrant children when there is doubt about their right to stay in the UK. In 2007, Home Office Minister Liam Byrne told Parliament that while the UK government honoured "the spirit" of the Convention, "there are a number of instances where [putting the "best interests" of a child first] may prevent lawful immigration functions being carried out."

Human rights groups and NGOs who have been lobbying hard for the 'opt-outs' to be removed and for all children in the UK to fall under the UNCRC welcome the announcement.

¹¹ Paragraph 41

New Statesman campaign Children in Detention

The New Statesman's 'No place for children' campaign is calling for an end to the detention of asylum-seeking children. The campaign seeks to highlight the trauma experienced by children who are detained with their families, often for long periods of time with inadequate access to healthcare and education. The New Statesman is lobbying for UK's policy to be changed. Immigration detention centres are no place for children.

For further information and to sign the petition please see:

<http://www.newstatesman.com/2008/09/children-petition>

Launch of new NGO Odanadi – Trafficking in India

Odanadi UK aims to raise awareness about trafficking and the sexual exploitation of women and children in India. Working with a local partner, Odanadi India, they are able to rescue, provide practical support, rehabilitation and accommodation to women who have been trafficked in and around India.

Odanadi India has over 18 years experience of working on trafficking issues and with vulnerable women and dalit communities. Odanadi India has been responsible for brothel raids, the arrest of 110 traffickers, community awareness raising programmes and the vocational training of women and children who have experienced trafficking.

The launch was attended by over 250 guests and key speakers included: British MP Virendra Sharma, Denise Marshall OBE and ethical fashion designer Katharine Hamnett

For more information about Odanadi

please visit: www.odanadi-uk.org.

UK Courses and Events

Launch of Research Report:

'Relocation, Relocation – The impact of internal relocation on women asylum seekers'

RWRP at Asylum Aid

**27th November 2008
Garden Court Chambers, London
6-8.30 pm**

'Relocation, Relocation' is a qualitative research project looking at how internal relocation is being applied to women's asylum and human rights claims. The project provides an insight into legal representatives' views and practical experiences of representing women asylum seekers where internal relocation is applied to their case. Alongside this, the research explores the perspectives of women asylum seekers and considers the impact internal relocation has upon their claims, emotional well-being and futures.

If you wish to attend the launch please RSVP to: shirins@asylumaid.org.uk
Tel: 020 7354 9631 ex 222

Issues faced by lesbian and gay asylum seekers when claiming asylum in the UK

UKLGIG

London 28th November 2008

The UK Lesbian and Gay Immigration Group (UKLGIG) are providing training for people in the voluntary or private sector

who work with and support lesbian and gay asylum seekers.

Key topics include:

- What is sexuality?
- Issues faced by lesbian and gay asylum seekers in their home countries
- An overview of the asylum process
- Why are lesbian and gay asylum seekers refused asylum in the UK?
- What are the specific issues faced by lesbian and gay asylum seekers?
- The role of community groups in supporting lesbian and gay asylum seekers

Course costs:

Voluntary/Community - £49

Private - £99

A booking form is available on UKLGIG website

<http://www.uklgig.org.uk/training.htm>

or email: admin@uklgig.org.uk

Payment must accompany booking

Forced Marriage: Is legislation the answer?

Rights of Women (ROW)

Birmingham 30th October 2008

Cardiff 18th November 2008

London 20th November 2008

To coincide with the implementation of the Forced Marriage (Civil Protection) Act 2007; Rights of Women are holding a series of training and seminar programmes across England and Wales.

The above seminars are half-day programmes and will explore the extent to which the new law will effectively tackle the issue of forced marriage. Seminars

will include a leading panel of specialists such as: FORWARD, the Metropolitan Police, a district judge, Ashiana and other local organisations working with women affected by forced marriage.

The above dates are for upcoming seminars. Training is also available in 2009 on 'Forced Marriage: the new law.' Please contact ROW for further information.

Seminar costs (half day):

Voluntary Sector - £30

Statutory/Other - £50

To book the above seminars and for other training contact:

Rights of Women - Tel: 020 7251 6575/6

Email: training@row.org.uk

International News

Afghanistan: Frequent cases of self immolation

This article highlights the situation of one woman in Western Afghanistan who set herself alight in attempt to end her life and her marriage to her husband, who beat her for alleged 'insubordination'. These circumstances are not uncommon and reported cases of self-immolation continue to rise in Afghanistan. In the last six months, 47 cases of self-immolation have been recorded at Herat City Hospital.

The Afghanistan Independent Human Rights Commission (AIHRC) has completed a recent study exploring how domestic violence is often linked to self-immolation, prostitution and suicide. Their research charts the mental and physical impact domestic violence has on women and highlights that despite the Taliban being ousted in 2001, women continue to suffer social and domestic violence in Afghanistan's patriarchal society. The AIHRC say that the police and judiciary do

not conduct investigations into the cases of self-immolation or the motivations of suicide. Consequently, men who force or provoke women to commit self-immolation remain immune from all legal and penal repercussion. A spokesman from the AIHRC said: "the government must ensure proper investigations into cases of suicide among women and where needed, bring those responsible to justice." Seema Shir Mohammadi, Director of the Women's Affairs Department in Herat Province believes until this is achieved: "women are increasingly paying back the violence they receive at home and outside by self-immolation and suicide."

For full article see:

<http://www.irinnews.org/Report.aspx?ReportId=80236>

Cambodia: trafficking increasing

The increase in food and fuel prices is believed to be contributing to an increase in trafficking in Cambodia's countryside. The [UN Inter-Agency Project on Human Trafficking \(UNIAP\) in Cambodia](#) report that vulnerable women and children are being recruited from the countryside by gangs and are trafficked inside Cambodia to Phnom Penh, Siem Riep and Sihanoukville for domestic service and cheap labour in factories. Some of these women and underage girls will also be trafficked to work in Cambodia's sex trade. Often girls say that they are recruited from their village to work in restaurants in Phnom Penh but then find that they are pressurised into having sex with customers. According to a UNAIP, "At least 20 percent of sex workers in Phnom Penh have been trafficked" and it is thought that between 200 and 500 a month are being trafficked to Phnom Penh to become sex workers in Karaoke bars, beer gardens and 'hostess' bars.

The UNIAP also warn of an increase in the trafficking of vulnerable women and girls abroad to Thailand, Malaysia, Taiwan, Vietnam and even as far as Somalia, Saudi

Arabia and Kuwait for domestic service, factory and sex work. The trafficking of children to work as scavengers, beggars and street sellers in Thailand and Vietnam also appears to be increasing. The UNIAP say it is believed that "handicapped children are particularly vulnerable, as they are believed to be more effective beggars," and that approximately 700 children a month are being trafficked across Cambodia's borders. For full article see:

<http://www.irinnews.org/Report.aspx?ReportId=80427>

Philippines: sentenced for trafficking

In June 2008, a lower court sentenced a woman found guilty of trafficking seven minors for sexual exploitation to life in prison. She becomes only the 11th person convicted since the Anti-Trafficking in Persons Act became law in 2003.

For the first time, a perpetrator was convicted even when the supposed sexual exploitation of the victims was not "consummated", said Roland Pacis, from the Visayan Forum Foundation, which cares for victims. In previous cases, the three elements of human trafficking - deception, transfer or movement and exploitation - had to be present before a person was convicted of qualified trafficking, which carries the maximum penalty under the law. "The ruling showed that one does not have to be physically exploited to be considered a victim of trafficking," said Pacis. It established that intention to exploit the victim was enough to be found guilty.

Jean Enriquez of the Coalition Against Trafficking in Women-Asia Pacific said that while the government had since demonstrated that it could prosecute traffickers, its record in the actual filing and convictions of perpetrators had been dismal.

There is still lack of information or

ignorance on the nature of human trafficking. This is only the seventh successful prosecution that the government, helped by NGOs, has won under the new law. It is only one of the 56 cases filed in court, out of 155 alleged trafficking cases reported to the Department of Justice. The rest were dismissed for lack of evidence.

Based on the [US State Department's Human Rights Report in 2005](#), every year about 400,000 Filipinos are trafficked within the country, and another 800,000 are trafficked elsewhere. Those trafficked abroad, forced into prostitution and slave labour, usually find themselves in Malaysia, Japan, Australia, or as far away as Italy and other European countries.

<http://www.irinnews.org/Report.aspx?ReportId=80481>

Uganda: calls to end investigations against LGBT activists

Homosexuality is illegal in Uganda. The Ugandan police have arrested and detained many Lesbian, Gay, Bisexual and Transgender (LGBT) people and there are frequent reports of the harassment of LGBT activist. The Human Rights Watch and the International Gay and Lesbian Human Rights Commission (IGLHRC) are calling for the Ugandan government to end its investigations into the activities of two Ugandan LGBT activists who were recently arrested. The police held 'Brenda' and 'Georgina' for seven days, without bringing them before a judge or bringing charges against them. According to their lawyer, the police accused the two defenders of "recruiting homosexuals" – not a crime defined in the Ugandan Penal Code – and took them into custody. They were released only after their lawyer threatened to take the matter to court; however, the investigation remains open. Meanwhile, police officials told the lawyer they will look for further evidence to bring the two to court.

Human Rights Watch and IGLHRC are deeply concerned that this mounting pattern of abuse, arrest, ill-treatment in detention, and then release silences Ugandan human rights activists, including LGBT rights activists, through constant harassment. Brenda and Georgina report that the police entered their home and confiscated magazines and books dealing with issues of sexual orientation and gender identity. The two said that the police repeatedly beat them with a baton during interrogation and denied them food.

For full article see:

<http://hrw.org/english/docs/2008/09/19/uganda19859.htm>

West Africa: FGM continues across borders

The UN are calling for FGM practices to be banned across west Africa as recent studies reveal FGM is on the rise in the region. A study sponsored by UNIFEM illustrates that girls are being taken across borders to countries with weaker FGM laws, in order to have the operation performed upon them. The World Health Organisation estimates that three million girls are at risk of being subjected to FGM each year. Medical consequences of FGM include excessive bleeding and childbirth complications.

Elize Dossou, an expert in FGM issues at the Ministry of Family and Children's Affairs in Benin states: "circumcisers will always travel where they can work with the least restrictions...So, circumcisers travel from Burkina Faso to Niger to circumcise nomad Gourmantché girls, while populations in northern Benin tend to cross the border to be circumcised in Burkina Faso". UNIFEM believe that some families are sending their daughters across borders at an increasingly younger age in order to avoid being caught.

Cecile Mukarubuga UNIFEM's Senegal-based Regional Director, believes applying a regional based law would "require tighter collaboration among border security officials, communities, and social welfare ministries". Currently, volunteer surveillance teams work in some cross-border villages to monitor and report circumcisers, but with no regional legislation the border police can not pursue people who go across the border. Elize Dossou believes the movement of children across borders for FGM practices means the true number of girls at risk of or subjected to FGM will never be known. For full article see:

<http://www.irinnews.org/Report.aspx?ReportId=80988>

Zimbabwe: women suffer most violence and trauma since independence

A recent study by the Women of Zimbabwe Arise (WOZA) reveals that women have experienced higher levels of violence and trauma since the countries independence in 1980 than before it. The research outlines that women have been subjected to direct violence including rape, torture and beatings as well as being deprived food, medical treatment and shelter. The research also discusses the affect state violence has on women and charts that incidences of "experienced trauma" were annually higher than incidences of "witnessed trauma" from the year 2000. According to the research, Zimbabwean women have suffered an average of more than 16 events of trauma since 2000, compared to 2.9 in 1979 and 5.8 from 1980 to 1999. Jenni Williams, National Coordinator and one of the founders of WOZA states "Stress, trauma and illness are killing people. The life expectancy of a woman is 34 and that of a man 37... Many doctors and other healthcare workers have left the country. There is no medicine. It is even difficult to find a headache tablet. The hospitals are like ghost towns. Williams's advocates:

"It is of the utmost importance that the people of Zimbabwe are healed. If healing does not take place, we will continue to have a violent society"

For full article see:

<http://www.ipsnews.net/africa/nota.asp?idnews=43860>

Thailand: domestic violence

This article covers the story of a woman who was severely beaten by her husband in Bangkok, Thailand. When she eventually went to the police to report the abuse, the police refused to proceed describing the violence as a 'domestic dispute.' The Public Health Ministry's One Stop Crisis Centre (OSCC) recorded more than 19,000 cases of violent abuse against women and children in 2007, 80 percent of which were cases of domestic violence. These statistics represent a significant increase; however' Pornpet Panjapiyakul of Thailand's Bureau of Health System Development Department believes the actual cases of domestic violence to be much higher. He states that "accurate figures on domestic violence are difficult to come by as traditionally most Thai people consider it a private matter to be kept behind closed doors...and sufferers often feel a sense of shame."

According to local NGO, 'the Women's Rights Protection Centre of Friends of Women Foundation', many staff of the OSCC still do not have sufficient gender sensitivity training. They also criticise the police who "don't ...understand the new law which no longer allows husbands to rape their wives." Wilasinee Phiphitkul, of the Thai Health Promotion Foundation states: "We have to eradicate gender bias and build the whole new gender perception which contributes to equality between sexes...That's the way to stop domestic violence against women in Thailand."

For full article see:

<http://www.irinnews.org/Report.aspx?ReportId=80513>

Mali: violence against women on the rise

Police reports reveal that at least 300 women are victim to sexual violence each year in Bamako, Mali; however, the real figure is expected to be much higher. Sidibe Djenba Diop president of the Bamako-based non-profit, Women in Law and Development in Africa said: "Victims and their families rarely denounce rapists in order to preserve the family's dignity and honour...Rape cases are on the rise, yet neither the [Malian] culture nor its laws recognise.. that rape is an act of violence against women." The year-long study on women's vulnerability to sexual violence highlighted that there is at least one reported case of rape every four days and there are rarely any punishments. Diop states a "Lack of understanding about this phenomenon, erroneous perceptions, indifference, and at worst, society's tolerance worsens impunity."

The report urges civil society organisations, doctors, public workers, police, judges and women themselves to challenge the social acceptability and help stop violence against women.

For full article see:

<http://www.irinnews.org/Report.aspx?ReportId=80716>

International: The problem of child brides

It is estimated that globally, 3500 girls under the age of 15 become child bride's everyday. International NGO World Vision, have recently published a research report: '*before she is ready*' which focuses on the 15 countries where child marriage is most prevalent. Bangladesh is ranked as the country with the highest proportion of child brides with over half (53%) of all girls married before they reach 16. In

Niger 37% of girls are married early. Other countries covered in the report include Chad, India, Ethiopia and Mozambique

A range of social and economic factors are believed to contribute to the practice of marrying girls early and negotiating a 'bride price.' Cultural practices also exist in many countries, which endorse child marriage. For example, Catherine Demba, World Vision's national child protection coordinator, states that it is considered a curse for a girl to begin menstruating while still living with her parents in certain parts of Chad.

A range of evidence exists which indicates that women who are married as children are significantly more likely to experience domestic violence and abuse. In India, a study found that girls who married before the age of 18 were twice as likely to report being beaten by their husbands than girls who married later. Young brides were also three times more likely to have been forced to have sex in the previous six months.

Some countries have introduced legislation to prohibit the practice of child marriage, however this report suggests the laws are rarely enforced and not considered a deterrent.

For full article see:

<http://www.irinnews.org/Report.aspx?ReportId=80227>

For full '*Before She's Ready*' research report see:

[http://www.crin.org/docs/early-marriage\[1\].pdf](http://www.crin.org/docs/early-marriage[1].pdf)

New Publications – UK

Scotland's Slaves: An Amnesty International Briefing on Trafficking in Scotland

Amnesty International

The Scotland office of Amnesty International has produced this briefing paper to discuss issues regarding trafficking in Scotland. The report outlines interventions aimed at reducing trafficking in the UK and Scotland including response from the police, the government and charity provisions. The report also reviews the response of both the Scottish government and Westminster in complying with the Council of Europe's Convention against Trafficking in Human Beings (ECAT). The research particularly focuses on four key areas: identification, support, accommodation and immigration and asylum protection. Key practical recommendations for each of these sections are outlined for the UK and Scottish governments

For full research report see:

http://www.amnesty.org.uk/uploads/documents/doc_18605.pdf

New Publications – International

North Kivu – No End to War on Women and Children

Amnesty International

This research is based on evidence collected through direct interviews and eyewitness statements of incidence of sexual violence in North Kivu and the Kalehe territory, DRC. The report documents 'the continuing horror of rape

and other forms of sexual violence' by members of armed groups and government security forces. The research reveals rape is continually committed in public and often in front of family members. Many cases appear to be ethnically motivated and aimed at terrorising communities who support enemy groups. Women are also subjected to abduction and forced into sexual slavery. Women who have been subjected to rape or other forms of sexual violence rarely receive any medical attention or psychological care and are frequently excluded from their communities and abandoned by their husbands.

The research recommends key steps to immediately end crimes under international law against civilian populations for the DRC government, the United Nations Mission to the DRC (MONUC) and the international community.

For full research report see:

<http://www.amnesty.org/en/news-and-updates/report/armed-groups-government-forces-abuse-women-and-children-in-north-kivu-20080929>

These Everyday Humiliations-Violence against lesbians, bisexual women and transgender men in Kyrgyzstan

Human Rights Watch

This research discusses the high levels of violence; rape, confinement, stigmatisation and attacks directed at lesbian, bisexual women and transgender men in Kyrgyzstan. The report outlines the personal testimonies of women and men who have survived attacks by strangers on the street and by family members because of their sexuality and gender identity.

The report covers several key issues around: domestic violence, punitive and curative rape and public harassment experienced by lesbian, bisexual and transgender men. The report also charts the legal and social status of women, issues around forced marriage and the law in Kyrgyzstan including legal standards.

The report concludes that addressing prejudice is an urgent issue and the legacy of discriminating against 'homosexuals' must stop. Key recommendations are included for the government, donors, financial institutions, the UN and the Organisation for Security and Cooperation in Europe.

For full research report see:
<http://hrw.org/english/docs/2008/10/06/kyrgyz19901.htm>

Trafficking in Persons in Afghanistan – A Field Survey Report

International Organisation for Migration (IOM)

This research provides an in-depth analysis on trafficking of persons in and from Afghanistan. The data for the research was collected through interviews and a survey conducted between June-September 2007 in Kabul and nine border provinces.

The report documents conditions within Afghanistan that make women and girls particularly vulnerable to trafficking, including the high prevalence of forced marriage and violence against women. In addition, displaced women and girls lack access to security, social services and access to livelihoods and consequently become a target for traffickers.

The research highlights a lack of awareness and understanding of trafficking issues in Afghanistan and calls

for greater legislation, policy and dissemination of information at all levels of Afghan society including at a senior government level. The report concludes with a number of key recommendations addressing prevention, prosecution and protection issues.

For full research report see:
<http://www.iom.int/jahia/pbnAS/cac/he/offonce?entryId=18925>

Toolkit to combat trafficking in persons

UN Office on Drugs and Crimes Global Programme Against Trafficking in Human Beings

This toolkit aims to facilitate the sharing of knowledge and information amongst policy makers, law enforcers, judges, services providers and other civil society bodies working on trafficking issues.

The report is divided into various thematic areas including: international legal framework; law enforcement and prosecution; victim identification; immigration status of victims and their return and reintegration; victim assistance and monitoring and evaluation. The report provides an overview, guidance and examples of promising practice in all of the thematic areas.

For full report see:
http://www.crin.org/docs/UNODC_traffick_toolkit.pdf

women's asylum news

Produced by RWRP (for more information on this issue, please contact: Claire Bennett)
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