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# Women's Asylum News

## Women's Project at Asylum Aid

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## Still Missed Out – the Charter campaign so far

*Debora Singer, Policy and Research Manager at Asylum Aid*

On the International Day for the Elimination of Violence against Women and Girls (VAWG) on 25<sup>th</sup> November the Government announced what it had done to tackle violence against women and girls over the past year. It is proud to have brought in more effective support and actions to reduce risk in relation to domestic violence (extending the definition of domestic violence and piloting a domestic violence disclosure scheme and protection order), sexual violence (challenging attitudes to rape amongst teenagers), forced marriage (raising awareness and creating new offences) and female genital mutilation (seeking to secure prosecutions). All these initiatives are to be welcomed. But these forms of violence also affect women seeking asylum who have fled their countries where such abuse goes unchecked and unprosecuted, to seek safety in the UK. And the Government failed to refer to these women in its announcement.

For years now the police have recognised the importance of believing the victim who alleges rape or domestic violence. More recently this has been reinforced by the Crown Prosecution Service (CPS) in the wake of news stories about young girls being groomed and abused in Rochdale and scandals like that involving Jimmy Savile. Yet the chief cause of women being refused asylum continues to be the failure of the UK Border Agency (UKBA) to believe women's experiences of gender-based violence.

While the Government talks about a crackdown on those who force girls into female genital mutilation and announces the creation of new offences of forcing someone to marry against their will, our experience at Asylum Aid shows that women who are at risk of or who have been subjected to such gender-based violence in their home country have a hard time getting protection in the UK.

Alongside these initiatives, the Government promotes international work to protect women abroad from VAWG. But when those women escape their country and come to the UK to seek protection, the asylum system does not show such a gender-sensitive approach to them.

It is this lack of joined-up government that is the focus of the Missed Out campaign which was launched on 31<sup>st</sup> August 2012 as part of the *Charter of Rights of Women Seeking Asylum*.

Charter endorsers have been very active in the campaign and over 750 people have used the Refugee Council website to email their MPs. Well over 300 MPs and peers have been contacted including the Home Secretary, Immigration Minister, Equalities Ministers, Minister for International Development and their Labour shadows, as well as influential figures at the Home Affairs Select Committee and the Joint Committee for Human Rights. As a result, dozens of MPs including the Shadow Attorney General, Shadow Justice Minister, government whips and the Liberal Democrat Party Chairman have lobbied the Home Secretary directly on behalf of the campaign.

We received a number of official responses to the Missed Out campaign.

The Chief Executive of the UKBA, Rob Whiteman wrote saying that he disagrees with our suggestion of including women asylum issues in the Violence Against Women strategy as he thinks this is an unnecessary level of bureaucracy. However he did say he would get his operational policy staff to talk to the VAWG team from the Home Office to identify an opportunity to bolster the action relating to women asylum seekers. It is disappointing that there is still resistance from the UKBA to taking a strategic view and that the piecemeal approach to gender continues. Also Mr Whiteman seems to have missed the idea that inclusion in the strategy would give the UKBA the chance to express pride in what they have achieved which might encourage his staff to better recognise the importance of women's issues.

When MPs have contacted the Home Office about the Missed Out campaign the response they have received states that gender in the asylum system is a key theme of UKBA improvement work this year. They mention the fact that they have published statistics on appeals disaggregated by gender and that they have developed a mandatory training programme for all asylum decision-makers dealing with gender issues. Ironically these are two direct outcomes of Asylum Aid's report *Unsustainable: the quality of initial decision making in women's asylum claims* published in January 2011. Whilst we welcome the fact that the UKBA is making public its commitment to the work it has been doing on gender, all of it has been due to the influence of NGOs. We continue to be concerned that the UKBA's failure to mainstream gender means that women's rights are not automatically included in the UKBA's work without the need for NGOs to continually raise the issue.

The VAWG team at the Home Office has invited Asylum Aid and the Refugee Council to join a new Vulnerable Group Forum to look at issues faced by certain groups of women, including black, minority ethnic and refugee (BMER) women in relation to VAWG. This provides a welcome opportunity to influence. Meanwhile the Home Office point out that they worked with Southall Black Sisters to produce an information guide for BME women, *3 Steps to escaping VAWG*. This was published in February 2012 and distributed to embassies in the UK and to the Asylum Screening Unit. This tells women how to get help to escape a range of forms of violence and abuse and keep safe in the UK. It has one sentence specifically for asylum seeking women saying women fearing abuse if they return home can also seek advice about claiming asylum or humanitarian protection.

The Immigration Minister, Mark Harper, wrote reiterating the progress the UKBA has made in its work on women (eg identifying information women need and improving the quality of decisions received by women). He stated that the action related to women is represented by this in the VAWG action plan and that opportunities will be sought to strengthen the action. He explained that there were no plans to report formally on the Strategy's progress this November and the VAWG action plan will not be updated until March 2013. Until now, updates have been six monthly but this delay allows us to determine how to best use the time between now and March 2013 as the campaign continues until then.

For now, the Missed Out campaign has forced the Home Office and the UKBA to reiterate in public their commitment to the gender sensitive work they *are* carrying out and to agree to meet to identify an opportunity to bolster the action relating to women asylum seekers. The campaign has proved a rallying cry for endorsers of the Charter of Rights of Women Seeking Asylum strengthening their involvement with and commitment to the cause of women seeking asylum and resulting in 30 new NGOs endorsing the Charter.

The first phase of the campaign came to a close on 10<sup>th</sup> December, at the end of the 16 days of activism against gender violence. The intention now is to use the momentum created by the campaign to support lobbying and parliamentary work to build towards the update of the VAWG strategy on International Women's Day. We intend to capitalise on the increased intelligence we have gained regarding which Parliamentarians are interested in the issue of women seeking asylum. We will be bringing the lack of joined up government to their attention.

As just one example, the Government's international work includes its initiative on preventing sexual violence in conflict. Strongly promoted by the Foreign Secretary, William Hague, this initiative notes that levels of sexual violence are particularly high in countries such as the Democratic Republic of Congo (DRC). Yet we regularly come across women from DRC who the UKBA does not believe have been raped. Indeed, the Still Human Still Here campaign has identified that the Operational Guidance Note (UKBA guidelines) in relation to asylum seekers from the DRC has no section on women.

Women seeking asylum continue to be missed out.

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## Legal Issues

### Children should not always be held responsible for developing private and family life in breach of immigration control

***Butt v Norway*, Application no. 47017/09, European Court of Human Rights, 4 December 2012<sup>1</sup>**

This case concerned the potential return of a brother and a sister to Pakistan from Norway despite having spent most of their lives in Norway. The European Court of Human Rights noted from the outset that the siblings had arrived in Norway in 1989 when they were four and three years old. They have lived in Norway since then except between 1992 and 1996 when they returned to Pakistan. During most of their stay in Norway they lived with their maternal uncle and aunt in Oslo. The Court accepted that they had developed close emotional links to this part of their family and had friends and social networks. They had received the essential part of their education and upbringing in Norway and spoke Norwegian fluently. The Court thus found without any hesitation that the Applicants had family life and private life in Norway within the meaning of Article 8 ECHR.

The Applicants had been granted a residence permit on the ground of strong humanitarian considerations in 1992 and then a settlement permit in 1995. However, the settlement permit was granted at a time when the Applicants had returned to Pakistan with their mother and on the basis of incorrect information provided by their mother. Thus when the Applicants returned to Norway in 1996 they were effectively without lawful status and could not therefore be considered as "settled migrants" under the jurisprudence of the European Court of Human Rights in relation to their rights under Article 8 ECHR. The Court also agreed with the Norwegian Government's submission that immigration policy considerations would generally favour an approach where children would be identified with the conduct of their parents to avoid the risk of parents exploiting the situation of their children in order to

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<sup>1</sup> <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-115012>.

be granted a residence permit through their children. In this regard, the Applicants' mother had conceded in a police interview that she had provided false information concerning their stay in Pakistan from 1992 and 1996 so the Court considered that the Applicants' family life had been created at a time when their mother knew that their immigration status was insecure. In light of this, the Court concluded that it would only be in exceptional circumstances that returning the Applicants to Pakistan would breach their Article 8 ECHR rights.

The Court went on to note that the need to identify children with their parents' behaviour was not always a decisive factor when determining the balance between their right to family and private life and the need to maintain immigration control. In this case, the Court concluded that there had been no such risk of exploitation of the children by their mother to settle her immigration status as they had reached the age of majority in 2003 and 2004 and their mother had passed away in 2004. They had also been dependent on the Norwegian authorities to obtain passports in order to return to Pakistan. In addition, the Court pointed to the delay by the Government between the discovery that the family's residence permit had been granted on the basis of incorrect information in 1996 and the revocation of the permit in 1999. On the basis of their history, the Court found that until they had reached the age of majority, the Applicants "could reasonably perceive the situation as one where the authorities did not expect them to leave the country on their own and that it was difficult to ascribe any responsibility to them for not having taken any steps to do so while their mother had gone into hiding from the police". After the Applicants had reached their majority, the Norwegian authorities had done nothing to try to remove them until they found their mother and removed her to Pakistan. The Applicants were then entitled to attend a hearing that was decided in their favour, despite being appealed by the State.

The Court found that in contrast to the Applicants' lives in Norway they had very few ties and no solid links to Pakistan. The Court noted the fact that the Applicants spoke a "childish" Urdu but that they spoke English, one of the official languages of Pakistan. Finally, the Court considered the second Applicant's criminal offence of aggravated violent assault and noted that whilst this was a serious offence, he had not reoffended since and in light of the time since the conviction this was not a factor that carried significant weight in the Court's assessment of whether his removal would breach his Article 8 ECHR rights.

Thus, the Court concluded that the circumstances of the two Appellants were exceptional and concluded that Norway had not acted within its margin of appreciation when seeking to strike a fair balance between the Applicants' rights under Article 8 ECHR and the public interest in ensuring effective immigration control. The Court therefore found that the removal of the Applicants to Pakistan would amount to a violation of Article 8 ECHR.

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## **Minimum conditions for the reception of asylum seekers must be provided notwithstanding the possibility of transfer to another country under the Dublin II Regulation**

***Cimade and GISTI v Ministre de l'Intérieur, de l'Outre-mer, des Collectivités territoriales et de l'immigration, C-179/11, Court of Justice of the European Union, 27 September 2012***<sup>2</sup>

In France, asylum claims which were found to be the responsibility of another Member State under the Dublin II Regulation<sup>3</sup> were not considered to be within the scope of the Directive on minimum

<sup>2</sup>

<http://curia.europa.eu/juris/document/document.jsf?text=&docid=127563&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1&cid=3112394>.

<sup>3</sup> Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national.

conditions for the reception of asylum seekers.<sup>4</sup> Hence, asylum seekers who had claimed asylum in France but were subsequently the subject of a request to another Member State to take charge of their asylum claim were not entitled to the “temporary tideover allowance” (*allocation temporaire d’attente*). This allowance is given to asylum seekers while their claim is being determined by the French authorities in accordance with the standard asylum procedure.

The French Conseil d’Etat made a reference for a preliminary ruling to the Court of Justice of the European Union on the correct interpretation of the relevant provision of the Dublin Regulation and the Directive on minimum reception conditions.

The Court of Justice of the European Union concluded that a Member State in which an asylum seeker claims asylum is bound by the provisions of the Directive on minimum reception conditions whether or not that claim is subject of a request under the Dublin Regulation for another Member State to take responsibility for the determination of that claim. The Court specified that the obligation on Member States to ensure those minimum conditions begins when the applicant “applies for asylum” even if that Member State turns out not to be the Member State responsible for the examination of his/her claim. The Court noted that the Directive on minimum reception standards does not differentiate between different categories of asylum seekers and applies to all asylum seekers comprised of third country nationals and stateless persons who make an application for asylum. The obligation continues throughout the procedure for determining the Member State responsible until the actual transfer of the asylum seeker to the Member State responsible for examining his/her claim or if the decision is made to examine the claim in the Member State where the asylum seekers currently is. This is due to the fact that the Court recognised that the Dublin procedure may last several months or the other Member State may not accept responsibility.

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## National News

### Asylum seeker fear of FGM on return to Gambia

Binta Jobe claimed asylum in the UK in 2010 after giving birth to her daughter Aisha. Binta was subjected to female genital mutilation (FGM) when she was nine and she was taken into the bush by her family and cut without anesthetic by a woman with no medical training. Binta is still suffering from physical and psychological symptoms of the procedure and fled from her husband when he started making arrangements for their daughter to be subjected to FGM as well. Binta was also forced to marry a family friend, 20 years older than her, when she was 13. Binta is illiterate and fears that she will be noticed as a single woman returning to the Gambia by herself if she tries to relocate.

FGM is legal in the Gambia but Binta’s claim for asylum was refused by the UK Border Agency and her subsequent appeals dismissed in September 2012. The Courts dismissed her appeal on the basis that she and her daughter could relocate elsewhere and that the law provided sufficient protection for them. Binta’s asylum claim was refused despite country expert evidence that if returned to the Gambia she would have very few survival options, such as prostitution, and that neither her or her daughter would receive state protection.

FGM in the UK is unlawful under the 2003 Female Genital Mutilation Act, including sending UK residents abroad to undergo the procedure. The Government set up the first all-party parliamentary group on FGM in December 2011 to address FGM in the UK and abroad.

The Government is criticised for applying double standards by publicly promoting action against FGM practised in the UK whilst at the same time sending back women and girls who have claimed asylum to face exactly the same abuses in their home countries.

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<sup>4</sup> Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers.  
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For the full article, see: <http://www.guardian.co.uk/society/2012/nov/06/female-genital-mutilation-asylum-gambia>.

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### **Story of a destitute asylum seeking mother**

Women for Refugee Women has been collecting and publishing stories of women asylum seekers. One example is the story of Mariana.

Mariana claimed asylum in the UK after her father and brother were killed in Angola because of her father's political activism. Mariana missed her asylum interview with the UKBA because the invitation letter was sent to her old address and she was unable to find legal representation for her appeal. She therefore had to attend her asylum appeal hearing at the Tribunal by herself. It was such a frightening experience that she struggled to speak at the hearing. When her appeal was dismissed a few weeks later, Mariana became destitute.

Mariana was moving from friend to friend in order not to sleep on the streets. She was also relying on food parcels from charities. She had to get rid of most of her belongings as she was afraid this would put her friends off letting her spend the night with them. Mariana became pregnant but her boyfriend left her when she was 20 weeks pregnant. She had to have an emergency caesarean due to complications with her pregnancy and she found it difficult to communicate with the hospital staff.

When Mariana left the hospital she sought assistance from social services but was turned away after being told they could take her baby into care. Mariana then sought assistance from an acquaintance and was allowed to sleep on the floor with a blanket for her and her baby but had to walk the streets endlessly during the day. For a while Mariana was housed with Sisters Home which provides accommodation for refused asylum seeking women who are pregnant or have children up to one year old. For four years Mariana continued to sleep at friends' houses. She was once assaulted by a neighbour but could not call the police because she was afraid she would be arrested if she called the police.

For the full article, see: <http://womenforrefugeewomen.wordpress.com/2012/11/06/our-life-on-the-streets-a-destitute-mother-speaks/>.

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### **Medical Justice: Increasing number of pregnant women detained**

Government policy and legislation establishes that pregnant women should normally not be detained unless there are exceptional circumstances. Nevertheless, it has been reported both by charities and Her Majesty's Inspectorate of Prisons that the UK Border Agency increasingly continues to detain pregnant women. It is not possible to ascertain the exact number of pregnant women detained in immigration detention centres because this is not information held centrally by the UK Border Agency. There has been regular criticism of the Government's treatment of vulnerable groups in detention whereby the UK Border Agency fails to apply the correct test regarding the lawfulness of detention and further fails to review that detention.

Most pregnant women are detained in Yarl's Wood Immigration Removal Centre. The detention centre is managed by Serco, a private company which has been found on several occasions to be in breach of contract, abusing detainees, inappropriate restraint techniques and lack of training. The health care in Yarl's Wood is subcontracted to Serco Health and is statutorily required to provide NHS healthcare equivalent. In practice, however, healthcare in Yarl's Wood is poor.

Medical Justice reports that “common problems include: appointments and scans being cancelled, records not being transferred when detainees are moved between centres, test results not given, inappropriate medication being prescribed, or detainees missing medication altogether. Many women have been signed fit to fly in the absence of test results and scans, or have been declared fit for removal when they had reported bleeding and pain. Many of our pregnant clients are also victims of torture, rape or trafficking. However, they are not routinely offered STI screening or counselling services. Allegations of abuse and racism are also commonplace”. Amongst 56 pregnant women in detention who were clients of Medical Justice in the last three years, four reported to have miscarried whilst in detention but it is likely that the number is actually higher as no data of this is recorded. This is to be looked at in light of a recent statement by Damian Green that “control and restraint on pregnant women to assist their removal from the UK is permitted. Approval has to be provided by a director in the UK Border Agency”.

For the full article, see: <http://www.opendemocracy.net/5050/natasha-tsangarides/pregnant-detained-and-subjected-to-force-in-uk>.

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### **HM Inspectorate of Prisons: Inspection into Cedars**

The Chief Inspector of Prisons, Nick Hardwick, has recently published his report of the inspection into Pease Pottage, the detention facility near Gatwick, also known as “Cedars”. The report notes in particular the unacceptable force used against a pregnant woman in a wheelchair and reports the use of force on a further 39 families placed in the facility. He referred to the psychological impact on children of removals, incidents of self-harm and shortcomings in healthcare and training.

The report should be considered in light of Nick Clegg’s statements concerning the end of child detention. The Chief Inspector’s report and statistical data tell a different story. In 2011, 91 children were detained and in the first six months of 2012, 107 children were detained, 35 of which elsewhere than in Cedars.

The involvement of the children’s charity Barnardo’s in the detention facility has also been controversial and the charity insisted that if certain “red lines” were crossed it would disengage from the contract. These red lines included the disproportionate use of force, the use of Tinsley House Immigration Removal Centre as an overflow facility and the detention of families more than once. The report by the Chief Inspector found however that one family was detained three times and several were detained twice, and described the use of force on the pregnant woman as unacceptable. The report notes that the pregnant woman was tipped up and had her feet held by staff and the substantial force used was a significant risk to her unborn child. Questions remain as well whether all the families are appeal rights exhausted as nine out of the 39 families detained in Cedars were subsequently released.

For the full article and more information, see:

<http://www.guardian.co.uk/commentisfree/2012/oct/23/britain-sill-locking-up-children>;  
<http://www.medicaljustice.org.uk/mj-reports,-submissions,-etc./press-releases/1977-hm-inspector-of-prisons-exposes-deputy-prime-ministers-fabrication-to-have-ended-detention-of-children-241012.html>;  
<http://www.bbc.co.uk/news/uk-england-sussex-20035679>.

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## Women asylum seekers tell MPs about their degrading and depressing housing conditions

Two single asylum seeking mothers told a group of MPs and peers about the manner in which they were being housed by G4S in the North-East for an enquiry examining whether the Secretary of State's statutory duty to protect and promote children's welfare is being met. They gave evidence that the housing conditions, frequent moves and their treatment by private housing providers were making them feel degraded and depressed. G4S has failed to comply with its contractual obligation to re-house asylum seekers in Yorkshire by the 12<sup>th</sup> of November and asylum seekers had been rushed into neglected housing. The women also spoke about how staff from the local housing provider, Jomast, sub-contracted by G4S, were letting themselves in unannounced affecting the women's privacy and dignity. The Chief Executive of the Children's Society has said this is not uncommon and the housing conditions of asylum seeking families and children are having a substantial impact on their health and welfare. Jomast have denied the allegations and G4S have said that housing conditions and stock will improve. The report will be published early next year.

For the full article, see: <http://www.independent.co.uk/news/uk/home-news/asylum-seeker-houses-unfit-for-children-8335931.html>.

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## STUC: Raising awareness about refugees and asylum seeking women

The Scottish Trades Union Congress Women's Conference discussed the issues faced by women refugees and asylum seekers in Scotland. There were calls to combat racism and the misrepresentation of refugees and asylum seekers in the media. A young refugee woman also spoke about her personal story of fleeing Afghanistan. A motion was raised calling on the STUC Women's Conference to use its branches, workplaces and networks to offer assistance to destitute asylum seeking women. And it also identified that their active role in raising awareness about the plight of women and children seeking safety in Scotland must continue.

For more information, see:

[http://www.scottishrefugeecouncil.org.uk/news\\_and\\_events/latest\\_blog/1865\\_stuc\\_women\\_highlight\\_plight\\_of\\_destitute\\_asylum\\_seeking\\_women\\_at\\_their\\_annual\\_conference\\_in\\_perth](http://www.scottishrefugeecouncil.org.uk/news_and_events/latest_blog/1865_stuc_women_highlight_plight_of_destitute_asylum_seeking_women_at_their_annual_conference_in_perth)

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## International News

### Bangladesh: Legislative measures need to be implemented

Despite school enrolment at almost 95%, women's empowerment is still far from the reality in Bangladesh. Whilst recorded incidents of violence against women are on the increase it is also believed that women are being psychologically harmed, a form of violence not picked up in official statistics. The fact that suicide is the most common cause of female deaths is telling. A spokesperson for a women's human rights NGO has noted the lack of police investigation in taking complaints forward and many complaints are dismissed as false allegations. The Government has enacted several pieces of legislation aimed at addressing violence against women and Bangladesh is signatory to several international conventions on women's rights but the impact on the ground is yet to be felt.

For the full article, see: <http://www.ipsnews.net/2012/10/violence-against-women-persists-in-bangladesh/>.

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## **Egypt: Salafis oppose laws protecting women from violence**

Salafis have opposed a recent proposal for new legislation outlawing the trafficking of women for sex and argued for the reduction in the minimum age for marriage of girls. Salafis believe in a literal reading of the Quran and their views are controversial for secular Muslims and minority groups who oppose their views. Salafis represent only a minority of Egyptians but with the election of an Islamist Parliament and President, their voice has become more important. Furthermore, a spokesman for the Salafi Dawah and an ultraconservative Salafi cleric are members of the committee tasked with drafting Egypt's new constitution. It is feared that other members of the committee share similar views on child marriage and attempt to enshrine them in the constitution. This is particularly concerning as research in 2008 showed that nearly a quarter of all marriages involved girls under 16. Some marriages may last from hours to months according to the "dowry" paid to the parents and often occur without the knowledge or consent of the girls. This is a form of trafficking in women says the director of the Egyptian Association for Community Participation Enhancement. Women's rights activists are therefore extremely concerned that the first draft of the constitution circulated in October 2012 failed to include a specific clause banning the trafficking of women.

For the full article, see: <http://www.ipsnews.net/2012/11/radical-clerics-seek-to-legalise-child-brides/>.

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## **European Union: Women trafficked for sexual exploitation**

The plight of "modern day slaves" has been highlighted by police in France breaking up a Nigerian trafficking ring that was forcing young migrant women into prostitution. The women had been smuggled from Nigeria into France and through Italy and were then forced to engage in prostitution to pay off debts relating to their journey. There are an estimated 1.5 million victims of trafficking in the European Union. Migrant women involved in the sex trade face a multiplicity of challenges such as their immigration status, criminalisation by the State, isolation, vulnerability to extortion and blackmail, control by pimps and lack of medical care. These migrant women are also facing obstacles to effective integration into the labour market and may not be allowed to work if they are asylum seekers or undocumented migrants. Long periods without the right to work are making it extremely difficult for asylum seekers and undocumented migrants to integrate into the labour market at a later stage.

For the full article, see: <http://www.ipsnews.net/2012/10/migrant-women-trapped-in-sex-trade/>.

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## **India: Violence against women on the rise**

Violence against women in India is increasing yearly. A 14 year old girl from the Jind district of Northern India's Haryana state set herself on fire after a brutal gang rape. In September 2012, 17 rapes were reported in Haryana, a state known for honour killings of young women perceived to bring shame on their families and communities. Statistics from the Centre for Women's Development Studies in New Delhi show that domestic violence is the most common form of violence against women in India followed by molestation. Female politicians and civil society blame a decline in the quality of governance, lack of public awareness and lethargy by security officials, making matters worse for women. The other cause of violence against women committed with impunity is an entrenched feudal and patriarchal mindset which does not regard women as independent and equal human beings. Improving the police and the judiciary has to be accompanied by efforts at changing socio-cultural attitudes.

For the full article, see: <http://www.ipsnews.net/2012/10/violence-against-women-surg-ing-in-india/>.

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## Iran: Female prisoners on hunger strike

Nine female prisoners in Tehran's Evin prison are on hunger strike to complain and raise awareness of their conditions of detention. It is reported that the women were beaten and insulted by the guards. Nasrin Sotoudeh, a human rights lawyer, started a hunger strike in the same prison a week earlier when her relatives were banned from visiting. Iranian authorities also refused a European Union delegation from visiting her and Jafar Panahi, a filmmaker, and the delegation consequently cancelled their visit to Tehran.

For the full article, see: <http://www.rferl.org/content/iran-female-prisoners-on-hunger-strike/24757813.html>.

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## Pakistan: Girl killed for talking to a boy

Police have arrested the parents of a 16 year old girl after they confessed killing her for speaking to a boy outside their house in Kashmir. The couple poured acid over their daughter who suffered from third degree burns on her scalp, face, eyes, nostrils, arms, chest and legs. The Human Rights Commission of Pakistan reports that approximately 1,000 women have lost their lives last year in so-called honour killings.

For the full article, see: <http://www.rferl.org/content/pakistan-honor-killing-acid/24758168.html>.

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## Poland: Dire detention conditions

As a result of hunger strikes by asylum seekers in detention centres, the Polish authorities have changed the laws regarding compulsory detention of asylum seekers. The prosecutor has also opened an investigation into the refugee centre at Lesznowola near Warsaw. The Ombudsman and the Ministry of Interior have announced inspections into all immigration detention centres to be undertaken in conjunction with human rights organisations. The demands made by those on hunger strike in the detention centres include the right to information in a language they understand, the right to communication outside the detention centre, the right to adequate healthcare, education for children, improvement in social conditions, an end to abuse and excessive violence, and an end to the criminalisation of detainees.

Layla Naimi is one of the detainees on hunger strike. She fled Iran because women's rights activists were persecuted and whilst she claimed asylum in The Netherlands, she was transferred to Poland, having once received a Polish visa. On arrival in Warsaw in Poland, Naimi was shouted at by a policeman, locked up and given no food and no water for 24 hours. After three days, she was transferred to Lesznowola which she describes as a prison. Every day guards would search her room including looking through her underwear. She was verbally and physically sexually harassed by guards whom she says drink alcohol. In terms of healthcare, only paracetamol was offered as medication. After two months of detention, Naimi was released as her asylum claim is likely to be successful. In Poland just 1.6% of asylum seekers are granted refugee status and 18% are granted temporary protection.

For the full article, see: <http://www.ipsnews.net/2012/11/migrants-in-poland-find-a-voice-at-last/>.

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## **Syria: Women and girls fleeing rape and gender-based violence**

Refugees International is calling on the United Nations High Commissioner for Human Rights to prioritise the protection of Syrian women and girls fleeing to neighbouring countries and at risk of gender-based violence. The organisation says women and girls in Syria are being specifically targeted for rape and this is one of the main reasons why they are fleeing to Turkey, Jordan and Iraq. Survivors are extremely wary of reporting or talking about the abuse due to the social stigma attached to rape. Whilst fleeing they become increasingly vulnerable to various forms of gender-based violence. Domestic violence is endemic in refugee communities and forced marriages are seen as a means to decrease family sizes. Refugee camps in Turkey fail to address gender-specific needs as there are no specialised gender-based violence services, no access to clinical post-rape care, staff are not trained on gender-based violence prevention and response and the issue is not a priority of the Government.

For the full article, see: <http://refugeesinternational.org/policy/field-report/syrian-women-girls-no-safe-refuge>.

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## **Uganda: Sex workers discriminated against in access to HIV care**

Recent research has shown that sex workers in Uganda face discrimination, stigmatisation and assaults from the hospitals and others such as landlords and taxi drivers. Civil society organisations have said that exclusion of sex workers from care and treatment services is hampering the fight against HIV/AIDS in the country. They call for specifically designed programmes aimed at vulnerable groups.

For the full article, see: <http://www.irinnews.org/Report/96779/UGANDA-Sex-workers-missing-out-on-HIV-care>.

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## **New Publications**

### ***Factsheet on forced labour and trafficking***

**Press Unit, European Court of Human Rights, November 2012**

An updated factsheet with summaries of case law relevant to forced labour and trafficking has been published by the Press Unit of the European Court of Human Rights.

For the full factsheet, see: [http://www.echr.coe.int/NR/rdonlyres/EBEC266A-8EA3-4826-95FE-3B1BB81B5903/0/FICHES\\_Travail\\_Forc%C3%A9\\_EN.pdf](http://www.echr.coe.int/NR/rdonlyres/EBEC266A-8EA3-4826-95FE-3B1BB81B5903/0/FICHES_Travail_Forc%C3%A9_EN.pdf).

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### ***Trapped: Destitution and Asylum in Scotland***

**Morag Gillespie, Glasgow Caledonian University, September 2012**

This research looks at the destitution of asylum seekers in Scotland in order to assess the extent and nature of the problem. The purpose of the report is to provide an estimate of asylum seekers living without support. One of the key findings of the research is that there was a higher proportion of

women (38%) in the sample of 115 asylum seekers who used support services because they were destitute compared to the general asylum seeking population (30%). Most female interviewees said that their credibility had been questioned during the decision making process. The average time during which women asylum seekers surveyed had been destitute was between 1.6 and 6 years. The report includes recommendations to change the asylum system and to end the destitution of asylum seekers, including the recommendation that “additional needs for pregnant women should be recognised at an earlier stage in the asylum system and access to resources and support provided in line with current practice for the wider community. Asylum support for new mothers should reflect fully the cost of raising a child and it should take the form of cash rather than vouchers”.

For the full report, see:

<http://www.stopdestitution.org.uk/files/Trapped%20destitution%20and%20asylum%20final.pdf>.

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### ***Guidelines on International Protection No 9: Claims to Refugee Status based on Sexual orientation and/or Gender Identity within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees***

**United Nations High Commissioner for Refugees, October 2012, HCR/GIP/12/09**

The UNHCR has published these Guidelines pursuant to its mandate and which complements the UNHCR Handbook. They replace the UNHCR’s Guidance Note on Refugee Claims relating to Sexual Orientation and Gender Identity of November 2008. These Guidelines are intended to provide legal interpretative guidance for governments, legal practitioners, decision makers and the judiciary, as well as UNHCR staff carrying out refugee status determination under its mandate.

For the full Guidelines, see: <http://www.unhcr.org/refworld/docid/50348afc2.html>.

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### ***Women’s Asylum Support Journal, Issue 1***

**Women’s Project, Lewisham Refugee & Migrant Network, November 2012**

Emma Brech, Women’s Project Manager at Lewisham Refugee and Migrant Network writes:

As those of us working in the sector know, women seeking asylum have usually experienced horrendous gender-based violence – including torture, rape, FGM, trafficking, forced marriage, witchcraft abuse and prostitution. Many women arrive in the UK and are subject to further exploitation, abuse and domestic violence from predatory men who take advantage of their vulnerability. They are also often subject to discriminatory or hostile treatment by public services and immigration officials and can become extremely isolated, powerless and traumatised by their experiences.

How do we support women who have suffered so much?

How do we help them to make sense of their human rights abuses, steer them through the asylum process, show them compassion and understanding across cultures and belief systems?

How do we look after ourselves?

The **Women’s Asylum Support Journal** is a new quarterly publication designed to support and inspire front-line counsellors and support/advocacy staff working with refugee and asylum-

seeking women. Recognising the high levels of empathy, dedication and skill we need to do this work, the journal seeks to share information and good practice throughout the UK, whether you are working in statutory or voluntary organisations, as a counsellor, psychotherapist, social worker, support worker or volunteer.

We are currently seeking contributions towards our February edition: If you would like to write a main feature on an aspect of the work you do; debate a specific topic; tell us about why you love your job, or simply suggest an inspiring quote or book you have read, please get in touch with **Emma Brech** on 020 8694 0323 / [emma.brech@lrmn.org.uk](mailto:emma.brech@lrmn.org.uk).

You can view the first issue by following this link: <http://www.scribd.com/doc/114012148/Women-s-Asylum-Support-Journal-Issue-1-Ed>.

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## ***“The Law Was Against Me”*: Migrant Women’s Access to Protection for Family Violence in Belgium**

**Human Rights Watch, November 2012**

This report documents the plight of migrant women in Belgium who fear reporting abuse and domestic violence to the police because they are afraid of being returned to their home country. The research found that women who have recently migrated to Belgium for family unification and undocumented migrant women face specific challenges in accessing protection from domestic violence and other forms of gender-based violence. Despite some legislation and a National Action Plan to fight against domestic violence, prosecute acts of violence and protect victims, there continue to be gaps in protection and arbitrariness in the treatment of some migrant women who suffer abuse. Despite some provisions designed to enable women on temporary spouse visas to maintain their right to remain in Belgium if the relationship has broken down due to domestic violence, the research documented several cases of women who chose to endure the abuse for fear of losing their legal status. Furthermore, obtaining evidence to demonstrate they have been the victims of domestic violence is difficult and it only allows them to remain on the basis of their relationship even though the relationship has broken down and thus does not give them an independent right to remain in Belgium. This is further compounded by the fact that the provision is only available to those who can show they do not depend on public funds and the lack of access to information about the provision.

For the full report, see: <http://www.hrw.org/fr/node/111165> and <http://www.hrw.org/news/2012/11/08/belgium-abused-migrant-women-fear-deportation>.

## *Charter of rights of women seeking asylum*



**Endorsements: 330**

**Google group membership: 166**

### ***Refused: The experiences of women denied asylum in the UK***

Report launch and conference event for Yorkshire and Humber

On 30th November 2012, Refugee and Asylum Seeking Women from Yorkshire and Humber successfully hosted the regional report launch of "Refused - The experiences of women denied asylum in the UK" at a conference event. Why Refugee Women Charter for Yorkshire and Humber organised and led on the event in partnership with supporting organisations. It attracted 135 delegates from the refugee community and cross sector organisations.

The report was launched in the UK Parliament in May 2012 by Women for Refugee Women in the presence of Refugee Asylum Seeking Women (RASW) some of whom had participated in the research. Of the 75 women who participated in the research, 21 were from Yorkshire and Humber. Despite positive rhetoric from this government regarding the need to improve women's experiences in the asylum process, the findings of the report highlight that there is still much to be done to ensure that women fleeing persecution get a fair hearing and can find protection when they need it.

Following the reviews of the findings, the women from the region felt it was important to highlight that they welcomed continued support for RASW's voices but wanted to remind everybody that these issues are current, real and impact on their daily lives. This platform was to encourage partnering organisations of their duty to support RASW by giving them a platform to speak for themselves; also, to establish in partnership how issues affecting them should be taken forward. Importantly, stakeholders along with UKBA and the government should not dis-empower RASW by denying them the dignity and respect that they deserve.

The conference was centred on the following summarised recommendations of the report:

- Improve the quality of asylum decision-making
- Ensure access to free quality legal advice and representation for all asylum seekers
- End the destitution of those refused asylum

For more information on the Charter and the Missed Out campaign, please go to [www.asylumaid.org.uk/charter](http://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](mailto:charter@asylumaid.org.uk)

## Donations to Asylum Aid

Asylum Aid provides free legal advice and representation to asylum-seekers and refugees, and campaigns for their rights. We rely on the generosity of individuals to help us continue our work. Your support would be greatly appreciated. A gift of just £5 each month could support our free legal advice line.

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[FOR OFFICIAL USE ONLY]

To: The Cooperative Bank, 80 Cornhill, London EC3V 3NJ. Sort code: 08 02 28 Account no: 65281262

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