

# women's ASYLUM NEWS

Refugee Women's Resource Project - Asylum Aid - Issue 17 January 2002

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## RWRP caseworker speaks as NGOs' representative at UNHCR Global Consultations on International Protection

Monireh Moftizadeh, a refugee woman who has also been working with refugees for 15 years as a caseworker, agreed to make a statement on behalf of NGOs at the Conference organised by UNHCR on 12-13 December 2001. The event was part of the Global Consultations process launched by the UN agency at the start of 2001, and gathered participants from 156 countries, 126 of which adopted a new Declaration reinforcing the Convention's commitment to protect refugees.<sup>1</sup>

Monireh's statement, which we reproduce in full below, made a powerful impact on the audience involving governments, non-governmental organisations, academics, judges and other experts. She highlighted in particular her concerns about the experience of refugee women and women asylum seekers:

*'I have come here to ask for understanding and action.*

*It is extremely hard, depressing and painful to depart from loved ones and abandon jobs and property, and it hurts to leave one's homeland with no assurance of ever returning. Refugees experience such agonies going into exile. People who have some understanding of others – what we call compassion – can somehow picture the feeling and realise how difficult such a decision to flee is, but those who don't understand think seeking asylum is like changing a job or moving house.*

*Life in exile is not something which refugees desire but it is preferable to detention, torture and death. For some refugees the first encounter with the immigration authorities in the asylum state, life under the poverty level and the experience of detention or camp life for months and even years, will be embittering experiences. Refugees are confronted with the fact that they have paid a high price – sometimes the highest price – for seeking safety from persecution and regaining dignity as human beings.*

<sup>1</sup> The Consultations will end in mid-2002 with the adoption of an Agenda for Protection which capitals and humanitarian groups will use to strengthen worldwide refugee protection. Details of future consultations and the declaration can be found on [www.unhcr.org](http://www.unhcr.org).

*Refugees genuinely trust international laws, in particular the Refugee Convention. Regrettably, a large number of refugees are wrongly denied protection. The main*

reasons are the misinterpretation of the Refugee Convention and a lack of understanding of the refugee situation, especially in the case of women. From my own experience I can say that those women who seek international protection against forced marriage, domestic violence, honour-killings or other forms of persecution may not get protection because decision-makers do not properly implement international refugee law, of which a proper interpretation includes the concept of gender.

The examples are legion: a woman fearing honour-killing was told that her fear had no basis because she was not subjected to such a crime when she last returned to her country, i.e. she is not a refugee because she is not dead. Another woman, who is under legal protection and having medical treatment in London because of abuse by her husband, was told that she is at more risk in the asylum state than at home and her claim was refused. An East African woman has her claim dismissed on the grounds that apart from the detention and rape she suffered she had reported no other incidents of harassment, discrimination or persecution from the authorities. The incredible reality for most refugees – not just these women – is that refugees are often not seen as human beings and therefore are denied justice.

When I was granted asylum, as a Kurdish woman and political activist, I believed that there was justice in asylum countries for people like me. However, during the 15 years I have been working with refugees, and especially since I started working with refugee women two years ago, I realised that I was wrong. A woman refugee once told me: "we accept that they do not want refugees, but why do they insult us?". I had no answer for her. Another woman asked me if the UNHCR monitors

implementation of the Refugee Convention in the countries which have signed it. I told her that they are working on it.

You have adopted today a Declaration reaffirming your commitment to the Refugee Convention. Today, my plea to all of you here is that your commitment must be translated into action. In particular, violations of the Convention have to be monitored more seriously than they are at present. Upgrading the monitoring of violations of refugee rights benefits States as well as refugees.

In the name of justice, I urge you to take action'.

## **UK Event**

### **Canadian Refugee Board Member introduces the Canadian experience to Home Office on gender awareness raising day**

The Women's National Commission, the government's official independent advisory body on women and umbrella for women's NGOs in the UK, has initiated the organisation of a gender awareness-raising day for up to 30 members of the Immigration and Nationality Directorate of the Home Office (including senior decision-makers, policy makers, and representatives of the Country Information Policy Unit).

The initiative, which took place on 24 January 2002, is a response to the concern of organisations working with refugees and asylum seekers about the quality of decision-making on women's asylum claims. The training day was designed to enhance understanding of the different experiences of women and men that leads

them to seek asylum, and in particular, the position of women refugees.

RWRP, along with a number of other non-governmental organisations (NGOs) such as the Refugee Women's Legal Group (RWLG) and Oxfam, was actively involved in the preparatory phase of the training, by highlighting the issues that affect women asylum seekers during the asylum determination process based on the project's own experience in dealing with gender-related persecution cases. As such, RWRP was invited to attend a 'preview' meeting during which Dale Noseworthy, an Immigration and Refugee Board (IRB)<sup>2</sup> member, presented a summary of the themes that she intended to cover during her intervention at the Home Office training day.

She explained how the idea of adopting specific gender guidelines came about in Canada when a group of women from the IRB office in Toronto got together and started to launch the concept. The process formally started in 1991 when a draft document was circulated for internal consultation first (to IRB women's working groups) and externally to a variety of organisations and experts, including the Canadian Council for Refugees, UNHCR, and the Canadian Advisory Council. The working group looked at a wide range of jurisprudence from the former Appeal Authority Board but also from other countries, as well as academic sources.

It was finally adopted in 1993 when the Head of IRB, who has legal authority to issue guidelines, approved it. Canada was the first country in the world to adopt gender guidelines in relation to the determination of asylum claims. However, the implementation of the guidelines was tied to a number of training requirements and an implementation plan in order to make sure that decision-makers and advice centres in Canada had sufficient knowledge of the document. Although the guidelines are not legally binding, Board Members who digress from the document must explain their decision in writing. Also the High Court in Canada (to which appeals against the Board's decisions are filed) has firmly adopted the guidelines.

One of the most comprehensive aspects of the system in Canada is the continuous programme of training of Board members (up to 10 days a year) that include training on gender issues. Dale Noseworthy mentioned a training session with a psychologist specialising in Post-Traumatic Stress Disorder which she said was not only valuable for dealing with women cases but also with cases of torture and other sensitive cases. IRB also provides training to Advice Councils (legal representatives) all over Canada whilst Board members are occasionally invited to training organised by NGOs.

Despite the success of the gender guidelines (the adoption of which was both nationally and internationally acclaimed), Dale Noseworthy said that there was initially a lot of hesitation around their adoption. Reservations included fear of interference with independent decision-makers, the opening of a floodgate for women's claims, extending the 1951 Geneva Convention definition of a refugee,

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<sup>2</sup> The IRB is the Canadian body responsible for initial decisions on asylum claims. Unlike the system in the UK, the IRB is an independent Federal tribunal whose members are appointed for a fixed-term (2 to 7 years) by the Canadian Cabinet. At least 10% of members are required to be lawyers (although the proportion in reality is higher) and other members are recruited from extremely various backgrounds.

and attempting to impose western cultural norms.

However, IRB found that none of these arguments had a strong basis: the independence of decision-makers is protected by the fact that the guidelines are not legally binding; statistics on gender claims demystify the fear of uncontrollably rising numbers of women claiming asylum; and whilst the guidelines have not created a new type of refugees, or unduly stretched the definition (rather they clarify the definition by underlining the unique and specific experience of refugee women), the Board holds the belief that human rights are universal and as such should be applied internationally.

In fact, for IRB the advantages of having gender guidelines outweigh by far any of the reservations mentioned and it is seen both as a success and an asset: two of the most significant advantages are the fact that they ensure consistency in decision-making and raise awareness of the difficulty at times of eliciting evidence as far as women's claims for asylum are concerned. They also display the complexity of gender issues and why and how such issues should be handled with extreme sensitivity.

This approach is reflected in the flexibility of the hearing system whereby the asylum claimant has the option to provide evidence outside of a panel room (with provision of an *affidavit* or through a video for instance).<sup>3</sup>

Dale Noseworthy provided several examples with cases she had to deal with, either as a representative in front of the Board, or as a Board member. In the first

case the claimant, rather than providing evidence in court, was able to give her testimony to a psychiatrist, which was used at the hearing. The woman was a lesbian from Eastern Europe and had been sexually assaulted and imprisoned in a psychiatric unit as a sexual deviant. Although she had been able to tell her story to her representative in the privacy of her office, she completely shut down in the court and was not even able to give her name.

Another example is the case of a woman and daughter fleeing domestic violence. Exceptionally, due to the mother's condition, the girl was asked to testify against her father in a shelter room and through the help of a formally designated representative for children. The representative was provided with questions from the Board members reviewing the case.

RWRP sees the advent of the training as a very positive step towards raising awareness of the specificity of gender-related persecution claims amongst Home Office officials and decision-makers, especially with contributions such as that of Dale Noseworthy.

The training day has been conceived as a pilot scheme and it is hoped that the Home Office will agree to further training sessions on the same model. However, one of our main concerns remains that the Home Office should adopt *specific* gender guidelines for the determination of asylum claims such as produced and advocated by RWLG or those adopted by the Immigration Appellate Authority in November 2000.

As the Canadian model testifies, the adoption of gender guidelines would

<sup>3</sup> Even if this option is used exceptionally due to time and money constraints.

provide a better guarantee of awareness of the issues at stake and consistency in the decision-making process at all stages of the asylum determination procedure. It would also include thorough research on the conditions of women in the applicant's country of origin, an area of which Home Office decision-makers have been particularly oblivious to date.

***RWRP successful appeal cases:  
Politically active women also  
persecuted for refusing to marry a  
'designated' man***

The complexity of the claims by women fleeing gender-related persecution is reflected in two recent cases won on appeal by RWRP where issues of gender were combined to their actual or imputed political activism, both elements mutually reinforcing the risk of persecution.

A woman from the Middle East was granted refugee status on grounds of imputed political opinion after appealing against an initial negative decision from the Home Office. The woman had fled her country because she had refused to marry a man whom she suspected had very high connections with the regime. She had herself been an active member of a banned movement in her country when she was still a teenager and had subsequently been imprisoned for two years. She had then stopped her public engagement in opposing the regime in order to fulfil a professional career.

However the man that she opposed to marry threatened to inform the authorities that she *'continued to be opposed to the regime and to falsely claim that she was still politically active against it'*.

The HO argued *inter alia* that the man she refused to marry could not be considered an *'agent of persecution'* within the terms of the Convention. Our representative argued that *'the risk to the appellant arose not from [the man] himself, but from the authorities should [he] carry out his threats to inform on the appellant'*.

The HO also suggested that the credibility of the claim was undermined by the fact that the woman had not sought protection from the police and had not left her country immediately after receiving the threats. It was argued that the woman, as a former member of an opposition movement, would not have been believed over what is known in the country as an *'agent provocateur'* as informers are likely to be taken seriously by the police. On the contrary, the risks of persecution were increased by her past political activism as an opponent to the regime.<sup>4</sup> The Appeals Adjudicator accepted the credibility of the women's account and rejected the Home Office's arguments on the basis of the documentation available.

In another case, a woman from **Sudan** had claimed asylum for imputed or actual political reasons (she had been arrested as a political activist and severely abused in detention); however another substantial reason for her claim was that she feared persecution by members of her family because she felt they would have tried to force her to marry a Muslim against her will. She in fact feared that her family would have killed her if they had discovered she had a non-Muslim boyfriend.

<sup>4</sup> The Adjudicator accepted the credibility of the case and rejected the Home Office's arguments on the basis of the witness account and the documentation available.

She left her country for political reasons but whilst living in exile in her boyfriend's country, her family found a husband for her and started to trace her. Her brother eventually found her in a neighbouring country to inform her about the marriage. She subsequently married her boyfriend in secrecy and then fled to the UK.

Not only did she consider that the state would have been unable or unwilling to protect her (because of her political activities and as a woman), but she also feared persecution by the authorities, as it is illegal in her country for a Muslim woman to marry a non-Muslim man punishable by capital offence in the penal code.

The Home Office accepted the facts of her story in relation to her marriage but suggested she stayed and lived in her husband's country. The Adjudicator rejected this suggestion on the ground that '*Sudan is the country to which she should be returned, if anywhere*', which he did not accept would be a safe place for her to live (on religious grounds). However he also rejected the idea that she would be safe in her husband's country *inter alia* because there was a serious possibility that her brother would find her there, physically remove her and persecute her, especially that he will then know of her marriage to a non-Muslim.

### ***Erratum: Domestic Violence and women asylum seekers in the UK***

In our last issue (No. 16, Nov/Dec 2001) the 2<sup>nd</sup> paragraph of the section on '**Protection under housing law**' (p.3) contained some errors, which have now been corrected.<sup>5</sup> The correct details are as follows:

<sup>5</sup> We kindly thank Sue Lukes for providing us with the correct details. Please note also that the website version

'Refuges provide temporary accommodation at a confidential address (see below), but permanent rehousing is often ultimately necessary. Certain women asylum seekers<sup>6</sup> can apply to their local authority for homelessness help under the Housing Act 1996 if they become homeless as a result of domestic violence, which would entitle them to up to two years temporary accommodation, with the possibility of extension. However, most asylum seekers and people from abroad who are subject to immigration control have been explicitly excluded from this provision. Women who have gained refugee status or Exceptional Leave to Remain (ELR) would be eligible to approach their local authority for both homelessness help and permanent housing through the housing register'.

### ***Other UK Projects, Events, News***

**RWRP recruits for a part-time Researcher** to carry out research and advocacy on issues facing women refugees, including effects of recent legislation, and provide information to the public, media, policy-makers and legal practitioners; to assist in administering the Project and maintaining its library.

of the article in the Nov/Dec 2001 edition has been corrected accordingly.

<sup>6</sup> Nationals of states which have ratified the European Convention on Social and Medical Assistance (ECSMA) or the Council of Europe Social Charter (CESC) and who are habitually resident in the Common Travel Area and legally present in the UK; those who applied for asylum on entry before 3<sup>rd</sup> April 2000 and have yet to receive a negative decision; those who made an in-country asylum application under the "upheaval" regulations before 3<sup>rd</sup> April 2000 and those who made a claim for asylum on or before 4<sup>th</sup> February 1996, were entitled to Housing Benefit on that date, and have not had a negative decision on that claim or applied for asylum and were refused on or before 4<sup>th</sup> February 1996, and appealed within the relevant time limits or before 5<sup>th</sup> February 1996.

The post is offered on a part-time, job-sharing basis for 17.5 hrs per week  
**(salary: £19,380 p.a. pro-rata subject to review)**

For details and application forms, send an SAE (A4, 57p stamps), quoting reference RRPT, to: Personnel, Asylum Aid, 28 Commercial St, London E1 6LS, or visit [www.asylumaid.org.uk](http://www.asylumaid.org.uk). Please do not telephone, email or send a CV. Applications to be returned by 5pm on **Wednesday 20<sup>th</sup> February 2002**; interviews in week beginning 4<sup>th</sup> or 11<sup>th</sup> March 2002.

**‘Good practice in supporting refugee children and families in schools’** is a Showcase organised by Westminster City Council on 5th March 2002. The event, aims to bring together practitioners, providers and refugee organisations to discuss issues, exchange ideas and carry practice forward. It will include displays, workshops and performances and take place at Regent Hall, 275 Oxford Street, London W1 (nearest tube station: Oxford Circus).

Application form and other details available from Joy Stanton at [jstanton@westminster.gov.uk](mailto:jstanton@westminster.gov.uk) or telephone: 0207 641 6391. Alternatively write to her at Language and Basic Skills Service, Education Department, Westminster City Council, Millbank School Site, Erasmus Street, London SW1 4HR

The Child Psychotherapy Trust is compiling a **Directory of Projects and Services for Refugee Children and Adolescents**. If you know of any such projects or services please contact or send details (including contact details, brief description of project, age of children

project/services targeted at, date project started, date project is expected to finish) to Rose Gray, Special Projects Officer (Refugees) at:  
Child Psychotherapy Trust, Star House, 104-105 Grafton Road, London NW5 4BD. tel 020 7284 1355

### **International News**

**Kurdish woman activist against ‘honour’ killing victim of ‘honour’ killing** A 26-year-old Kurdish woman was killed by her father on 21<sup>st</sup> January 2002 for having a relationship with a Swede rather than marrying a Kurd.<sup>7</sup> Fadime became well known in Sweden after bringing a court case against both her father and 17-year-old-brother in 1998 for threatening to kill her for her relationship with a Swedish man. The father, an illiterate Kurdish farmer who moved to Sweden in 1980, was given a suspended sentence and a fine for making unlawful threats. Her brother was sentenced to probation for one year but later on sentenced to five months in prison for continuing to threaten his sister.

The family, described as ‘*very traditional*’ had discouraged their daughter from speaking to Swedish children at school. They also indicated to her that eventually she would return to Turkey to get married there. When the father discovered she had a relationship with a Swedish man, he disowned her and threatened to kill her. She moved to another town where her brother pursued her and continued to threaten her. The police did not take any action. However, one day her father spotted her in the street and attacked her whilst screaming at her: ‘*bloody whore. I*

<sup>7</sup> Source: [www.kurdmedia.com/news.asp?id=2312](http://www.kurdmedia.com/news.asp?id=2312) and *The Observer*, 27 January 2002 ([www.guardian.co.uk](http://www.guardian.co.uk))

*will beat you to pieces*'. She took him and her brother to court.

Shortly after the trial, her boyfriend died in a car accident which was found not to be suspicious by investigators. Following Fadime's murder, a police investigation into his death has now reopened.

Since then, Fadime had been living in hiding from her family whilst travelling all over Sweden to talk about her case. She spoke in November 2001 to the Swedish parliament about her struggle. The authorities are said to be well aware of the problem of '*honour killing*' in Sweden but the murder prompted the Integration Minister to declare that the government was considering a change in legislation in order to protect immigrant and refugee women in similar situations.<sup>8</sup> The government has also promised about £120,000 to help girls facing the same predicament and the legal age of marriage for foreigners will be raised from 15 to 18 as for Swedish nationals.

Six groups representing foreigners are planning to turn her funeral into a demonstration against patriarchal cultures which allow impunity for '*honour*' killings.

### **Honour Killing and Asylum**

According to Yasmeen Hassan, [honour] '*killings of women can be defined as acts of murder in which "a woman is killed for her actual or perceived immoral behavior"*'.<sup>9</sup> This may include marital infidelity, demanding a divorce, refusing an arranged

marriage, flirting with or receiving phone calls from men, or even '*allowing herself*' to be raped.

As in Fadime's case, the typical '*honour*' killer is the father, husband, or brother of the victim, but women also participate occasionally directly in the killings. More often, they play a leading role or collaborate in the murders. Teenage brothers are frequently selected by their family or community to commit the murder, as their sentences will generally be lighter than those handed down to adult perpetrators.

Although most '*honour*' killings occur in Muslim countries, it is a worldwide phenomenon, including in western countries where Muslim migrant and refugee communities can be found: '*honour*' killing can be found in Britain, Brazil, Ecuador, Israel, Italy, Uganda, etc. There are no sanctions for the murders in Islamic religion or law. In addition, in many countries state authorities often fail to prosecute the perpetrators and to provide the victim with effective protection, thus falling short of their international obligations.

In the past, women who fled their country because they refused to abide to social mores that put them at risk of '*honour*' killing have claimed asylum on political and/or religious, and/or social group grounds, depending on the particular circumstances of their claims: A woman can be attributed (or '*imputed*') a religious or political opinion for defying customary laws or social mores and be persecuted by her family as a consequence.

More often in the case of '*honour*' killings, women can claim to have a well-founded fear of persecution on the basis of their

<sup>8</sup> See also below for proposed changes in Refugee law and gender issues in Sweden.

<sup>9</sup> Yasmeen Hassan, 'The Fate of Pakistani Women', *International Herald Tribune*, May 25, 1999, quoted by [www.gendercide.org](http://www.gendercide.org). See also Stephanie Nebehay, ' "Honour Killings" of Women Said on Rise Worldwide', Reuters dispatch, April 7, 2000.

membership to a particular social group consisting of *'women and girls who fear persecution as the consequence for failing to conform to, or for transgressing gender-discriminating religious or customary laws and practices in their country of origin'*.<sup>10</sup> In the UK however, the Courts say that a *'particular social group'* (PSG) cannot be defined by the fear of persecution only. In *Montoya* (CC-15806-2000 (00TH0161)), the Court stated that PSG cases *'require a separate consideration of whether there exists a PSG of which the claimant is a member and whether it is by reason of his[/her] membership of it that [s/]he has a well-founded fear of persecution'*. In other words, *'it must be possible to identify the group independently of the persecution [or] to state certain objective characteristics<sup>11</sup> of the group that do not consist solely in its being the object of persecution'*.<sup>12</sup>

In honour killing cases in the UK, the onus is therefore to define the social group as *'women (or men) who have transgressed sexual and/or social norms'* within the society in question, and to establish that such transgression has led to their persecution by non-state agents and that the state was unable or unwilling to provide protection.

## Conference on Kurdish Women: *'Women, Violence and the Politics'*

<sup>10</sup> As was found by the Refugee Board in Canada in the case of a woman from Albania who refused to marry the man to whom she was betrothed at the aged of 10, and was granted asylum in Canada. See CRRD T97-06758 18 February 1999 ([www.irb.gc.ca](http://www.irb.gc.ca)), quoted by Crawley, H., *'Refugees and Gender: Law and Process'*, London, Jordans, 2001.

<sup>11</sup> Which for a PSG to qualify as a group for the purposes of the Refugee Convention, must be both unifying and immutable or beyond one's power to change except at the cost of renouncing his/her human rights.

<sup>12</sup> As in *Shah & Islam*. See *Islam v SSHD; R v IAT ex parte Shah* [1999] INLR 144, Imm AR 283 (HL).

***of Mobilizing Resistance: The Case of Kurdish Women'***. The conference organised by the International Kurdish Women Studies Network, Kurdish Women Action Against Honour Killing (KWAHK) and Institut Kurde de Paris is taking place on 22 February 2002 from 9.00 to 19.00 in Paris.

The Programme includes a number of topical presentations by a various range of speakers including researchers, journalists, psychologists, lawyers or members of Kurdish women's organisations: women in armed conflict, the practices of violence against the bodies of women, psychological situation of Anfal-Surviving women, Honour Killings in Iraqi Kurdistan or the daily life of Kurdish Female asylum seekers in Eastern Germany, etc.

The conference takes place at the Palais du Luxembourg, 16 rue Vaugirard (metro: Luxembourg). For details write to Institut Kurde de Paris, 106 rue La Fayette, 75010 Paris, France or contact [kwahk@hotmail.com](mailto:kwahk@hotmail.com)

**Petition against the torture of Kurdish women in Turkey** It could not be easier, just sign the petition online at [www.thePetitionSite.com/takeaction/941996369](http://www.thePetitionSite.com/takeaction/941996369)

**Swedish Government advocates strengthening of women's position in refugee law** Days after the murder of Fadime (see above), and in a statement in the Daily News *Dagens Nyheter*, the new Swedish Minister for Development, Cooperation, Migration and Asylum Policy, Jan O Karlsson, declared:

*'Women's position in the asylum determination process must be strengthened. We know that the asylum determination process in practice does not consider women's special need of protection to the extent that is required. Women's own reasons for asylum must be considered with greater seriousness. The Swedish Migration Board has developed guidelines for the determination process and these guidelines should now be implemented through training, workshops and projects.'*<sup>13</sup>

*Women who are persecuted due to their sex must be granted refugee status. This issue is on the negotiation-table in the EU. The Swedish position is that different forms of persecution should be equalised and that women's position in refugee law must be strengthened. This position should also apply to homosexual asylum-seekers so that people who are persecuted due to their sexual orientation will be granted refugee status'.*

## **Imputed political opinion leads to rape of women in Zimbabwe**

Zimbabwe was in the spotlight in the UK this month when David Blunkett announced the suspension of removal of unsuccessful asylum seekers to Zimbabwe until after the presidential elections in March. The decision – subject to revision after the elections are held - came after widespread criticism from human rights groups and an investigation by *The Observer* into the fate of returned Zimbabwean asylum seekers facing torture and even death at the hands of the security police.<sup>14</sup>

The fate of Zimbabwean women mistreated for actual or imputed sympathy with the opposition is often less talked about. Yet the Medical Foundation has been dealing with several such cases of women who suffered torture at the hands of Zanu-PF.

The Medical Foundation mentions the story of a young student who was kidnapped by a group of men and driven to a remote area where she was held for two days. During her detention, she was severely beaten and raped whilst being questioned about her political activities, being continually told to leave her opposition party and join Zanu-PF. Her crime was to have participated in the youth section of one of the pro-democracy movements which oppose the current regime of President Mugabe.

Her case is typical. Like in many other countries, state officials in Zimbabwe, use rape as a mean of torture, to coerce, intimidate, humiliate and punish.

The Foundation points out that the repressive purpose of rape in custody brings the crime within the definition of torture in the 1984 UN Convention and yet, *'a number of recent court decisions in British asylum cases have concluded that the detaining officer's motive, i.e., sexual gratification, establishes rape as an ordinary crime for which the state bears no responsibility'*.

Not only are the victim/survivors left with psychological trauma, but there are real threats to their lives too with the passing on of sexually transmitted diseases including HIV/AIDS: a quarter of the adult population

<sup>13</sup> Information provided and translated by Åsa Frostfeldt, Asylum Officer, Swedish Migration Board.

<sup>14</sup> The investigation was carried out by *The Observer* and published on 20 January.

of Zimbabwe is believed to be HIV positive.<sup>15</sup>

### **Nigerian death case still pending**

Lawyers for a young woman accused of adultery (see WAN Issue No.16) have called upon the judges of the Shar'ia Court of Appeal in Sokoto, Nigeria, to disregard the sentence to death by stoning passed on her by a lower Shar'ia Court, for its failure to abide by Islamic Law. According to her lawyers, *'a woman could be pregnant for seven years (sic) after divorce, according to a prominent Islamic scholar, Imam Malik'*. As the woman had only separated from her husband less than two years ago, the counsel argued that her pregnancy did not constitute enough evidence for the court to conclude that adultery took place.

In addition, the counsel withdrew the appellant's statement according to which she admitted having been impregnated by another man. The case is still pending. In the meantime the European Union has written a letter to the President requesting him to take all the necessary measures to save the young woman's life.<sup>16</sup>

**Sudan: Woman Sentenced to Death by Stoning by a Criminal Court** Women Living Under Muslim Laws (WLUML) is calling for urgent action on the case of 18-years-old Abok Alfa Akok sentenced to execution by stoning by the criminal court in Nyala City, Southern Darfur, for the crime of adultery.

<sup>15</sup> Sources: [www.guardian.co.uk](http://www.guardian.co.uk) and [www.medicalfoundation.org.uk/client9.htm](http://www.medicalfoundation.org.uk/client9.htm)

<sup>16</sup> Source: <http://allafrica.com/stories/printable/200201150008.html>

The woman, a Christian from the Dinka tribe, received the sentence on 8th December 2001 despite that fact that, according to WLUML, the Sudanese Government has in the past claimed that its Shari'a laws (Islamic law) would not be applied to Christians. Her lawyer stated she did not receive a fair trial and an appeal has been submitted against the sentence.

The sentence was based on Article 146 of the Sudan's 1991 Penal Code, which is based upon the government's interpretation of Shari'a, and which states that whoever commits the offence of adultery shall be punished with execution by stoning when the offender is married (muhsan) or one hundred lashes when the offender is not married (non-muhsan). Male, non-married offenders may be punished, in addition to whipping, with expatriation for one year.

Full details of how to contact the Sudanese authorities to protest against the ruling can be found on [www.wluml.org/](http://www.wluml.org/)

### **Publications**

**'Unequal Treatment: Findings from a Refugee Health Survey in Barnet'** (October 2001), is a report by Tim Cowen published by the Refugee Health Access Project (RHAP) which illustrates the experiences of asylum seekers and refugees in Barnet, both in accessing health and in social support and housing.

The findings highlight problems such as registering with GPs, access to interpreters, and discrimination in the health service, but also the adverse impact on health of the current social provisions for asylum seekers: the impact of poor

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housing conditions or the fact that the needs of disabled seekers are being failed by the voucher system. For a copy, contact RHAP on Tel: 020 8446 6624 or by email: [tim@barnetvsc.org.uk](mailto:tim@barnetvsc.org.uk).

**‘Study on the availability of free and low-cost legal assistance for asylum seekers in European States’** is the first detailed and comprehensive comparative research on the subject produced and published by the European Council on Refugees and Exiles (ECRE), in November 2001. It covers 25 European countries including up-to-date information on access to, availability and quality of legal assistance (including financial legal aid to asylum seekers). For a copy, contact ECRE on 020 7729 5152 or email: [ecre@ecre.org](mailto:ecre@ecre.org)

# women's ASYLUM NEWS

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**Asylum Aid** provides free advice and legal representation to asylum seekers and refugees, and campaigns for their rights. Registered as a charity no. 328729  
Please fill in and send us the form below if you would like to join or make a donation.

## MEMBERSHIP FORM

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Postcode: \_\_\_\_\_ Fax: \_\_\_\_\_  
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- ? Standard Member (£25.00 p.a.)
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I also wish to make a donation of:

£ \_\_\_\_\_

Please make all cheques payable to **ASYLUM AID**

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*Remember to notify us if you no longer pay an amount of income tax equivalent to the tax we reclaim on your donations (currently 28p for every £1 you give).*

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*Make your money go further by paying by Standing Order. This reduces the bank charges we pay and the amount of time we spend on administration - money and time which should go towards helping refugees.*

To: The Manager, \_\_\_\_\_ Bank  
(Address of Bank) \_\_\_\_\_  
Postcode: \_\_\_\_\_

Please pay **ASYLUM AID** the sum of £ \_\_\_\_\_ each month / quarter / year (delete as appropriate) until further notice and debit my Account no: \_\_\_\_\_ Sort Code: \_\_\_\_\_ starting on (date): \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Postcode: \_\_\_\_\_

Signature: \_\_\_\_\_

[FOR OFFICE USE ONLY] To: National Westminster Bank plc, PO Box 3AW, 104 Tottenham Court Road, London W1A 3AW. Sort Code: 56-00-31, account no. 63401711