

women's ASYLUM NEWS

Refugee Women's Resource Project - Asylum Aid - Issue 10 May 2001

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RWRP Feedback from the Canadian Conference (4-6 May 2001), Part I

RWRP attended the Conference on Refugee and Gender Persecution organised by the Canadian Council for Refugees (CCR) which gathered 270 participants from all over the world. Although the great majority of participants were from USA and Canada, nearly 70 came from as many parts of the world as Burundi, Somalia, New Zealand, Philippines, Thailand, Costa Rica, Kyrgyzstan or Romania. A small number of participants were refugee women themselves (some still waiting for a decision on their case in Canada) who had the opportunity to share their experiences either as asylum seekers in a western country or as refugees who had lived in refugee camps in the South. This included a number of refugee women from the UK who represented Action for Refugee Women (AFRW). This was a great opportunity to hear the voices of refugee women who are generally excluded from conferences relating to violence against women. Also from the UK were representatives of the Refugee Women's Legal Group (RWLG). It was noticeable however that there was no representative from the Home Office, in contrast with the participation of some officials from the US Immigration and Naturalization Service and the Canadian Immigration and Refugee Board.

The opening plenary session aimed at presenting the background to the issues that would later be discussed in separate workshops (see our next issue, Part II). A presentation on the worldwide context of gender-related violence was followed by a review of some of the human rights violations experienced by women and access and obstacles to remedies. The following is a summary of some of the major points made (The CCR will also produce a full report soon).

When Gender-related Persecution is

circumstantial Sometimes the circumstances in which human rights are violated are very gender-specific. For instance, women working in informal sectors are denied labour rights protection; an illustration is domestic work which is dominated by women and in particular women of ethnic minorities; some companies are also exclusively recruiting women, such as in Mexico where labour rights do not extend to women and where gender specific violations are commonplace (such as compulsory pregnancy tests, etc.). Another example is the case of women members of the lower castes in India who are forbidden to touch wells and are subjected to attacks by members of other groups if they are caught. This is a form of gender-specific persecution because in India the collection of water is exclusively a female activity. These examples demonstrate that gender persecution is sometimes circumstantial as a result of customs or labour patterns. Race and gender also cannot be separated and the link between the two was stressed many times throughout the Conference. An example given was that of Israel using rape as a political tool to stop the Palestinian resistance.

Gender specific consequences of a human right violation

A single violation can lead to multiple consequences which are gender-specific. For instance both men and women are subjected to rape but only women can get pregnant and, as a result, can be ostracised or subjected to additional violence by their community or family (repudiation, domestic violence, honour killings, etc.).

Domestic violence and the failure of the States Although there are different spheres in which women's rights are violated (private,

public and in conflict situations), most of women's rights violations happen within the family. The reality is that governments generally turn away from providing protection to women and deny the prevalence of violations that happen in the private sphere. They fail to collect information on the violations perpetrated against women. Violations against women perpetrated during conflict are increasingly recognized as constituting crimes against humanity (see decisions in international courts in Arusha and the Hague). However in other areas the roots of the problem are not looked at and are not adequately dealt with legally: Trafficking of women and children who are often treated as the criminals is one such case.

Similarities in difficulties faced by women

Throughout the Conference, one of the many important issues that came across was the diversity of the asylum systems but also the similarities in the difficulties encountered by refugee women and women asylum seekers facing the different asylum application and determination processes around the world. Many countries in the South, such as Thailand or Kenya for instance, do not recognize the status of refugees as such and the rights of refugees remain limited (Thailand, which receives refugee populations from neighbouring countries in South East Asia but also from the Middle East and African countries, has not signed up to the Refugee Convention and according to the Jesuit Refugee Service, refugees do not have the right to work there). The fact that UNHCR, in collaboration with the government, is the official body determining refugee cases in the great majority of the Southern countries, does not guarantee that a gender-sensitive approach is adopted when considering applications from women asylum seekers. We heard many testimonies from women who either act as legal representatives for refugees or are refugees themselves who voiced their concerns at the way women asylum seekers had been treated during the refugee determination process. At the same time, ten years after the publication of the UNHCR guidelines on the subject, safety and protection for refugee women and children living in camps remains a major area of concern.

However, we also heard stories of asylum policies with dire consequences for the welfare and safety of refugee women in the North. In the Netherlands, once a refugee claim has been refused, the applicant has 28 days to leave the country during which time she or he is not provided with any resources whatsoever, not even shelter. One of the results is that women asylum seekers become easy targets for trafficking gangs who are aware of such asylum policies and even know where to go to 'collect' the women.

Participants were given the opportunity to both expose and discuss most of these issues in the various workshops programmed and which covered a wide range of issues from gender guidelines, and girl claimants, to documentation issues or trafficking. The workshops also offered an opportunity for participants to make suggestions on how to best promote and protect the rights of refugee women in specific areas. The plan is to take these suggestions forward in a strategic way (see also our next issue Part II).

Asylum and The Race Relations (Amendment) Act 2000

The main provision of The Race Relations (Amendment) Act 2000 came into effect in April. This represents an amendment to the existing Race Relations Act 1976, and similar to the 1998 Human Rights Act, focuses much of its attention on the role of public sector bodies and private or voluntary agencies carrying out duties on behalf of such bodies. The amendment prohibits such agencies from acting in any way that discriminates either directly or indirectly according to race, colour, nationality, ethnic or national origin, but not religion (Section 19B(1)). The amendment also places legally binding duties on public authorities to actively seek to remove discrimination from all of their functions. These are incorporated into the Act as both general and specific (i.e. directed at certain authorities) duties.

The Act has particular relevance to asylum seekers and those working with them, summarised as follows.

Asylum Seekers and The Immigration Service:

There are some public bodies and functions that are exempt from parts of the Act, including some aspects of the immigration system. These are defined under section 19D of the Act. Notably it will, under certain circumstances, still be legal for the Immigration Service to discriminate on the basis of nationality and ethnicity in determining entitlement to protection under the 1951 UN Convention Relating to the Status of Refugees, but not race or colour (section 19D(1)). The circumstances under which it *will* be allowed to discriminate include both individual cases and groups of cases, and must either be declared by government ministers, or by appropriate immigration legislation. This effectively means that all asylum seekers are still liable to experience lawful or '*statutory*' discrimination. As Ann Dummett (author of 'Subjects, Citizens, Aliens and others: Nationality & Immigration Law', Nov 1990) pointed out in her presentation at the launch of the Joint Council for the Welfare of Immigrants (JCWI) Manifesto (on 19 May 2001), this permissible discrimination on the basis of nationality and ethnicity still constitutes racial discrimination. How can one make the distinction between discrimination on the basis of race and discrimination on the basis of ethnicity or even nationality?

Applicants will however be able to challenge the Immigration Service if they feel they have been a victim of unlawful racial discrimination as defined under the Race Relations Act 1976. These complaints should be made to the Immigration Appellate Authority. Individuals can also use the 1998 Human Rights Act if they feel their human rights have been abused.

This is fundamental since there is no limitation in the 1951 Convention in terms of where asylum seekers should have the right to seek asylum. The exemption is also a contradiction to one of the Home Office's standards in

decision-making – just as the proposal of drawing a 'safe-countries list' is - according to which each case is considered on its individual merits. This is endorsed by legal international norms that rule that the right to seek and enjoy asylum is an individual right.

Asylum Seekers & Other Public Bodies:

Public Authorities are defined under Section 19B(2), and are the same definitions as within the 1998 Human Rights Act, which are wide-ranging. All central and government departments and their agencies are included i.e. including the Police, Housing, and the Health and Education Service. As such, they are all bound by general duties, which require them not to act in a discriminatory way, to take adequate steps to eliminate unlawful racial discrimination, to promote racial equality in all their functions, and to promote good race relations. All recipients of their services, including asylum seekers, are therefore protected by the legislation.

Individuals who believe they have been discriminated against under the 1976 Race Relations Act should seek legal advice, from a solicitor, the Commission for Racial Equality, or voluntary sector organisations such as independent law centres or Citizens Advice Bureaux.

Further advice and information can be obtained from the Commission for Racial Equality: 020 7828 7022 or at www.cre.gov.uk.

Related Information: JCWI launched its 68 page Manifesto 'For the Reform of British Immigration Policy' on 19 May. The Manifesto is a radical document that calls for a complete overhaul of a racist UK immigration policy. In particular, it calls for urgent action to defend the right to refugee status in the UK, abolish the vouchers scheme and restore access to universal welfare benefits for asylum seekers. It also requests an end to the detention policy except in cases when public security is at stake. For a copy of the manifesto, please call JCWI on 0207 251 8708 or visit: www.jcwi.org.uk. (See also details of Ann Dummett's latest work as well as publications

on media coverage and asylum issues on p.5 of this issue).

UK projects/Events/Campaigns Employing the skills & experience of refugees in the international development sector

Praxis, in conjunction with UNHCR, is taking on a feasibility study to investigate how refugees can be enabled to work in the international development sector, both in the UK and developing countries. One of the major tasks of the study is to identify skilled refugees who might be interested in the initiative. The study will undertake a postal survey followed by in-depth structured interviews of a number of skilled refugees and potential employers. If you are interested or if you know any other organisation or refugee that might be interested, please contact Theodoros Abraham at Praxis, Pott Street, London E2 0EF, Tel: 020 7749 7610; email: theodoros@praxis.org.uk

Database to help Refugee Doctors to continue their medical careers in the UK

The Refugee Council and the British Medical Association are asking refugee doctors in the UK to send them their details so that they can keep a database on how many refugee doctors are in the UK, which cities they are living in and what help they need to prepare to continue their medical careers in the UK. This is a **voluntary scheme** and any details sent to them will remain **confidential**. If you know anyone who might want their details on the database, they can obtain more information or complete a data collection form available from: Deng Yai, Refugee Council, on 020 7820 3138, or email: deng.yai@refugeecouncil.org.uk.

Media Agency set up by exiled journalists

Refugee journalists in the UK have set up their own agency to find work and run media training: 'Refugee Media Agency' based in London aims to be the main contact point for refugees and asylum seekers who have a background in journalism. For more on this project which is supported by RAM and the National Union of Journalists, please contact RAM on 0117 941 5889 or email,

ram@presswise.org.uk or visit the New Vision website www.newvision.org.uk.

Refugee Week is taking place from 23 to 29 June this year to coincide with the first International Refugee Day to be celebrated on 20 June. The theme is the cultural, social and economic contribution that refugees are making to life in the UK. For more details on organising an event or participating, contact Refugee Week Information Line on 020 7820 3055 or email:

Refugee.Week@RefugeeCouncil.org.uk

The **Refugees, Racism and Asylum Rights Conference** is organised by Newham Refugee Forum & University of East London on 23 June 2001 at the UEL, Docklands Campus. The main objective of the Conference, which takes place on the 50th anniversary of the signing of the UN Convention on Refugees, is to build the movement to defend refugee rights. More details can be obtained from elane.heffernane@refugeeconference.org.uk.

Social Action for Health is organising an **East London Refugee Conference 'Crossing Borders and Boundaries'** with support from local refugee fora, and members of refugee communities, organisations and agencies, the Medical Foundation and the Refugee Council. Amongst other topics, there will be presentations and workshops on women, children and young people, access, mental health, employment and training and the new Asylum Act. For further information, contact Ferhat Cinar on 0207 247 1414 or email: ferhatc@safh.org.uk.

The Close Down Harmondsworth Campaign

calls for a mass protest on Saturday 30 June 2001 at 12.00pm outside a new detention centre to be opened next door to Harmondsworth DC. The centre will be able to accommodate 550 asylum seekers, including whole families and people with health problems. It is located north of Heathrow, on the A4/Colnbrook by-pass. A planning meeting is taking place on Wednesday 30 May at

7.30pm. Venue: Fountains Abbey Pub, 109 Praed Street W2, near Paddington Station.

International Events & News:

The Power to Change: Action & Awareness-raising against Racism & Discrimination in Europe is a conference organised by UNITED in Goteborg, Sweden from 8 – 12 June. It aims to gather national anti-racist & human rights organisations from all over Europe. Further information can be obtained by contacting UNITED on 00 31 20 6834778 or Fax: 00 31 20 683 4582.

International Conference on the State, Civil Liberties & Secrecy is organised by Statewatch on Saturday 30 June to celebrate its 10th anniversary. The Conference is taking place at the University of London Students Union, Malet Street, London WC1. For more details, call 0208 802 1882, email office@statewatch.org.

South Africa embraces the 'safe countries' principle An organisation called 'Lawyers for Human Rights' plans to take the government of South Africa to court for ordering immigration officials to close their border posts to asylum seekers and refugees coming through 'safe' neighbouring states. As the great majority of refugees arrive in South Africa by foot, this means that the country - like western governments - is trying to shift the burden of African refugees to neighbouring countries which often do not have a good record in the protection of human rights or are already heavily burdened by refugee populations (see jesref.org.uk, JRS dispatches 92 – 2 May 2001).

Publications

Immigration, Nationality & Refugee Law Handbook, 2001 edition, published by the Joint Council Welfare of Immigrants (JCWI), is compiled by a team of immigration experts with hands-on experience in the field. New features in this edition include: The asylum support scheme, New bail arrangements, the Human Rights Act and Appeal rights. It will be available in the summer.


Asylum seekers - A guide to Recent Legislation, third edition is produced by the Immigration Law Practitioners' Association (ILPA) in partnership with Resource Information Service and contains detailed information on the effects of the Immigration & Asylum Act 1999. To obtain a copy, please call RIS on 020 7494 2408 or email: ris@ris.org.uk

Also published by ILPA is the work of Ann Dummett, **Ministerial Statements – The Immigration Exception in the Race Relations (Amendment) Act 2000**, April 2001.

Two studies on Media coverage of refugees and asylum seekers: 'Asylum: The Truth behind the Headlines' is an analysis of the coverage of six Scottish newspapers during the initial stage of the dispersal policy (March-April 2000). The survey, which was compiled by Ceru Mollard, was based on an evaluation using five criteria: headline, topic, tone, language used and techniques employed. It reveals a negative editorial line in the six newspapers which resulted in a distorted asylum debate in Scotland - based on inaccurate information and pejorative comments - and an atmosphere of hostility and xenophobia towards asylum seekers and refugees. The study is published by Oxfam and can be obtained by contacting 01865 311311.

Wales Media forum published a similar study **'Welcome or Over Reaction? Refugees and Asylum Seekers in the Welsh Media'** carried out by media researcher Tammy Speers, from the Tom Hopkinson Centre (Cardiff University School of Journalism). The research, which covers April to December 2000, reveals that, unlike elsewhere in the UK media, the media approach is not tainted with hostility or exaggeration - although the language used can be pejorative in some areas and the voices of refugees are rarely heard. The topic is often framed as an 'official' issue relating to policies and procedures rather than the human experiences of refugees and asylum seekers.

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