

women's asylum news

refugee women's resource project @ asylumaid

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Please send any information that you would like to see published in our November/December edition by 2nd November 2007 to: Claireb@asylumaid.org.uk (for postal address see back cover).

Unlawful Detention of Woman and Children

The High Court of Justice (Administrative Court) has ruled that the detention of a breastfeeding Jamaican woman and her 4-year-old daughter and 10-month-old son for nearly four months was unlawful¹. Compounding this decision was the 'foreseeable and avoidable' medical impact on the youngest child, the psychological well being of the mother and the length of time held in detention. This case is significant because it argues that the detention of a woman and children beyond a reasonable period can breach their human rights.

This article will outline the key details of the case and the legal analysis and rationale for the ruling.

Case information

Claimant A arrived in the UK on the 29th October 2002 from Jamaica then aged 18 with her then 18-month-old daughter (claimant C). They were granted temporary admission but were required to return to Jamaica on the 6th November 2002. However they failed to and Claimant A made no contact with immigration agencies from November 2002 until she was arrested on 29th July 2005. After interviews with immigration officials, Claimant A revealed her living arrangements with her cousin and friend between November 2002 and July 2005. During that time she had also had a son (Claimant D), born in October 2004.

After her arrest, Claimant A claimed asylum and agreed to report to Gatwick Airport, along with her children in August 2005 to

¹ [2007] EWHC 1654 (Admin) Case No: CO/9745/2005

begin the fast-track process. Claimant A was aware that she, together with her two children would be transferred to Oakington Detention Centre where she expected to be held for approximately 14 days. Within a fortnight Claimant A's asylum claim was refused and certified as clearly unfounded and a written decision was served on 15th August. After this date it was decided to keep the claimants in detention as they were considered at risk of absconding. The family remained in detention until 1st December 2005. Upon their release, the young son had developed rickets and anaemia and the mother had experienced severe depression and suicidal thoughts.

Unlawful Detention

Mr Justice Wyn Williams was asked to assess whether the detention of the family from 2nd August – 1st December 2005 was deemed unlawful. His assessment drew upon legislative frameworks and legal arguments around detention of families as applicable to this specific case.

He outlines the policy context since the 1998 White Paper '**Firmer, Faster, Fairer**' which considers that:

"the detention of families and children is particularly regrettable, but is also sometimes necessary to effect the removal of those who have no authority to remain in the UK, and who refuse to leave voluntarily. Such detentions should be planned to be effected as close to removal as possible so as to ensure that families are not normally detained for more than a few days"

The '**Secure Border, Safe Haven**' White Paper of 2002 states that:

"It is especially important in the case of families that detention should only be when necessary and should not be for an excessive period. It was previously the case that families would, other than as part of the fast-track process at Oakington Reception Centre, normally be detained only in order to effect removal. Such detention would be planned to take place as close to removal as possible so as to ensure that families were

not normally detained for more than a few days. Whilst this covered most circumstances where detention of a family might be necessary, it did not allow for those occasions when it is justifiable to detain families at other times for longer than just a few days. Accordingly, families may, where necessary, not be detained at other times and for longer periods than just immediately prior to removal. This could be whilst their identities and basis of claim are established, or because there is a reasonable belief that they would abscond..."

Beverly Hughes, the then Minister for Citizenship and Immigration also reiterated this shift in a House of Commons debate on 8th May 2003.

Mr Justice Wyn Williams then discussed key cases to decipher whether the detention of the claimants could be considered lawful. He included the case of **R (Saadi) & others²** and **Saadi vs the United Kingdom³**. Here the claimants argue the detention of families and children is unlawful as it is incompatible with Article 5 (1) of the European Convention of Human Rights (ECHR) and Articles 3 and 37 (b) of the United Nations Convention of the Rights of the Child (UNCRC). However the UK has entered a reservation on the applicability of the UNCRC stating that:

"The United Kingdom reserves the right to apply such legislation in so far as it relates to the entry into, stay in and departure from the United Kingdom on those who do not have the right under the law of the United Kingdom to enter and remain in the United Kingdom, and to the acquisition and possession of citizenship, as it may deem necessary from time to time"

In the Court of Appeal for **Saadi**, Mr Fitzgerald QC agreed that the Home Office policy to detain fast-track asylum applicants

² R Saadi v secretary of state for the Home Department [2002] 1 WLR 3131

³ Saadi vs the UK Grand Chamber of the European Courts of Human Rights Application number 13229/2003

is not unlawful as long as detention is limited to approximately seven to ten days. Within this legislative context, Mr Justice Wyn Williams confirms that the detention of claimant A and her children at Oakington as part of the fast-track procedure from the 2nd –15th August was in line with current and lawful policy. Therefore, the claimants' legal challenge that the Home Office's detention policy is unlawful failed.

However, in this particular instance Immigration Officials decided to continue to detain the family post the 15th August after the fast-track ruling. This decision was based on the following criteria:

- 1) *The claimant did not have enough close ties to stay in one place*
- 2) *Had previously failed to comply with condition of entry*
- 3) *Had previously absconded*
- 4) *Had previously used or attempted to use deception*
- 5) *Had failed to give satisfactory answers to immigration officers*
- 6) *Had previously failed to leave the UK when required to do so*

In his assessment, Mr Justice Wyn Williams states on the contrary that the claimant did have adequate close ties with whom she and her children had stayed since arrival in 2002. In addition, claimant A did prioritise schooling of her children and notably presented herself and her children in August 2005, knowing she would face immediate detention. Therefore, he concludes:

"I do not consider that strong grounds existed for believing that the First Claimant would not comply with conditions of temporary admission or temporary release and I do not consider that all reasonable alternatives to detention were properly considered... That means that the decision to detain was unlawful and the detention itself was unlawful and an infringement of Article 5 ECHR."

One of the key contentions for Mr Justice Wyn Williams was the lack of considerations into the length of time Claimant A and her children were to be detained. In evidence

submitted regarding the Claimants' removal, the implied deportation date was two months, the 13 October 2005. Mr Justice Wyn Williams states that:

"In my judgement a period of detention of two months, more or less, for these Claimants was unreasonable and would have been recognised as being unreasonable by a decision maker who turned his or her mind to such a period of detention. The detention period, after all, was coming immediately after a period of 13 days in detention when the fast-track procedures were operated. The detainees were a young woman and two very young children."

He further asserts that the transfer of the claimants to Yarl's Wood on the 14th September 2005, with no removal direction in place, "amounted to detention beyond a reasonable period of time."

During this time medical issues arose regarding Claimant A's mental well-being. She reported to medical staff that she was contemplating suicide and expressed ideas of placing her children for adoption rather than returning with them to Jamaica. In addition, Claimant D had developed anaemia and rickets whilst in detention and according to evidence submitted: *"D's care fell short of that to be expected of primary childcare services. Indeed, as I understand from Dr Michie's report the level of care afforded to D was completely inadequate"*

Mr Justice Wyn Williams declared that the detention of the claimants after the 15th August 2005 was unlawful and a breach of Article 5 of the ECHR (arbitrary detention). Moreover, he declared the lack of medical care and attention given to Claimant D breached his right to 'physical integrity' under Article 8 of the ECHR. The issue of damages was to be determined at a later date.

Related news

'Refusal Factory': Women's experiences of the Detained Fast Track asylum process at Yarl's Wood Immigration Removal Centre

Bail for Immigration Detainees (BID) have recently published *'Refusal Factory.'* This research report explores the detention of women in Yarl's Wood under the fast track asylum process and evaluates the implementation and impact of the government policy. The research draws on the experiences of 31 women in Detained Fast Track (DFT) programmes and interviews legal representatives and relevant organisations.

Since May 2005 the Home Office have detained over 800 women to fast track their asylum claims. The report reveals that despite policy rules to only 'fast track straightforward cases' many women with complex cases are going through the fast track asylum system. This includes women who have fled sexual abuse, domestic violence, trafficking and torture. BID argue that DFT places women at a huge disadvantage as their cases are assessed in a matter of days, disallowing adequate time to disclose personal experiences and collect evidence. Statistics reveal that the Home Office refuse 99% of women in Yarl's Wood as opposed to 83% refusal rate for cases determined outside of detention. Similarly, in 2005, 97% of DFT cases were refused on appeal compared to 83% outside of detention. BID state one of the contributory factors to this disparity is the lack of time given to cases, appeals and that one third of DFT women are not represented in court for their appeals. BID argue this lack of representation is due to LSC funding and the merit test being applied incorrectly in some cases. The views of the Home Office however are always represented.

The report also discloses that many women on DFT are detained for long periods of time after their case has been refused. BID interviewed six women who had spent on average over five months in detention. One

woman was detained for eleven months. BID assert that there is no sufficient system in place to identify and release women who should not be in detention. They also report that many women are unaware of their right to apply for release.

In addition, *'Refusal Factory'* highlights serious flaws in the DFT initial screening process. The report reveals that 21% of women in 2006 were removed from DFT before their case was concluded. The cases included women who had experienced gender persecution and implies that the initial assessment is oversimplified and ineffective in many gender related cases. Moreover, this confusion and unnecessary detention impacts on the women themselves and compounds their fears, anxieties and trauma.

Sarah Cutler, the report author, states: "*Fast tracking women fleeing persecution, including torture survivors, is obscene and unfair. Hundreds of women every year are paying the price for this Government's desire to speed up the asylum process*"

'Refusal Factory...' can be downloaded at: www.biduk.org

RWRP news

Priorities for the Minister for Women

Harriet Harman MP and Barbara Follett MP published their *Priorities for the Ministers for Women* in July 2007. The three priorities cover supporting families, tackling violence against women and empowering black and minority ethnic women to build cohesion within their communities. At a consultation round table organised by the Women's National Commission, RWRP pointed out that the Ministers' priorities omitted any reference to women asylum seekers, refugees or migrant women and Harriet Harman expressed an interest in this. The need for an integrated violence against women strategy is demonstrated by the

inconsistencies between the way women victims of sexual and domestic violence are dealt with by the criminal justice system in the UK and the way women who come to the UK to seek protection from such crimes are dealt with by the asylum system. The lessons learned within the former have not been transferred to the latter. Examples are the need for female staff to interview women and the recognition that late disclosure of rape should not affect credibility.

For the full document on the priorities for the Ministers for Women see: <http://www.official-documents.gov.uk/document/cm71/7183/7183.pdf>

For RWRP's response see: www.asylumaid.org.uk

Sector Update

Agreed additional support under Section 4 for pregnant women

Section 4 applies when asylum seekers reach the end of the process with their asylum claim. Section 4 is designed to alleviate some forms of destitution and permits access to housing and some minimal provisions. Not all end of line asylum seekers can access Section 4 as there are criteria and conditions attached including agreeing to make 'all reasonable steps to return'. In a recent speech Liam Byrne, Immigration Minister agreed that concessions would be made to Section 4 asylum seekers who are unable to return to their country of origin for reasons beyond their control. This may include for example where no flights are available or national governments not granting visas and facilitating returns. Liam Byrne states the concessions will include additional support for pregnant women and mothers with children. The concession will be available later in 2007 and will include allowing pregnant women and mothers with children to access basic clothing, toiletries, food and travel.

For further information see:

<http://www.publications.parliament.uk/pa/jt/200607/jtselect/jtrights/134/134.pdf>

UK News

Plans to deport lesbian to Iran

Pegah Emambakhsh fled Iran and claimed asylum in the UK in 2005 after her partner was arrested, tortured and sentenced to death by lapidation (stoning). Her father has also been arrested, tortured and forced to reveal her whereabouts.

The Border and Immigration Agency (BIA) have refused Pegah's asylum application and several appeals. Pegah was arrested in Sheffield on the 13th August 2007 to face immediate deportation. She is currently being held in Yarl's Wood detention centre until her removal date is confirmed. It is feared that if returned to Iran Pegah will be arrested, face a public lashing and a possible death sentence.

The government's decision to deport Pegah has sparked widespread international condemnation from a range of human rights organisations, lesbian, gay, bisexual and transgender (LGBT) groups, academics, NGOs and international government institutions. A campaign has been launched to repeal the decision to deport Pegah and several demonstrations and rallies have been held outside the British Embassies in Rome, Paris and Tokyo. In America, leading activists have met the Deputy British Consul in San Francisco and the International Gay and Lesbian Human Rights Commission in New York have written to the Home Secretary Jaqui Smith. Their letter states: *"we are at a loss to understand how the circumstances facing LGBT Iranians could not have led to a decision to grant asylum."* European Parliament President, Hans Gert Pöettering has agreed to take up the case with Prime Minister Gordon Brown to convey opposition to the ruling. The decision has led to an Italian government minister

proposing that Pegah should be given asylum in Italy if refused by the UK.

This case is continuing and this article conveys issues publicly available at the time of WAN going to print.

For further information see:

<http://ukgaynews.org.uk/latest.htm>

Shopping for sex fuels trafficking

The Guardian reports "buying a trafficked woman for sex is as easy as ordering a pizza." Based on findings by the Croydon Community Against Trafficking (CCAT), the article outlines a recent increase in brothels and the use of overseas and trafficked women in the area. CCAT submitted a dossier of evidence to the local police highlighting a 35% increase in brothels in Croydon between February – October 2006, subsequently fuelling a demand for cheap sex. This is supported by similar research conducted by London Metropolitan University's Children and Women's Abuse Studies Unit (CWASU). CWASU interviewed 137 men who have paid for sex in East London and the findings revealed two thirds of men equate buying sex similar to shopping. One man stated "it's like going to Tesco's". The report argues the proliferation and accessibility of sex and sexual imagery on the internet, magazines, lap and pole dancing clubs etc has turned sex into a commodity for many men. More than 40% of men interviewed were under 29 years of age, suggesting a younger age than previously recorded for men buying sex. The findings also suggest the men were undeterred by threats of jail sentences, naming or shaming. In line with the report's recommendations to tackle the 'normalisation of sex as a commodity' messages, the Home Office have commissioned a Sex Education Forum. This Forum will produce a fact-sheet for schools outlining issues around sexual exploitation and prostitution. CWASU researchers, along with Denise Marshall from the Poppy Project call on the government to do more than just banning sex advertisements.

For full article see:

<http://society.guardian.co.uk/crimeandpunishment/story/0,,2153312,00.html>

For London Metropolitan University's Children and Women's Abuse Studies Unit (CWASU): 'Its like going to the supermarket': Men buying sex in East London' see: <http://www.cwasu.org/>

African children forced into servitude

Several NGO's are campaigning on the trafficking of African children to the UK and highlighting how children are smuggled into the UK for the purpose of domestic or sexual exploitation. Dragan Nastic, Unicef UK's Policy and Parliamentary Officer states how no prosecutions have been made in the UK of people using African children for domestic labour. The article reports that Nigeria is a main source country for children as parents are either persuaded or receive payments to give their children up on the false promise they will receive a better life, education and work. Once in the UK, young children are forced into domestic or sexual slavery, forced to work long hours with no pay, beaten if work is not complete and stopped from going to school and even leaving the house. In June 2007 the Home Office published a scoping study on child trafficking which revealed that over one third of the 330 children trafficked into the UK were from Africa. Christine Beddoe, Director of Ecpat stated that they believed there was "a culture of disbelief in the offices looking at asylum claims" which causes escaped child slaves to be treated as illegal immigrants rather than unwitting, isolated victims. She states "Having suffered the most debilitating experience, they get no support..... they are often here without a legal basis to stay, then are treated within the system as undeserving of help." The article outlines the story of Tolu, a Nigerian girl. When she was 13 her parents were tricked to give her up on the promise of accessing a good education in Britain. Upon arrival in the UK she was forced into domestic work, looking after children, cooking, cleaning, not permitted to go to school. She worked long hours, was

beaten and bullied by the woman she worked for. After two years she was allowed out one evening a week. Eventually Tolu escaped aged 19 after being severely beaten for using the telephone. She has now applied for asylum in the UK and it is unclear whether she will be granted leave to remain.

For full article see:

http://news.independent.co.uk/uk/this_britain/article2859092.ece

For Child Operations Online Protection (CEOP) Report '*A Scoping Study of Child Trafficking*' for the Home Office, June 2007 see:

<http://www.homeoffice.gov.uk/documents/ceop-child-traffick-report-0607?view=Binary>

UK conferences and courses

BMER Women: The Law and Violence – Where's the Justice? Rights of Women
26 September 2007, Hamilton House, London

This one day national conference for women will examine recent and forthcoming laws affecting domestic violence, sexual violence and abuses predominately experienced by Black and Minority Ethnic Religious (BMER) women and women seeking asylum including forced marriage, honour crimes, FGM and trafficking.

Speakers and workshop leaders include Lord Lester, QC • Shaminder Ubhi, Ashiana • Yasmin Rehman, Metropolitan Police Service • Marai Larasi, Nia project and Women's Aid Federation of England • Heather Harvey, Amnesty International UK • Tania Pouwhare, Women's Resource Centre • Pragna Patel, Southall Black Sisters • Alison Stanley, Bindmans Solicitors • Jasvinder Sanghera, Karma Nirvana • Khatun Sapnara, Barrister and Chair of Ashiana • Anne Marie Hutchinson OBE, Dawson Cornwell Solicitors and Chair of Reunite

Women's organisations, Charities, CABx, Law Centres: £100, All Others: £200
Rights of Women members receive a 10% discount

Thanks to the generosity of the Feminist Review Trust, Rights of Women is able to offer 20 complimentary places to the conference for women delegates from organisations with a low income that support BMER women. Please contact Rights of Women to enquire about applying for a complimentary place. Email: conference@row.org.uk; Telephone 020 7251 6575/6; Textphone 020 7490 2562; Fax 020 7490 5377.

Behind Closed Doors: Exploring Causes to Find Solution to Violence Against Women

Ethnic Society
4th October, London

This one-day conference will look at complexity of issues associated with violence against women in a multicultural, ethnically and religiously diverse context. Exploring possible causes and solutions the conference will discuss victim support, gender safety, reforms and human rights conventions. The conference will look at the legal perspective including investigation and criminal justice policy and legal failings. This conference will also include issues around honour-based violence.

Key speakers include: Dr Habiba Sarabi, previous Minister of Women's Affairs in Afghanistan; Nazir Afzal OBE, Crown Prosecution Service London West; Hon Justice A Barua and Commander Steve Allen, Association of Chief Police Officers (honour based violence).

Cost: Government, Local Authorities, Police and NGOs - £279 +VAT
Reduced rate for voluntary organisations and Trade Unions - £149+VAT
Individuals - £99+VAT

For further information see:

http://www.ethnicsociety.com/social_vision_conference/oct4/

**Seeking Asylum: A Scottish Perspective
One-Day Conference,
Monday 8th October 2007
Glasgow Royal Concert Hall, Scotland**

This conference will discuss current government policy affecting asylum seekers and explore the Scottish experience. Key speakers include: Baroness Vivien Stern, Joint Committee of Human Rights; Phil Taylor, Scotland & Northern Ireland Border and Immigration Agency; Sally Daghlian, Scottish Refugee Council; Jonathan Cox, Independent Asylum Commission and John Watson, Amnesty International.

The conference will cover:

- The Independent Asylum Commission inquiry and the Joint Committee on Human Rights regarding the treatment of asylum seekers
- How have communities in Scotland reacted to asylum seekers?
- What is government policy regarding asylum seekers?
- How have asylum seekers impacted on service providers?
- What are the forthcoming legislative changes?
- How can the Scottish Executive influence policy nationally?
- What are the benefits of accepting asylum seekers into our communities?

This one day conference is aimed at professionals working with asylum seekers including social workers, housing officers, teachers, researchers, immigration lawyers, police officers and voluntary and NGO professionals. For further information see: <http://conferences.holyrood.com/content/view/152/>

**'A study of Women Asylum Seekers
from Pakistan who seek refugee
protection against domestic violence'**

**South Manchester Law Centre
Friday 7th December 2007, Manchester**

**One day Conference to launch WASP
research report**

South Manchester Law Centre's Women Asylum Seekers from Pakistan (**WASP**) project are pleased to announce the launch of their research project. The WASP project is a large trans-national research project and has included conducting interviews across England and Wales as well as across four regions in Pakistan. This complex study has focused on identifying the key issues relating to the nature of domestic violence issues as they affect Pakistani women who become entangled in the asylum system in the UK. The research pays particular attention to the nature and extent of protection in Pakistan; the difficulties associated with internal flight; the difficulties Pakistani women have experienced with their attempts to access justice within the asylum system and ongoing problems with access to services in the UK.

A one-day conference is being organised to present and discuss key findings. Keynote speakers at the conference will be: Hina Jilani, human rights lawyer based in Pakistan and UN Special Rapporteur on Freedom of Religion; Pragna Patel, chair of Southall Black Sisters; Melanie Plimmer, barrister at Garden Court North specialising in asylum and women's rights issues; and Alison Stanley, solicitor and Head of Immigration at Bindmans and Partners.

For further details about the conference contact the project workers Nadia Siddiqui by email: nadia@smlc.org.uk or by telephone on 0161 248 1879 or Sajida Ismail by email on sajida@smlc.org.uk or by telephone on 0161 2481 884.

'Violence Against Women and HIV: Dimensions and Responses'

Department for International Development (DFID) & London School of Economics (LSE) lecture
7th November
18.30-20.30 (LSE, Tower 1, Room U8)

Professor Charlotte Watts, London School of Hygiene and Medicine will discuss how violence against women contributes towards their vulnerability to HIV. The lecture presents evidence of how violence against women undermines current HIV prevention initiatives. The lecture will include key recommendations.

For further information see:

http://www.lse.ac.uk/collections/LSEAIDS/vents/dfid_lectures_seminars.htm

Forced Marriage Course

Ashiana

29th November Leytonstone, London

This one-day training course aimed at professionals will develop a greater understanding of forced marriage.

The course will cover:

- Definitions of forced and arranged marriage
- Understanding the differences and similarities of the two
- Knowledge of the cultural roots surrounding forced marriage
- Information on marriage law
- An insight into the effects of forced marriage
- Tips on how to deal with forced marriage situations

The course costs £90

For further details and booking information please telephone: 020 8539 0427 Fax: 020 8539 6800 or email: info@ashiana.org.uk

Short Course in Violence Against Women: Issues, Research and Policy October - November 2007

London Metropolitan University, The Department of Applied Social Sciences, in collaboration with the Child and Woman Abuse Studies Unit (CWASU)

This course is aimed at professionals working or interested in developing specialist services, policy or enhancing knowledge. The course is delivered over six days, in three two-day blocks; 4,5,18,19 October and 15,16 November 2007

The course will introduce research on the prevalence, contexts and consequences of a range of forms of violence as well as:

- Theories of gender and human rights
- Intimate partner violence
- Harmful traditional practices e.g. female genital mutilation, honour crimes
- Trafficking and sexual exploitation

The course costs: £400 - £450 per short course⁴.

For further information and reservation contact: Rosie Mgbeojikwe, Tel: 020 7133 5174 E-mail: nfp@londonmet.ac.uk
Details are also on www.cwasu.org

International News Articles

DRC: sexual violence committed on massive scale

UN Special Rapporteur on Violence against Women, Professor Yakin Ertürk, recently conducted an official visit to Democratic Republic Congo (16th-27th July 2007) and prioritised issues around sexual violence. She reported that 'violence against women seems to be perceived by large section of society as normal.' Professor Ertürk believes the situation in South Kivu Province 'is the worst crisis I have encountered so far' and

⁴ If successfully completed and taken as a credit towards a masters or postgraduate certificate, this will be deducted from the overall course fee.

requires urgent address. 4500 cases of sexual violence cases have been reported in the first half of 2007, although actual cases are likely to be much higher. Many of the cases are extreme forms of sexual violence including brutal gang rape, forcing fathers at gunpoint to rape their daughters and the shooting and stabbing of genital organs. There is also a severe lack of psychological and physical health support for women and girls who have experienced such horrific crimes. Moreover, many of these women are subsequently rejected from their families due to the stigma attached to rape and are left destitute. A full report will be submitted to the UN Human Rights Council with findings and key recommendations.

For full article see:

<http://www.monuc.org/News.aspx?newsID=15065>

Related news

India: trafficking of women

The United Press International Asia writes about the situation of women who have been trafficked to Banaras (also known as Varanasi) in India. The article discusses the gruesome process of forcing women into sex work through 'seasoning' and the use of 'trainers.' Some 'trainers' are policemen and politicians who subject women to different forms of sexual abuse, rape and violence. The women will be locked in houses during the 'training' process until they are 'ready' to be sold into brothels within India and overseas. The article also reports on the difficulties local human rights group Guria have experienced trying to 'rescue' trafficked women from Banaras. Guria have been charged by the police with breaking and entering to 'rescue' the women after the police did not arrive. In addition, the report argues that due to fears that a notorious local trafficker would name police officers involved in the sex trade he was not arrested and allowed to continue to work. His body has since been found dead, reportedly he was shot whilst resisting arrest.

For full article see:

http://www.upiasiaonline.com/human_rights/2007/08/07/commentary_banarass_wholesale_market_for_women/

Related news

Trinidad and Tobago: sex tourism drives trafficking of women

Trinidad and Tobago is becoming a key transit point for the trafficking of women. Although prostitution is illegal in Trinidad and Tobago a large underground sex tourism network exists and generates a high demand for sex workers. A local newspaper recently reported that 'scores of women and girls from Venezuela, the Dominican Republic, Colombia and Guyana are being trafficked into Trinidad and Tobago'. In addition, a recent raid on a hotel by the police, army and immigration officials found women who had also come from Africa and Asia and were working in the illegal brothels. The United States Agency for International Development's (USAID) Office for Women and Development states the country has a growing sex tourism industry. Traffickers are able to lure women into Trinidad and Tobago on the promise of lucrative employment opportunities, due to the poverty and political instability in several neighbouring countries. Survivors Rights International reports that the region is becoming a key transit post to transport trafficked women into America, Europe and Australia. The article states that Venezuela has also become a key transit country and the government is not complying with minimum standards.

For full article see:

<http://www.newsday.co.tt/news/0,61837.html>

Related news

Mauritius: sex workers unprotected against violence

Loga Virahsawmy, President of Media Watch Organisation argues that gender based violence exists across Southern Africa especially for women who work in the sex industry. She states that in Mauritius, the national press have reported on many cases

of rape and gang rape (including a girl of 14), however hundreds of attacks remain unreported including violence against sex workers. She writes that many people believe sex workers cannot be victims of rape or sexual assault as it is deemed 'part of their work'. Her article states that the Ministry of Women (Mauritius) recorded 239 cases of violence against women between January–May 2007, and believes none of those cases will be women who work in the sex industry as crimes against them are hidden. She stresses that all members of the Southern Africa Development Community (SADC) have signed the UN Declaration on the Elimination of Violence against Women. This defines violence against women as *"any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life."* Loga believes that although countries have signed the Convention, many including Mauritius do not protect women against violence, especially women who work in the sex industry.

For full article see:

http://www.lexpress.mu/display_search_result.php?news_id=91649

For UN Declaration on the Elimination of Violence against Women see:

[http://www.unhcr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.RES.48.104.En](http://www.unhcr.ch/huridocda/huridoca.nsf/(Symbol)/A.RES.48.104.En)

Other international news

South Africa: lesbians targeted

Human Rights Watch calls upon South Africa's President Thabo Mbeki to do more to protect lesbians living in South Africa especially in the wake of recent murders. South Africa has some of the world's most progressive constitutions promoting equality and permitting same sex weddings. However, despite these legal commitments homosexuals especially black lesbians are targeted for rape and murder and homophobic discrimination and violence is

still prevalent. In July 2007, three lesbians were attacked and murdered. Currently, the legislation does not reflect the reality for many black lesbians.

For further information see:

<http://news.bbc.co.uk/1/hi/world/africa/6938714.stm>

For Human Rights Watch's letter to Thabo Mbeki see:

<http://hrw.org/english/docs/2007/08/08/safric16618.htm>

Related news

Uganda: calls for arrest of homosexuals

In Uganda homosexuality is punishable with life imprisonment. In a recent radio announcement, Deputy Attorney General Fred Rubin declared that: *"I call upon the relevant agencies to take appropriate action because homosexuality is an offence under the laws of Uganda."* Human Rights Watch argue President Museveni has *"drummed up homophobia and denied the basic rights of lesbian, gay, bisexual and transgender (LGBT) people for his own political advantage."* On the 16th August a coalition group called 'Sexual Minorities in Uganda' (SMUG) launched a 'let us live in peace' campaign condemning violence and discrimination inflicted upon LGBT people. However to counter this, a rally was organised and attended by hundreds of people in Kampala. During the rally Pastor Martin Ssempe demanded *"the government take action against LGBT people."* Human Rights Watch calls upon the Ugandan government to ensure the full integration of LGBT people in Uganda and to stop homophobic statements from top government officials.

For further information see:

<http://hrw.org/english/docs/2007/08/22/uganda16729.htm>

Other international news

Saudi Arabia: domestic workers killed

Human Rights Watch report on the killing of two Indonesian domestic workers in Saudi Arabia, another two workers are critically ill. The women were severely beaten after being accused by their Saudi employers of practising 'black magic.' Saudi Arabia employs approximately two million domestic workers, predominantly from Indonesia, The Philippines and Sri Lanka who work long hours, are underpaid, subject to abuse and prohibited from leaving the house. There have been several recent incidences in Saudi Arabia of domestic workers being accused of theft, witchcraft and adultery and not having access to legal aid, translators and information about their cases. In November 2006 Human Rights Watch interviewed imprisoned Sri Lankan women who were pregnant after rape by their employers and also received lashes as part of their sentence. The Women's Rights Division of Human Rights Watch states that: *"Not only do the authorities typically fail to investigate or prosecute abusive employers, the criminal justice system also obstructs abused workers from seeking redress."*

For full article see:

<http://hrw.org/english/docs/2007/08/17/saudia16699.htm>

Iraq: pregnant women suffer amid country's violence

IRIN report how the conflict and violence in Iraq is having a major consequence on pregnant women accessing health services and during delivery. The article outlines how many women are often restricted in getting to hospital or district nurses getting to their homes because of violence clashes on-route, nightly curfews or road-blocks. Dr Ibrahim Khalil, a gynaecologist at Al-Karada maternity hospital, Baghdad, believes that at least two in every 12 women who access an emergency delivery results in the mother or child dying. Coupled with these conditions there are also issues around the lack of pre-

natal care and poor nutrition, leaving many mothers and children anaemic. UNICEF statistics reveal that the maternal mortality rates in Iraq have increased by 65 per cent in the last 15 years.

For full article see:

<http://www.irinnews.org/Report.aspx?ReportId=73719>

Senegal: FGM continues

The community of Malicounda Bambara in Senegal abandoned FGM 10 years ago, however it is reported that FGM is still widely practiced. During celebrations to commemorate the anniversary a village leader stated that the practice still exists and that many girls within the community have been subjected to FGM, some as recently as the previous week. Aminata Toure from the UN Population Fund (UNPFA) also reveals that a worrying trend is developing whereby girls are being cut at an increasingly younger age, some almost immediately after birth. The UN children's fund (UNICEF) is advocating for greater laws and implementation outlawing the practice of FGM. Nearly half of the African countries that practice FGM have legislation opposing the practice, however in reality this is rarely implemented.

For full article see:

<http://www.irinnews.org/Report.aspx?ReportId=73680>

Nepal: girl 15 raped by army personnel

The Asian Human Rights Commission (AHRC) is appealing for the investigation and prosecution of a member of the Nepal army and a civilian who raped a 15-year-old girl. The crime was reported along with the names of the accused, however currently no arrests or official response have been made. The AHRC report that authorities are hindering the investigation and represent barriers to justice. The statement outlines the case details and events. The incident was reported to the police on the 20th July 2007 and the girl underwent a medical examination that supported her claims. Upon questioning by the police the girl was

told she needed to include the full details, including home addresses of the two perpetrators (which she did not have). Eventually on the 3rd August 2007 the girl was permitted to submit the First Information Report (FIR) on the case, amid pressure to remove the name of the army official. AHRC state *"the army has consistently ensured impunity for its soldiers in this way concerning widespread and grave human rights violations, including rape, torture, forced disappearance and extra-judicial killing."* AHRC call for this investigation to progress and crimes against civilians committed by army personnel to be tried in civilian courts.

For full statement see:

<http://www.ahrchk.net/ua/mainfile.php/2006/2534/>

Other international news

US: Mexican mother returned

The case of Elvira Arellano and her eight-year-old son born in the US has received much press coverage in America. Elvira and her son Saul have campaigned in America to keep the families of illegal immigrants together. Elvira entered America illegally in 1997 and worked as a cleaner until 2002 when she was arrested for having a false social security number. In August 2006 Elvira was expected to be deported however she, together with her son hid in a Chicago Methodist church for a year to stay together. Elvira was arrested after leaving the Church and attending a demonstration calling for changes to immigration reforms in Los Angeles. She has been deported back to Mexico and Saul remains with friends in America. For full article see:

<http://news.bbc.co.uk/1/hi/world/americas/6954639.stm>

New Publications - UK

'Motherhood, Apple Pie and Slavery: Reflections on Trafficking Debates, Bridget Anderson'

Centre of Migration, Policy and Society (COMPAS) Working Paper No. 48

This research working paper brings together key debates and issues around human trafficking. It outlines definitions of trafficking within current international social and political context and the Palermo Protocol. It debates the use of the term 'trafficking' for prostitution and the migrant labour force. The working paper also discusses a contested trafficking case study (Kalayaan vs the UK Home Office) to analyse practical implications and areas of conflicting agenda's.

For Full working paper see:

<http://www.compas.ox.ac.uk/publications/Working%20papers/Bridget%20Anderson%20WP0748.pdf>

New Publications – International

'My Heart is Cut: Sexual Violence by Rebels and Pro Government Forces on Cote d' Ivoire'

This extensive research report argues that 1000's of women and children have experienced sexual violence, rape, gang rape, forced incest, sexual slavery and brutal sexual assaults during the five-year military political crisis in Cote d' Ivoire. Over 180 people were interviewed for the research, including women who experienced or witnessed sexual violence. The interviews revealed that rebel and pro government forces were responsible for sexual violence against women and children of all ages including children of six and grandmothers. Some sexual attacks were so severe women have died from their injuries, or have suffered long-term health effects from severe bleeding, fistula and problems through abortions. Human Rights Watch calls for the national government to investigate and prosecute perpetrators.

For full 'My Heart is Cut...' research report see: <http://hrw.org/reports/2007/cdi0807/>

'Sierra Leone: The Influence of the Secret Societies, with Special Reference to Female Genital Mutilation (FGM)'

Dr Richard Fanthorpe

Commissioned by UNHCR Status Determination and Protection Information Service (DIPS).

This research reports on the cultural institutions in Sierra Leone referred to as 'secret societies' whose main function is to regulate sexual identity and social conduct. The report examines the historical and current role of 'secret societies' within post war Sierra Leone and discusses their key influence in the practice of FGM. The research investigates the cultural 'rights of passage' secret societies associate with FGM alongside the health risks and trauma experience by girls and women. The research also charts recent opposition to FGM and argues that the secret societies may limit this progress.

For full research report see: <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=46cee3152>

'Women Abducted, Raped and Kept as Sex Slaves Following the September 2006 Attacks on Deribat'

Eight Periodic Report of the UN High Commissioner on the Human Rights Situation in Sudan

The Office of the High Commissioner for Human Rights presents a detailed report on the sexual violence, rape and abductions of women in the south Darfur region of Sudan. In cooperation with the United Nations Mission in Sudan (UNMIS), this follow up report contains the personal accounts of women who were abducted, became sex slaves and subjected to abuse by the Sudanese Armed Forces and associated groups. The report maintains the government responsibility for the armed

forces and other groups and outlines that the abuses may constitute war crimes. They call upon the Sudanese government to do more to protect women and children from gender based abuse and violence and to investigate the crimes committed.

For full report see:

http://www.crin.org/docs/OHCHR_Deribat_report_0807.pdf

For Refugee Women

Voices of Courage Awards 2008

The Women's Commission for Refugee Women and Children have announced that nominees are welcome to apply for the **Voices of Courage Awards 2008**. The theme of the luncheon is **Ending Violence against Refugee and Internally Displaced Women and Girls**.

Criteria includes:

- Candidates should be refugees or internally displaced women or youth who work or have worked to provide innovative, successful programmes that address and reduce violence against refugee, internally displaced and/or returnee women and girls.
- Candidates should be passionate advocates against violence against women and girls in all of its forms, including rape, sexual exploitation and abuse, genital mutilation and domestic violence.
- Candidates must be able to travel to New York for a week in May (the luncheon is Tuesday May 6 2008) to accept their award (all travel and housing expenses will be paid).

For further information of Award and how to nominate a candidate see:

www.womenscommission.org

or email: gracec@womenscommission.org

DEADLINE for receipt of nomination is OCTOBER 15th 2007

PLEASE NOTE: Only applications in English will be considered.

Free Directory of Sexual Violence Services (London and Home Counties)

Eaves Directory of Sexual Violence Services is a booklet listing organisations supporting women who have experienced rape and sexual abuse in the London area.

If you would like to receive a copy please send a self-addressed A5 envelope for 23p to: Lilith Directory, Eaves
2nd Floor Lincoln House
1-3 Brixton Road
London, SW9 6DE

Low waged or unwaged women can obtain a copy by emailing lilith@eaveshousing.co.uk with their address.

To order in bulk please email lilith@eaveshousing.co.uk to request an order form

Noticeboard: events

Public hearings

The Independent Asylum Commission is holding the following public hearings to independently review the UK asylum process. A full report will be published in 2008 making key recommendations for reform based on the evidence presented.

- Leeds: **Asylum Appeals**, September 20th 2007
- Manchester: **Asylum Support and Destitution**, October 17th 2007
- London: **National Hearing**, November 29th 2007

For further information see:

<http://www.independentasylumcommission.org.uk/>

New web-based survey

Asylum Rights Watch

Since its launch in June 2007, Asylum Aids Asylum Rights Watch has received over 140 submissions from asylum seekers and people working with them.

The web-based survey allows people to share their experiences of the UK's asylum system with us. There are many people in the UK who come across examples of the unfair treatment given to asylum seekers, but who do not have opportunities to publicise these examples to the public or policymakers themselves. Asylum Aid has created the Asylum Rights Watch survey so people can share these examples with us. Asylum Aid will use the data collected through this facility as part of our lobbying, research and campaigning work.

Readers are reminded that they can still contribute to Asylum Rights Watch. The Asylum Rights Watch survey can be easily accessed from the Asylum Aid website (www.asylumaid.org.uk).

All submissions sent before the end of September 2007 will be considered for a dossier of all the evidence, which will be launched in October 2007.

If you would like any further information or would like to help us publicise this forum please contact melanieg@asylumaid.org.uk

women's asylum news

Produced by RWRP (for more information on this issue, please contact: Claire Bennett)
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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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Asylum Aid - STANDING ORDER FORM

To: The Manager, _____ Bank, _____
(Address of Bank) _____

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: _____ Date: _____

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

Gift Aid Declaration

Asylum Aid Registered Charity no. 328729

If you are a UK taxpayer, Asylum Aid can claim back 28p for every £1 you donate, making your donation worth almost a third more at no extra cost to you. Please complete and return this declaration.

Name _____

Address _____

I would like Asylum Aid to treat my donations as Gift Aid donations (please tick)

Signature _____ Date _____

Your declaration covers all donations you have made to Asylum Aid since April 2000 and any donations you might choose to make hereafter. You must have paid as much tax (or more) in this year as we will reclaim on your donation

**To support Asylum Aid's work, please complete and return this form to:
Asylum Aid, Club Union House, 253-254 Upper Street, London, N1 1RY**