

# women's asylum news

refugee women's resource project @ asylumaid

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Our next bulletin will be released in February 2005. Please send any information that you would like to see published in it by 10 February 2005 (see email or postal address on back cover).

## UK Court of Appeal vindicates Adjudicators' decisions in two cases re: gender persecution

Two women have won their right to asylum following a Court of Appeal ruling.<sup>1</sup> This case is of interest both for its criticism of the Home Office and the IAT for allowing a prolonged and unnecessarily technical analysis of the Refugee Convention and because the Court of Appeal produced some valuable and positive findings relating to gender persecution.

In both cases the women had been refused asylum initially and the Adjudicators allowed their appeals. However, the Immigration Appeal Tribunal (IAT) then overturned these decisions. The Court of Appeal criticised the IAT for intervening when there were no errors of fact or law.

## P experiencing domestic violence

P is a Kenyan woman who experienced violence from her husband (severe beatings and attempted smothering, a threat of rape and threats with a gun) and had felt unable to seek protection because domestic violence was such an accepted part of the 'patriarchal society in Kenya' that police took no action, and because her husband was a police reservist and had links with senior police officers.

<sup>1</sup> EWCACiv1640[2004].

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Overtaking the Adjudicator's decision, the IAT made some remarkable findings. They stated that Kenyan women did not form a Particular Social Group (PSG), that the treatment she experienced was not severe enough to amount to a breach of Article 3 (freedom from torture, cruel and inhuman treatment) and that there was sufficiency of protection (even though the cases the IAT quote show that the police act only in extreme circumstances, once after a woman was killed and once where a woman had sulphuric acid poured on her face).

The Court of Appeal found (and the Home Office conceded) that the Adjudicator was entitled to conclude that women in Kenya formed a PSG. They referred both to *Shah and Islam* and to the Australian High Court case of *Applicant S v MIMA*.<sup>2</sup> They also found that the conduct did amount to persecution in that the facts showed there was severe domestic violence coupled with a lack of state protection that is discriminatory.

### Internal flight

The Home Office did not raise the possibility of internal flight at the original appeal but then raised it at the IAT. However the Court of Appeal stated that the IAT should not have permitted the Home Office to raise this at this stage unless they had a very good reason for not raising it earlier. The Home Office tried to argue that the Adjudicator should have dealt with the possibility of internal flight even if the Home Office had not raised it but the Court of Appeal said that

if there is not evidence before the adjudicator of a viable internal flight option, it is not up to an Adjudicator to investigate such an issue on their own initiative.

### M facing female genital mutilation

M is a woman from Kenya who is at serious risk of female genital mutilation (FGM) because her father has joined the Mungiki sect, which practices FGM, and has already inflicted this on his wife (who died) and another daughter. The Adjudicator found that she was a member of a PSG but the IAT rejected this.<sup>3</sup> The Court of Appeal however stated that the Adjudicator's decision was "*plainly right*". The Home Office conceded that if the state's failure to provide protection is because the victim is a member of the PSG identified, then the persecution will be for reasons of membership of that social group, at least where the individual responsible for the persecution knows that the persecution will be tolerated because the state will not protect his particular victim. The Home Office conceded that the IAT had failed to consider whether women constituted a social group in Kenya and their risk of FGM arose from discriminatory treatment of women by the Kenyan authorities.

### Immigration Appeal Tribunal criticised

The Court of Appeal emphasised that the IAT should confine itself to its proper reviewing role following the principles set down by the Higher Courts. Hence, they should not interfere with an adjudicator's

<sup>2</sup> *Shah and Islam* [2004] 2 A.C. 629 and *Applicant S v MIMA* [2004] 8 CA 25.

<sup>3</sup> See '*Woman at risk of FGM not part of a 'particular social group' says immigration tribunal*', WAN issue no. 42, May/June 2004 p1-3.

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findings unless they are wrong in law or, in the case of appeals to the Tribunal on points of fact also, unless there are objective grounds to justify the Tribunal taking a different view of the facts (*Subesh v SSHD* [2004] EWCA Civ 56).

In the M case the Court says that if the Adjudicator believed the facts as she clearly did, then M was clearly entitled to asylum and go on to state: "*This case did not require and should not have engaged such a sophisticated analysis of the technical requirements of the Refugee Convention.*"

In both cases the Adjudicators' decisions allowing the appeals were restored, thus granting both women asylum.

There is an important parallel between JO (Nigeria) UKIAT 00251<sup>4</sup> and this case, concerning the correct approach to Shah & Islam. In both cases the higher court warned of the dangers of judicial decision makers falling into the trap of believing that societal and legal discrimination must necessarily be as severe as was the case in Pakistan in Shah & Islam in order to succeed on the PSG argument. Both cases stress that societal and legal discrimination does not have to be as bad as in Pakistan for appellants to succeed in the PSG argument, but that the core issues of societal and legal discrimination and lack of protection just need to be present.

<sup>4</sup> See '*Particular Social Group*' not to be interpreted narrowly Tribunal says', WAN issue no. 47, November 2004, p 1-3.

## Other UK News

### Government cracks down on traffickers and failed asylum seeking families

New legislation that came into force on 1<sup>st</sup> December 2004 includes the withdrawing of support from families who have failed in their asylum applications and refuse to return to their home countries voluntarily (Section 9 of The UK's Asylum and Immigration (treatment of claimants etc) Act 2004). Children may be removed from their parents in order to comply with child protection rules. The tough new legislation also target criminals involved in trafficking people who will now face up to fourteen years in jail (Section 4 & 5 of the above mentioned Act). More at: [www.homeoffice.gov.uk/n\\_story.asp?item\\_id=1170](http://www.homeoffice.gov.uk/n_story.asp?item_id=1170).

### UK resumes deportation of failed Zimbabwean asylum seekers

Deportations to Zimbabwe were suspended two years ago amidst reports of severe human rights abuses in the country. However on 16 November the government announced it will end the suspension of deportations to the Southern African country because the concession has been 'abused',<sup>5</sup> and despite the fact that it has acknowledged that there has been no improvement in the human rights situation. The decision has been widely criticised by refugee groups and human rights organisations.

<sup>5</sup> Source: *The Guardian Unlimited*, 'Zimbabwe refugees may be sent back', 17 November 2004 at [www.guardian.co.uk/zimbabwe/article/0,2763,1353054,00.html](http://www.guardian.co.uk/zimbabwe/article/0,2763,1353054,00.html).

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Earlier this year, Immigration Minister Des Browne said at Asylum Aid's AGM that the suspension of deportation to one particular country was an "*anomaly*" as the Home Office strives to deal with each asylum case on the basis of its own merits (sic).

### UK events & projects

#### Rights of Women launch Sexual Violence Legal Advice Line

This service is for individual women and women's organisations across London. The confidential free legal advice line service will commence on Monday 13 December 2004 and will be open on Mondays between 11 to 1 pm and Tuesdays between 10am to 12 noon. Free legal advice on all legal issues in relation to sexual violence and criminal law is available. The new advice line telephone number is **020 7251 8887** and **020 7490 2562** (textphone). [www.row.org.uk](http://www.row.org.uk)

#### Equal Empowerment Project for Refugee Women

The East London Childcare Institute offers a number of information and advice sessions in January and February 2005, all to be held at 1.30pm (for about one hour followed by questions and discussion with an adviser):

- Into Work Benefits, 13<sup>th</sup> Jan 2005;
- The UK Education System, 20<sup>th</sup> Jan 2005;
- Paths in Human Resources, 27<sup>th</sup> Jan 2005;
- Choices in Childcare, 3<sup>rd</sup> Feb 2005.

Refreshments provided. Venue: 1 Mark Street, Stratford E15 4GY. Please contact Lorna Logan on 020 8519 5843 ext 126 for more information. Email: [info@newtec.ac.uk](mailto:info@newtec.ac.uk). Website: [www.newtec.ac.uk](http://www.newtec.ac.uk).

### International news

#### Iran: another woman to be stoned to death anytime

##### A dozen more awaiting execution

In November, the Supreme Court of Iran upheld Hajieh Esmailvand's death sentence for adultery with a 17-year-old boy and also changed the lower court's verdict from 'death by hanging' to 'death by stoning' (Article 102 and 104 of Iranian Penal Code).<sup>6</sup> Hajieh Esmailvand has been serving a five-year prison sentence since January 2000 in the town of Jolfa, Northwestern Iran. In addition, the Supreme Court is said to have ordered that the remainder of the prison sentence be annulled so that she could be executed before the 21<sup>st</sup> December. However, she is believed to be still alive and Amnesty International is urging the authorities to stop the execution. The young man with whom she had an affair is also awaiting execution by hanging. His name has not been made public.

<sup>6</sup> Sources: Iran Focus, 'Women facing imminent stoning, death by hanging in Iran', 30 Nov. 2004 at [www.iranfocus.com/modules/news/article.php?storyid=894](http://www.iranfocus.com/modules/news/article.php?storyid=894) and Amnesty International, News release, 'Iran: Woman sentenced to be buried up to chest and stoned to death', 22<sup>nd</sup> December 2004 at: [www.amnesty.org.uk/news/press/15835.shtml](http://www.amnesty.org.uk/news/press/15835.shtml).

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According to state-run press reports, at least four women have been hanged since the beginning of 2004 with at least a dozen more sentenced to execution. Amongst them is a 13-year-old girl, Zhila Izadyar, from the Iranian town of Marivan, Northwestern Iran, convicted of having an incestuous relationship with her 15-year-old brother and giving birth to an illegitimate child. She faces death by stoning. Her brother Bakhtiar faces 150 lashes as well as a prison sentence, according to the clerical judge who issued their verdict.

Amidst growing public pressure in France over Zhila's case, the Iranian Embassy in Paris issued a statement in November denying that death by stoning was ever carried out in Iran or even passed as a sentence: "*Generally, death by stoning is not applicable in the context of the Iranian judicial system.*"<sup>7</sup>

Besides the fact that the Embassy's statement contradicts the above-mentioned state reports, the Women's Forum Against Fundamentalism in Iran (WFAFI) has reported the death by stoning of a 16-year-old girl in August this year: "*A religious judge personally and publicly hanged a 16 year old girl because she was brave enough to talk back to him. Her name was Atefeh Rajabi. Our organization later received reports that the reason the religious judge rushed to personally kill her was*

*because he and other government officials raped her.*"<sup>8</sup>

Other women have been sentenced to death in the last few weeks including a 19-year-old mentally ill woman, Leyla M., sentenced to death by a court in Arka, Central Iran. She is facing imminent execution for '*morality related*' offences after being forced into prostitution by her mother when she was eight. She was sentenced on charges of '*acts contrary to chastity*', having intercourse with blood relatives and giving birth to an illegitimate child (she gave birth to her first child at the age of 9 and was subsequently sentenced to 100 lashes). Another 24 year-old, a law student named Najmeh Vosoogh Razavi, was awaiting execution at the beginning of this month. It is not clear whether the execution was carried out or not.

To help stop the executions, go to Women's Forum Against Fundamentalism in Iran's website at:

[www.wfafi.org/action.htm](http://www.wfafi.org/action.htm). Or Amnesty International's action website at: [www.amnesty.org.uk/action/](http://www.amnesty.org.uk/action/).

**related news** **Woman activist arrested and held incommunicado in Iran:** Women Living Under Muslim Laws have reported the arrest of Ms. Mahboobeh Abbasgholizadeh on November 1, 2004 on the orders of Tehran's General Prosecutor, Saeid Mortazavi (the same prosecutor who ordered the arrest of the Canadian woman journalist, Zahra Kazemi, who died in prison in 2003). A leading activist in Iran's growing civil society

<sup>7</sup> Our own translation. The original email from the Embassy reads: "En général, la condamnation par lapidation n'est pas appliquée dans le système judiciaire iranien." Source: Forum Feministes.Net at [www.feministes.net/forum/detail.php?forumid=23&id=14498&page=1#16124](http://www.feministes.net/forum/detail.php?forumid=23&id=14498&page=1#16124).

<sup>8</sup> Source: WFAFI, Letter to Mrs Bardot, Forum Feministes.net, op. cit.

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organizations, she is also the Editor of Farzaneh, the first women's studies journal in Iran, and the Director of the NGO Training Centre that facilitates Iranian NGOs to get registered, builds their capacity to function effectively, and promotes a human rights perspective. It is believed that she has been arrested and is being interrogated about her presentations at international meetings, including her address to the Asia Pacific Women's Watch Beijing+10 NGO Forum in July 2004 and her linkages with international women's rights activists.

WLUML calls for supporters to take action urging the Iranian authorities to ensure Mahbooh's safety and immediate and unconditional release. Please sign the online petition at [www.petitiononline.com/mahboube/petition.html](http://www.petitiononline.com/mahboube/petition.html). You can also write to the authorities (full details online at [www.wluml.org/english/index.shtml](http://www.wluml.org/english/index.shtml) in 'calls for action' section).

### Haiti: increasing use of rape as a weapon of war

The Haiti Support Group have reported an alarming increase in the number of rapes in the country in recent months, and fear that rape is once again being used as a weapon of war by ex-soldiers attempting to achieve their political ends by a campaign of mass intimidation. Former members of the disbanded Haitian Army (FAd'H), whose rebellion overthrew the Aristide/Neptune government in February, have since been agitating for the re-instatement of the FAd'H. During the 1991-94 period of military rule, soldiers and members of the paramilitary used rape as a weapon to punish communities and individuals

that supported the democratic government.

**related news** Sexual violence and rape by Arab Janjaweed militia continue to be reported in all three of the regions of Darfur, Sudan, according to the United Nations. These crimes add to the sense of insecurity among the 1.6 million internally displaced persons (IDPs) driven from their homes since the violence began in 2003. Abductions and forced relocations are also continuing under the eyes of powerless UN monitors.

### Somaliland: minor subjected to unfair trials whilst rape allegations dismissed

Amnesty International is calling for the release or re-trial of a 16-year-old girl, Zamzam Ahmed Dualeh, sentenced to five years' imprisonment on 15 December 2004.<sup>9</sup> She was arrested with her taxi-driver at the house of the Vice-President in August and detained in an adult prison on charges of espionage. She claimed she was there by mistake. The taxi-driver also alleged being beaten and has also been charged with espionage, and their four defence lawyers were jailed for four years for insulting a judge after they claimed in court that he was biased. They were released on appeal after paying a fine.

Zamzam Ahmed Dualeh also alleged that she was raped and beaten by six police officers from the Criminal Investigations Department whilst in detention. The judge dismissed her allegations whilst

<sup>9</sup> Source: Amnesty International, News Release, 'Somaliland: 16-year-old girl jailed in grossly unfair espionage trial should be released or re-tried', 17 December 2004 at [www.amnesty.org](http://www.amnesty.org).

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two reports and testimony by government doctors were provided to the court but not made available to defence counsel. She refused to withdraw her rape and torture allegations as reportedly asked to do under pressure by government officials.

AI describes all the trials in the case so far as falling short of international standards of fairness, especially as she was tried as an adult. AI also asks for the rape and beatings charges, which have been ignored, to be fully investigated. An appeal is being submitted.

### related information **Somali Women call for political participation**

Women's rights activists and NGOs in Somalia have called on the country's newly elected president, Abdullahi Yusuf, to ensure that women are fairly represented in both the parliament and the cabinet.<sup>10</sup> They argue that women should have representation as women and not as clan members, saying that if representation were given according to clan membership, men would not allow women's equal participation. Under the interim constitution agreed during the final stages of peace negotiations in Kenya, it was agreed that women MPs would be allocated 12% of seats, but in fact they have gained only 8%. The new president was elected by members of the transitional federal parliament after negotiations with Somalia's various clans and factions which have been involved in

<sup>10</sup> Source: Integrated Regional Information Network (IRIN), 'Somalia: Women demand greater role in new government', Nairobi, 29 November 2004 at [www.irinnews.org](http://www.irinnews.org).

civil war since the overthrow of President Barre in 1991.

### **USA: Immigration officer who requested sexual favours sentenced to jail**

A former US immigration officer described the female asylum seekers he dealt with as 'counterfeit' refugees, and demanded sex and money in return for allowing them to stay in the US. He has been jailed for almost 4 years. The case of a woman who refused to co-operate was refused, and a woman who paid his requested \$2000 bribe had her case recommended for approval.

### **USA not safe for many refugees says Canadian Council for Refugees**

At the eve of the implementation of the safe third country agreement between Canada and the USA, the Canadian Council for Refugees (CCR) warns that many asylum seekers will not be granted the protection they seek as the US has '*discriminatory policies that affect refugees [such as] people from mainly Muslim countries*'.<sup>11</sup> Under the new agreement which will take effect on 29 December 2004, the right to make a refugee claim in Canada will be restricted for claimants who are not US citizens and who make a claim at the US-Canada border at a land port of entry. Instead they will be sent back to the USA to have their asylum claim determined in the USA. Exceptions to this general rule will be made for a number of people, including unaccompanied minors,

<sup>11</sup> CCR, 'Safe Third Country Media Talking points', 17 December 2004, circulated by [CCRLIST@YORKU.CA](mailto:CCRLIST@YORKU.CA).

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nationals of a country to which Canada has temporarily suspended removals; or asylum seekers who have been charged with or convicted of an offence punishable with the death penalty in the country where the charge or conviction was made.

However, in a statement released on 17 December, the CCR has highlighted the fact that in the USA asylum seekers are often detained in conditions preventing them access to legal representation that would enable them to present their asylum claim adequately. The organisation also warns how the agreement will make the border less secure and benefit smugglers and traffickers at a time when Canada is said to fail to protect trafficked people adequately (see below). Asylum seekers seeking Canada's protection will attempt to cross the border illegally and claim asylum 'in-country' instead, as has been the case in Germany when similar rules were introduced.

Since its initial proposal, the agreement has also raised criticism from non-governmental organisations, including the Hastings College of Law (where the Centre for Gender and Refugee Studies is based) and Amnesty International, based on US treatment of gender-related asylum claims. Such criticism focused mainly on the USA handling of asylum claims based on domestic violence (and illustrated by the case of Rodi Alvarado, see WAN issue no. 40, February 2004). This was later rebutted in a memorandum prepared for the Attorney General of Canada dated 31st March

2003,<sup>12</sup> which cites a number of reported and unreported decisions handed down by federal courts and administrative adjudicators. The memorandum endeavors to demonstrate the USA's commitment to provide women with protection against violence in the context of the 1951 Refugee Convention.

CCR maintains however that '*Canada risks violating its international obligations towards refugees. If Canada turns away a refugee who is subsequently deported by the US back to persecution, Canada will bear a part of the responsibility for whatever harm comes to the refugee*'. See also: CCR, '10 reasons why safe third country is a bad deal' at [www.web.net/~ccr/10reasons.html](http://www.web.net/~ccr/10reasons.html).

**related information** **Canadian authorities asked to provide protection to people trafficked** The Canadian Council for Refugees (CCR) is calling on the government of Canada to do more to protect people who have been trafficked. Canada is a signatory to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, but the emphasis of Canada's legislation is on criminalisation and prevention, and not on protection of victims. The CCR, who assists those who have been trafficked, is urging the government to offer at least temporary residence and support, so that trafficked

<sup>12</sup> The memorandum was prepared by David Martin, Professor of Law and Weber Research Professor of Civil Liberties and Human Rights, Univ. of Virginia and Yvonne Lamoureux, Univ. of Virginia School of Law. David Martin is former General Counsel of the US Immigration and Naturalization Service. The full text can be found online at: [www.cic.gc.ca/english/policy/asylum-gender-us.html](http://www.cic.gc.ca/english/policy/asylum-gender-us.html), (information circulated by CCRLIST@YORKU.CA).



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persons can consider their options. Currently, these people are treated as having contravened immigration law and are routinely detained and deported. The CCR has been working to develop recommendations on trafficking issues: their report is available at [www.trafficking.ca](http://www.trafficking.ca).

### Algeria: small changes to family law criticized by women's groups

After many years of lobbying by women's rights groups (see WAN issue number 45, September 2004), the Algerian government has approved a preliminary draft of amendments to the Family Code (1984). A coalition of women's groups, Collectif 20 ans barakat (20 Years is Enough!) comments however that only one of the proposed changes constitutes an advance: a divorced man will be required to provide his ex-wife who has custody of the children adequate accommodation or alternatively rent payments or maintenance in the marital home. The group criticizes the other proposed amendments as follows:

- "Polygamy, although subject to greater restrictions, is retained;
- Only divorced women will have recognised parental authority over their children;
- Women's right to divorce, even though extended to three additional grounds, remains conditional, while men retain the power of unilateral repudiation (talaq);
- The requirement of having a wali (matrimonial guardian) has not been done away with and is now a voluntary option, which will ensure the practice continues;

▪ The provision allowing for a marriage contract to contain negotiated conditions which already existed in practice will only be accessible and of use to those who are the most informed or the wealthiest, and who, in any case, are still subject to the discriminatory provisions of the Code."

### Chile introduces legalisation of divorce

Divorce has recently been legalised in Chile, after first being proposed in 1914. Until now, the only option for a married couple was an unofficial separation or an annulment. Under an annulment the marriage was deemed not to have existed, so women in this situation had no rights to financial support. Under a separation, the woman's husband still had legal control of his wife's property. The new law allows for divorce after one year if the decision is mutual, and after three years in the case of a unilateral request, with the husband retaining rights over his wife in the interim.

Domestic violence is highly prevalent in Chile, with one in four women suffering physical abuse, and many women have been trapped for years in violent marriages. The Catholic Church was the main obstacle in introducing divorce, claiming that it would undermine the strength of the family. Divorce now remains impossible only in Malta and the Philippines.

related publication **Egypt: Family laws remain discriminatory says new report** As highlighted in last month's Women's Asylum News, Egypt has recently reformed its legal system in

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respect of divorce. However, according to a new report by Human Rights Watch, the law still discriminates severely against women. "Divorced from Justice: Women's Unequal Access to Divorce in Egypt," documents serious human rights abuses stemming from discriminatory family laws, such as men's unilateral and unconditional right to divorce – whereas women, on the other hand, must resort to the courts to divorce their spouses, where they confront countless social, legal and bureaucratic obstacles. Report available at <http://hrw.org/reports/2004/egypt1204/>

### Violence against women and HIV/AIDS

Women are becoming infected with HIV faster than men, and they are at greater risk because of high rates of sexual violence against women worldwide. Globally, although about half of all HIV+ people are women, young women are about 1.6 times as likely to be positive as young men. Lack of information about the disease, early and forced marriages, FGM, women's low economic and social status and lack of choices over sexual relations all contribute to women's vulnerability to the virus. Many women are raped before they have embarked on any consensual sexual relationship. Mass rape in conflict situations, and rape used as a weapon of war, infects many women, and the double stigma of both rape and HIV infection keeps many from accessing treatment and support. An analysis of these issues is contained in a new report by Amnesty International, Women, HIV/Aids and human rights. "Discrimination and unequal power relations make it more difficult for women and girls to control their lives and

their own sexuality, including negotiating safer sex. Women must be empowered to act effectively in their own best interests," say the authors, urging governments to take action on the issues.

### International events

#### Somali model leads campaign against FGM

Waris Dirie, a Somali woman who has used her international fame as a model to campaign against female genital mutilation, has warned that many girls from immigrant families in Europe are being subjected to the procedure. Speaking in Austria, she estimated that 8,000 girls there were affected. Petra Bayr, from Austria's Socialist Party, said that the women in her party would urge Austria's government to make FGM a ground for women to be granted asylum in Austria, as it should be considered an act of violence.

#### Afghanistan: Rally to stop violence against women

On the eve of the International Day for the Elimination of Violence against Women, hundreds of women rallied in the Afghan capital, Kabul, to promote their cause. Shukria Barekzai, who runs a weekly women's newspaper and participated in the rally, explained that although domestic violence had traditionally been a problem in conservative Afghan society, 25 years of war had fuelled the problem even more. Source:

[www.irinnews.org/report.asp?ReportID=44318&SelectRegion=Central\\_Asia&SelectCountry=AFGHANISTAN](http://www.irinnews.org/report.asp?ReportID=44318&SelectRegion=Central_Asia&SelectCountry=AFGHANISTAN).

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### new publications

#### international

### Rape perpetrated with impunity in Central African Republic and Mexico according to new AI reports

Amnesty International has released a new report on the widespread and systematic rape of women during the civil war in the Central African Republic (CAR) during 2002 and 2003. The report tells the ignored or forgotten stories of women and girl survivors of rape in the CAR, describing the physical and psychological trauma and even deaths suffered. The armed conflict was between an armed political group led by former army Chief of Staff François Bozizé and President Ange-Félix Patassé's government forces, and included their respective foreign supporters from Chad and the Democratic Republic of Congo (DRC).

Most of the perpetrators are thought to be members of the Mouvement de libération du Congo (MLC), Movement for the Liberation of Congo, an armed political group from the neighbouring DRC which had entered the CAR in October 2002, at President Patassé's request. Similar attacks by MLC members were reported in 2001 but no action was taken by MLC leadership or the CAR authorities. CAR nationals are also thought to be amongst those responsible.

Rape is defined as a war crime in the Rome Statute of the International Criminal Court (ICC) ratified by the CAR. Therefore these crimes can be tried by the ICC if the CAR Government is unable or unwilling to bring the alleged perpetrators to justice.

### Indigenous women in Mexico abused with impunity

Amnesty International has also launched a new report on the rape of indigenous women in the state of Guerrero by members of the military. The report focuses on the cases of indigenous women victims of rape between 1997 and 2002.

Cases are investigated only by the Military Attorney General's Office, and the investigations show a clear lack of impartiality according to AI. Despite the Mexican government's stated commitment to combat all human rights violations, whoever the perpetrators, the government has taken no steps to legally restrict military jurisdiction. Military personnel have therefore been able to commit abuses with impunity.

*"Women victims of sexual violence at the hands of military personnel who dare to confront the very real cultural, economic and social barriers that exist to seek justice, have to contend with poor medical care, substandard forensic examinations and a military judicial system that is incapable of providing minimum guarantees of prosecuting those responsible,"* said Amnesty International. The group called on the Mexican state to modernize the armed forces and to introduce legislation to enable all rights violations to be tried

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independently and impartially in the civilian justice system.

**related publication** **'Lives Blown Apart: Crimes Against Women in Times of Conflict**, also by Amnesty International, shows some of the ways in which conflict affects women, and the many different roles which women play in conflict. The report includes an analysis of gender and conflict, rape as a weapon of war, and many examples from around the world of violations of women's rights in war. Amnesty asserts, however, that women are not only victims and survivors, but also activists, negotiators, peace-builders and human rights defenders. Online at: <http://web.amnesty.org/shop/index/ISBN 0-86210-363-0>.

### **'Hated to Death: Homophobia, Violence, and Jamaica's HIV/AIDS Epidemic'**

This new report by Human Rights Watch exposes how homophobic violence and discrimination in Jamaica is undermining the government's efforts to control the spread of HIV. It describes police persecution of people suspected of homosexual conduct, as well as sex workers and people living with HIV/AIDS. Gay men and people living with HIV/AIDS face serious violence, and are often forced to abandon their homes and communities. Health workers often provide them with inadequate healthcare or deny them treatment altogether. Consensual sex between men is still illegal in Jamaica and there is little awareness of how HIV is transmitted.

Following the publication of the report, the Public Relations Officer of Jamaica's Police Federation has alleged in the press that human rights organisations "*spread lies and deliberately malign and slander the police force and the government. (...) [They] cannot be held responsible for (...) the cultural responses of the population towards gay.*" Amnesty International has called for the Jamaican government and the police to reaffirm their commitment to protecting all members of society from fear of violence.<sup>13</sup>

### **New publication: The Muslim World Journal of Human Rights**

This journal was launched in October 2004 and offers a medium for scholarly debate on various aspects of the question of human rights as it relates to the Muslim World. The first issue includes articles on human rights in Islamic societies and family arbitration using Sharia law in Canada. The journal is available at [www.bepress.com/mwjhr/](http://www.bepress.com/mwjhr/).

### **UN global reports on Children and Cultural liberty**

Two global reports by the UN have been recently published. Unicef's *'The State of the World's Children 2005: Childhood Under Threat'* looks at the three major threats to children's welfare: poverty, conflict and HIV/AIDS. Visit online: [www.unicef.org/sowc05/english/fullreport.html](http://www.unicef.org/sowc05/english/fullreport.html).

<sup>13</sup> On the treatment of Lesbians in Jamaica, see 'Safe for Whom? Women's human rights abuses and protection in 'safe' countries: Albania, Jamaica and Ukraine', Asylum Aid, June 2004 at [www.asylumaid.org.uk](http://www.asylumaid.org.uk).

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See also the United Nations Development Program (UNDP)'s *'Human Development Report 2004: Cultural Liberty in Today's Diverse World'*, calls for "multicultural policies that recognize differences, champion diversity and promote cultural freedoms." Report available at <http://hdr.undp.org/reports/global/2004/>

### new publications

UK

#### **Bulletin on Courses of Interest to Refugee Women in London**

The Africa Educational Trust (AET) produced in December 2004 this News Bulletin 'Courses of Interest to Women' which is part of the African Refugee Women's Access to Education and Training Project. The project enables AET to provide free educational and vocational training advice for unemployed African women refugees and asylum seekers. The project provides advice on how the new legislation on the Immigration and Asylum Act affects refugees and asylum seekers in the UK, particularly changes in education and training entitlements.

The project set up an information database with details of courses and programmes in the London area which offer special incentives for women. The courses and programmes listed provide funding or facilities for disability, childminding, nursery, crèche and travel costs which could specifically help refugee women. Most of the courses listed are free and designed specifically for unemployed women to improve their job-related skills and employment prospects. The bulletin is updated on a

termly basis and distributed to community and refugee groups throughout London. The project's website can be found at: [www.refugeewomen.africaeducationaltrust.org](http://www.refugeewomen.africaeducationaltrust.org).

AET also runs a training project for African women in "Researching the Needs, Presenting and Representing Women in the Community". For further information, please contact May Omona, Project Co-ordinator at [m.omona@africaeducationaltrust.org](mailto:m.omona@africaeducationaltrust.org).

### online resources

international

#### **New website to help provide protection for LGBT in Lebanon**

'Helem' aims to lead a peaceful struggle for the liberation of the Lesbian, Gay, Bisexual and Transgender (LGBT) community in Lebanon from all sorts of legal, social and cultural discrimination. Its primary goal is the annulment of article 534 of the Lebanese Penal Code which punishes "unnatural sexual intercourse" and targets the LGBT community by violating the privacy of its members and by denying them basic human rights. Helem's other main objective is to counter the AIDS epidemic and other sexually transmitted diseases while advocating for the rights of patients. Previously known as Club Free, the organisation has been working on LGBT issues in Lebanon for the past 4 years, organising social and cultural events but also as advocate for prosecuted LGBT individuals and lobbying with other human rights organizations for the advancement of

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human rights and personal freedoms in Lebanon. For more, see Helem's website online at: [www.helem.net/index.html](http://www.helem.net/index.html).<sup>14</sup>

### Website launch of Coalition for Women's Human Rights in Conflict Situations

This website launched in November examines the advocacy work of the Coalition at the International Criminal Tribunal for Rwanda, the International Criminal Tribunal for the Former Yugoslavia and the Sierra Leone Truth and Reconciliation Commission.<sup>15</sup> Established in 1996, the main focus of the Coalition's work is to promote the adequate prosecution of perpetrators of crimes of gender violence in transitional justice systems based in Africa, in order to create precedents that recognise violence against women in conflict situations and help find ways to obtain justice for women survivors of sexual violence.

### New web resource to combat trafficking in Asia and the Pacific

A new website [www.humantrafficking.org](http://www.humantrafficking.org) is part of a project implemented by the Academy for Educational Development with funding provided by the U.S. State Department. The website aims to provide news on current trafficking issues (including events, publications, NGO and government information, good practice

<sup>14</sup> Source: Women Living Under Muslim Laws, 'news and views', November 2004, at [http://wluml.org/english/newsbytheme.shtml?cmd\[54\]=c-1-Sexuality](http://wluml.org/english/newsbytheme.shtml?cmd[54]=c-1-Sexuality).

<sup>15</sup> Source: Women Living Under Muslim Laws, section 'News and views', November 2004, at [www.wluml.org/english/newsfulltxt.shtml?cmd\[157\]=x-157-80743](http://www.wluml.org/english/newsfulltxt.shtml?cmd[157]=x-157-80743).

models) focusing on East Asia and the Pacific and the United States.<sup>16</sup> The website will be updated weekly and the HumanTrafficking.org newsletter will highlight new additions to the website (see link above). To sign up for the e-newsletter go to:

[www.humantrafficking.org/newsletter](http://www.humantrafficking.org/newsletter).

### related publication

'*Broken Promises, Shattered Dreams*' is a new study on child trafficking in Lao released by the Ministry of Labour and Social Welfare and UNICEF (26 October 2006), and entitled. Trafficking for domestic and factory work, and commercial sexual exploitation a occurs both internally and across borders, particularly to Thailand, Full details on UNICEF's website at:

[www.unicef.org/media/media\\_23871.html](http://www.unicef.org/media/media_23871.html).

### Guide on regional protection zones and transit centres

The Information Centre on Asylum and Refugees (ICAR) has produced a navigation guide on regional protection zones and transit processing centers (30 November 2004). For full text, see:

[www.icar.org.uk/res/nav/ng008/ng008-01.html](http://www.icar.org.uk/res/nav/ng008/ng008-01.html).

### New UNHCR statistics on the web

'Trends in refugee status determination, 1 Jan-30 Sep 2004' and 'Refugee trends, 1 Jan-30 Sep 2004' now available at:

[www.unhcr.ch/statistics](http://www.unhcr.ch/statistics).

<sup>16</sup> Original source: Anti-Slavery Trafficking news monthly.

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### online resources

UK

#### **New Website to support refugees who are qualified health professionals**

The aim of the website named 'ROSE' is to provide an on-line one stop shop service for refugee and other internationally qualified health professionals as well as agencies and employers. This is to respond to the need for refugee and internationally qualified health professionals to have better access to information and advice networks in order to progress more quickly through the re-qualification routes and access employment opportunities in the health service. The website include the following sections: 'Working in the NHS', 'Process of registering with registration bodies', 'Local resources – details of support and services offered around the UK', etc.

For more information: visit online [www.rose.nhs.uk](http://www.rose.nhs.uk) or contact Diana Cliff, Project Manager by email at: [Diana.cliff@nelondon.nhs.uk](mailto:Diana.cliff@nelondon.nhs.uk)

### notice board

#### **Funding available to combat violence against women**

To combat violence against children, young people and women, two new calls for proposals have been launched by the European Commission in the framework of the Daphne II programme. One for specific projects (deadline 18 February 2005) and the other for projects aiming at the dissemination and the use of

existing results (deadline 15 March 2005). The Daphne II programme runs from 2004 until 2008 with a budget of EUR 50 million. It aims at supporting organisations that develop measures and actions to prevent or to combat all types of violence against children, young people and women and to protect the victims and groups at risk. For more see: [http://europa.eu.int/comm/justice\\_home/funding/daphne/funding\\_daphne\\_en.htm](http://europa.eu.int/comm/justice_home/funding/daphne/funding_daphne_en.htm).

#### **Asylum Aid is recruiting caseworkers and new Trustees**

Asylum Aid is currently recruiting for 3 caseworkers (permanent contract) and 1 locum caseworker (3 month contract).

Asylum Aid is also currently recruiting new Trustees to the Asylum Aid Board. We are particularly keen to recruit people with personal experience of applying for asylum and being a refugee in the UK and who can bring a mix of the following experience and skills to the charity: finance, Human resources and IT network management. For further details on the role of Trustees at Asylum Aid see our website at:

[www.asylumaid.org.uk/Recruitment/Asylum Aid Board of Trustees briefing note Oct 04.doc](http://www.asylumaid.org.uk/Recruitment/Asylum Aid Board of Trustees briefing note Oct 04.doc).

For information on how to apply to all the above mentioned positions, please contact the Co-ordinator, Maurice Wren, on [mauricew@asylumaid.org.uk](mailto:mauricew@asylumaid.org.uk) or visit our website at [www.asylumaid.org.uk](http://www.asylumaid.org.uk). We are aiming to meet potential Trustees in January 2005. Asylum Aid is an equal opportunities employer. Reg. charity no. 328729.

# women's asylum news

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**Asylum Aid provides free legal advice and representation to asylum-seekers and refugees, and campaigns for their rights. Registered as a charity no. 328729. To support Asylum Aid's work, please complete and return the form below to Asylum Aid, FREEPOST LON18836, London, E1 6BR (however, using a stamp will save us money)**

## Membership Form

Name

Address

Tel

Email

I would like to become a **MEMBER** of Asylum Aid

STANDARD £4 / month = £48 / year  
 UNWAGED £20 / year

**Benefits**

- Receive a copy of our annual report free of charge
- An invitation to attend Asylum Aid's AGM
- Opportunity to stand for election to the board of trustees
- Right to vote at the AGM election
- Free subscription to our quarterly newsletter
- Access to member- only section of website
- Up to date campaigning information emailed directly
- Invitations to Asylum Aid events, eg. open evenings
- Buy copies of Asylum Aid's reports at a reduced price

I would like to become a **FRIEND** of Asylum Aid

STANDARD £2 / month = £24 / year  
 UNWAGED £10 / year

**Benefits**

- Receive a copy of our annual report free of charge
- Free subscription to our quarterly newsletter
- Invitations to Asylum Aid events, eg. open evenings

I wish to make a gift of £

### 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